



TODAY

State of Wisconsin
2015-2016 LEGISLATURE

IN 11/27
DNOTE



LRB-0407/P1
GMM:cjs:jm

P2
RMR

stays

DOA:.....Major, BB0104 – Juvenile justice structure

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

do NOT gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

Current law requires DOC to supervise the administration of juvenile delinquency-related services, to allocate to counties various state and federal moneys to pay for those services (commonly referred to as “youth aids”), to develop standards for the development and delivery of those services, and to provide consultation and technical assistance to counties in the implementation and delivery of those services. Current law also requires each county annually to submit its final budget for those services to DOC and to enter into a contract with DOC for the allocation of youth aids moneys. In addition, current law requires all juvenile delinquency-related services purchased by a county to meet standards established by DOC and requires contracts for the purchase of those services to be written in accordance with rules and procedures established by DOC. Finally, current law defines “department,” for purposes of administration of the Juvenile Justice Code, to mean DOC.

This bill sets the amounts of youth aids to be allocated to counties in the 2015-17 fiscal biennium. The bill also, effective on January 1, 2016, transfers from DOC to DCF the responsibility for allocating youth aids to counties and for supervising the administration of community-based juvenile delinquency-related services, which the bill defines as juvenile delinquency-related services other than

juvenile correctional services provided for juveniles who are being held in a juvenile detention facility or who have been adjudged delinquent, placed under the supervision of DOC, and placed in a juvenile correctional facility, the Serious Juvenile Offender Program, or on aftercare supervision administered by DOC. As such, the bill transfers from DOC to DCF the responsibility for developing standards for the development and delivery of community-based juvenile delinquency-related services and for providing consultation and technical assistance to counties in the implementation and delivery of those services. In addition, the bill requires each county annually to submit its final budget for community-based juvenile delinquency-related services to DCF and to enter into a contract with DCF for the allocation of youth aids moneys, requires all community-based juvenile delinquency-related services purchased by a county to meet standards established by DCF, and requires contracts for the purchase of those services to be written in accordance with rules and procedures established by DCF. Finally, the bill redefines “department,” for purposes of administration of the Juvenile Justice Code, to mean DCF, except with respect to juvenile correctional services provided by DOC.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.410 (3) (cd) of the statutes is renumbered 20.437 (1) (cj) and
2 amended to read:

3 20.437 (1) (cj) *Community youth and family aids.* The amounts in the schedule
4 ~~plus the amounts transferred from the appropriation account under par. (eg) for the~~
5 improvement and provision of community-based juvenile delinquency-related
6 services under s. 48.526 and juvenile correctional services under s. 301.26 and for
7 reimbursement to counties having a population of less than ~~500,000~~ 750,000 for the
8 cost of court attached intake services as provided in s. 938.06 (4). Disbursements
9 may be made from this appropriation account under s. ~~301.085~~ 49.32 (2). Refunds
10 received relating to payments made under s. ~~301.085~~ 49.32 (2) shall be returned to
11 this appropriation account. ~~All moneys transferred from the appropriation account~~
12 ~~under par. (eg) shall be credited to this appropriation account.~~ Notwithstanding ss.

1 20.001 (3) (a) and 20.002 (1), the department of ~~corrections~~ children and families may
2 transfer moneys under this paragraph between fiscal years. Except for moneys
3 authorized for transfer under s. ~~301.26~~ 48.526 (3), all moneys from this paragraph
4 allocated under s. ~~301.26~~ 48.526 (3) and not spent or encumbered by counties by
5 December 31 of each year shall lapse into the general fund on the succeeding January
6 1. The joint committee on finance may transfer additional moneys to the next
7 calendar year.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

****NOTE: I can find no authority in the statutes for the transfer of moneys from the serious juvenile offender appropriation to the youth aids appropriation. Indeed, it would be unusual to transfer moneys from one GPR appropriation to another. Ordinarily, transfers are made to a PR appropriation.

8 **SECTION 2.** 20.410 (3) (f) of the statutes is renumbered 20.437 (1) (cm) and
9 amended to read:

10 20.437 (1) (cm) *Community intervention program.* The amounts in the
11 schedule for the community intervention program under s. ~~301.263~~ 48.528.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 **SECTION 3.** 20.410 (3) (ko) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13 **SECTION 4.** 20.410 (3) (kp) of the statutes is renumbered 20.437 (1) (kp) and
14 amended to read:

15 20.437 (1) (kp) *Indian juvenile Interagency and intra-agency aids; tribal*
16 *delinquency placements.* The amounts in the schedule to be used for unexpected or
17 unusually high-cost out-of-home care placements of Indian juveniles who have
18 been adjudicated delinquent by tribal courts. All moneys transferred from the
19 appropriation account under s. 20.505 (8) (hm) 21d. shall be credited to this

1 appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered
2 balance on June 30 of each year shall revert to the appropriation account under s.
3 20.505 (8) (hm).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 5.** 20.437 (1) (kz) of the statutes is amended to read:

5 20.437 (1) (kz) *Interagency and intra-agency aids; tribal placements and*
6 *guardianships.* The amounts in the schedule to be used for unexpected or unusually
7 high-cost out-of-home care placements of Indian children by tribal courts, other
8 than placements to which par. (kp) applies, and for subsidized guardianship
9 payments under s. 48.623 (1) or (6) for guardianships of Indian children ordered by
10 tribal courts. All moneys transferred from the appropriation account under s. 20.505
11 (8) (hm) 21. shall be credited to this appropriation account. Notwithstanding s.
12 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the
13 appropriation account under section 20.505 (8) (hm).

14 **SECTION 6.** 20.437 (1) (o) of the statutes is amended to read:

15 20.437 (1) (o) *Federal aid; children, youth, and family aids.* All federal moneys
16 received in amounts pursuant to allocation plans developed by the department for
17 the provision or purchase of services authorized under ~~par.~~ pars. (b) and (cj) and all
18 federal moneys received as child welfare funds under 42 USC 620 to 626 for projects
19 and services as limited under s. 48.985. Disbursements from this appropriation may
20 be made directly to counties for services to children and families under s. 49.32 (2)
21 (b) or 49.325 or directly to counties in accordance with federal requirements for the
22 disbursal of federal funds.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 **SECTION 7.** 20.505 (8) (hm) 21d. of the statutes is amended to read:

2 20.505 (8) (hm) 21d. The amount transferred to s. ~~20.410 (3)~~ 20.437 (1) (kp)

3 shall be the amount in the schedule under s. ~~20.410 (3)~~ 20.437 (1) (kp).

4 **SECTION 8.** 46.011 (1) of the statutes is renumbered 46.011 (1e).

5 **SECTION 9.** 46.011 (1c) of the statutes is created to read:

6 46.011 (1c) “Community-based juvenile delinquency-related services” means
7 juvenile delinquency-related services provided under ch. 938 other than juvenile
8 correctional services.

9 **SECTION 10.** 46.011 (1p) of the statutes is created to read:

10 46.011 (1p) “Juvenile correctional services” means services provided for a
11 juvenile who is being held in a juvenile detention facility or who is under the
12 supervision of the department of corrections under s. 938.183, 938.34 (4h), (4m), or
13 (4n), or 938.357 (4). (c a)

14 **SECTION 11.** 46.03 (18) (a) of the statutes is amended to read:

15 46.03 (18) (a) Except as provided in s. 46.10 (14) (b) and (c), the department
16 shall establish a uniform system of fees for services provided or purchased by the
17 department, or a county department under s. 46.215, 46.22, 51.42, or 51.437, except
18 for services provided under ch. 48 and subch. III of ch. 49; community-based juvenile
19 delinquency-related services; juvenile correctional services; services provided to
20 courts; and outreach, information, and referral services; or when, as determined by
21 the department, a fee is administratively unfeasible or would significantly prevent
22 accomplishing the purpose of the service. A county department under s. 46.215,
23 46.22, 51.42, or 51.437 shall apply the fees that it collects under this program to cover
24 the cost of those services.

25 **SECTION 12.** 46.03 (20) (a) of the statutes is amended to read:

1 46.03 (20) (a) ~~Except for payments provided under ch. 48 or subch. III of ch. 49,~~
2 the The department may make payments directly to recipients of public assistance
3 or to ~~such~~ persons authorized to receive ~~such~~ those payments in accordance with law
4 and rules of the department on behalf of the counties. ~~Except for payments provided~~
5 ~~under ch. 48 or subch. III of ch. 49, the~~ The department may charge the counties for
6 the cost of operating public assistance systems ~~which~~ that make ~~such~~ those
7 payments.

8 **SECTION 13.** 46.206 (1) (a) of the statutes is amended to read:

9 46.206 (1) (a) The department shall supervise the administration of social
10 services, except as for social services provided under ch. 48 and subch. III of ch. 49
11 ~~and except for, community-based juvenile delinquency-related services, and~~
12 juvenile correctional services. The department shall submit to the federal
13 authorities state plans for the administration of social services, except as for social
14 services provided under ch. 48 and subch. III of ch. 49 ~~and except for,~~
15 community-based juvenile delinquency-related services, and juvenile correctional
16 services, in such form and containing such information as the federal authorities
17 require, and shall comply with all requirements prescribed to ensure their
18 correctness.

19 **SECTION 14.** 46.206 (2) of the statutes is amended to read:

20 46.206 (2) The county administration of all laws relating to social services,
21 ~~except with respect to the programs under ch. 48 and subch. III of ch. 49 and to~~
22 ~~juvenile delinquency-related programs,~~ shall be vested in the officers and agencies
23 designated in the statutes.

24 **SECTION 15.** 46.215 (1) (d) of the statutes is amended to read:

1 46.215 (1) (d) To make investigations that relate to services under subchs. IV
2 and V of ch. 49 upon request by the department of health services, to make
3 investigations that relate to juvenile delinquency–related correctional services at
4 the request of the department of corrections, and to make investigations that relate
5 to programs under ch. 48 and subch. III of ch. 49 or to community–based juvenile
6 delinquency–related services upon request by the department of children and
7 families.

8 **SECTION 16.** 46.215 (2) (a) 1. of the statutes is amended to read:

9 46.215 (2) (a) 1. In order to ensure the availability of a full range of care and
10 services, the county department of social services may contract, either directly or
11 through the department of health services, with public or voluntary agencies or
12 others to purchase, in full or in part, care and services, except as provided under
13 subch. III of ch. 49 and s. 301.08 (2), ~~which~~ and except for community–based juvenile
14 delinquency–related services, that the county department of social services is
15 authorized by any statute to furnish in any manner. ~~This~~ That care and ~~these~~ those
16 services may be purchased from the department of health services if the department
17 of health services has staff to furnish ~~the~~ that care and those services. If the county
18 department of social services has adequate staff, it may sell ~~the~~ that care and those
19 services directly to another county or state agency.

