

1 and other services furnished to employees and members of the employees' family  
2 maintained at veterans homes.

3 **SECTION 1259.** 45.50 (2m) (c) of the statutes is created to read:

4 45.50 (2m) (c) For the Wisconsin Veterans Home at Chippewa Falls, in lieu of  
5 the department employing personnel as authorized under par. (b) and providing the  
6 maintenance and medical care as specified in par. (a), the department may enter into  
7 an agreement with a private entity to operate the home and perform such  
8 management and care using personnel employed by the private entity.

9 **SECTION 1260.** 45.50 (3) (title) of the statutes is created to read:

10 45.50 (3) (title) LAND ACQUISITION.

11 **SECTION 1261.** 45.50 (4) (title) of the statutes is created to read:

12 45.50 (4) (title) GIFTS AND GRANTS.

13 **SECTION 1262.** 45.50 (4) of the statutes is renumbered 45.50 (4) (a).

14 **SECTION 1263.** 45.50 (5) of the statutes is renumbered 45.50 (4) (b).

15 **SECTION 1264.** 45.50 (6) (title) of the statutes is created to read:

16 45.50 (6) (title) WATER AND SEWER SERVICES.

17 **SECTION 1265.** 45.50 (6) (b) of the statutes is amended to read:

18 45.50 (6) (b) Agreements under this section subsection shall be drafted to hold  
19 harmless the department, to require all expense to be paid by the applicant, and to  
20 be terminable by the department when other water and sewer services become  
21 available to the applicant.

22 **SECTION 1266.** 45.50 (7) (title) of the statutes is created to read:

23 45.50 (7) (title) ENFORCEMENT AUTHORITY.

24 **SECTION 1267.** 45.50 (8) (title) of the statutes is created to read:

25 45.50 (8) (title) FIRE FIGHTING SERVICES.

1           **SECTION 1268.** 45.50 (9) of the statutes is renumbered 45.50 (2m) (f) and  
2 amended to read:

3           45.50 **(2m)** (f) The department may develop a program to provide stipends to  
4 individuals to attend school and receive the necessary credentials to become  
5 employed at veterans homes. If the department develops a stipend program under  
6 this ~~subsection~~ paragraph, the department shall promulgate rules related to the  
7 program, including the application process, eligibility criteria, stipend amount,  
8 repayment provisions, and other provisions that the department determines are  
9 necessary to administer the program.

10           **SECTION 1269.** 45.50 (10) of the statutes is amended to read:

11           45.50 **(10)** HOSPITALS AUTHORIZED. The department may establish a hospital at  
12 ~~the a veterans homes home~~. All hospitals established under this subsection may not  
13 have a total approved bed capacity, as defined in s. 150.01 (4m), greater than 16 beds.  
14 The approved bed capacity of a skilled nursing facility operated at a veterans home  
15 is reduced by one bed for each approved bed at the hospital established under this  
16 subsection at that home.

17           **SECTION 1271.** 46.03 (18) (ar) of the statutes is amended to read:

18           46.03 **(18)** (ar) ~~A~~ Subject to s. 46.995, a county may retain fees that it collects  
19 under this subsection for services the county provides without state funding under  
20 the disabled children's long-term support program.

21           **SECTION 1273.** 46.057 (2) of the statutes is amended to read:

22           46.057 **(2)** From the appropriation account under s. 20.410 (3) (ba), the  
23 department of corrections shall transfer to the appropriation account under s. 20.435  
24 (2) (kx) \$1,365,500 in each fiscal year and, from the appropriation account under s.  
25 20.410 (3) (hm), the department of corrections shall transfer to the appropriation

1 account under s. 20.435 (2) (kx) ~~\$2,872,300~~ \$2,890,700 in fiscal year ~~2009-10~~  
2 2011-12 and ~~\$2,896,100~~ \$2,964,000 in fiscal year ~~2010-11~~ 2012-13, for services for  
3 juveniles placed at the Mendota juvenile treatment center. The department of health  
4 services may charge the department of corrections not more than the actual cost of  
5 providing those services.

6 **SECTION 1276.** 46.21 (2m) (am) of the statutes is created to read:

7 46.21 **(2m)** (am) *Multicounty department.* A county board of supervisors may  
8 establish with one or more other counties a county department of human services on  
9 a multicounty basis. A multicounty department of human services established  
10 under this paragraph shall meet the requirements for a county department of human  
11 services under this section.

12 **SECTION 1277.** 46.215 (1) (intro.) of the statutes is amended to read:

13 46.215 **(1)** CREATION; POWERS AND DUTIES. (intro.) In a county with a population  
14 of 500,000 or more the administration of welfare services, other than child welfare  
15 services under s. 48.48 (17) administered by the department and except as provided  
16 in ss. 49.155 (3g), 49.78 (1r), 49.825, and 49.826, is vested in a county department of  
17 social services under the jurisdiction of the county board of supervisors under s. 46.21  
18 (2m) (b) 1. a. Any reference in any law to a county department of social services under  
19 this section applies to a county department under s. 46.21 (2m) in its administration  
20 under s. 46.21 (2m) of the powers and duties of the county department of social  
21 services. Except as provided in ss. 49.155 (3g), 49.78 (1r), 49.825, and 49.826, the  
22 county department of social services shall have the following functions, duties, and  
23 powers, and such other welfare functions as may be delegated to it:

24 **SECTION 1281.** 46.215 (1) (t) of the statutes is created to read:

1           46.215 (1) (t) At the discretion of the county board of supervisors, to combine  
2 with one or more other counties to establish a county department of social services  
3 on a multicounty basis. A multicounty department of social services established  
4 under this paragraph shall meet the requirements for a county department of social  
5 services under this section.

6           **SECTION 1282.** 46.215 (2) (c) 3. of the statutes is amended to read:

7           46.215 (2) (c) 3. A county department of social services shall develop, under the  
8 requirements of s. 301.08 (2), plans and contracts for juvenile delinquency-related  
9 care and services to be purchased. The department of corrections may review the  
10 contracts and approve them if they are consistent with s. 301.08 (2) and if state or  
11 federal funds are available for such purposes. The joint committee on finance may  
12 require the department of corrections to submit the contracts to the committee for  
13 review and approval. The department of corrections may not make any payments  
14 to a county for programs included in a contract under review by the committee. The  
15 department of corrections shall reimburse each county for the contracts from the  
16 appropriations under s. 20.410 (3) (cd), ~~(ko), and (o)~~ and (ko) as appropriate.

17           **SECTION 1283.** 46.22 (1) (a) of the statutes is amended to read:

18           46.22 (1) (a) *Creation.* Except as provided under s. 46.23 (3) (b), the county  
19 board of supervisors of any county with a population of less than 500,000, or the  
20 county boards of 2 or more contiguous counties each with a population of less than  
21 500,000, shall establish a county department of social services on a single-county or  
22 multicounty basis. The county department of social services shall consist of a county  
23 social services board, a county social services director and necessary personnel.

24           **SECTION 1286m.** 46.22 (1) (b) 2. d. of the statutes is amended to read:

1           46.22 (1) (b) 2. d. To certify eligibility for and issue food coupons to needy  
2 households in conformity with 7 USC 2011 to ~~2029~~ 2036, subject to s. 49.78.

3           **SECTION 1288.** 46.22 (1) (e) 3. c. of the statutes is amended to read:

4           46.22 (1) (e) 3. c. A county department of social services shall develop, under  
5 the requirements of s. 301.08 (2), plans and contracts for juvenile  
6 delinquency-related care and services to be purchased. The department of  
7 corrections may review the contracts and approve them if they are consistent with  
8 s. 301.08 (2) and to the extent that state or federal funds are available for such  
9 purposes. The joint committee on finance may require the department of corrections  
10 to submit the contracts to the committee for review and approval. The department  
11 of corrections may not make any payments to a county for programs included in the  
12 contract that is under review by the committee. The department of corrections shall  
13 reimburse each county for the contracts from the appropriations under s. 20.410 (3)  
14 (cd), ~~(ke)~~, and ~~(e)~~ and (ko) as appropriate.

15           **SECTION 1291.** 46.23 (3) (a) of the statutes is amended to read:

16           46.23 (3) (a) *Creation.* Upon approval by the secretary of health services, by  
17 the secretary of corrections, and by the secretary of children and families of a  
18 feasibility study and a program implementation plan, the county board of  
19 supervisors of any county with a population of less than 500,000, or the county boards  
20 of supervisors of 2 or more ~~contiguous~~ counties, ~~each of which has a population of less~~  
21 ~~than 500,000~~, may establish by resolution a county department of human services  
22 on a single-county or multicounty basis to provide the services required under this  
23 section. The county department of human services shall consist of the county human  
24 services board, the county human services director and necessary personnel.

25           **SECTION 1292.** 46.27 (7) (am) of the statutes is amended to read:

1           46.27 (7) (am) From the appropriation under s. 20.435 (7) (bd), the department  
2 shall allocate funds to each county or private nonprofit agency with which the  
3 department contracts to pay assessment and case plan costs under sub. (6) not  
4 otherwise paid by fee or under s. 49.45 or 49.78 (2). The department shall reimburse  
5 ~~counties~~ multicounty consortia for the cost of assessing persons eligible for medical  
6 assistance under s. 49.46, 49.468, 49.47, or 49.471 (4) (a) as part of the administrative  
7 services of medical assistance, payable under s. 49.45 (3) (a). Counties may use  
8 unspent funds allocated under this paragraph to pay the cost of long-term  
9 community support services and for a risk reserve under par. (fr).

10           **SECTION 1293.** 46.27 (9) (a) of the statutes is amended to read:

11           46.27 (9) (a) The department may select up to 5 counties that volunteer to  
12 participate in a pilot project under which they will receive certain funds allocated for  
13 long-term care. The department shall allocate a level of funds to these counties  
14 equal to the amount that would otherwise be paid under s. 20.435 (4) (b), (gm), or (w)  
15 to nursing homes for providing care because of increased utilization of nursing home  
16 services, as estimated by the department. In estimating these levels, the department  
17 shall exclude any increased utilization of services provided by state centers for the  
18 developmentally disabled. The department shall calculate these amounts on a  
19 calendar year basis under sub. (10).

20           **SECTION 1294.** 46.27 (10) (a) 1. of the statutes is amended to read:

21           46.27 (10) (a) 1. The department shall determine for each county participating  
22 in the pilot project under sub. (9) a funding level of state medical assistance  
23 expenditures to be received by the county. This level shall equal the amount that the  
24 department determines would otherwise be paid under s. 20.435 (4) (b), (gm), or (w)

1 because of increased utilization of nursing home services, as estimated by the  
2 department.