20 **SECTION 17.** 46.215 (2) (a) 2. of the statutes is amended to read:

21 46.215 (2) (a) 2. In order to ensure the availability of a full range of care and
22 services, the county department of social services may contract, either directly or
23 through the department of children and families, with public or voluntary agencies,
24 or others to purchase, in full or in part, care and services under ch. 48 and subch. III
25 of ch. 49 ~~which~~ and community–based juvenile delinquency–related services that the

1 county department of social services is authorized to furnish. ~~This~~ That care and
2 ~~these~~ those services may be purchased from the department of children and families
3 if the department of children and families has staff to furnish ~~the~~ that care and those
4 services. If the county department of social services has adequate staff, it may sell
5 ~~the~~ that care and those services directly to another county or state agency.

6 **SECTION 18.** 46.215 (2) (a) 3. of the statutes is amended to read:

7 46.215 (2) (a) 3. In order to ensure the availability of a full range of care and
8 services, the county department of social services may contract, either directly or
9 through the department of corrections, with public or voluntary agencies, or others
10 to purchase, in full or in part, ~~juvenile delinquency-related care and services which~~
11 correctional services that the county department of social services is authorized by
12 any statute to furnish in any manner. ~~Such~~ That care and those services may be
13 purchased from the department of corrections if the department of corrections has
14 staff to furnish ~~the~~ that care and those services. If the county department of social
15 services has adequate staff, it may sell ~~the~~ that care and those services directly to
16 another county or state agency.

17 **SECTION 19.** 46.215 (2) (c) 1. of the statutes is amended to read:

18 46.215 (2) (c) 1. A county department of social services shall develop, under the
19 requirements of s. 46.036, plans and contracts for the purchase of care and services
20 ~~to be purchased~~, except for care and services under subch. III of ch. 49 or s. 301.08
21 (2) and community-based juvenile delinquency-related services. The department
22 of health services may review the contracts and approve them if they are consistent
23 with s. 46.036 and if state or federal funds are available for such those purposes. The
24 joint committee on finance may require the department of health services to submit
25 the contracts to the committee for review and approval. The department of health

1 services may not make any payments to a county for programs included in a contract
2 under review by the committee. The department of health services shall reimburse
3 each county for the contracts from the appropriations under s. 20.435 (7) (b) and (o),
4 as appropriate, under s. 46.495.

5 **SECTION 20.** 46.215 (2) (c) 2. of the statutes is amended to read:

6 46.215 (2) (c) 2. A county department of social services shall develop, under the
7 requirements of s. 49.34, plans and contracts for the purchase of care and services
8 to be purchased under ch. 48 and subch. III of ch. 49 and of community-based
9 juvenile delinquency-related services. The department of children and families may
10 review the contracts and approve them if they are consistent with s. 49.34 and if state
11 or federal funds are available for ~~such~~ those purposes. The joint committee on
12 finance may require the department of children and families to submit the contracts
13 to the committee for review and approval. The department of children and families
14 may not make any payments to a county for programs included in a contract under
15 review by the committee.

16 **SECTION 21.** 46.215 (2) (c) 3. of the statutes is amended to read:

17 46.215 (2) (c) 3. A county department of social services shall develop, under the
18 requirements of s. 301.08 (2), plans and contracts for ~~juvenile delinquency-related~~
19 ~~care and services to be purchased~~ the purchase of juvenile correctional services. The
20 department of corrections may review the contracts and approve them if they are
21 consistent with s. 301.08 (2) and if state or federal funds are available for such
22 purposes. The joint committee on finance may require the department of corrections
23 to submit the contracts to the committee for review and approval. The department
24 of ~~corrections~~ children and families may not make any payments under s. 48.526
25 a county for programs included in a contract under review by the committee. The

1 department of corrections shall request the department of children and families to
2 reimburse each county for the contracts from the appropriations under s. 20.410 (3)
3 (ed) and (ke) 20.437 (1) (cj) and (o) as appropriate.

4 SECTION 22. 46.22 (1) (b) 1. b. of the statutes is amended to read:

5 46.22 (1) (b) 1. b. To make investigations ~~which~~ that relate to welfare services,
6 except as for welfare services provided under ch. 48 and subch. III of ch. 49,
7 community-based juvenile delinquency-related services, and juvenile correctional
8 services, upon request by the department of health services.

9 SECTION 23. 46.22 (1) (b) 2. a. of the statutes is created to read:

10 46.22 (1) (b) 2. a. To administer community-based juvenile
11 delinquency-related services under s. 48.526.

12 SECTION 24. 46.22 (1) (b) 2. c. of the statutes is amended to read:

13 46.22 (1) (b) 2. c. To make investigations as provided under ch. 48 and subch.
14 III of ch. 49 and investigations relating to community-based juvenile
15 delinquency-related services upon request by the department of children and
16 families.

17 SECTION 25. 46.22 (1) (b) 5m. a. of the statutes is amended to read:

18 46.22 (1) (b) 5m. a. To administer juvenile delinquency-related correctional
19 services under s. 301.26.

20 SECTION 26. 46.22 (1) (b) 5m. c. of the statutes is amended to read:

21 46.22 (1) (b) 5m. c. To make investigations relating to juvenile
22 delinquency-related correctional services upon request by the department of
23 corrections.

24 SECTION 27. 46.22 (1) (e) 3. a. of the statutes is amended to read:

1 46.22 (1) (e) 3. a. A county department of social services shall develop, under
2 the requirements of s. 46.036, plans and contracts for the purchase of care and
3 services, except for care and services provided under ch. 48, subch. III of ch. 49, and
4 s. 301.08 (2), to be purchased and community-based juvenile delinquency-related
5 services. The department of health services may review the contracts and approve
6 them if they are consistent with s. 46.036 and to the extent that state or federal funds
7 are available for ~~such~~ those purposes. The joint committee on finance may require
8 the department of health services to submit the contracts to the committee for review
9 and approval. The department of health services may not make any payments to a
10 county for programs included in the contract that is under review by the committee.
11 The department of health services shall reimburse each county for the contracts from
12 the appropriations under s. 20.435 (7) (b) and (o) according to s. 46.495.

13 **SECTION 28.** 46.22 (1) (e) 3. b. of the statutes is amended to read:

14 46.22 (1) (e) 3. b. A county department of social services shall develop, under
15 the requirements of s. 49.34, plans and contracts for the purchase of care and services
16 under ch. 48 and subch. III of ch. 49 to be purchased and of community-based
17 juvenile delinquency-related services. The department of children and families may
18 review the contracts and approve them if they are consistent with s. 49.34 and to the
19 extent that state or federal funds are available for such purposes. The joint
20 committee on finance may require the department of children and families to submit
21 the contracts to the committee for review and approval. The department of children
22 and families may not make any payments to a county for programs included in the
23 contract that is under review by the committee.

24 **SECTION 29.** 46.22 (1) (e) 3. c. of the statutes is amended to read:

1 46.22 (1) (e) 3. c. A county department of social services shall develop, under
2 the requirements of s. 301.08 (2), plans and contracts for the purchase of juvenile
3 delinquency-related care and services to be purchased correctional services. The
4 department of corrections may review the contracts and approve them if they are
5 consistent with s. 301.08 (2) and to the extent that state or federal funds are available
6 for such those purposes. The joint committee on finance may require the department
7 of corrections to submit the contracts to the committee for review and approval. The
8 department of ~~corrections~~ children and families may not make any payments under
9 s. 48.526 to a county for programs included in the contract that is under review by
10 the committee. The department of ~~corrections~~ shall ~~request the department of~~
11 children and families ~~to~~ reimburse each county for the contracts from the
12 appropriations under s. ~~20.410 (3) (ed) and (ke)~~ 20.437 (1) (cj) and (o) as appropriate.

13 **SECTION 30.** 46.22 (2g) (d) of the statutes is renumbered 46.22 (2g) (d) (intro.)
14 and amended to read:

15 46.22 (2g) (d) (intro.) Prepare, with the assistance of the county social services
16 director under sub. (3m) (b) 5., ~~a~~ all of the following:

17 1. A proposed budget for submission to the county executive or county
18 administrator, ~~a~~

19 2. A final budget for submission to the department of health services in
20 accordance with s. 46.031 (1) for authorized services, except services under ch. 48,
21 subch. III of ch. 49, or s. 301.08 (2), ~~a~~ and authorized community-based juvenile
22 delinquency-related services.

23 3. A final budget for submission to the department of children and families in
24 accordance with s. 49.325 for authorized services under ch. 48 and subch. III of ch.
25 49, ~~and a~~ and authorized community-based juvenile delinquency-related services.

1 4. A final budget for submission to the department of corrections in accordance
2 with s. 301.031 (1) for authorized juvenile ~~delinquency-related~~ correctional services.

3 **SECTION 31.** 46.23 (5) (a) 1. of the statutes is amended to read:

4 46.23 (5) (a) 1. Shall determine administrative and program policies, except as
5 provided under ch. 48 and subch. III of ch. 49 and except for policies relating to
6 community-based juvenile delinquency-related policies, services or to juvenile
7 correctional services, within limits established by the department of health services.
8 Policy decisions, except as provided under ch. 48 and subch. III of ch. 49 and except
9 for policy decisions relating to community-based juvenile delinquency-related
10 policies, services or to juvenile correctional services, that are not reserved by statute
11 for the department of health services may be delegated by the secretary to the county
12 human services board.

13 **SECTION 32.** 46.23 (5) (a) 2. of the statutes is amended to read:

14 46.23 (5) (a) 2. Shall determine administrative and program policies under ch.
15 48 and subch. III of ch. 49 and administrative and program policies relating to
16 community-based juvenile delinquency-related services within limits established
17 by the department of children and families. Policy decisions under ch. 48 and subch.
18 III of ch. 49 and policy decisions relating to community-based juvenile
19 delinquency-related services that are not reserved by statute for the department of
20 children and families may be delegated by the secretary of children and families to
21 the county human services board.

22 **SECTION 33.** 46.23 (5) (a) 3. of the statutes is amended to read:

23 46.23 (5) (a) 3. Shall determine ~~juvenile delinquency-related~~ administrative
24 programs and policies relating to juvenile correctional services within limits
25 established by the department of corrections. ~~Juvenile delinquency-related policy~~

1 Policy decisions relating to juvenile correctional services that are not reserved by
2 statute for the department of corrections may be delegated by the secretary of
3 corrections to the county human services board.

4 **SECTION 34.** 46.23 (5) (c) 1. of the statutes is amended to read:

5 46.23 (5) (c) 1. Shall determine whether state mandated services, except for
6 services under ch. 48 and subch. III of ch. 49, community-based juvenile
7 delinquency-related services, and juvenile delinquency-related correctional
8 services, are provided ~~or~~ by, purchased from, or contracted for with local providers,
9 and monitor the performance of such those contracts. Purchase of services contracts
10 shall be subject to the conditions specified in s. 46.036.

11 **SECTION 35.** 46.23 (5) (c) 2. of the statutes is amended to read:

12 46.23 (5) (c) 2. Shall determine whether state mandated services under ch. 48
13 and subch. III of ch. 49 and state-mandated community-based juvenile
14 delinquency-related services are provided ~~or~~ by, purchased from, or contracted for
15 with local providers, and monitor the performance of such those contracts. Purchase
16 of services contracts shall be subject to the conditions specified in s. 49.34.

17 **SECTION 36.** 46.23 (5) (c) 3. of the statutes is amended to read:

18 46.23 (5) (c) 3. Shall determine whether state mandated juvenile
19 delinquency-related correctional services are provided ~~or~~ by, purchased from, or
20 contracted for with local providers, and monitor the performance of such those
21 contracts. Purchase of service contracts shall be subject to the conditions specified
22 in s. 301.031.

23 **SECTION 37.** 46.23 (5) (n) 1. of the statutes is amended to read:

24 46.23 (5) (n) 1. Shall submit a final budget in accordance with s. 46.031 (1) for
25 authorized services, except for services under ch. 48 and subch. III of ch. 49,

1 community-based juvenile delinquency-related services, and juvenile
2 delinquency-related correctional services. Notwithstanding the categorization of or
3 limits specified for funds allocated under s. 46.495 or 51.423 (2), with the approval
4 of the department of health services the county human services board may expend
5 ~~these~~ those funds consistent with any service provided under s. 46.495 or 51.42.

6 **SECTION 38.** 46.23 (5) (n) 2. of the statutes is amended to read:

7 46.23 (5) (n) 2. Shall submit a final budget in accordance with s. 49.325 (1) for
8 authorized services under ch. 48 and subch. III of ch. 49 and for authorized
9 community-based juvenile delinquency-related services. Notwithstanding the
10 categorization of or limits specified for funds allocated under s. 48.569, with the
11 approval of the department of children and families the county human services board
12 may expend ~~these~~ those funds consistent with any service provided under s. 48.569.

13 **SECTION 39.** 46.23 (5) (n) 3. of the statutes is amended to read:

14 46.23 (5) (n) 3. Shall submit a final budget in accordance with s. 301.031 (1) for
15 authorized juvenile ~~delinquency-related~~ correctional services.

16 **SECTION 40.** 46.23 (5m) (c) of the statutes is amended to read:

17 46.23 (5m) (c) Prepare, with the assistance of the county human services
18 director under sub. (6m) (e), a proposed budget for submission to the county executive
19 or county administrator; a final budget for submission to the department of health
20 services in accordance with s. 46.031 (1) for authorized services, except services
21 under ch. 48 and subch. III of ch. 49 ~~and~~, community-based juvenile
22 delinquency-related services, and juvenile correctional services; a final budget for
23 submission to the department of children and families in accordance with s. 49.325
24 for authorized services under ch. 48 and subch. III of ch. 49, and for authorized
25 community-based juvenile delinquency-related services; and a final budget for

1 submission to the department of corrections in accordance with s. 301.031 for
2 authorized juvenile ~~delinquency-related~~ correctional services.

3 **SECTION 41.** 46.23 (6) (a) (intro.) of the statutes is amended to read:

4 46.23 (6) (a) (intro.) A county human services director appointed under sub. (5)
5 (f) shall have all of the administrative and executive powers and duties of managing,
6 operating, maintaining, and improving the services and programs of the county
7 department of human services. Those powers and duties are subject to the rules
8 promulgated by the department of health services for programs, except that, with
9 respect to services or programs under ch. 48 and subch. III of ch. 49 and
10 community-based juvenile delinquency-related services or programs, those powers
11 and duties are subject to the rules promulgated by the department of children and
12 families for ~~services or programs under ch. 48 and subch. III of ch. 49, and, with~~
13 respect to juvenile correctional services or programs, those powers and duties are
14 subject to the rules promulgated by the department of corrections for ~~juvenile~~
15 ~~delinquency-related services or programs~~. In consultation with the county human
16 services board under sub. (5) and subject to its approval, the county human services
17 director shall prepare all of the following:

18 **SECTION 42.** 48.47 (10) of the statutes is created to read:

19 48.47 (10) DELINQUENT JUVENILES. Subject to sub. 301.03 (9) ~~(9)~~ and (10),
20 execute the laws relating to the detention, reformation, and correction of delinquent
21 juveniles and promote the enforcement of laws for the protection of those juveniles
22 by doing all of the following:

23 (a) Cooperating with courts, the department of corrections, county
24 departments, licensed child welfare agencies, and institutions in providing

1 community-based programming, including in-home programming and intensive
2 supervision, for delinquent juveniles.

3 (b) Establishing and enforcing standards for the development and delivery of
4 services provided by the department under ch. 938 in regard to juveniles who have
5 been adjudicated delinquent.

6 **SECTION 43.** 48.48 (1) of the statutes is amended to read:

7 48.48 (1) To promote the enforcement of the laws relating to nonmarital
8 children, delinquent juveniles, children and juveniles in need of protection or
9 services, including developmentally disabled children, and unborn children in need
10 of protection or services and to take the initiative in all matters involving the
11 interests of those children, juveniles, and unborn children when adequate provision
12 for those interests is not made. This duty shall be discharged in cooperation with the
13 courts, the department of corrections, county departments, licensed child welfare
14 agencies ~~and with~~, parents, expectant mothers, and other individuals interested in
15 the welfare of children, juveniles, and unborn children.

16 **SECTION 44.** 48.48 (4) of the statutes is amended to read:

17 48.48 (4) In order to discharge more effectively its responsibilities under this
18 chapter and other relevant provisions of the statutes, to study causes and methods
19 of prevention and treatment of problems among children and families, delinquency,
20 and related social problems. The department may utilize all powers provided by the
21 statutes, including the authority to accept grants of money or property from federal,
22 state, or private sources, and enlist the cooperation of other appropriate agencies and
23 state departments.

24 **SECTION 45.** 48.48 (8p) of the statutes is amended to read:

1 48.48 (8p) To reimburse tribes and county departments, from the
2 appropriation under s. 20.437 (1) (kz), for unexpected or unusually high-cost
3 out-of-home care placements of Indian children by tribal courts, other than
4 placements to which sub. (8r) applies, and for subsidized guardianship payments
5 under s. 48.623 (1) or (6) for guardianships of Indian children ordered by tribal
6 courts. In this subsection, “unusually high-cost out-of-home care placements”
7 means the amount by which the cost to a tribe or to a county department of
8 out-of-home care placements of Indian children by tribal courts, other than
9 placements to which sub. (8r) applies, exceeds \$50,000 in a fiscal year.

10 **SECTION 46.** 48.526 (title) of the statutes is created to read:

11 **48.526 (title) Community youth and family aids.**

12 **SECTION 47.** 48.526 (1) of the statutes is created to read:

13 48.526 (1) PROCEDURES. The department shall develop procedures for the
14 implementation of this section and standards for the development and delivery of
15 community-based juvenile delinquency-related services, as defined in s. 46.011 (1c),
16 and shall provide consultation and technical assistance to aid counties in the
17 implementation and delivery of those services. The department shall establish
18 information systems and monitoring and evaluation procedures to report
19 periodically to the governor and legislature on the statewide impact of this section.

20 **SECTION 48.** 48.985 (3) of the statutes is amended to read:

21 48.985 (3) COMMUNITY YOUTH AND FAMILY AIDS. From the appropriation account
22 under s. ~~20.410 (3) (k)~~ 20.437 (1) (o), the department of corrections shall allocate,
23 to county departments under ss. 46.215, 46.22, and 46.23 for the provision of services
24 under s. ~~301.26~~ 48.526, not more than \$1,100,000 in each fiscal year.

25 **SECTION 49.** 49.11 (1) of the statutes is renumbered 49.11 (1e).

16 Insert
17
18
19

1 **SECTION 50.** 49.11 (1c) of the statutes is created to read:

2 49.11 (1c) “Community-based juvenile delinquency-related services” means
3 juvenile delinquency-related services provided under ch. 938 other than services
4 provided for a juvenile who is being held in a juvenile detention facility or who is
5 under the supervision of the department of corrections under s. 938.183, 938.34 (4h),
6 (4m), or (4n), or 938.357 (4). (a)

7 **SECTION 51.** 49.275 of the statutes is amended to read:

8 **49.275 Cooperation with federal government.** The department may
9 cooperate with the federal government in carrying out federal acts concerning public
10 assistance under this subchapter ~~and~~, child welfare under ch. 48, and
11 community-based juvenile delinquency-related services under ch. 938 and in other
12 matters of mutual concern ~~under this subchapter~~ pertaining to public welfare ~~and~~
13 ~~under ch. 48 pertaining to~~, child welfare, and juvenile delinquency under this
14 subchapter and chs. 48 and 938.

15 **SECTION 52.** 49.32 (1) (a) of the statutes is amended to read:

16 49.32 (1) (a) Except as provided in s. 49.345 (14) (b) and (c), the department
17 shall establish a uniform system of fees for services ~~provided or purchased~~ under this
18 subchapter and ch. 48, and community-based juvenile delinquency-related services
19 under ch. 938, purchased or provided by the department, or by a county department
20 under s. 46.215, 46.22, or 46.23, except as provided in s. 49.22 (6) and except when,
21 as determined by the department, a fee is administratively unfeasible or would
22 significantly prevent accomplishing the purpose of the service. A county department
23 under s. 46.215, 46.22, or 46.23 shall apply the fees that it collects under this program
24 to cover the cost of those services. The department shall report to the joint committee
25 on finance no later than March 1 of each year on the number of children placed for

1 adoption by the department during the previous year and the costs to the state for
2 services relating to such adoptions.

3 **SECTION 53.** 49.32 (1) (b) of the statutes is amended to read:

4 49.32 (1) (b) Except as provided in s. 49.345 (14) (b) and (c), any person
5 receiving services purchased or provided ~~or purchased~~ under par. (a) or the spouse
6 of the person and, in the case of a minor, the parents of the person, and, in the case
7 of a foreign child described in s. 48.839 (1) who became dependent on public funds
8 for his or her primary support before an order granting his or her adoption, the
9 resident of this state appointed guardian of the child by a foreign court who brought
10 the child into this state for the purpose of adoption, shall be liable for the services in
11 the amount of the fee established under par. (a).