3 **SECTION 1295.** 46.275 (5) (a) of the statutes is amended to read:

4 46.275 (5) (a) Medical Assistance reimbursement for services a county, or the  
5 department under sub. (3r), provides under this program is available from the  
6 appropriation accounts under s. 20.435 (4) (b), (gm), (o), and (w). If 2 or more counties  
7 jointly contract to provide services under this program and the department approves  
8 the contract, Medical Assistance reimbursement is also available for services  
9 provided jointly by these counties.

10 **SECTION 1296.** 46.275 (5) (c) of the statutes is amended to read:

11 46.275 (5) (c) The total allocation under s. 20.435 (4) (b), (gm), (o), and (w) to  
12 counties and to the department under sub. (3r) for services provided under this  
13 section may not exceed the amount approved by the federal department of health and  
14 human services. A county may use funds received under this section only to provide  
15 services to persons who meet the requirements under sub. (4) and may not use  
16 unexpended funds received under this section to serve other developmentally  
17 disabled persons residing in the county.

18 **SECTION 1297.** 46.278 (6) (d) of the statutes is amended to read:

19 46.278 (6) (d) If a county makes available nonfederal funds equal to the state  
20 share of service costs under a waiver received under sub. (3), the department may,  
21 from the appropriation under s. 20.435 (4) (o), provide reimbursement for services  
22 that the county provides under this section to persons who are in addition to those  
23 who may be served under this section with funds from the appropriation accounts  
24 under s. 20.435 (4) (b), (gm), or (w).

25 **SECTION 1298.** 46.2785 (5) (a) of the statutes is amended to read:

1           46.2785 (5) (a) Medical assistance reimbursement for services a county or  
2 private agency contracts for or provides under the waiver program shall be made  
3 from the appropriation accounts under s. 20.435 (4) (b), (gm), and (o).

4           **SECTION 1299.** 46.281 (3) of the statutes is amended to read:

5           46.281 (3) DUTY OF THE SECRETARY. The secretary shall certify to each county,  
6 hospital, nursing home, community-based residential facility, adult family home, ~~as~~  
7 ~~defined in s. 50.01 (1) (a) or (b)~~, and residential care apartment complex the date on  
8 which a resource center that serves the area of the county, hospital, nursing home,  
9 community-based residential facility, adult family home, or residential care  
10 apartment complex is first available to perform functional screenings and financial  
11 and cost-sharing screenings. To facilitate phase-in of services of resource centers,  
12 the secretary may certify that the resource center is available for specified groups of  
13 eligible individuals or for specified facilities in the county.

14           **SECTION 1302.** 46.283 (4) (e) of the statutes is amended to read:

15           46.283 (4) (e) Provide information about the services of the resource center,  
16 including the services specified in sub. (3) (d), about assessments under s. 46.284 (4)  
17 (b) and care plans under s. 46.284 (4) (c), and about the family care benefit and the  
18 self-directed services option to all older persons and adults with a physical or  
19 developmental disability who are residents of nursing homes, community-based  
20 residential facilities, adult family homes, ~~as defined in s. 50.01 (1) (a) or (b)~~, and  
21 residential care apartment complexes in the area of the resource center when the  
22 benefit under s. 46.286 first becomes available in the county where the nursing home,  
23 community-based residential facility, adult family home, or residential care  
24 apartment complex is located.

25           **SECTION 1303.** 46.283 (4) (g) of the statutes is amended to read:



1           46.283 (4) (g) Perform a functional screening and a financial and cost-sharing  
2 screening for any person seeking admission to a nursing home, community-based  
3 residential facility, residential care apartment complex, or adult family home, as  
4 ~~defined in s. 50.01 (1) (a) or (b)~~, if the secretary has certified that the resource center  
5 is available to the person and the facility and the person is determined by the  
6 resource center to have a condition that is expected to last at least 90 days that would  
7 require care, assistance, or supervision. A resource center may not require a  
8 financial and cost-sharing screening for a person seeking admission or about to be  
9 admitted on a private pay basis who waives the requirement for a financial and  
10 cost-sharing screening under this paragraph, unless the person is expected to  
11 become eligible for medical assistance within 6 months. A resource center need not  
12 perform a functional screening for a person seeking admission or about to be  
13 admitted for whom a functional screening was performed within the previous 6  
14 months.

15           **SECTION 1304.** 46.283 (5) of the statutes is amended to read:

16           46.283 (5) FUNDING. From the appropriation accounts under s. 20.435 (4) (b),  
17 (bm), (gm), (pa), and (w) and (7) (b), (bd), and (md), the department may contract with  
18 organizations that meet standards under sub. (3) for performance of the duties under  
19 sub. (4) and shall distribute funds for services provided by resource centers.

20           **SECTION 1304m.** 46.284 (2) (d) of the statutes is created to read:

21           46.284 (2) (d) As a term of a contract with a care management organization  
22 under this section, the department shall prohibit a care management organization  
23 from including a provision that requires a provider to return any funding for  
24 residential services, prevocational services, or supported employment services that

1 exceeds the cost of those services to the care management organization in a contract  
2 for services covered by the family care benefit.

3 **SECTION 1305.** 46.284 (5) (a) of the statutes is amended to read:

4 46.284 (5) (a) From the appropriation accounts under s. 20.435 (4) (b), (g), (gm),  
5 (im), (o), and (w) and (7) (b), (bd), and (g), the department shall provide funding on  
6 a capitated payment basis for the provision of services under this section.  
7 Notwithstanding s. 46.036 (3) and (5m), a care management organization that is  
8 under contract with the department may expend the funds, consistent with this  
9 section, including providing payment, on a capitated basis, to providers of services  
10 under the family care benefit.

11 **SECTION 1306.** 46.29 (3) (e) of the statutes is amended to read:

12 46.29 (3) (e) The secretary of ~~commerce~~ commerce safety and professional services.

13 **SECTION 1307.** 46.40 (9) (d) of the statutes is amended to read:

14 46.40 (9) (d) *Payment adjustments for certain Medical Assistance services.* The  
15 department may decrease a county's allocation under sub. (2) by the amount of any  
16 payment adjustments under s. 49.45 (52) (a) made for that county from the  
17 appropriation account under s. 20.435 (7) (b) for services described under s. 49.45 (52)  
18 (a) 1. The total amount of the decrease for a county under this paragraph during any  
19 fiscal year may not exceed that part of the county's allocation under sub. (2) that  
20 derives from the appropriation account under s. 20.435 (7) (b) for that fiscal year.

21 **SECTION 1308.** 46.40 (9) (e) of the statutes is created to read:

22 46.40 (9) (e) *County income maintenance administration.* Beginning in  
23 calendar year 2012, the department shall decrease the allocation under sub. (2) for  
24 a county with a population of 750,000 or more from the appropriation under s. 20.435  
25 (7) (b) by \$2,700,000.

1           **SECTION 1311.** 46.90 (1) (gr) 3. of the statutes is amended to read:

2           46.90 (1) (gr) 3. The department of ~~regulation and licensing~~ safety and  
3 professional services.

4           **SECTION 1312.** 46.90 (5m) (br) 5. of the statutes is amended to read:

5           46.90 (5m) (br) 5. Refer the case to the department of ~~regulation and licensing~~  
6 safety and professional services if the financial exploitation, neglect, self-neglect, or  
7 abuse involves an individual who is required to hold a credential, as defined in s.  
8 440.01 (2) (a), under chs. 440 to 460.

9           **SECTION 1313.** 46.99 (3) of the statutes is amended to read:

10          46.99 (3) If the waiver requested under sub. (2) is granted, counties shall  
11 provide to the department the nonfederal share of costs for medical assistance  
12 services provided under the waiver. Counties may use moneys appropriated under  
13 s. 20.435 (7) (bt) and distributed to counties under s. 51.44 (3) (a) to provide the  
14 nonfederal share of medical assistance costs.

15          **SECTION 1314.** 46.99 (3m) of the statutes is created to read:

16          46.99 (3m) If the waiver requested under sub. (2) is granted, counties shall  
17 provide to the department the nonfederal share of the cost incurred by an entity to  
18 administer the waiver program under this section.

19          **SECTION 1315.** 46.99 (4) of the statutes is amended to read:

20          46.99 (4) From the appropriation account under s. 20.435 (4) (o), the  
21 department shall may distribute to counties that provide services under this section  
22 the amount of federal moneys received by the state as the federal share of medical  
23 assistance for those services, minus the amount transferred to the appropriation  
24 account under s. 20.435 (7) (im) for the department's costs of administering this

1 section. Counties shall use moneys distributed under this section to provide services  
2 under this section or s. 51.44.

3 **SECTION 1316.** 46.995 of the statutes is created to read:

4 **46.995 Disabled children's long-term support program; local funding.**

5 **(1)** A county shall provide to the department the nonfederal share of the cost  
6 incurred by an entity to administer services provided without state funding under  
7 the disabled children's long-term support program for a child enrolled in the  
8 program after December 31, 2010.

9 **(2)** A county shall provide to the department the nonfederal share of the cost  
10 of services provided without state funding under the disabled children's long-term  
11 support program.

12 **SECTION 1317.** 47.03 (11) (a) of the statutes is amended to read:

13 47.03 **(11)** (a) The department shall provide services, including vocational  
14 training, ~~craft instruction~~ and a supervised business initiatives program for persons  
15 with severe disabilities who are eligible for vocational rehabilitation services. Under  
16 this subsection, the department may own, lease, manage, supervise or operate  
17 businesses for the benefit of persons with severe disabilities, ~~including home-based~~  
18 ~~employment and craft work~~, with the ultimate objective of enabling persons with  
19 severe disabilities to operate their own businesses. ~~The department shall assist~~  
20 ~~persons with severe disabilities who receive these services in marketing the finished~~  
21 ~~products.~~

22 **SECTION 1318.** 47.03 (11) (c) of the statutes is repealed.

23 **SECTION 1319.** 47.03 (11) (d) of the statutes is repealed.

24 **SECTION 1320.** 47.03 (11) (e) of the statutes is repealed.

25 **SECTION 1321j.** 48.38 (2) (f) of the statutes is amended to read:

1           48.38 (2) (f) The child's care would be paid for under s. 49.19 but for s. 49.19  
2           (20), except that this paragraph does not apply to a child whose care is being paid for  
3           under s. 48.623 (1).

4           **SECTION 1321k.** 48.38 (4) (j) of the statutes is created to read:

5           48.38 (4) (j) If the child is placed in the home of a relative or other person  
6           described in s. 48.623 (1) (b) 1. who will be receiving subsidized guardianship  
7           payments, a description of all of the following:

8           1. The steps the agency has taken to determine that it is not appropriate for  
9           the child to be returned to his or her home or to be adopted.

10          2. If a decision has been made not to place the child and his or her siblings, as  
11          defined in par. (br) 1., in a joint placement, the reasons for separating the child and  
12          his or her siblings during the placement.