12 **SECTION 54.** 49.32 (2) (b) of the statutes is amended to read:

13 49.32 (2) (b) The department may make social services payments and
14 payments for community-based juvenile delinquency-related services directly to
15 recipients, vendors, or providers in accordance with law and rules of the department
16 on behalf of the counties ~~which~~ that have contracts to have ~~such~~ those payments
17 made on their behalf.

18 **SECTION 55.** ~~49.32 (12) of the statutes is amended to read:~~

19 ~~49.32 (12) ADMINISTRATIVE HEARINGS AND APPEALS. Any hearing under s. 227.42~~
20 ~~granted by the department under this subchapter or ch. 48 or 938 may be conducted~~
21 ~~before the division of hearings and appeals in the department of administration.~~

22 **SECTION 56.** 49.325 (1) (a) of the statutes is amended to read:

23 49.325 (1) (a) Each county department under s. 46.215, 46.22, or 46.23 shall
24 submit its final budget for services purchased or directly provided ~~or purchased~~
25 under this subchapter or ch. 48 and for community-based juvenile

1 delinquency-related services purchased or directly provided under ch. 938 to the
2 department by December 31 annually.

3 **SECTION 57.** 49.325 (2) of the statutes is amended to read:

4 49.325 (2) ASSESSMENT OF NEEDS. Before developing and submitting a proposed
5 budget for services purchased or directly provided ~~or purchased~~ under this
6 subchapter or ch. 48 and for community-based juvenile delinquency-related
7 services purchased or directly provided under ch. 938 to the county executive or
8 county administrator or the county board, the county departments listed in sub. (1)
9 shall assess needs and inventory resources and services, using an open public
10 participation process.

11 **SECTION 58.** 49.325 (2g) (a) of the statutes is amended to read:

12 49.325 (2g) (a) The department shall annually submit to the county board of
13 supervisors in a county with a single-county department or the county boards of
14 supervisors in counties with a multicounty department a proposed written contract
15 containing the allocation of funds for services purchased or directly provided ~~or~~
16 ~~purchased~~ under this subchapter or ch. 48, for community-based juvenile
17 delinquency-related services purchased or directly provided under ch. 938, and for
18 such administrative requirements as necessary. The contract as approved may
19 contain conditions of participation consistent with federal and state law. The
20 contract may also include provisions necessary to ensure uniform cost accounting of
21 services. Any changes to the proposed contract shall be mutually agreed upon. The
22 county board of supervisors in a county with a single-county department or the
23 county boards of supervisors in counties with a multicounty department shall
24 approve the contract before January 1 of the year in which it takes effect unless the
25 department grants an extension. The county board of supervisors in a county with

1 a single-county department or the county boards of supervisors in counties with a
2 multicounty department may designate an agent to approve addenda to any contract
3 after the contract has been approved.

4 **SECTION 59.** 49.325 (2g) (b) of the statutes is amended to read:

5 49.325 (2g) (b) The department may not approve contracts for amounts in
6 excess of available revenues. The county board of supervisors in a county with a
7 single-county department or the county boards of supervisors in counties with a
8 multicounty department may appropriate funds for community-based juvenile
9 delinquency-related services. Actual expenditure of county funds shall be reported
10 in compliance with procedures developed by the department.

11 **SECTION 60.** 49.325 (2g) (c) of the statutes is amended to read:

12 49.325 (2g) (c) The joint committee on finance may require the department to
13 submit contracts between county departments under ss. 46.215, 46.22, and 46.23
14 and providers of services under this subchapter or ch. 48 or of community-based
15 juvenile delinquency-related services under ch. 938 to the committee for review and
16 approval.

17 **SECTION 61.** 49.325 (2r) (a) 1. of the statutes is amended to read:

18 49.325 (2r) (a) 1. For services under this subchapter or ch. 48 or
19 community-based juvenile delinquency-related services under ch. 938 that
20 duplicate or are inconsistent with services being purchased or provided ~~or purchased~~
21 by the department or other county departments receiving grants-in-aid or
22 reimbursement from the department.

23 **SECTION 62.** 49.325 (2r) (a) 2. of the statutes is amended to read:

24 49.325 (2r) (a) 2. Inconsistent with state or federal statutes, rules, or
25 regulations, in which case the department may also arrange for the provision of

1 services under this subchapter or ch. 48 or community-based juvenile
2 delinquency-related services under ch. 938 by an alternate agency. The department
3 may not arrange for the provision of those services by an alternate agency unless the
4 joint committee on finance or a review body designated by the committee reviews and
5 approves the department's determination.

6 **SECTION 63.** 49.34 (1) of the statutes is amended to read:

7 49.34 (1) All services under this subchapter and ch. 48 and all
8 community-based juvenile delinquency-related services under ch. 938 purchased
9 by the department or by a county department under s. 46.215, 46.22, or 46.23 shall
10 be authorized and contracted for under the standards established under this section.
11 The department may require the county departments to submit the contracts to the
12 department for review and approval. For purchases of \$10,000 or less the
13 requirement for a written contract may be waived by the department. No contract
14 is required for care provided by foster homes that are required to be licensed under
15 s. 48.62. When the department directly contracts for services, it the department
16 shall follow the procedures in this section in addition to meeting purchasing
17 requirements established in s. 16.75.

18 **SECTION 64.** 49.34 (2) of the statutes is amended to read:

19 49.34 (2) All services purchased under this subchapter and ch. 48 and all
20 community-based juvenile delinquency-related services purchased under ch. 938
21 shall meet standards established by the department and other requirements
22 specified by the purchaser in the contract. Based on these standards the department
23 shall establish standards for cost accounting and management information systems
24 that shall monitor the utilization of the services, and document the specific services
25 in meeting the service plan for the client and the objective of the service.

✓  SEC.# RP; 49.34 (3)(f)

X

1 **SECTION 65.** 49.345 (1) of the statutes is amended to read:

2 49.345 (1) Liability and the collection and enforcement of such liability for the
3 care, maintenance, services, and supplies specified in this section are governed
4 exclusively by this section, except in cases of child support ordered by a court under
5 s. 48.355 (2) (b) 4., 48.357 (5m) (a), ~~or 48.363 (2), 938.183 (4), 938.355 (2) (b) 4.,~~
6 938.357 (5m) (a), or 938.363 (2) or ch. 767.

7 **SECTION 66.** 49.345 (2) of the statutes is amended to read:

8 49.345 (2) Except as provided in sub. (14) (b) and (c), any person, including ~~but~~
9 ~~not limited to~~ a person placed under s. 48.345 (3) ~~or~~, 48.357 (1) or (2m), 938.183,
10 938.34 (3) or (4d), or 938.357 (1), (2m), (4), or (5) (e), receiving care, maintenance,
11 services, and supplies provided by any institution in this state, in which the state is
12 chargeable with all or part of the person's care, maintenance, services, and supplies,
13 and the person's property and estate, including the homestead, and the spouse of the
14 person, and the spouse's property and estate, including the homestead, and, in the
15 case of a minor child, the parents of the person, and their property and estates,
16 including their homestead, and, in the case of a foreign child described in s. 48.839
17 (1) who became dependent on public funds for his or her primary support before an
18 order granting his or her adoption, the resident of this state appointed guardian of
19 the child by a foreign court who brought the child into this state for the purpose of
20 adoption, and his or her property and estate, including his or her homestead, shall
21 be liable for the cost of the care, maintenance, services, and supplies in accordance
22 with the fee schedule established by the department under s. 49.32 (1). If a spouse,
23 widow, or minor, or an incapacitated person may be lawfully dependent upon the
24 property for his or her support, the court shall release all or such part of the property
25 and estate from the charges that may be necessary to provide for the person. The

1 department shall make every reasonable effort to notify the liable persons as soon
2 as possible after the beginning of the maintenance, but the notice or the receipt
3 thereof of the notice is not a condition of liability.

4 **SECTION 67.** 49.345 (8) (g) of the statutes is amended to read:

5 49.345 (8) (g) Pay quarterly from the appropriation under s. 20.437 (1) (gg) the
6 collection moneys due county departments under ss. 46.215, 46.22, and 46.23.
7 Payments shall be made as soon after the close of each quarter as is practicable.

8 **SECTION 68.** 49.345 (14) (b) of the statutes is amended to read:

9 49.345 (14) (b) Except as provided in par. (c), and subject to par. (cm), liability
10 of a parent specified in sub. (2) or s. 49.32 (1) for the care and maintenance of the
11 parent's minor child who has been placed by a court order under s. 48.355 ~~or~~, 48.357,
12 938.183, 938.355, or 938.357 in a residential, nonmedical facility such as a group
13 home, foster home, subsidized guardianship home, or residential care center for
14 children and youth shall be determined by the court by using the percentage
15 standard established by the department under s. 49.22 (9) and by applying the
16 percentage standard in the manner established by the department under par. (g).

17 **SECTION 69.** 49.345 (14) (e) 1. of the statutes is amended to read:

18 49.345 (14) (e) 1. An order issued under s. 48.355 (2) (b) 4., 48.357 (5m) (a), ~~or~~,
19 48.363 (2), 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a), or 938.363 (2) for support
20 determined under this subsection constitutes an assignment of all commissions,
21 earnings, salaries, wages, pension benefits, benefits under ch. 102 or 108, and other
22 money due or to be due in the future to the county department under s. 46.215, 46.22,
23 or 46.23 in the county where the order was entered or to the department, depending
24 upon the placement of the child as specified by rules promulgated under subd. 5. The
25 assignment shall be for an amount sufficient to ensure payment under the order.

1 **SECTION 70.** 49.345 (14) (g) of the statutes is amended to read:

2 49.345 (14) (g) For purposes of determining child support under par. (b), the
3 department shall promulgate rules related to the application of the standard
4 established by the department under s. 49.22 (9) to a child support obligation for the
5 care and maintenance of a child who is placed by a court order under s. 48.355 or,
6 48.357, 938.183, 938.355, or 938.357 in a residential, nonmedical facility. The rules
7 shall take into account the needs of any person, including dependent children other
8 than the child, whom either parent is legally obligated to support.

9 **SECTION 71.** 49.345 (16) of the statutes is amended to read:

10 49.345 (16) The department shall delegate to county departments under ss.
11 46.215, 46.22, and 46.23 or the local providers of care and services meeting the
12 standards established by the department under s. 49.34 the responsibilities vested
13 in the department under this section for collection of fees for services other than
14 those provided at state facilities, if the county departments or providers meet the
15 conditions that the department determines are appropriate. The department may
16 delegate to county departments under ss. 46.215, 46.22, and 46.23 the
17 responsibilities vested in the department under this section for collection of fees for
18 services provided at the state facilities if the necessary conditions are met.

19 **SECTION 72.** 49.35 (1) (a) of the statutes is amended to read:

20 49.35 (1) (a) The department shall supervise the administration of programs
21 under this subchapter and ch. 48 and of community-based juvenile
22 delinquency-related programs under ch. 938. The department shall submit to the
23 federal authorities state plans for the administration of programs under this
24 subchapter and ch. 48 and of community-based juvenile delinquency-related
25 programs under ch. 938 in such form and containing such information as the federal

1 authorities require, and shall comply with all requirements prescribed to ensure
2 their correctness.

3 **SECTION 73.** 49.35 (1) (b) of the statutes is amended to read:

4 49.35 (1) (b) All records of the department and all county records relating to
5 programs under this subchapter and ch. 48, community-based juvenile
6 delinquency-related programs under ch. 938, and aid under s. 49.18, 1971 stats., s.
7 49.20, 1971 stats., and s. 49.61, 1971 stats., as affected by chapter 90, laws of 1973,
8 shall be open to inspection at all reasonable hours by authorized representatives of
9 the federal government. Notwithstanding ss. 48.396 (2) and 938.396 (2), all county
10 records relating to the administration of the services and public assistance specified
11 in this paragraph shall be open to inspection at all reasonable hours by authorized
12 representatives of the department.

13 **SECTION 74.** 49.35 (2) of the statutes is amended to read:

14 49.35 (2) The county administration of all laws relating to programs under this
15 subchapter and ch. 48 and to community-based juvenile delinquency-related
16 programs under ch. 938 shall be vested in the officers and agencies designated in the
17 statutes.

18 **SECTION 75.** 49.45 (6m) (br) 1. of the statutes is amended to read:

19 49.45 (6m) (br) 1. Notwithstanding s. ~~20.410 (3) (ed)~~, 20.435 or (7) (b) or 20.437
20 (1) (cj) or (2) (dz), the department shall reduce allocations of funds to counties in the
21 amount of the disallowance from the appropriation account under s. 20.435 (7) (b),
22 or the department shall direct the department of children and families to reduce
23 allocations of funds to counties or Wisconsin Works agencies in the amount of the
24 disallowance from the appropriation account under s. 20.437 (1) (cj) or (2) (dz) or
25 ~~direct the department of corrections to reduce allocations of funds to counties in the~~

1 amount of the disallowance from the appropriation account under s. 20.410 (3) (ed),
2 in accordance with s. 16.544 to the extent applicable.

3 ~~SECTION 76. 227.43 (1) (by) of the statutes is amended to read:~~

4 ~~227.43 (1) (by) Assign a hearing examiner to preside over any hearing of a~~
5 ~~contested case that is required to be conducted by the department of children and~~
6 ~~families under ch. 48 or 938 or subch. III of ch. 49 and that is not conducted by the~~
7 ~~secretary of children and families.~~

8 SECTION 77. 301.01 (1n) of the statutes is created to read:

9 301.01 (1n) "Juvenile correctional services" means services provided for a
10 juvenile who is being held in a juvenile detention facility or who is under the
11 supervision of the department under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 ✓
12 (4).

13 SECTION 78. 301.025 of the statutes is amended to read:

14 **301.025 Division of juvenile corrections.** The division of juvenile
15 corrections shall exercise the powers and perform the duties of the department that
16 relate to juvenile correctional services and institutions, juvenile offender review,
17 aftercare, corrective sanctions, and the serious juvenile offender program under s.
18 938.538, ~~and youth aids.~~

19 SECTION 79. 301.03 (9) of the statutes is amended to read:

20 301.03 (9) Supervise all persons placed under s. 938.183 in a state prison, all
21 persons placed under s. 938.34 (4h) in the serious juvenile offender program, all
22 persons placed in a juvenile correctional facility or a secured residential treatment
23 center for children and youth under s. 938.34 (4m) or 938.357 (4), and all persons
24 placed on departmental aftercare under s. 938.34 (4n) or 938.357 (4).

25 SECTION 80. 301.03 (9r) of the statutes is repealed.

(a)

(a)

1 **SECTION 81.** 301.03 (10) (a) of the statutes is amended to read:

2 301.03 (10) (a) Execute the laws relating to the detention, reformation, and
3 correction of delinquents delinquent juveniles placed under its jurisdiction.

4 **SECTION 82.** 301.03 (10) (c) of the statutes is amended to read:

5 301.03 (10) (c) Promote the enforcement of laws for the protection of delinquent
6 ~~children juveniles under its jurisdiction.~~ To this end, the department shall cooperate
7 with courts assigned to exercise jurisdiction under chs. 48 and 938, the department
8 of children and families, county departments under ss. 46.215, 46.22, and 46.23 and,
9 licensed child welfare agencies, and institutions in providing community-based
10 programming, including in-home programming and intensive supervision, for
11 delinquent ~~children juveniles under its jurisdiction.~~ The department shall also
12 establish and enforce standards for the development and delivery of services
13 provided by the department under ch. 938 in regard to juveniles who have been
14 adjudicated delinquent and placed under the jurisdiction of the department.

15 **SECTION 83.** 301.03 (18) (a) of the statutes is amended to read:

16 301.03 (18) (a) Except as provided in s. 301.12 (14) (b) and (c), establish a
17 uniform system of fees for juvenile ~~delinquency-related services provided or~~
18 ~~purchased~~ correctional services purchased or provided by the department or a county
19 department under s. 46.215, 46.22, or 46.23, except for services provided to courts;
20 outreach, information and referral services; or when, as determined by the
21 department, a fee is administratively unfeasible or would significantly prevent
22 accomplishing the purpose of the service. A county department under s. 46.215,
23 46.22, or 46.23 shall apply the fees that it collects under this program to cover the
24 cost of those services.

25 **SECTION 84.** 301.03 (18) (am) of the statutes is renumbered 49.32 (1) (ap).

1 **SECTION 85.** 301.03 (18) (b) of the statutes is amended to read:

2 301.03 (18) (b) Except as provided in s. 301.12 (14) (b) and (c), hold liable for
3 the services purchased or provided ~~or purchased~~ under par. (a) in the amount of the
4 fee established under par. (a) any person receiving those services or the spouse of the
5 person and, in the case of a minor, the parents of the person, and, in the case of a
6 foreign child described in s. 48.839 (1) who became dependent on public funds for his
7 or her primary support before an order granting his or her adoption, the resident of
8 this state appointed guardian of the child by a foreign court who brought the child
9 into this state for the purpose of adoption.

10 **SECTION 86.** 301.031 (1) (a) of the statutes is amended to read:

11 301.031 (1) (a) Each county department under s. 46.215, 46.22, or 46.23 shall
12 submit to the department by December 31 annually its final budget for juvenile
13 correctional services purchased or directly provided ~~or purchased~~.

14 **SECTION 87.** 301.031 (2) of the statutes is amended to read:

15 301.031 (2) **ASSESSMENT OF NEEDS.** Before developing and submitting a
16 proposed budget for juvenile correctional services to the county executive or county
17 administrator or the county board, the county departments listed in sub. (1) shall
18 assess needs and inventory resources and services, using an open public
19 participation process.

20 **SECTION 88.** 301.031 (2g) (a) of the statutes is amended to read:

21 301.031 (2g) (a) The department shall annually submit to the county board of
22 supervisors in a county with a single-county department or the county boards of
23 supervisors in counties with a multicounty department a proposed written contract
24 containing the allocation of funds for juvenile correctional services and such
25 administrative requirements as necessary. The contract as approved may contain

1 conditions of participation consistent with federal and state law. The contract may
2 also include provisions necessary to ensure uniform cost accounting of services. Any
3 changes to the proposed contract shall be mutually agreed upon. The county board
4 of supervisors in a county with a single-county department or the county boards of
5 supervisors in counties with a multicounty department shall approve the contract
6 before January 1 of the year in which it takes effect unless the department grants
7 an extension. The county board of supervisors in a county with a single-county
8 department or the county boards of supervisors in counties with a multicounty
9 department may designate an agent to approve addenda to any contract after the
10 contract has been approved.

11 **SECTION 89.** 301.031 (2g) (b) of the statutes is amended to read:

12 301.031 (2g) (b) The department may not approve contracts for amounts in
13 excess of available revenues. The county board of supervisors in a county with a
14 single-county department or the county boards of supervisors in counties with a
15 multicounty department may appropriate funds for juvenile ~~delinquency-related~~
16 correctional services. Actual expenditure of county funds shall be reported in
17 compliance with procedures developed by the department, and shall comply with
18 standards guaranteeing quality of care comparable to similar facilities.

19 **SECTION 90.** 301.031 (2g) (c) of the statutes is amended to read:

20 301.031 (2g) (c) The joint committee on finance may require the department
21 to submit contracts between county departments under ss. 46.215, 46.22, and 46.23
22 and providers of service juvenile correctional services to the committee for review
23 and approval.

24 **SECTION 91.** 301.031 (2r) (a) 1. of the statutes is amended to read:

1 301.031 (2r) (a) 1. Is for juvenile correctional services ~~which that~~ duplicate or
2 are inconsistent with services being purchased or provided ~~or purchased~~ by the
3 department or other county departments receiving grants-in-aid or reimbursement
4 from the department.

5 **SECTION 92.** 301.031 (2r) (a) 2. of the statutes is amended to read:

6 301.031 (2r) (a) 2. Is inconsistent with state or federal statutes, rules, or
7 regulations, in which case the department may also arrange for provision of juvenile
8 correctional services by an alternate agency. The department may not arrange for
9 the provision of those services by an alternate agency unless the joint committee on
10 finance or a review body designated by the committee reviews and approves the
11 department's determination.

12 **SECTION 93.** 301.032 (title) of the statutes is amended to read:

13 **301.032 (title) Juvenile delinquency-related correctional services;**
14 **supervisory functions of state department.**

15 **SECTION 94.** 301.032 (1) (a) of the statutes is amended to read:

16 301.032 (1) (a) The department shall supervise the administration of juvenile
17 ~~delinquency-related~~ correctional services. The department shall submit to the
18 federal authorities state plans for the administration of juvenile
19 ~~delinquency-related~~ correctional services in such form and containing such
20 information as the federal authorities require, and shall comply with all
21 requirements prescribed to ensure their correctness.