13          3. The reasons why a permanent placement with a fit and willing relative or  
14          other person described in s. 48.623 (1) (b) 1. through a subsidized guardianship  
15          arrangement is in the best interests of the child. In the case of an Indian child, the  
16          best interests of the Indian child shall be determined in accordance with s. 48.01 (2).

17          4. The ways in which the child and the relative or other person described in s.  
18          48.623 (1) (b) 1. meet the eligibility requirements specified in s. 48.623 (1) for the  
19          receipt of subsidized guardianship payments.

20          5. The efforts the agency has made to discuss adoption of the child by the  
21          relative or other person described in s. 48.623 (1) (b) 1. as a more permanent  
22          alternative to guardianship and, if that relative or other person has chosen not to  
23          pursue adoption, documentation of the reasons for not pursuing adoption.

1           6. The efforts the agency has made to discuss the subsidized guardianship  
2 arrangement with the child's parents or, if those efforts were not made,  
3 documentation of the reasons for not making those efforts.

4           **SECTION 1321n.** 48.385 of the statutes is amended to read:

5           **48.385 Plan for transition to independent living.** During the 90 days  
6 immediately before a child who is placed in a foster home, group home, subsidized  
7 guardianship home under s. 48.62 (5), ~~group home~~, or residential care center for  
8 children and youth or in the home of a relative other than a parent attains 18 years  
9 of age or, if the child is placed in such a placement under an order under s. 48.355,  
10 48.357, 48.365, 938.355, 938.357, or 938.365 that terminates under s. 48.355 (4) or  
11 938.355 (4) after the child attains 18 years of age, during the 90 days immediately  
12 before the termination of the order, the agency primarily responsible for providing  
13 services to the child under the order shall provide the child with assistance and  
14 support in developing a plan for making the transition from out-of-home care to  
15 independent living. The transition plan shall be personalized at the direction of the  
16 child, shall be as detailed as the child directs, and shall include specific options for  
17 obtaining housing, health care, education, mentoring and continuing support  
18 services, and workforce support and employment services.

19           **SECTION 1323.** 48.545 (2) (a) (intro.) of the statutes is amended to read:

20           48.545 (2) (a) (intro.) From the appropriations under s. 20.437 (1) (eg), (kb), and  
21 (nL), the department shall distribute \$2,097,700 in each fiscal year to applying  
22 nonprofit corporations and public agencies operating in a county having a population  
23 of 500,000 or more, \$1,171,800 in each fiscal year to applying county departments  
24 under s. 46.22, 46.23, 51.42, or 51.437 operating in counties other than a county

1 having a population of 500,000 or more, and \$55,000 in each fiscal year to Diverse  
2 and Resilient, Inc. to provide programs to accomplish all of the following:

3 **SECTION 1323d.** 48.561 (3) (a) 3. of the statutes is amended to read:

4 48.561 (3) (a) 3. Through a deduction of \$20,101,300 from any state payment  
5 due that county under s. ~~79.03~~ 79.035, 79.04, ~~79.058~~, ~~79.06~~, or 79.08 as provided in  
6 par. (b).

7 **SECTION 1323g.** 48.561 (3) (b) of the statutes is amended to read:

8 48.561 (3) (b) The department of administration shall collect the amount  
9 specified in par. (a) 3. from a county having a population of 500,000 or more by  
10 deducting all or part of that amount from any state payment due that county under  
11 s. ~~79.03~~ 79.035, 79.04, ~~79.058~~, ~~79.06~~, or 79.08. The department of administration  
12 shall notify the department of revenue, by September 15 of each year, of the amount  
13 to be deducted from the state payments due under s. ~~79.03~~ 79.035, 79.04, ~~79.058~~,  
14 ~~79.06~~, or 79.08. The department of administration shall credit all amounts collected  
15 under this paragraph to the appropriation account under s. 20.437 (1) (kw) and shall  
16 notify the county from which those amounts are collected of that collection. The  
17 department may not expend any moneys from the appropriation account under s.  
18 20.437 (1) (cx) for providing services to children and families under s. 48.48 (17) until  
19 the amounts in the appropriation account under s. 20.437 (1) (kw) are exhausted.

20 **SECTION 1324.** 48.563 (1) (a) of the statutes is amended to read:

21 48.563 (1) (a) Within the limits of available federal funds and of the  
22 appropriations under s. 20.437 (1) (b), (km), and (o), the department shall distribute  
23 funds for children and family services to county departments as provided in subs. (2),  
24 (3), and (7m) and s. 48.986.

25 **SECTION 1324f.** 48.563 (2) of the statutes is amended to read:

1           48.563 (2) BASIC COUNTY ALLOCATION. For children and family services under  
2 s. 48.569 (1) (d), the department shall distribute not more than ~~\$51,577,400 in fiscal~~  
3 ~~year 2009-10 and not more than \$63,264,700 in fiscal year 2010-11 and \$66,475,500~~  
4 in each fiscal year thereafter.

5           **SECTION 1325.** 48.565 (2) (c) of the statutes is amended to read:

6           48.565 (2) (c) The department shall credit to the appropriation account under  
7 s. 20.437 (3) ~~(mp)~~ (kp) any moneys carried forward under par. (a), but not distributed  
8 to counties, and may expend those moneys as provided in s. 48.567.

9           **SECTION 1326.** 48.567 (1) of the statutes is amended to read:

10          48.567 (1) From the appropriation account under s. 20.437 (3) ~~(mp)~~ (kp), the  
11 department shall support costs that are exclusively related to the ongoing and  
12 recurring operational costs of augmenting the amount of moneys received under 42  
13 USC 670 to 679a and to any other purpose provided for by the legislature by law or  
14 in budget determinations. In addition, the department may expend moneys from the  
15 that appropriation account ~~under s. 20.437 (3) (mp)~~ as provided in subs. (1m) and (2).

16          **SECTION 1327.** 48.567 (1m) of the statutes is amended to read:

17          48.567 (1m) In addition to expending moneys from the appropriation account  
18 under s. 20.437 (3) ~~(mp)~~ (kp) for the augmentation activities specified in sub. (1), the  
19 department may expend moneys ~~received under 42 USC 1396 to 1396v in~~  
20 ~~reimbursement of the cost of providing targeted case management services to~~  
21 ~~children whose care is not eligible for reimbursement under 42 USC 670 to 679a and~~  
22 ~~credited to the~~ from that appropriation account ~~under s. 20.437 (3) (mp)~~ to support  
23 the counties' share of implementing the statewide automated child welfare  
24 information system under s. 46.22 (1) (c) 8. f. and to provide services to children and  
25 families under s. 48.48 (17).



1           **SECTION 1328.** 48.567 (2) of the statutes is amended to read:

2           48.567 (2) If the department proposes to use any moneys from the  
3 appropriation account under s. 20.437 (3) (~~mp~~) (kp) for any purpose other than the  
4 purposes specified in subs. (1) and (1m), the department shall submit a plan for the  
5 proposed use of those moneys to the secretary of administration by September 1 of  
6 the fiscal year after the fiscal year in which those moneys were received. If the  
7 secretary of administration approves the plan, he or she shall submit the plan to the  
8 joint committee on finance by October 1 of the fiscal year after the fiscal year in which  
9 those moneys were received. If the cochairpersons of the committee do not notify the  
10 secretary of administration within 14 working days after the date of submittal of the  
11 plan that the committee has scheduled a meeting for the purpose of reviewing the  
12 plan, the department may implement the plan. If within 14 working days after the  
13 date of the submittal by the secretary of administration the cochairpersons of the  
14 committee notify him or her that the committee has scheduled a meeting for the  
15 purpose of reviewing the plan, the department may implement the plan only with the  
16 approval of the committee.

17           **SECTION 1329.** 48.569 (1) (am) of the statutes is amended to read:

18           48.569 (1) (am) The department shall reimburse each county from the  
19 appropriations under s. 20.437 (1) (b), (km), and (o) for children and family services  
20 as approved by the department under ss. 46.22 (1) (b) 2. f. and (e) 3. b.

21           **SECTION 1330.** 48.569 (1) (d) of the statutes is amended to read:

22           48.569 (1) (d) From the appropriations under s. 20.437 (1) (b), (km), and (o), the  
23 department shall distribute the funding for children and family services, including  
24 funding for foster care or subsidized guardianship care of a child on whose behalf aid  
25 is received under s. 48.645 to county departments as provided under s. 48.563.

1 County matching funds are required for the distribution under s. 48.563 (2). Each  
2 county's required match for the distribution under s. 48.563 (2) shall be specified in  
3 a schedule established annually by the department. Matching funds may be from  
4 county tax levies, federal and state revenue sharing funds, or private donations to  
5 the county that meet the requirements specified in sub. (1m). Private donations may  
6 not exceed 25 percent of the total county match. If the county match is less than the  
7 amount required to generate the full amount of state and federal funds distributed  
8 for this period, the decrease in the amount of state and federal funds equals the  
9 difference between the required and the actual amount of county matching funds.

10 **SECTION 1330s.** 48.57 (3) (a) 4. of the statutes is amended to read:

11 48.57 (3) (a) 4. Is living in a foster home, group home, residential care center  
12 for children and youth, or subsidized guardianship home ~~under s. 48.62 (5).~~

13 **SECTION 1331h.** 48.57 (3m) (cm) of the statutes is amended to read:

14 48.57 (3m) (cm) A kinship care relative who receives a payment under par. (am)  
15 for providing care and maintenance for a child is not eligible to receive a payment  
16 under sub. (3n) or s. 48.62 (4) or ~~(5)~~ 48.623 (1) or (6) for that child.

17 **SECTION 1332b.** 48.57 (3n) (cm) of the statutes is amended to read:

18 48.57 (3n) (cm) A long-term kinship care relative who receives a payment  
19 under par. (am) for providing care and maintenance for a child is not eligible to  
20 receive a payment under sub. (3m) or s. 48.62 (4) or ~~(5)~~ 48.623 (1) or (6) for that child.

21 **SECTION 1332c.** 48.57 (3p) (a) of the statutes is amended to read:

22 48.57 (3p) (a) In this subsection, "adult resident" means a person 18 years of  
23 age or over who lives at the home of a person who has applied for or is receiving  
24 payments under sub. (3m) or (3n) ~~or s. 48.62 (5) (a) or (b)~~ with the intent of making  
25 that home his or her home or who lives for more than 30 days cumulative in any

1 6-month period at the home of a person who has applied for or is receiving payments  
2 under sub. (3m) or (3n) ~~or s. 48.62 (5) (a) or (b)~~.