22 **SECTION 95.** 301.032 (1) (b) of the statutes is amended to read:

23 301.032 (1) (b) All records of the department and all county records relating to
24 juvenile ~~delinquency-related~~ correctional services shall be open to inspection at all
25 reasonable hours by authorized representatives of the federal government.

1 Notwithstanding ss. 48.396 (2) and 938.396 (2), all county records relating to the
2 administration of those services shall be open to inspection at all reasonable hours
3 by authorized representatives of the department.

4 **SECTION 96.** 301.032 (1) (c) of the statutes is amended to read:

5 301.032 (1) (c) The department may at any time audit all county records
6 relating to the administration of juvenile ~~delinquency-related~~ correctional services
7 and may at any time conduct administrative reviews of county departments under
8 ss. 46.215, 46.22, and 46.23. If the department conducts such an audit or
9 administrative review in a county, the department shall furnish a copy of the audit
10 or administrative review report to the chairperson of the county board of supervisors
11 and the county clerk in a county with a single-county department or to the county
12 boards of supervisors and the county clerks in counties with a multicounty
13 department, and to the director of the county department under s. 46.21, 46.22, or
14 46.23.

15 **SECTION 97.** 301.032 (2) of the statutes is amended to read:

16 301.032 (2) The county administration of all laws relating to juvenile
17 ~~delinquency-related~~ correctional services shall be vested in the officers and agencies
18 designated in the statutes.

19 **SECTION 98.** 301.07 of the statutes is amended to read:

20 **301.07 Cooperation and contracts with federal government.** The
21 department may cooperate with the federal government in carrying out federal acts
22 concerning adult corrections and ~~youth corrections~~ juvenile correctional services and
23 may enter into contracts with the federal government under 18 USC 5003.

24 **SECTION 99.** 301.08 (2) (a) of the statutes is amended to read:

1 301.08 (2) (a) All care and services purchased by the department and all care
2 ~~and services relating to juvenile delinquency~~ juvenile correctional services
3 purchased by a county department under s. 46.215, 46.22, or 46.23 shall be
4 authorized and contracted for under the standards established under this
5 subsection. For purchases of \$10,000 or less the requirement for a written contract
6 may be waived by the department. No contract is required for care provided by foster
7 homes required to be licensed under s. 48.62. If the department directly contracts
8 for services, it shall follow the procedures in this subsection in addition to meeting
9 purchasing requirements established in s. 16.75.

10 **SECTION 100.** 301.085 (2) of the statutes is amended to read:

11 301.085 (2) The department may make payments for juvenile
12 ~~delinquency-related payments~~ correctional services directly to recipients, vendors,
13 or providers in accordance with law and rules of the department on behalf of the
14 counties which have contracts to have ~~such~~ those payments made on their behalf.

15 **SECTION 101.** 301.26 (title) of the statutes is amended to read:

16 **301.26 (title) ~~Community youth and family aids~~ Juvenile correctional**
17 **services; state services.**

18 **SECTION 102.** 301.26 (1) of the statutes is amended to read:

19 301.26 (1) PROCEDURES. The department shall develop procedures for the
20 implementation of this section and standards for the development and delivery of
21 ~~juvenile delinquency-related services under ch. 938~~ correctional services, and shall
22 provide consultation and technical assistance to aid counties in the implementation
23 and service delivery of those services. The department shall establish information
24 systems, and monitoring and evaluation procedures to report periodically to the
25 governor and legislature on the ~~state~~ statewide impact of this section.

1 **SECTION 103.** 301.26 (2) of the statutes is renumbered 48.526 (2) and amended
2 to read:

3 48.526 (2) RECEIPT OF FUNDS. (a) All funds to counties under this section shall
4 be allocated to county departments under ss. 46.21, 46.215, 46.22 and 46.23 subject
5 to ss. 46.495 (2) and 301.031 48.569 (2) and 49.325, except that monthly advance
6 payments to the counties may be less than one twelfth of the contracted amounts.
7 No reimbursement may be made to any multicounty department until the counties
8 which that established the department have drawn up a detailed contractual
9 agreement, approved by the secretary, setting forth the plans for joint sponsorship.

10 (b) Uniform fees collected or received by counties under s. ~~301.03 (18)~~ 49.32 (1)
11 for services provided under this section shall be applied to cover the cost of the
12 services.

13 (c) All funds to counties under this section shall be used to purchase or provide
14 community-based juvenile delinquency-related services under ch. 938, as defined
15 in s. 46.011 (1c), and juvenile correctional services, as defined in s. 46.011 (1p), except
16 that no funds to counties under this section may be used for purposes of land
17 purchase, building construction, or maintenance of buildings under s. 46.17, 46.175,
18 or 301.37, for reimbursement of costs under s. 938.209, for city lockups, or for
19 reimbursement of care costs in temporary shelter care under s. 938.22. Funds to
20 counties under this section may be used for reimbursement of costs of program
21 services, other than basic care and supervision costs, in juvenile detention facilities.

22 **SECTION 104.** 301.26 (2m) of the statutes is renumbered 48.526 (2m) and
23 amended to read:

24 48.526 (2m) PUBLIC PARTICIPATION PROCESS. In determining the use of funds
25 under this section, county departments under ss. 46.21, 46.215, 46.22 and 46.23 shall

1 assess needs using an open public participation process ~~which~~ that involves
2 representatives of those receiving services.

3 **SECTION 105.** 301.26 (3) (title) of the statutes is renumbered 48.526 (3) (title).

4 **SECTION 106.** 301.26 (3) (a) of the statutes is renumbered 48.526 (3) (a) and
5 amended to read:

6 48.526 (3) (a) Receipt of funds under this subsection is contingent upon use of
7 ~~a~~ the public participation process required under sub. (2m).

8 **SECTION 107.** 301.26 (3) (c) of the statutes is renumbered 48.526 (3) (c) and
9 amended to read:

10 48.526 (3) (c) Within the limits of the appropriations under s. ~~20.410 (3) (ed)~~
11 ~~and (ke)~~ 20.437 (1) (cj) and (o), the department shall allocate funds to each county for
12 services under this section.

13 **SECTION 108.** 301.26 (3) (dm) of the statutes is renumbered 48.526 (3) (dm).

14 **SECTION 109.** 301.26 (3) (e) of the statutes is renumbered 48.526 (3) (e) and
15 amended to read:

16 48.526 (3) (e) The department may carry forward \$500,000 or 10% of its funds
17 allocated under this subsection and not encumbered or carried forward under par.
18 (dm) by counties by December 31, whichever is greater, to the next 2 calendar years.
19 The department may transfer moneys from or within s. ~~20.410 (3) (ed)~~ 20.437 (1) (cj)
20 to accomplish this purpose. The department may allocate these transferred moneys
21 to counties with persistently high rates of juvenile arrests for serious offenses during
22 the next 2 calendar years to improve community-based juvenile
23 delinquency-related services, as defined in s. 46.011 (1c). The allocation does not
24 affect a county's base allocation.

1 SECTION 110. 301.26 (3) (em) of the statutes is renumbered 48.526 (3) (em) and
2 amended to read:

3 48.526 (3) (em) The department may carry forward any emergency funds
4 allocated under sub. (7) (e) and not encumbered or carried forward under par. (dm)
5 by December 31 to the next 2 calendar years. The department may transfer moneys
6 from or within s. ~~20.410 (3) (ed)~~ 20.437 (1) (cj) to accomplish this purpose. The
7 department may allocate these transferred moneys to counties that are eligible for
8 emergency payments under sub. (7) (e). The allocation does not affect a county's base
9 allocation.

10 SECTION 111. 301.26 (4) (a) of the statutes is amended to read:

11 301.26 (4) (a) Except as provided in pars. (c) and (cm), the department of
12 corrections shall bill counties or ~~request~~ the department of children and families to
13 deduct from the allocations under s. ~~20.410 (3) (ed)~~ 20.437 (1) (cj) for the costs of care,
14 services, and supplies purchased or provided by the department of corrections for
15 each person receiving services under s. 938.183 or 938.34 or the department of health
16 services for each person receiving services under s. 46.057 or 51.35 (3). The
17 department of corrections may not bill a county ~~for or deduct~~ ~~request a deduction~~
18 from a county's allocation ~~for~~ the cost of care, services, and supplies provided to a
19 person subject to an order under s. 938.183 after the person reaches 18 years of age.
20 Payment shall be due within 60 days after the billing date. If any payment has not
21 been received within those 60 days, the department of ~~corrections~~ may ~~request the~~
22 ~~department of~~ children and families ~~to~~ withhold aid payments in the amount due
23 from the appropriation under s. ~~20.410 (3) (ed)~~ 20.437 (1) (cj).

24 SECTION 112. 301.26 (4) (b) of the statutes is amended to read:

and the department of children and families
may not

1 301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on
2 the basis of the per person per day cost estimate specified in par. (d) 2., 3., and 4.
3 Except as provided in pars. (bm), (c), and (cm), liability shall apply to county
4 departments under s. ~~46.21~~, 46.215, 46.22, or 46.23 in the county of the court
5 exercising jurisdiction under ch. 938 for each person receiving services from the
6 department of corrections under s. 938.183 or 938.34 or the department of health
7 services under s. 46.057 or 51.35 (3). Except as provided in pars. (bm), (c), and (cm),
8 in multicounty court jurisdictions, the county of residency within the jurisdiction
9 shall be liable for costs under this subsection. Assessment of costs under par. (a) shall
10 also be made according to the general placement type or level of care provided, as
11 defined by the department, and prorated according to the ratio of the amount
12 designated under ~~sub. s. 48.526~~ (3) (c) to the total applicable estimated costs of care,
13 services, and supplies provided by the department of corrections under ss. 938.183
14 and 938.34 and the department of health services under s. 46.057 or 51.35 (3).

15 **SECTION 113.** 301.26 (4) (bm) of the statutes is amended to read:

16 301.26 (4) (bm) Notwithstanding par. (b), the county department under s.
17 ~~46.21~~, 46.215, 46.22, or 46.23 of the county of residency of a juvenile who has been
18 adjudicated delinquent by a court of another county or by a court of another
19 multicounty jurisdiction may voluntarily assume liability for the costs payable
20 under par. (a). A county department may assume liability under this paragraph by
21 a written agreement signed by the director of the county department that assumes
22 liability under this paragraph and the director of the county department that is
23 otherwise liable under par. (b).

24 **SECTION 114.** 301.26 (6) (title) of the statutes is renumbered 48.526 (6) (title).