3 **SECTION 1332d.** 48.57 (3p) (b) 1. of the statutes is amended to read:

4 48.57 (3p) (b) 1. After receipt of an application for payments under sub. (3m)  
5 or (3n) ~~or s. 48.62 (5) (a) or (b)~~, the county department or, in a county having a  
6 population of 500,000 or more, the department, with the assistance of the  
7 department of justice, shall conduct a background investigation of the applicant.

8 **SECTION 1332e.** 48.57 (3p) (b) 3. of the statutes is amended to read:

9 48.57 (3p) (b) 3. The county department or, in a county having a population of  
10 500,000 or more, the department, with the assistance of the department of justice,  
11 may conduct a background investigation of any person who is receiving payments  
12 under sub. (3n) ~~or s. 48.62 (5) (a) or (b)~~ at any time that the county department or  
13 department considers to be appropriate.

14 **SECTION 1332f.** 48.57 (3p) (c) 1. of the statutes is amended to read:

15 48.57 (3p) (c) 1. After receipt of an application for payments under sub. (3m)  
16 or (3n) ~~or s. 48.62 (5) (a) or (b)~~, the county department or, in a county having a  
17 population of 500,000 or more, the department, with the assistance of the  
18 department of justice, shall, in addition to the investigation under par. (b) 1., conduct  
19 a background investigation of all employees and prospective employees of the  
20 applicant who have or would have regular contact with the child for whom those  
21 payments are being made and of each adult resident.

22 **SECTION 1332g.** 48.57 (3p) (c) 2m. of the statutes is amended to read:

23 48.57 (3p) (c) 2m. The county department or, in a county having a population  
24 of 500,000 or more, the department, with the assistance of the department of justice,  
25 may conduct a background investigation of any of the employees or prospective

1 employees of any person who is receiving payments under sub. (3n) ~~or s. 48.62 (5) (a)~~  
2 ~~or (b)~~ who have or would have regular contact with the child for whom payments are  
3 being made and of each adult resident at any time that the county department or  
4 department considers to be appropriate.

5 **SECTION 1332h.** 48.57 (3p) (c) 3. of the statutes is amended to read:

6 48.57 (3p) (c) 3. Before a person who is receiving payments under sub. (3m) or  
7 (3n) ~~or s. 48.62 (5) (a) or (b)~~ may employ any person in a position in which that person  
8 would have regular contact with the child for whom those payments are being made  
9 or permit any person to be an adult resident, the county department or, in a county  
10 having a population of 500,000 or more, the department, with the assistance of the  
11 department of justice, shall conduct a background investigation of the prospective  
12 employee or prospective adult resident unless that person has already been  
13 investigated under subd. 1., 2. or 2m.

14 **SECTION 1332i.** 48.57 (3p) (fm) 1m. of the statutes is amended to read:

15 48.57 (3p) (fm) 1m. The county department or, in a county having a population  
16 of 500,000 or more, the department may not enter into the agreement under sub. (3n)  
17 (am) 6. ~~or make payments under s. 48.62 (5) (a) or (b)~~ unless the county department  
18 or department receives information from the department of justice relating to the  
19 conviction record of the applicant under the law of this state and that record indicates  
20 either that the applicant has not been arrested or convicted or that the applicant has  
21 been arrested or convicted but the director of the county department or, in a county  
22 having a population of 500,000 or more, the person designated by the secretary to  
23 review conviction records under this subdivision determines that the conviction  
24 record is satisfactory because it does not include any arrest or conviction that the  
25 director or person designated by the secretary determines is likely to adversely affect

1 the child or the applicant's ability to care for the child. The county department or,  
2 in a county having a population of 500,000 or more, the department may make  
3 payments under sub. (3n) ~~or s. 48.62 (5) (a) or (b)~~ conditioned on the receipt of  
4 information from the federal bureau of investigation indicating that the person's  
5 conviction record under the law of any other state or under federal law is satisfactory  
6 because the conviction record does not include any arrest or conviction that the  
7 director of the county department or, in a county having a population of 500,000 or  
8 more, the person designated by the secretary to review conviction records under this  
9 subdivision determines is likely to adversely affect the child or the applicant's ability  
10 to care for the child.

11 **SECTION 1332j.** 48.57 (3p) (fm) 2m. of the statutes is amended to read:

12 48.57 **(3p)** (fm) 2m. A person receiving payments under sub. (3n) ~~or s. 48.62 (5)~~  
13 ~~(a) or (b)~~ may provisionally employ a person in a position in which that person would  
14 have regular contact with the child for whom those payments are being made or  
15 provisionally permit a person to be an adult resident if the person receiving those  
16 payments states to the county department or, in a county having a population of  
17 500,000 or more, the department that, to the best of his or her knowledge, the  
18 employee or adult resident does not have any arrests or convictions that could  
19 adversely affect the child or the ability of the person receiving payments to care for  
20 the child. A person receiving payment under sub. (3n) ~~or s. 48.62 (5) (a) or (b)~~ may  
21 not finally employ a person in a position in which that person would have regular  
22 contact with the child for whom those payments are being made or finally permit a  
23 person to be an adult resident until the county department or, in a county having a  
24 population of 500,000 or more, the department receives information from the  
25 department of justice relating to the person's conviction record under the law of this

1 state and that record indicates either that the person has not been arrested or  
2 convicted or that the person has been arrested or convicted but the director of the  
3 county department or, in a county having a population of 500,000 or more, the person  
4 designated by the secretary to review conviction records under this subdivision  
5 determines that the conviction record is satisfactory because it does not include any  
6 arrest or conviction that is likely to adversely affect the child or the ability of the  
7 person receiving payments to care for the child and the county department or  
8 department so advises the person receiving payments under sub. (3n) ~~or s. 48.62 (5)~~  
9 ~~(a) or (b)~~. A person receiving payments under sub. (3n) ~~or s. 48.62 (5) (a) or (b)~~ may  
10 finally employ a person in a position in which that person would have regular contact  
11 with the child for whom those payments are being made or finally permit a person  
12 to be an adult resident conditioned on the receipt of information from the county  
13 department or, in a county having a population of 500,000 or more, the department  
14 that the federal bureau of investigation indicates that the person's conviction record  
15 under the law of any other state or under federal law is satisfactory because the  
16 conviction record does not include any arrest or conviction that the director of the  
17 county department or, in a county having a population of 500,000 or more, the person  
18 designated by the secretary to review conviction records under this subdivision  
19 determines is likely to adversely affect the child or the ability of the person receiving  
20 payments to care for the child.

21 **SECTION 1332k.** 48.57 (3p) (hm) of the statutes is amended to read:

22 48.57 **(3p)** (hm) A county department or, in a county having a population of  
23 500,000 or more, the department may not make payments to a person under sub. (3n)  
24 ~~or s. 48.62 (5) (a) or (b)~~ and a person receiving payments under sub. (3n) ~~or s. 48.62~~  
25 ~~(5) (a) or (b)~~ may not employ a person in a position in which that person would have

1 regular contact with the child for whom payments are being made or permit a person  
2 to be an adult resident if the director of the county department or, in a county having  
3 a population of 500,000 or more, the person designated by the secretary to review  
4 conviction records under this paragraph determines that the person has any arrest  
5 or conviction that is likely to adversely affect the child or the person's ability to care  
6 for the child.

7 **SECTION 1332m.** 48.62 (5) (a) of the statutes is repealed.

8 **SECTION 1332n.** 48.62 (5) (b) of the statutes is renumbered 48.623 (6) (intro.)  
9 and amended to read:

10 48.623 (6) INTERIM CARETAKER. (intro.) ~~Subject to par. (d), on~~ On the death,  
11 incapacity, resignation, or removal of a guardian receiving payments under ~~par. (a),~~  
12 ~~a sub. (1), the county department or, in a county having a population of 500,000 or~~  
13 ~~more, the department~~ providing those payments shall provide monthly subsidized  
14 guardianship payments in the amount specified in ~~par. (e) sub. (3) (b)~~ for a period of  
15 up to 12 months to an interim caretaker ~~who meets~~ if all of the following conditions  
16 ~~specified in par. (e).~~ are met:

17 **SECTION 1332p.** 48.62 (5) (c) (intro.) of the statutes is repealed.

18 **SECTION 1332q.** 48.62 (5) (c) 1. of the statutes is renumbered 48.623 (6) (a) and  
19 amended to read:

20 48.623 (6) (a) The county department or department inspects the home of the  
21 ~~guardian or~~ interim caretaker, interviews the ~~guardian or~~ interim caretaker, and  
22 determines that placement of the child with the ~~guardian or~~ interim caretaker is in  
23 the best interests of the child. In the case of an Indian child, the best interests of the  
24 Indian child shall be determined in accordance with s. 48.01 (2).

1           **SECTION 1332r.** 48.62 (5) (c) 2. of the statutes is renumbered 48.623 (6) (b) and  
2 amended to read:

3           48.623 (6) (b) The county department or department conducts a background  
4 investigation under s. ~~48.57 (3p)~~ 48.685 of the guardian or interim caretaker, the  
5 employees and prospective employees of the guardian or interim caretaker who have  
6 or would have regular contact with the child for whom the payments would be made,  
7 and any other adult resident, as defined in s. ~~48.57 (3p) (a)~~, and any nonclient  
8 resident, as defined in s. 48.685 (1) (bm), of the home of the guardian or interim  
9 caretaker and determines that those individuals do not have any arrests or  
10 convictions that are likely to adversely affect the child or the ability of the guardian  
11 or interim caretaker to care for the child meet the requirements specified in s. 48.685.  
12 The county department or department shall provide the department of health  
13 services with information about each person who is denied monthly subsidized  
14 guardianship payments or permission to reside in the home of an interim caretaker  
15 for a reason specified in s. 48.685 (4m) (a) 1. to 5. or (b) 1. to 5.

16           **SECTION 1332s.** 48.62 (5) (c) 3. of the statutes is renumbered 48.623 (6) (c) and  
17 amended to read:

18           48.623 (6) (c) ~~In the case of an interim caretaker, the~~ The interim caretaker  
19 cooperates with the county department or department in finding a permanent  
20 placement for the child.

21           **SECTION 1332t.** 48.62 (5) (d) of the statutes is renumbered 48.623 (3) (a) and  
22 amended to read:

23           48.623 (3) (a) ~~The department shall request from the secretary of the federal~~  
24 ~~department of health and human services a waiver of the requirements under 42~~  
25 ~~USC 670 to 679a that would authorize the state to receive federal foster care and~~



1 ~~adoption assistance reimbursement under 42 USC 670 to 679a for the costs of~~  
2 ~~providing care for a child who is in the care of a guardian who was licensed as the~~  
3 ~~child's foster parent before the guardianship appointment and who has entered into~~  
4 ~~a subsidized guardianship agreement with the county department or department.~~  
5 ~~If the waiver is approved for~~ In a county having a population of 500,000 750,000 or  
6 more, the department shall provide the monthly payments under ~~par. (a) sub. (1) or~~  
7 (6) from the appropriations under s. 20.437 (1) (dd) and (pd). ~~If the waiver is~~  
8 ~~approved for~~ In any other county, the department shall determine which counties are  
9 ~~authorized to provide monthly payments under par. (a) or (b), and the county~~  
10 ~~departments of those counties~~ department shall provide those payments from  
11 moneys received under s. 48.569 (1) (d).

12 **SECTION 1332u.** 48.62 (5) (e) of the statutes is renumbered 48.623 (3) (b) and  
13 amended to read:

14 48.623 (3) (b) The amount of a monthly payment under ~~par. (a) or (b) sub. (1)~~  
15 ~~or (6)~~ for the care of a child shall equal the amount received under ~~sub. s. 48.62 (4)~~  
16 by the guardian of the child for the month immediately preceding the month in which  
17 the guardianship order was granted or a lesser amount if agreed to by the guardian  
18 and specified in the agreement under sub. (2) (b). A guardian or an interim caretaker  
19 who receives a monthly payment under ~~par. (a) or (b) sub. (1) or (6) for the care of a~~  
20 child is not eligible to receive a payment under ~~sub. (4) or s. 48.57 (3m) or (3n) or 48.62~~  
21 (4) for the care of that child.

22 **SECTION 1332v.** 48.62 (6) of the statutes is amended to read:

23 48.62 (6) The department or a county department may recover an overpayment  
24 made under sub. (4) ~~or (5)~~ from a foster parent, ~~guardian, or interim caretaker~~ who  
25 continues to receive those payments by reducing the amount of the person's foster

1 parent's monthly payment. The department may by rule specify other methods for  
2 recovering those overpayments. A county department that recovers an overpayment  
3 under this subsection due to the efforts of its officers and employees may retain a  
4 portion of the amount recovered, as provided by the department by rule.

5 **SECTION 1332w.** 48.623 of the statutes is created to read:

6 **48.623 Subsidized guardianships. (1) ELIGIBILITY.** A county department  
7 or, in a county having a population of 750,000 or more, the department shall provide  
8 monthly subsidized guardianship payments in the amount specified in sub. (3) (b)  
9 to a guardian of a child under s. 48.977 (2) or under a substantially similar tribal law  
10 if the county department or department determines that the conditions specified in  
11 pars. (a) to (d) have been met. A county department or, in a county having a  
12 population of 750,000 or more, the department shall also provide those payments for  
13 the care of a sibling of such a child, regardless of whether the sibling meets the  
14 conditions specified in par. (a), if the county department or department and the  
15 guardian agree on the appropriateness of placing the sibling in the home of the  
16 guardian. A guardian of a child under s. 48.977 (2) or under a substantially similar  
17 tribal law is eligible for monthly subsidized guardianship payments under this  
18 subsection if the county department or, in a county having a population of 750,000  
19 or more, the department determines that all of the following apply:

20 (a) The child meets all of the following conditions:

21 1. The child has been removed from his or her home under a voluntary  
22 agreement under s. 48.63 or under a substantially similar tribal law or under a court  
23 order containing a finding that continued placement of the child in his or her home  
24 would be contrary to the welfare of the child.

1           2. The child has been residing in the home of the guardian for not less than 6  
2 consecutive months.

3           3. The child's situation precludes return of the child to his or her home or  
4 adoption as appropriate permanency options for the child.

5           4. The child demonstrates a strong attachment to the guardian.

6           5. If the child is 14 years of age or over, the child has been consulted with  
7 regarding the guardianship arrangement.

8           (b) The guardian meets all of the following conditions:

9           1. The guardian is a relative of the child or is a person who has a significant  
10 emotional relationship with the child and who, prior to the child's placement in  
11 out-of-home care, had an existing relationship with the child that is similar to a  
12 familial relationship.

13           2. The guardian has a strong commitment to caring permanently for the child.

14           3. The guardian is licensed as the child's foster parent and the guardian and  
15 all adults residing in the guardian's home meet the requirements specified in s.  
16 48.685.

17           5. Prior to being named as the guardian of the child, the guardian entered into  
18 a subsidized guardianship agreement under sub. (2) with the county department or  
19 department.

20           (c) An order under s. 48.345, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363,  
21 or 938.365 placing the child, or continuing the placement of the child, outside of the  
22 child's home has been terminated, or any proceeding in which the child has been  
23 adjudged to be in need of protection or services specified in s. 48.977 (2) (a) has been  
24 dismissed, as provided in s. 48.977 (3r).

1 (d) If the county department or department knows or has reason to know that  
2 the child is an Indian child, the Indian child's parent, Indian custodian, and tribe  
3 have been provided with notice of the child's placement in the home of the guardian  
4 under s. 48.977 (4) (c) 2m. and the court has found under s. 48.977 (4) (g) 4. that the  
5 home of the guardian is in compliance with the order of placement preference under  
6 s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c), unless the court found good cause,  
7 as described in s. 48.028 (7) (e), for departing from that order.

8 (2) **SUBSIDIZED GUARDIANSHIP AGREEMENT.** Before a county department or the  
9 department may approve the provision of subsidized guardianship payments under  
10 sub. (1) to a proposed guardian, the county department or department shall negotiate  
11 and enter into a written, binding subsidized guardianship agreement with the  
12 proposed guardian and provide the proposed guardian with a copy of the agreement.  
13 A subsidized guardianship agreement shall specify all of the following:

14 (a) The amount of the monthly subsidized guardianship payments that will be  
15 provided under the agreement and the manner in which those payments may be  
16 adjusted periodically, in consultation with the guardian, based on the circumstances  
17 of the guardian and the needs of the child.

18 (b) Any additional services and assistance for which the child or guardian will  
19 be eligible under the agreement, a description of those additional services and that  
20 additional assistance, and the procedures by which the guardian may apply for those  
21 additional services and that additional assistance.

22 (c) That the county department or department will pay the total cost of the  
23 nonrecurring expenses that are associated with obtaining guardianship of the child,  
24 not to exceed \$2,000.

1 (d) That the agreement shall remain in effect without regard to the state of  
2 residence of the guardian.

3 (e) That, in determining eligibility for adoption assistance under s. 48.975 and  
4 42 USC 673 for the care of the child, the placement of the child in the home of the  
5 guardian and any payments made under sub. (1) shall be considered never to have  
6 been made.

7 **(3) PAYMENTS.** (c) 1. If a person who is receiving monthly subsidized  
8 guardianship payments under an agreement under sub. (2) believes that there has  
9 been a substantial change in circumstances, as defined by the department by rule  
10 promulgated under sub. (7) (a), he or she may request that the agreement be  
11 amended to increase the amount of those payments. If a request is received under  
12 this subdivision, the county department or department shall determine whether  
13 there has been a substantial change in circumstances and whether there has been  
14 a substantiated report of abuse or neglect of the child by the person receiving those  
15 payments. If there has been a substantial change in circumstances and if there has  
16 been no substantiated report of abuse or neglect of the child by that person, the  
17 county department or department shall offer to increase the amount of those  
18 payments based on criteria established by the department by rule promulgated  
19 under sub. (7) (b). If an increased monthly subsidized guardianship payment is  
20 agreed to by the person receiving those payments, the county department or  
21 department shall amend the agreement in writing to specify the increased amount  
22 of those payments.

23 2. Annually, a county department or the department shall review an agreement  
24 that has been amended under subd. 1. to determine whether the substantial change  
25 in circumstances that was the basis for amending the agreement continues to exist.

1 If that substantial change in circumstances continues to exist, the agreement, as  
2 amended, shall remain in effect. If that substantial change in circumstances no  
3 longer exists, the county department or department shall offer to decrease the  
4 amount of the monthly subsidized guardianship payments provided under sub. (1)  
5 based on criteria established by the department under sub. (7) (c). If the decreased  
6 amount of those payments is agreed to by the person receiving those payments, the  
7 county department or department shall amend the agreement in writing to specify  
8 the decreased amount of those payments. If the decreased amount of those payments  
9 is not agreed to by the person receiving those payments, that person may appeal the  
10 decision of the county department or department regarding the decrease under sub.  
11 (5).

12 3. A county department or the department may propose to a person receiving  
13 monthly subsidized guardianship payments that the agreement under sub. (2) (b) be  
14 amended to adjust the amount of those payments. If an adjustment in the amount  
15 of those payments is agreed to by the person receiving those payments, the  
16 agreement shall be amended in writing to specify the adjusted amount of those  
17 payments.

18 4. An agreement under sub. (2) may be amended more than once under subd.  
19 1. or 3.

20 (d) The department or a county department may recover an overpayment made  
21 under sub. (1) or (6) from a guardian or interim caretaker who continues to receive  
22 those payments by reducing the amount of the person's monthly payment. The  
23 department may by rule specify other methods for recovering those overpayments.  
24 A county department that recovers an overpayment under this paragraph due to the

1 efforts of its officers and employees may retain a portion of the amount recovered, as  
2 provided by the department by rule.

3 (4) ANNUAL REVIEW. A county department or the department shall review a  
4 placement of a child for which the county department or department makes  
5 payments under sub. (1) not less than every 12 months after the county department  
6 or department begins making those payments to determine whether the child and  
7 the guardian remain eligible for those payments. If the child or the guardian is no  
8 longer eligible for those payments, the county department or department shall  
9 discontinue making those payments.

10 (5) APPEAL. (a) Any person whose application for payments under sub. (1) is  
11 not acted on promptly or is denied on the grounds that a condition specified in sub.  
12 (1) has not been met and any person whose payments under sub. (1) are decreased  
13 under sub. (3) (c) 2. or discontinued under sub. (4) may petition the department under  
14 par. (b) for a review of that action or failure to act. Review is unavailable if the action  
15 or failure to act arose more than 45 days before submission of the petition for review.

16 (b) 1. Upon receipt of a timely petition described in par. (a) the department shall  
17 give the applicant or recipient reasonable notice and an opportunity for a fair  
18 hearing. The department may make such additional investigation as it considers  
19 necessary. Notice of the hearing shall be given to the applicant or recipient and to  
20 the county department or subunit of the department whose action or failure to act  
21 is the subject of the petition. That county department or subunit of the department  
22 may be represented at the hearing. The department shall render its decision as soon  
23 as possible after the hearing and shall send a certified copy of its decision to the  
24 applicant or recipient and to the county department or subunit of the department  
25 whose action or failure to act is the subject of the petition. The decision of the

1 department shall have the same effect as an order of the county department or  
2 subunit of the department whose action or failure to act is the subject of the petition.  
3 The decision shall be final, but may be revoked or modified as altered conditions may  
4 require. The department shall deny a petition for review or shall refuse to grant  
5 relief if any of the following applies:

6 a. The petitioner withdraws the petition in writing.