1 **SECTION 115.** 301.26 (6) (a) of the statutes is renumbered 48.526 (6) (a) and
2 amended to read:

3 48.526 (6) (a) ~~The intent of this subsection is to~~ department shall develop
4 criteria as provided in par. (b) to assist the legislature in allocating funding,
5 excluding funding for base allocations, from the appropriations under s. 20.410 (3)
6 ~~(ed) and (ke)~~ 20.437 (1) (cj) and (o) for purposes described in this section.

7 **SECTION 116.** 301.26 (6) (b) of the statutes is renumbered 48.526 (6) (b) and
8 amended to read:

9 48.526 (6) (b) ~~The department shall submit recommendations to the joint~~
10 ~~committee on finance regarding~~ criteria developed under par. (a) shall include
11 performance standards criteria to be used to determine whether counties are
12 successfully diverting juveniles from juvenile correctional ~~institutions and into~~
13 facilities to less restrictive community programs and are successfully rehabilitating
14 ~~children juveniles who are~~ adjudged delinquent ~~on or before December 31, 1987.~~
15 ~~Beginning on January 1, 1988, counties.~~ Counties shall provide information
16 requested by the department in order to apply the criteria and assess their
17 performances.

18 **SECTION 117.** 301.26 (7) (intro.) of the statutes is amended to read:

19 301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability
20 of the appropriations under s. 20.410 (3) (cd) and (ko), the department shall allocate
21 funds for community youth and family aids for the period beginning on July 1, ~~2013~~
22 2015, and ending on June 30, ~~2015~~ 2017, as provided in this subsection to county
23 departments under ss. 46.215, 46.22, and 46.23 as follows:

24 **SECTION 118.** 301.26 (7) (intro.) of the statutes, as affected by 2015 Wisconsin
25 Act (this act), is renumbered 48.526 (7) (intro.) and amended to read:

\$45,578,100

\$91,150,200

\$45,572,100

1 48.526 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability
2 of the appropriations under s. 20.410 (3) (ed) and (ke) 20.4347 (1) (cj) and (o), the
3 department shall allocate funds for community youth and family aids for the period
4 beginning on July 1, 2015, and ending on June 30, 2017, as provided in this
5 subsection to county departments under ss. 46.215, 46.22, and 46.23 as follows:

6 **SECTION 119.** 301.26 (7) (a) of the statutes is amended to read:

7 301.26 (7) (a) For community youth and family aids under this section,
8 amounts not to exceed ~~\$45,478,000~~ ~~\$45,620,400~~ for the last 6 months of 2013,
9 ~~\$90,956,100~~ 2015, ~~\$91,250,800~~ for 2014 2016, and ~~\$45,478,100~~ ~~\$45,630,800~~ for the
10 first 6 months of 2015 2017.

11 **SECTION 120.** 301.26 (7) (a) of the statutes, as affected by 2015 Wisconsin Act
12 ... (this act), is renumbered 48.526 (7) (a).

13 **SECTION 121.** 301.26 (7) (b) (intro.) of the statutes is amended to read:

14 301.26 (7) (b) (intro.) Of the amounts specified in par. (a), the department shall
15 allocate \$2,000,000 for the last 6 months of ~~2013~~ 2015, \$4,000,000 for ~~2014~~ 2016, and
16 \$2,000,000 for the first 6 months of ~~2015~~ 2017 to counties based on each of the
17 following factors weighted equally:

18 **SECTION 122.** 301.26 (7) (b) of the statutes, as affected by 2015 Wisconsin Act
19 ... (this act), is renumbered 48.526 (7) (b).

20 **SECTION 123.** 301.26 (7) (bm) of the statutes is amended to read:

21 301.26 (7) (bm) Of the amounts specified in par. (a), the department shall
22 allocate \$6,250,000 for the last 6 months of ~~2013~~ 2015, \$12,500,000 for 2014 2016,
23 and \$6,250,000 for the first 6 months of ~~2015~~ 2017 to counties based on each county's
24 proportion of the number of juveniles statewide who are placed in a juvenile

1 correctional facility during the most recent 3-year period for which that information
2 is available.

3 **SECTION 124.** 301.26 (7) (bm) of the statutes, as affected by 2015 Wisconsin Act
4 (this act), is renumbered 48.526 (7) (bm).

5 **SECTION 125.** 301.26 (7) (c) of the statutes is amended to read:

6 301.26 (7) (c) Of the amounts specified in par. (a), the department shall allocate
7 \$1,053,200 for the last 6 months of ~~2013~~ 2015, \$2,106,500 for ~~2014~~ 2016, and
8 \$1,053,300 for the first 6 months of ~~2015~~ 2017 to counties based on each of the factors
9 specified in par. (b) 1. to 3. weighted equally, except that no county may receive an
10 allocation under this paragraph that is less than 93% nor more than 115% of the
11 amount that the county would have received under this paragraph if the allocation
12 had been distributed only on the basis of the factor specified in par. (b) 3.

13 **SECTION 126.** 301.26 (7) (c) of the statutes, as affected by 2015 Wisconsin Act
14 (this act), is renumbered 48.526 (7) (c).

15 **SECTION 127.** 301.26 (7) (e) of the statutes is amended to read:

16 301.26 (7) (e) For emergencies related to community youth and family aids
17 under this section, amounts not to exceed \$125,000 for the last 6 months of ~~2013~~
18 2015, \$250,000 for ~~2014~~ 2016, and \$125,000 for the first 6 months of ~~2015~~ 2017. A
19 county is eligible for payments under this paragraph only if it has a population of not
20 more than 45,000.

21 **SECTION 128.** 301.26 (7) (e) of the statutes, as affected by 2015 Wisconsin Act
22 (this act), is renumbered 48.526 (7) (e).

23 **SECTION 129.** 301.26 (7) (h) of the statutes is amended to read:

24 301.26 (7) (h) For counties that are participating in the corrective sanctions
25 program under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~2013~~ 2015,

1 \$2,124,800 in 2014 2016, and \$1,062,400 in the first 6 months of 2015 2017 for the
2 provision of corrective sanctions services for juveniles from that county. In
3 distributing funds to counties under this paragraph, the department shall determine
4 a county's distribution by dividing the amount allocated under this paragraph by the
5 number of slots authorized for the program under s. 938.533 (2) and multiplying the
6 quotient by the number of slots allocated to that county by agreement between the
7 department and the county. The department may transfer funds among counties as
8 necessary to distribute funds based on the number of slots allocated to each county.

9 **SECTION 130.** 301.26 (7) (h) of the statutes, as affected by 2015 Wisconsin Act
10 (this act), is renumbered 48.526 (7) (h).

11 **SECTION 131.** 301.26 (8) of the statutes is amended to read:

12 **301.26 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT.** From the amount of the
13 allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last
14 6 months of 2013 2015, \$1,333,400 in 2014 2016, and \$666,700 in the first 6 months
15 of 2015 2017 for alcohol and other drug abuse treatment programs.

16 **SECTION 132.** 301.26 (8) of the statutes, as affected by 2015 Wisconsin Act
17 (this act), is renumbered 48.526 (8).

18 **SECTION 133.** 301.263 (title) of the statutes is renumbered 48.528 (title).

19 **SECTION 134.** 301.263 (1) of the statutes is renumbered 48.528 (1) and amended
20 to read:

21 **48.528 (1)** From the appropriation under s. ~~20.410 (3) (f)~~ 20.437 (1) (cm), the
22 department shall distribute \$3,750,000 in each year to counties for early
23 intervention services for first offenders and for intensive community-based
24 intervention services for seriously chronic offenders.

25 **SECTION 135.** 301.263 (2) of the statutes is renumbered 48.528 (2).

1 **SECTION 136.** 301.263 (3) of the statutes is renumbered 48.528 (3).

2 **SECTION 137.** 938.02 (4) of the statutes is amended to read:

3 938.02 (4) "Department" means the department of children and families,
4 except that with respect to a juvenile who is being held in a juvenile detention facility
5 or who is under the supervision of the department of corrections under s. 938.183,
6 938.34 (4h), (4m), or (4n), or 938.357 (4), "department" means the department of
7 corrections.

8 **SECTION 138.** 938.06 (4) of the statutes is amended to read:

9 938.06 (4) STATE AID. State aid to any county for juvenile delinquency-related
10 court services under this section shall be at the same net effective rate that each
11 county is reimbursed for county administration under s. 48.569, except as provided
12 in s. ~~301.26~~ 48.526. Counties having a population of less than 750,000 may use funds
13 received under ss. 48.569 (1) (d) and ~~301.26~~ 48.526, including county or federal
14 revenue sharing funds allocated to match funds received under s. 48.569 (1) (d), for
15 the cost of providing court attached intake services in amounts not to exceed 50
16 percent of the cost of providing court attached intake services or \$30,000 per county
17 per calendar year, whichever is less.

18 **SECTION 139.** 938.48 (1) of the statutes is amended to read:

19 938.48 (1) ENFORCEMENT OF LAWS. Promote the enforcement of the laws relating
20 to delinquent juveniles and ~~juveniles in need of protection or services~~ and take the
21 initiative in all matters involving the interests of those juveniles when adequate
22 provision for those matters is not made. This duty shall be discharged in cooperation
23 with the courts, the department of children and families, county departments,
24 licensed child welfare agencies, parents, and other individuals interested in the
25 welfare of juveniles.

1 **SECTION 140.** 938.48 (8p) of the statutes is renumbered 48.48 (8r) and amended
2 to read:

3 48.48 (8r) ~~INDIAN JUVENILE PLACEMENTS. Reimburse~~ To reimburse Indian tribes
4 and county departments, from the appropriation under s. ~~20.410 (3)~~ 20.437 (1) (kp),
5 for unexpected or unusually high-cost out-of-home care placements of Indian
6 juveniles children who have been adjudicated delinquent by tribal courts. In this
7 subsection, “unusually high-cost out-of-home care placements” means the amount
8 by which the cost to an Indian tribe or to a county department of out-of-home care
9 placements of Indian juveniles children who have been adjudicated delinquent by
10 tribal courts exceeds \$50,000 in a fiscal year.

11 **SECTION 9108. Nonstatutory provisions; Corrections.**

12 (1) TRANSFER OF YOUTH AIDS, COMMUNITY-BASED JUVENILE DELINQUENCY-RELATED
13 SERVICES, AND SERVICES PROVIDED FOR JUVENILES IN NEED OF PROTECTION OR SERVICES.

14 (a) *Definitions.* In this section:

15 1. “Community-based juvenile delinquency-related services” has the meaning
16 given in section 49.11 (1c) of the statutes, as created by this act.

17 2. “Youth aids” means community youth and family aids allocated under
18 section 48.526 of the statutes, as affected by this act.

19 (b) *Assets and liabilities.* On the effective date of this paragraph, the assets and
20 liabilities of the department of corrections that are primarily related to the allocation
21 of youth aids, the supervision of community-based juvenile delinquency-related
22 services, or the supervision of services provided for juveniles in need of protection or
23 services, as determined by the secretary of administration, shall become the assets
24 and liabilities of the department of children and families.

1 (c) *Positions and employees.* On the effective date of this paragraph, all
2 positions and all incumbent employees holding those positions in the department of
3 corrections performing duties that are primarily related to the allocation of youth
4 aids, the supervision of community-based juvenile delinquency-related services, or
5 the supervision of services provided for juveniles in need of protection or services, as
6 determined by the secretary of administration, are transferred to the department of
7 children and families.

8 (d) *Employee status.* Employees transferred under paragraph (c) have all the
9 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
10 statutes in the department of children and families that they enjoyed in the
11 department of corrections immediately before the transfer. Notwithstanding section
12 230.28 (4) of the statutes, no employee so transferred who has attained permanent
13 status in class is required to serve a probationary period.

14 (e) *Tangible personal property.* On the effective date of this paragraph, all
15 tangible personal property, including records, of the department of corrections that
16 is primarily related to the allocation of youth aids, the supervision of
17 community-based juvenile delinquency-related services, or the supervision of
18 services provided for juveniles in need of protection or services, as determined by the
19 secretary of administration, is transferred to the department of children and
20 families.

21 (f) *Pending matters.* Any matter pending with the department of corrections
22 on the effective date of this paragraph that is primarily related to the allocation of
23 youth aids, the supervision of community-based juvenile delinquency-related
24 services, or the supervision of services provided for juveniles in need of protection or
25 services, as determined by the secretary of administration, is transferred to the

1 department of children and families. All materials submitted to or actions taken by
2 the department of corrections with respect to the pending matter are considered as
3 having been submitted to or taken by the department of children and families.

4 (g) *Contracts.* All contracts entered into by the department of corrections in
5 effect on the effective date of this paragraph that are primarily related to the
6 allocation of youth aids, the supervision of community-based juvenile
7 delinquency-related services, or the supervision of services provided for juveniles in
8 need of protection or services, as determined by the secretary of administration,
9 remain in effect and are transferred to the department of children and families. The
10 department of children and families shall carry out any obligations under those
11 contracts unless modified or rescinded by the department of children and families to
12 the extent allowed under the contract.

13 (h) *Rules and orders.* All rules promulgated by the department of corrections
14 in effect on the effective date of this paragraph that are primarily related to the
15 allocation of youth aids, the supervision of community-based juvenile
16 delinquency-related services, or the supervision of services provided for juveniles in
17 need of protection or services, as determined by the secretary of administration,
18 remain in effect until their specified expiration dates or until amended or repealed
19 by the department of children and families. All orders issued by the department of
20 corrections in effect on the effective date of this paragraph that are primarily related
21 to the allocation of youth aids, the supervision of community-based juvenile
22 delinquency-related services, or the supervision of services provided for juveniles in
23 need of protection or services, as determined by the secretary of administration,
24 remain in effect until their specified expiration dates or until modified or rescinded
25 by the department of children and families.

SECTION 9408. Effective dates; Corrections.

(1) COMMUNITY-BASED JUVENILE DELINQUENCY-RELATED SERVICES. The treatment of sections 20.410 (3) (cd), (f), (ko), and (kp), 20.437 (1) (kz) and (o), 20.505 (8) (hm) 21d., 46.011 (1), (1c), and (1p), 46.03 (18) (a) and (20) (a), 46.206 (1) (a) and (2), 46.215 (1) (d) and (2) (a) 1., 2., and 3. and (c) 1., 2., and 3., 46.22 (1) (b) 1. b., 2. a, and 5m. a. and c. and (e) 3. a., b., and c. and (2g) (d), 46.23 (5) (a) 1., 2., and 3., (c) 1., 2., and 3., and (n) 1., 2., and 3., (5m) (c), and (6) (a) (intro.), 48.47 (10), 48.48 (1), (4), and (8p), 48.526 (title) and (1), 48.985 (3), 49.11 (1) and (1c), 49.275, 49.32 (1) (a) and (b) (2) (b), ~~and (12)~~ 49.325 (1) (a), (2), (2g) (a), (b), and (c), and (2r) (a) 1. and 2., 49.34 (1) ~~and (2)~~ 49.345 (1), (2), (8) (g), (14) (b), (e) 1., and (g) and (16), 49.35 (1) (a) and (b) and (2), 49.45 (6m) (br) 1., ~~227.48 (1) (b)~~ 301.01 (1n), 301.025, 301.03 (9), (9r), (10) (a) and (c), and (18) (a), (am), and (b), 301.031 (1) (a), (2), (2g) (a), (b), and (c), and (2r) (a) 1. and 2., 301.032 (title), (1) (a), (b), and (c), and (2), 301.07, 301.08 (2) (a), 301.085 (2), 301.26 (title), (1), (2), (2m), (3) (title), (a), (c), (dm), (e), and (em), (4) (a), (b), and (bm), and (6) (title), (a), and (b), 301.263 (title), (1), (2), and (3), 938.02 (4), 938.06 (4), and 938.48 (1) and (8p) of the statutes, the renumbering and amendment of section 301.26 (7) (intro.) of the statutes, the renumbering of section 301.26 (7) (a), (b), (bm), (c), (e), and (h) and (8) of the statutes, and section 9108 (1) of this act take effect on January 1, 2016.

(END)

✓
48.569 (2)(a)

and c.

and
(3)(f)

and

delete comma

9
10
11

d-note

[Inset 18-19]

Section #. 48.569 (2) (a) of the statutes is amended to read:

48.569 (2) (a) The county treasurer and each director of a county department shall monthly certify under oath to the department, in the manner the department prescribes, the claim of the county for state reimbursement under this section, and if the department approves the claim it shall certify to the department of administration for reimbursement to the county for amounts due under this section and payment claimed to be made to the counties monthly. ~~The department may make advance payments prior to the beginning of each month equal to one-twelfth of the contracted amount.~~

History: 2007 a. 20; 2009 a. 28; 2011 a. 32; 2013 a. 20.

(ed & mt)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0407/P2dn

GMM:.....

gjs

late

Katie:

This redraft makes the changes suggested in items 1., 2., 3., 7., and 13. of your list as requested. With respect to the remaining items:

1. Item 4. asks why the underscored language is added to s. 49.325 (2g) (b) in Section 59 of the draft. That language is carried over from s. 301.031 (2g) (b). I can see how this language might be unnecessary. If DCF wants this Section yanked, no problem.

2. Item 5. asks whether s. 301.025, as shown by Section 78 of the draft, should differentiate between aftercare provided by DOC and aftercare provided by the counties. Technically, no differentiation is necessary because the reference is qualified by "duties of the department." If is it county aftercare, then it is not a duty of DOC.

3. Item 6. asks whether s. 48.569 needs to be amended to reference youth aids as well as children and family aids. No. They are two separate programs funded by two separate funding streams. Currently, s. 301.26 (2) (a) does reference s. 46.495 (2) relating to monthly reimbursement of counties, and that cross reference is changed to s. 48.569 (2) by the draft, but there is no specific reference in current s. 46.495 (2) to youth aids, so the draft does not amend s. 48.569 (2) to create a reference where none existed before.

4. Item 8. asks about statutory provisions change by this draft that are also being changed by a different draft. Your assumption is correct that I will reconcile these anomalies when we get to the stage where we compile all the budget drafts into one draft and reconcile the differences.

5. Item 9. asks about administrative appeals in ch. 938. Those appeals are found in ss. 938.08 (3) (b), 938.48 (4), and 938.57 (1) (c), but all of those appeals are of decisions to return a juvenile to a juvenile correctional facility. As such, DOC, rather than DCF, would be involved in those appeals, so this redraft removes Sections 55 and 76 from the draft.

6. Item 10. requests that the reference to advance payments be removed from s. 48.526 (2) (a), as shown by Section 103 of the draft. Because DCF does not do advance payments any more, this redraft removes that reference not only from Section 103, but also from s. 48.569 (2) (a) under current law. In addition, the redraft repeals s. 49.34 (3) (f), which also references advance payments.



6. Item 11 correctly notes that administration of corrective sanctions should remain with DOC. Funding of corrective sanctions, however, comes out of youth aids. Accordingly, DCF will have to allocate youth aids moneys for corrective sanctions. *

7. Item 12 asks why "juveniles" is changed to "children" in s. 48.48 (8r), as shown by Section 140 of the draft. It is changed because the defined term in ch. 48 to describe a person under 18 years of age is "child." Admittedly, it is a distinction without a difference as the definition of "child" in ch. 48 and the definition of "juvenile" in ch. 938 are identical, but "child" is the term used in ch. 48. *

And there you have it. If you or the DCF people have any further questions or comments, please do not hesitate to contact me at the phone number or e-mail address captioned below.

Gordon M. Malaise
Senior Legislative Attorney
(608) 266-9738
gordon.malaise@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0407/P2dn
GMM:cjs:jf

January 27, 2015

Katie:

This redraft makes the changes suggested in items 1., 2., 3., 7., and 13. of your list as requested. With respect to the remaining items:

1. Item 4. asks why the underscored language is added to s. 49.325 (2g) (b) in Section 59 of the draft. That language is carried over from s. 301.031 (2g) (b). I can see how this language might be unnecessary. If DCF wants this Section yanked, no problem.
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And there you have it. If you or the DCF people have any further questions or comments, please do not hesitate to contact me at the phone number or e-mail address captioned below.

Gordon M. Malaise
Senior Legislative Attorney
(608) 266-9738
gordon.malaise@legis.wisconsin.gov

Malaise, Gordon

From: Malaise, Gordon
Sent: Wednesday, January 28, 2015 10:54 AM
To: 'Major, Katrina L - DOA'
Subject: RE: juve justice

I'll make a note of it and fix it. I also noticed a less consequential typo at page 16, line 13—a stray comma.

If we're down to picking up on stray commas, we're in good shape. 😊

From: Major, Katrina L - DOA [mailto:Katrina.Major@wisconsin.gov]
Sent: Tuesday, January 27, 2015 10:24 PM
To: Malaise, Gordon
Cc: Kraus, Jennifer - DOA
Subject: juve justice

Hi Gordon, thanks for the new draft. It makes sense to me. On page 39, we just noticed a small typo in line 19 added language. k