7 b. The sole issue in the petition concerns an automatic payment adjustment or  
8 change that affects an entire class of recipients and is the result of a change in state  
9 law.

10 c. The petitioner abandons the petition. Abandonment occurs if the petitioner  
11 fails to appear in person or by a representative at a scheduled hearing without good  
12 cause, as determined by the department.

13 2. If a recipient requests a hearing within 10 days after the date of notice that  
14 his or her payments under sub. (1) are being decreased or discontinued, those  
15 payments may not be decreased or discontinued until a decision is rendered after the  
16 hearing but payments made pending the hearing decision may be recovered by the  
17 department if the contested action or failure to act is upheld. The department shall  
18 promptly notify the county department or the subunit of the department whose  
19 action is the subject of the hearing that the recipient has requested a hearing.  
20 Payments under sub. (1) shall be decreased or discontinued if the recipient is  
21 contesting a state law or a change in state law and not the determination of the  
22 payment made on the recipient's behalf.

23 3. The recipient shall be promptly informed in writing if his or her payments  
24 under sub. (1) are to be decreased or discontinued pending the hearing decision.



1           **(6)** (d) If the county department or department knows or has reason to know  
2 that the child is an Indian child, the county department or department provides  
3 notice of the Indian child's placement in the home of the interim caretaker to the  
4 Indian child's parent, Indian custodian, and tribe and determines that the home of  
5 the interim caretaker complies with the order of placement preference under s.  
6 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c), unless the county department or  
7 department finds good cause, as described in s. 48.028 (7) (e), for departing from that  
8 order.

9           **(7) RULES.** The department shall promulgate rules to implement this section.  
10 Those rules shall include all of the following:

11           (a) A rule defining the substantial change in circumstances under which a  
12 person receiving monthly subsidized guardianship payments under sub. (1) may  
13 request that an agreement made under sub. (2) be amended to increase the amount  
14 of those payments.

15           (b) Rules establishing requirements for submitting a request under sub. (3) (c)  
16 1. and criteria for determining the amount of the increase in monthly subsidized  
17 guardianship payments that a county department or the department shall offer if  
18 there has been a substantial change in circumstances and if there has been no  
19 substantiated report of abuse or neglect of the child by the person receiving those  
20 payments.

21           (c) Rules establishing the criteria for determining the amount of the decrease  
22 in monthly subsidized guardianship payments that the department shall offer under  
23 sub. (3) (c) 2. if a substantial change in circumstances no longer exists. The criteria  
24 shall provide that the amount of the decrease offered by the department under sub.  
25 (3) (c) 2. may not result in a monthly subsidized guardianship payment that is less

1 than the initial monthly subsidized guardianship payment provided for the child  
2 under sub. (1).

3 **SECTION 1332x.** 48.645 (1) (a) of the statutes is amended to read:

4 48.645 (1) (a) The child is living in a foster home licensed under s. 48.62 if a  
5 license is required under that section, in a foster home located within the boundaries  
6 of a reservation in this state and licensed by the tribal governing body of the  
7 reservation, in a group home licensed under s. 48.625, in a subsidized guardianship  
8 home under s. ~~48.62 (5)~~ 48.623, or in a residential care center for children and youth  
9 licensed under s. 48.60, and has been placed in the foster home, group home,  
10 subsidized guardianship home, or center by a county department under s. 46.215,  
11 46.22, or 46.23, by the department, or by a governing body of an Indian tribe in this  
12 state under an agreement with a county department under s. 46.215, 46.22, or 46.23.

13 **SECTION 1332y.** 48.645 (2) (a) 1. of the statutes is amended to read:

14 48.645 (2) (a) 1. A nonrelative who cares for the dependent child in a foster  
15 home having a license under s. 48.62, in a foster home located within the boundaries  
16 of a reservation in this state and licensed by the tribal governing body of the  
17 reservation or in a group home licensed under s. 48.625, a subsidized guardian or  
18 interim caretaker under s. ~~48.62 (5)~~ 48.623 who cares for the dependent child, or a  
19 minor custodial parent who cares for the dependent child, regardless of the cause or  
20 prospective period of dependency. The state shall reimburse counties pursuant to the  
21 procedure under s. 48.569 (2) and the percentage rate of participation set forth in s.  
22 48.569 (1) (d) for aid granted under this section except that if the child does not have  
23 legal settlement in the granting county, state reimbursement shall be at 100%. The  
24 county department under s. 46.215, 46.22, or 46.23 or the department under s. 48.48  
25 (17) shall determine the legal settlement of the child. A child under one year of age

1 shall be eligible for aid under this subsection irrespective of any other residence  
2 requirement for eligibility within this section.

3 **SECTION 1333.** 48.67 (intro.) of the statutes is amended to read:

4 **48.67 Rules governing child welfare agencies, child care centers,**  
5 **foster homes, group homes, shelter care facilities, and county departments.**

6 (intro.) The department shall promulgate rules establishing minimum  
7 requirements for the issuance of licenses to, and establishing standards for the  
8 operation of, child welfare agencies, child care centers, foster homes, group homes,  
9 shelter care facilities, and county departments. Those rules shall be designed to  
10 protect and promote the health, safety, and welfare of the children in the care of all  
11 licensees. The department shall consult with the department of ~~commerce~~ safety  
12 and professional services, the department of public instruction, and the child abuse  
13 and neglect prevention board before promulgating those rules. For foster homes,  
14 those rules shall include the rules promulgated under s. 48.62 (8). Those rules shall  
15 include rules that require all of the following:

16 **SECTION 1333n.** 48.685 (1) (ag) 1. b. of the statutes is amended to read:

17 48.685 (1) (ag) 1. b. A person who has, or is seeking, a license, certification or  
18 contract to operate an entity or who is receiving, or is seeking, payment under s.  
19 48.623 (6) for operating an entity.

20 **SECTION 1333p.** 48.685 (1) (b) of the statutes is amended to read:

21 48.685 (1) (b) "Entity" means a child welfare agency that is licensed under s.  
22 48.60 to provide care and maintenance for children, to place children for adoption,  
23 or to license foster homes; a foster home that is licensed under s. 48.62; an interim  
24 caretaker to whom subsidized guardianship payments are made under s. 48.623 (6);  
25 a group home that is licensed under s. 48.625; a shelter care facility that is licensed

1 under s. 938.22; a child care center that is licensed under s. 48.65 or established or  
2 contracted for under s. 120.13 (14); a child care provider that is certified under s.  
3 48.651; or a temporary employment agency that provides caregivers to another  
4 entity.

5 **SECTION 1334.** 48.685 (2) (am) 3. of the statutes is amended to read:

6 48.685 (2) (am) 3. Information maintained by the department of ~~regulation and~~  
7 ~~licensing~~ safety and professional services regarding the status of the person's  
8 credentials, if applicable.

9 **SECTION 1334c.** 48.685 (2) (am) 5. of the statutes is amended to read:

10 48.685 (2) (am) 5. Information maintained by the department of health services  
11 under this section and under ss. 48.623 (6) (b), 48.651 (2m), 48.75 (1m), and 120.13  
12 (14) regarding any denial to the person of a license, continuation or renewal of a  
13 license, certification, or a contract to operate an entity, or of payments under s. 48.623  
14 (6) for operating an entity, for a reason specified in sub. (4m) (a) 1. to 5. and regarding  
15 any denial to the person of employment at, a contract with, or permission to reside  
16 at an entity for a reason specified in sub. (4m) (b) 1. to 5. If the information obtained  
17 under this subdivision indicates that the person has been denied a license,  
18 continuation or renewal of a license, certification, a contract, payments,  
19 employment, or permission to reside as described in this subdivision, the  
20 department, a county department, an agency contracted with under s. 48.651 (2), a  
21 child welfare agency, or a school board need not obtain the information specified in  
22 subds. 1. to 4.

23 **SECTION 1335.** 48.685 (2) (b) 1. c. of the statutes is amended to read:

1           48.685 (2) (b) 1. c. Information maintained by the department of ~~regulation and~~  
2           ~~licensing safety and professional services~~ regarding the status of the person's  
3           credentials, if applicable.

4           **SECTION 1335c.** 48.685 (2) (b) 1. e. of the statutes is amended to read:

5           48.685 (2) (b) 1. e. Information maintained by the department of health  
6           services under this section and under ss. 48.623 (6) (b), 48.651 (2m), 48.75 (1m), and  
7           120.13 (14) regarding any denial to the person of a license, continuation or renewal  
8           of a license, certification, or a contract to operate an entity, or of payments under s.  
9           48.623 (6) for operating an entity, for a reason specified in sub. (4m) (a) 1. to 5. and  
10          regarding any denial to the person of employment at, a contract with, or permission  
11          to reside at an entity for a reason specified in sub. (4m) (b) 1. to 5. If the information  
12          obtained under this subd. 1. e. indicates that the person has been denied a license,  
13          continuation or renewal of a license, certification, a contract, payments,  
14          employment, or permission to reside as described in this subd. 1. e., the entity need  
15          not obtain the information specified in subd. 1. a. to d.

16          **SECTION 1335d.** 48.685 (2) (br) of the statutes is created to read:

17          48.685 (2) (br) If the person who is the subject of a search under par. (am) is  
18          seeking a license to operate a child care center under s. 48.65, certification as a child  
19          care provider under s. 48.651, or a contract under s. 120.13 (14) to operate a child care  
20          program, the department, county department, agency contracted with under s.  
21          48.651 (2), or school board shall require the person to be fingerprinted on 2  
22          fingerprint cards, each bearing a complete set of the person's fingerprints. The  
23          department of justice may provide for the submission of the fingerprint cards to the  
24          federal bureau of investigation for the purposes of verifying the identity of the person  
25          fingerprinted and obtaining records of his or her criminal arrests and convictions.

1           **SECTION 1335e.** 48.685 (2) (c) 1. of the statutes is amended to read:

2           48.685 (2) (c) 1. If the person who is the subject of the search under par. (am)  
3 is seeking an initial license to operate a foster home or is seeking relicensure after  
4 a break in licensure, the department, county department, or child welfare agency  
5 shall request under 42 USC 16962 (b) a fingerprint-based check of the national crime  
6 information databases, as defined in 28 USC 534 (f) (3) (A). If that person is seeking  
7 subsidized guardianship payments under s. 48.623 (6), the department in a county  
8 having a population of 750,000 or more or county department shall request that  
9 fingerprint-based check. The department, county department, or child welfare  
10 agency may release any information obtained under this subdivision only as  
11 permitted under 42 USC 16962 (e).

12           **SECTION 1335f.** 48.685 (2) (c) 2. of the statutes is amended to read:

13           48.685 (2) (c) 2. If the person who is the subject of the search under par. (am)  
14 is seeking a license to operate a foster home or is an adult nonclient resident of the  
15 foster home and if the person or adult nonclient resident is not, or at any time within  
16 the 5 years preceding the date of the search has not been, a resident of this state, the  
17 department, county department, or child welfare agency shall check any child abuse  
18 or neglect registry maintained by any state or other U.S. jurisdiction in which the  
19 person or adult nonclient resident is a resident or was a resident within those 5 years  
20 for information that is equivalent to the information specified in par. (am) 4. If that  
21 person is seeking subsidized guardianship payments under s. 48.623 (6) or is an  
22 adult nonclient resident of the home of that person and if the person or adult  
23 nonclient resident is not, or at any time within the 5 years preceding the date of the  
24 search has not been, a resident of this state, the department in a county having a  
25 population of 750,000 or more or county department shall conduct that child abuse

1 or neglect registry check. The department, county department, or child welfare  
2 agency may not use any information obtained under this subdivision for any purpose  
3 other than a search of the person's background under par. (am).

4 **SECTION 1335h.** 48.685 (3) (a) of the statutes is amended to read:

5 48.685 (3) (a) Subject to par. (am), every 4 years or at any time within that  
6 period that the department, a county department, or a child welfare agency considers  
7 appropriate, the department, county department, or child welfare agency shall  
8 request the information specified in sub. (2) (am) 1. to 5. for all caregivers specified  
9 in sub. (1) (ag) 1. b. who are licensed, certified, or contracted to operate an entity,or  
10 who are receiving payments under s. 48.623 (6) for operating an entity, and for all  
11 persons who are nonclient residents of such a caregiver. ~~child-child~~

12 **SECTION 1335k.** 48.685 (4m) (a) (intro.) of the statutes is amended to read:

13 48.685 (4m) (a) (intro.) Notwithstanding s. 111.335, and except as provided in  
14 par. (ad) and sub. (5), the department may not license, or continue or renew the  
15 license of, a person to operate an entity, the department in a county having a  
16 population of 500,000 or more, a county department, or an agency contracted with  
17 under s. 48.651 (2) may not certify a child care provider under s. 48.651, a county  
18 department or a child welfare agency may not license, or renew the license of, a foster  
19 home under s. 48.62, the department in a county having a population of 750,000 or  
20 more or a county department may not provide subsidized guardianship payments to  
21 an interim caretaker under s. 48.623 (6), and a school board may not contract with  
22 a person under s. 120.13 (14), if the department, county department, contracted  
23 agency, child welfare agency, or school board knows or should have known any of the  
24 following:

25 **SECTION 1336.** 48.685 (4m) (a) 5. of the statutes is amended to read:

1           48.685 (4m) (a) 5. That, in the case of a position for which the person must be  
2           credentialed by the department of ~~regulation and licensing~~ safety and professional  
3           services, the person's credential is not current or is limited so as to restrict the person  
4           from providing adequate care to a client.

5           **SECTION 1336c.** 48.685 (4m) (ad) of the statutes is amended to read:

6           48.685 (4m) (ad) The department, a county department, or a child welfare  
7           agency may license a foster home under s. 48.62; the department may license a child  
8           care center under s. 48.65; the department in a county having a population of 500,000  
9           or more, a county department, or an agency contracted with under s. 48.651 (2) may  
10          certify a child care provider under s. 48.651; the department in a county having a  
11          population of 750,000 or more or a county department may provide subsidized  
12          guardianship payments to an interim caretaker under s. 48.623 (6); and a school  
13          board may contract with a person under s. 120.13 (14), conditioned on the receipt of  
14          the information specified in sub. (2) (am) and (ar) indicating that the person is not  
15          ineligible to be licensed, certified, provided payments, or contracted with for a reason  
16          specified in par. (a) 1. to 5.

17          **SECTION 1337.** 48.685 (4m) (b) 5. of the statutes is amended to read:

18          48.685 (4m) (b) 5. That, in the case of a position for which the person must be  
19          credentialed by the department of ~~regulation and licensing~~ safety and professional  
20          services, the person's credential is not current or is limited so as to restrict the person  
21          from providing adequate care to a client.

22          **SECTION 1337c.** 48.685 (5) (a) of the statutes is amended to read:

23          48.685 (5) (a) Subject to pars. (bm) and (br), the department may license to  
24          operate an entity, the department in a county having a population of 500,000 or more,  
25          a county department, or an agency contracted with under s. 48.651 (2) may certify



1 under s. 48.651, a county department or a child welfare agency may license under  
2 s. 48.62, the department in a county having a population of 750,000 or more or a  
3 county department may provide subsidized guardianship payments under s. 48.623  
4 (6), and a school board may contract with under s. 120.13 (14) a person who otherwise  
5 may not be licensed, certified, or contracted with for a reason specified in sub. (4m)  
6 (a) 1. to 5., and an entity may employ, contract with, or permit to reside at the entity  
7 a person who otherwise may not be employed, provided payments, contracted with,  
8 or permitted to reside at the entity for a reason specified in sub. (4m) (b) 1. to 5., if  
9 the person demonstrates to the department, the county department, the contracted  
10 agency, the child welfare agency, or the school board or, in the case of an entity that  
11 is located within the boundaries of a reservation, to the person or body designated  
12 by the Indian tribe under sub. (5d) (a) 3., by clear and convincing evidence and in  
13 accordance with procedures established by the department by rule or by the tribe  
14 that he or she has been rehabilitated.

15 **SECTION 1337e.** 48.685 (5) (bm) (intro.) of the statutes is amended to read:

16 48.685 (5) (bm) (intro.) For purposes of licensing a foster home for the  
17 placement of a child on whose behalf foster care maintenance payments under s.  
18 48.62 (4) will be provided or of providing subsidized guardianship payments to an  
19 interim caretaker under s. 48.623 (6), no person who has been convicted of any of the  
20 following offenses may be permitted to demonstrate that he or she has been  
21 rehabilitated:

22 **SECTION 1339e.** 48.685 (5m) of the statutes is amended to read:

23 48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license  
24 a person to operate an entity, a county department or a child welfare agency may  
25 refuse to license a foster home under s. 48.62, the department in a county having a

1 population of 750,000 or more or a county department may refuse to provide  
2 subsidized guardianship payments to a person under s. 48.623 (6), and an entity may  
3 refuse to employ or contract with a caregiver or permit a nonclient resident to reside  
4 at the entity if the person has been convicted of an offense that is not a serious crime,  
5 but that is, in the estimation of the department, county department, child welfare  
6 agency, or entity, substantially related to the care of a client. Notwithstanding s.  
7 111.335, the department may refuse to license a person to operate a child care center,  
8 the department in a county having a population of 500,000 or more, a county  
9 department, or an agency contracted with under s. 48.651 (2) may refuse to certify  
10 a child care provider under s. 48.651, a school board may refuse to contract with a  
11 person under s. 120.13 (14), and a child care center that is licensed under s. 48.65 or  
12 established or contracted for under s. 120.13 (14) or a child care provider that is  
13 certified under s. 48.651 may refuse to employ or contract with a caregiver or permit  
14 a nonclient resident to reside at the child care center or child care provider if the  
15 person has been convicted of or adjudicated delinquent on or after his or her 12th  
16 birthday for an offense that is not a serious crime, but that is, in the estimation of  
17 the department, county department, contracted agency, school board, child care  
18 center, or child care provider, substantially related to the care of a client.

19 **SECTION 1339f.** 48.685 (6) (a) of the statutes is amended to read:

20 48.685 (6) (a) The department shall require any person who applies for  
21 issuance, continuation, or renewal of a license to operate an entity, the department  
22 in a county having a population of 500,000 or more, a county department, or an  
23 agency contracted with under s. 48.651 (2) shall require any child care provider who  
24 applies for initial certification under s. 48.651 or for renewal of that certification, a  
25 county department or a child welfare agency shall require any person who applies

1 for issuance or renewal of a license to operate a foster home under s. 48.62, the  
2 department in a county having a population of 750,000 or more or a county  
3 department shall require any person who applies for subsidized guardianship  
4 payments under s. 48.623 (6), and a school board shall require any person who  
5 proposes to contract with the school board under s. 120.13 (14) or to renew a contract  
6 under that subsection, to complete a background information form that is provided  
7 by the department.

8 **SECTION 1340.** 48.78 (2) (g) of the statutes is amended to read:

9 48.78 (2) (g) Paragraph (a) does not prohibit an agency from disclosing  
10 information about an individual in its care or legal custody on the written request  
11 of the department of ~~regulation and licensing~~ safety and professional services or of  
12 any interested examining board or affiliated credentialing board in that department  
13 for use in any investigation or proceeding relating to any alleged misconduct by any  
14 person who is credentialed or who is seeking credentialing under ch. 448, 455 or 457.  
15 Unless authorized by an order of the court, the department of ~~regulation and~~  
16 ~~licensing~~ safety and professional services and any examining board or affiliated  
17 credentialing board in that department shall keep confidential any information  
18 obtained under this paragraph and may not disclose the name of or any other  
19 identifying information about the individual who is the subject of the information  
20 disclosed, except to the extent that redisclosure of that information is necessary for  
21 the conduct of the investigation or proceeding for which that information was  
22 obtained.

23 **SECTION 1341r.** 48.975 (4) (a) of the statutes is amended to read:

24 48.975 (4) (a) Except in extenuating circumstances, as defined by the  
25 department by rule promulgated under sub. (5) (a), a written agreement to provide

1 adoption assistance shall be made prior to adoption. An agreement to provide  
2 adoption assistance may be made only for a child who, at the time of placement for  
3 adoption, is in the guardianship of the department or other agency authorized to  
4 place children for adoption, in the guardianship of an American Indian tribal agency  
5 in this state, or in a subsidized guardianship under s. ~~48.62 (5)~~ 48.623.

6 **SECTION 1341v.** 48.977 (3r) of the statutes is amended to read:

7 48.977 (3r) SUBSIDIZED GUARDIANSHIP. ~~Subject to s. 48.62 (5) (d), if a county~~  
8 ~~department or, in a county having a population of 500,000 or more, the department~~  
9 ~~has determined under s. 48.62 (5) (a) 2. that appointing a guardian under sub. (2) for~~  
10 ~~a child who does not meet the conditions specified under s. 48.62 (5) (a) 1. and~~  
11 ~~providing Subsidized guardianship payments under s. 48.623 (1) may not be made~~  
12 ~~to a guardian of a child unless a subsidized guardianship agreement under s. 48.623~~  
13 ~~(2) is entered into before the guardianship order is granted and the court either~~  
14 ~~terminates any order specified in sub. (2) (a) or dismisses any proceeding in which~~  
15 ~~the child has been adjudicated in need of protection or services as specified in sub.~~  
16 ~~(2) (a). If a child's permanency plan calls for placement of the child in the home of~~  
17 ~~a guardian and the provision of monthly subsidized guardianship payments to the~~  
18 ~~guardian are in the best interests of the child, the petitioner under sub. (4) (a) shall~~  
19 ~~include in the petition under sub. (4) (b) a statement of that determination the~~  
20 ~~determinations made under s. 48.623 (1) and a request for the court to include in the~~  
21 ~~court's findings under sub. (4) (d) a finding confirming that determination those~~  
22 ~~determinations. If the court confirms that determination and those determinations,~~  
23 ~~appoints a guardian for the child under sub. (2), and either terminates any order~~  
24 ~~specified in sub. (2) (a) or dismisses any proceeding in which the child is adjudicated~~  
25 ~~to be in need of protection or services as specified in sub. (2) (a), the county~~

1 department or, in a county having a population of 750,000 or more, department shall  
2 provide monthly subsidized guardianship payments to the guardian under s. 48.62  
3 ~~(5) 48.623 (1)~~.

4 **SECTION 1341w.** 48.977 (4) (g) 4. of the statutes is amended to read:

5 48.977 **(4)** (g) 4. If the child is an Indian child, the order of placement preference  
6 under s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c), unless the court finds good  
7 cause, as described in s. 48.028 (7) (e), for departing from that order. A strong  
8 attachment of the child to the person or a strong commitment of the person to caring  
9 permanently for the child does not, in itself, constitute good cause for departing from  
10 that order.

11 **SECTION 1342.** 48.981 (3m) (b) (intro.) of the statutes is amended to read:

12 48.981 **(3m)** (b) (intro.) The department shall establish a pilot program under  
13 which an agency in a county having a population of 500,000 or more or a county  
14 department that is selected to participate in the pilot program may employ  
15 alternative responses to a report of abuse or neglect or of threatened abuse or neglect.  
16 The department shall select ~~an agency in a county having a population of 500,000~~  
17 ~~or more and not more than 4~~ agencies and county departments to participate in the  
18 pilot program in accordance with the department's request-for-proposal procedures  
19 and according to criteria developed by the department. Those criteria shall include  
20 an assessment of the plan of an agency or county department for involving the  
21 community in providing services for a family that is participating in the pilot  
22 program and a determination of whether an agency or a county department has an  
23 agreement with local law enforcement agencies and the representative of the public  
24 under s. 48.09 to ensure interagency cooperation in implementing the pilot program.  
25 To implement the pilot program, the department shall provide all of the following:

1           **SECTION 1342e.** 48.983 (2) of the statutes is amended to read:

2           48.983 (2) FUNDS PROVIDED. (a) If a county, private agency, or Indian tribe  
3 applies and is selected by the department under sub. (5) to participate in the program  
4 under this section, the department shall award, from the appropriation under s.  
5 20.437 (1) (ab), a grant annually to be used only for the purposes specified in sub. (4)  
6 (a) and (am). The minimum amount of a grant is \$10,000. The county, private agency,  
7 or Indian tribe shall agree to match at least 25 percent of the grant amount annually  
8 in funds or in-kind contributions.

9           (b) The department shall determine the amount of a grant awarded to a county,  
10 private agency, or Indian tribe under this section in excess of the minimum amount  
11 based on the need of the county, private agency, or Indian tribe for a grant, as  
12 determined by a formula that the department shall promulgate by rule. That  
13 formula shall determine that need based on the number of births that are funded by  
14 Medical Assistance under subch. IV of ch. 49 in that county, the area in which that  
15 private agency is providing services, or the reservation of that Indian tribe and on  
16 the rate of poor birth outcomes, including infant mortality, premature births, low  
17 birth weights, and racial or ethnic disproportionality in the rates of those outcomes,  
18 in that county, the area in which that private agency is providing services, or the  
19 reservation of that Indian tribe.

20           **SECTION 1342f.** 48.983 (2) (c) of the statutes is created to read:

21           48.983 (2) (c) The department shall allocate 10 percent of the funds available  
22 from the appropriation account under s. 20.437 (1) (ab) in each fiscal year for grants  
23 under this section to counties, private agencies, or Indian tribes that have not  
24 previously received those grants.

25           **SECTION 1346.** 49.143 (2r) of the statutes is amended to read:

1           49.143 (2r) JOB PROGRAMS. A Wisconsin Works agency shall collaborate with  
2 the local workforce development board to connect individuals seeking employment  
3 with employment opportunities, including the trial job program under s. 49.147 (3)  
4 and, if operating in the geographical area in which the Wisconsin Works agency  
5 administers Wisconsin Works, the transitional jobs demonstration project under s.  
6 49.162.

7           **SECTION 1347c.** 49.147 (2) (a) 1. of the statutes is amended to read:

8           49.147 (2) (a) 1. An individual who applies for a Wisconsin works Works  
9 employment position may be required by the Wisconsin works Works agency to  
10 search for unsubsidized employment during the period that his or her application is  
11 being processed as a condition of eligibility. A participant in a Wisconsin works  
12 Works employment position or who is receiving case management services under par.  
13 (am) shall search for unsubsidized employment throughout his or her participation.  
14 The department shall define by rule satisfactory search efforts for unsubsidized  
15 employment.

16           **SECTION 1347d.** 49.147 (2) (a) 2. of the statutes is amended to read:

17           49.147 (2) (a) 2. A Wisconsin works Works agency may require an applicant for  
18 a Wisconsin works Works employment position to participate in job orientation  
19 during the period that his or her application is being processed as a condition of  
20 eligibility. A Wisconsin works Works agency may require a participant in a  
21 Wisconsin works Works employment position or who is receiving case management  
22 services under par. (am) to engage in training activities in accordance with rules  
23 promulgated by the department as part of the participant's participation  
24 requirements.

25           **SECTION 1347e.** 49.147 (2) (am) of the statutes is created to read:

1           49.147 (2) (am) *Case management services.* 1. In lieu of placing the individual  
2 in a Wisconsin Works employment position under subs. (3) to (5), a Wisconsin Works  
3 agency may provide case management services, which may include those services  
4 specified in s. 49.1475, to an individual who applies for a Wisconsin Works  
5 employment position if the Wisconsin Works agency determines all of the following:

6           a. The individual meets the eligibility requirements under s. 49.145 (2) and (3).

7           b. The individual is willing to work and has no barriers to employment that  
8 cannot be addressed with Wisconsin Works services.

9           c. The individual is job-ready, based on the individual's employment history or  
10 education.

11           d. The most appropriate placement for the individual is in unsubsidized  
12 employment.

13           2. A Wisconsin Works agency shall, every 30 days, review the provision of case  
14 management services to an individual under this paragraph, if the individual is not  
15 successful in obtaining unsubsidized employment after legitimate efforts to secure  
16 employment, to determine whether the individual should be placed in a trial job,  
17 community service job, or transitional placement. The department shall promulgate  
18 rules that specify the criteria for the review process under this subdivision.

19           **SECTION 1347f.** 49.147 (2) (b) of the statutes is amended to read:

20           49.147 (2) (b) *Job search assistance.* A Wisconsin ~~works~~ Works agency shall  
21 assist a participant in his or her search for unsubsidized employment. In  
22 determining an appropriate placement for a participant, a Wisconsin ~~works~~ Works  
23 agency shall give priority to placement in unsubsidized employment and providing  
24 case management services under par. (am) over placements under subs. (3) to (5).

25           **SECTION 1348.** 49.147 (3) (c) of the statutes is created to read:



1           49.147 (3) (c) *Time-limited participation.* A participant under this subsection  
2 may participate in a trial job for a maximum of 3 months, with an opportunity for a  
3 3-month extension under circumstances determined by the Wisconsin Works  
4 agency. A participant may participate in more than one trial job, but may not exceed  
5 a total of 24 months of participation under this subsection. The months need not be  
6 consecutive. The department or, with the approval of the department, the Wisconsin  
7 Works agency may grant an extension of the 24-month limit on a case-by-case basis  
8 if the participant has made all appropriate efforts to find unsubsidized employment  
9 and has been unable to find unsubsidized employment because local labor market  
10 conditions preclude a reasonable job opportunity for that participant, as determined  
11 by a Wisconsin Works agency and approved by the department.

12           **SECTION 1349.** 49.147 (4) (as) of the statutes is amended to read:

13           49.147 (4) (as) *Required hours.* Except as provided in pars. (at) and (av) and  
14 sub. (5m), a Wisconsin Works agency shall require a participant placed in a  
15 community service job program to work in a community service job for the number  
16 of hours determined by the Wisconsin Works agency to be appropriate for the  
17 participant at the time of application or review and may require a participant to  
18 participate in education or training activities for not more than 10 hours per week,  
19 except that the Wisconsin Works agency may not require a participant under this  
20 subsection to spend more than 40 hours per week in combined activities under this  
21 subsection.

22           **SECTION 1350.** 49.147 (4) (b) of the statutes is created to read:

23           49.147 (4) (b) *Time-limited participation.* An individual may participate in a  
24 community service job for a maximum of 6 months, with an opportunity for a  
25 3-month extension under circumstances approved by the department. An individual

1 may participate in more than one community service job, but may not exceed a total  
2 of 24 months of participation under this subsection. The months need not be  
3 consecutive. The department or, with the approval of the department, the Wisconsin  
4 Works agency may grant an extension to the 24-month limit on a case-by-case basis  
5 if the Wisconsin Works agency determines that the individual has made all  
6 appropriate efforts to find unsubsidized employment and has been unable to find  
7 unsubsidized employment because local labor market conditions preclude a  
8 reasonable employment opportunity in unsubsidized employment for that  
9 participant, as determined by a Wisconsin Works agency and approved by the  
10 department, and if the Wisconsin Works agency determines, and the department  
11 agrees, that no trial job opportunities are available in the specified local labor  
12 market.

13 **SECTION 1351.** 49.147 (5) (b) (intro.) of the statutes is renumbered 49.147 (5)

14 (b) 1. (intro.) and amended to read:

15 49.147 (5) (b) 1. (intro.) The Wisconsin ~~works~~ Works agency shall assign a  
16 participant under this subsection to work activities such as a community  
17 rehabilitation program, as defined by the department, a job similar to a community  
18 service job, or a volunteer activity. A Wisconsin ~~works~~ Works agency may require a  
19 participant under this subsection to participate in any of the following:

20 **SECTION 1352.** 49.147 (5) (b) 1m. of the statutes is renumbered 49.147 (5) (b)

21 1. a. and amended to read:

22 49.147 (5) (b) 1. a. An alcohol and other drug abuse evaluation, assessment, and  
23 treatment program.

24 **SECTION 1353.** 49.147 (5) (b) 2. of the statutes is created to read: