



State of Wisconsin
2015-2016 LEGISLATURE

IN 1/29
DN OFF

LRB-0407/P2 (P3)
GMM:cjs:jf RMR
EJF

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

FOR 2015-2017 BUDGET – NOT READY FOR INTRODUCTION

Don't 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: 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.

12 **SECTION 3.** 20.410 (3) (ko) of the statutes is repealed.

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
20 appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered
21 balance on June 30 of each year shall revert to the appropriation account under s.
22 20.505 (8) (hm).

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

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

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

11 20.437 (1) (o) *Federal aid; children, youth, and family aids.* All federal moneys
 12 received in amounts pursuant to allocation plans developed by the department for
 13 the provision or purchase of services authorized under ~~par. pars. (b) and (c)~~ and all
 14 federal moneys received as child welfare funds under 42 USC 620 to 626 for projects
 15 and services as limited under s. 48.985. Disbursements from this appropriation may
 16 be made directly to counties for services to children and families under s. 49.32 (2)
 17 (b) or 49.325 or directly to counties in accordance with federal requirements for the
 18 disbursal of federal funds.

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

20 20.505 (8) (hm) 21d. The amount transferred to s. 20.410 (3) 20.437 (1) (kp)
 21 shall be the amount in the schedule under s. 20.410 (3) 20.437 (1) (kp).

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

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

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

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

5 46.011 (1p) “Juvenile correctional services” means services provided for a
6 juvenile who is being held in a juvenile detention facility or who is under the
7 supervision of the department of corrections under s. 938.183, 938.34 (4h), (4m), or
8 (4n) (a), or 938.357 (4).

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

10 46.03 (18) (a) Except as provided in s. 46.10 (14) (b) and (c), the department
11 shall establish a uniform system of fees for services provided or purchased by the
12 department, or a county department under s. 46.215, 46.22, 51.42, or 51.437, except
13 for services provided under ch. 48 and subch. III of ch. 49; community-based juvenile
14 delinquency-related services; juvenile correctional services; services provided to
15 courts; and outreach, information, and referral services; or when, as determined by
16 the department, a fee is administratively unfeasible or would significantly prevent
17 accomplishing the purpose of the service. A county department under s. 46.215,
18 46.22, 51.42, or 51.437 shall apply the fees that it collects under this program to cover
19 the cost of those services.

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

21 46.03 (20) (a) ~~Except for payments provided under ch. 48 or subch. III of ch. 49,~~
22 The department may make payments directly to recipients of public assistance
23 or to such persons authorized to receive such those payments in accordance with law
24 and rules of the department on behalf of the counties. ~~Except for payments provided~~
25 ~~under ch. 48 or subch. III of ch. 49, the~~ The department may charge the counties for

1 the cost of operating public assistance systems ~~which~~ that make ~~such~~ those
2 payments.

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

4 46.206 (1) (a) The department shall supervise the administration of social
5 services, except as for social services provided under ch. 48 and subch. III of ch. 49
6 ~~and except for, community-based juvenile delinquency-related services, and~~
7 juvenile correctional services. The department shall submit to the federal
8 authorities state plans for the administration of social services, except as for social
9 services provided under ch. 48 and subch. III of ch. 49 ~~and except for,~~
10 community-based juvenile delinquency-related services, and juvenile correctional
11 services, in such form and containing such information as the federal authorities
12 require, and shall comply with all requirements prescribed to ensure their
13 correctness.

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

15 46.206 (2) The county administration of all laws relating to social services,
16 ~~except with respect to the programs under ch. 48 and subch. III of ch. 49 and to~~
17 ~~juvenile delinquency-related programs~~, shall be vested in the officers and agencies
18 designated in the statutes.

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

20 46.215 (1) (d) To make investigations that relate to services under subchs. IV
21 and V of ch. 49 upon request by the department of health services, to make
22 investigations that relate to juvenile delinquency-related correctional services at
23 the request of the department of corrections, and to make investigations that relate
24 to programs under ch. 48 and subch. III of ch. 49 or to community-based juvenile

1 delinquency-related services upon request by the department of children and
2 families.

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

4 46.215 (2) (a) 1. In order to ensure the availability of a full range of care and
5 services, the county department of social services may contract, either directly or
6 through the department of health services, with public or voluntary agencies or
7 others to purchase, in full or in part, care and services, except as provided under
8 subch. III of ch. 49 and s. 301.08 (2), ~~which~~ and except for community-based juvenile
9 delinquency-related services, that the county department of social services is
10 authorized by any statute to furnish in any manner. ~~This~~ That care and ~~these~~ those
11 services may be purchased from the department of health services if the department
12 of health services has staff to furnish ~~the~~ that care and those services. If the county
13 department of social services has adequate staff, it may sell ~~the~~ that care and those
14 services directly to another county or state agency.

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

16 46.215 (2) (a) 2. In order to ensure the availability of a full range of care and
17 services, the county department of social services may contract, either directly or
18 through the department of children and families, with public or voluntary agencies,
19 or others to purchase, in full or in part, care and services under ch. 48 and subch. III
20 of ch. 49 ~~which~~ and community-based juvenile delinquency-related services that the
21 county department of social services is authorized to furnish. ~~This~~ That care and
22 ~~these~~ those services may be purchased from the department of children and families
23 if the department of children and families has staff to furnish ~~the~~ that care and those
24 services. If the county department of social services has adequate staff, it may sell
25 ~~the~~ that care and those services directly to another county or state agency.

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

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

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

13 46.215 (2) (c) 1. A county department of social services shall develop, under the
14 requirements of s. 46.036, plans and contracts for the purchase of care and services
15 ~~to be purchased~~, except for care and services under subch. III of ch. 49 or s. 301.08
16 (2) and community-based juvenile delinquency-related services. The department
17 of health services may review the contracts and approve them if they are consistent
18 with s. 46.036 and if state or federal funds are available for ~~such~~ those purposes. The
19 joint committee on finance may require the department of health services to submit
20 the contracts to the committee for review and approval. The department of health
21 services may not make any payments to a county for programs included in a contract
22 under review by the committee. The department of health services shall reimburse
23 each county for the contracts from the appropriations under s. 20.435 (7) (b) and (o),
24 as appropriate, under s. 46.495.

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

1 46.215 (2) (c) 2. A county department of social services shall develop, under the
2 requirements of s. 49.34, plans and contracts for the purchase of care and services
3 ~~to be purchased~~ under ch. 48 and subch. III of ch. 49 and of community-based
4 juvenile delinquency-related services. The department of children and families may
5 review the contracts and approve them if they are consistent with s. 49.34 and if state
6 or federal funds are available for such ~~such~~ those purposes. The joint committee on
7 finance may require the department of children and families to submit the contracts
8 to the committee for review and approval. The department of children and families
9 may not make any payments to a county for programs included in a contract under
10 review by the committee.

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

12 46.215 (2) (c) 3. A county department of social services shall develop, under the
13 requirements of s. 301.08 (2), plans and contracts for ~~juvenile delinquency-related~~
14 ~~care and services to be purchased~~ the purchase of juvenile correctional services. The
15 department of corrections may review the contracts and approve them if they are
16 consistent with s. 301.08 (2) and if state or federal funds are available for such
17 purposes. The joint committee on finance may require the department of corrections
18 to submit the contracts to the committee for review and approval. The department
19 of ~~corrections~~ children and families may not make any payments under s. 48.526 to
20 a county for programs included in a contract under review by the committee. The
21 department of ~~corrections~~ children and families shall reimburse each county for the
22 contracts from the appropriations under s. ~~20.410 (3) (ed) and (ko)~~ 20.437 (1) (cj) and
23 (o) as appropriate.

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

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

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

6 46.22 (1) (b) 2. a. To administer community-based juvenile
7 delinquency-related services under s. 48.526.

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

9 46.22 (1) (b) 2. c. To make investigations as provided under ch. 48 and subch.
10 III of ch. 49 and investigations relating to community-based juvenile
11 delinquency-related services upon request by the department of children and
12 families.

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

14 46.22 (1) (b) 5m. a. To administer juvenile ~~delinquency-related~~ correctional
15 services under s. 301.26.

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

17 46.22 (1) (b) 5m. c. To make investigations relating to juvenile
18 delinquency-related correctional services upon request by the department of
19 corrections.

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

21 46.22 (1) (e) 3. a. A county department of social services shall develop, under
22 the requirements of s. 46.036, plans and contracts for the purchase of care and
23 services, except for care and services provided under ch. 48, subch. III of ch. 49, and
24 s. 301.08 (2), ~~to be purchased~~ and community-based juvenile delinquency-related
25 services. The department of health services may review the contracts and approve

1 them if they are consistent with s. 46.036 and to the extent that state or federal funds
2 are available for ~~such~~ those purposes. The joint committee on finance may require
3 the department of health services to submit the contracts to the committee for review
4 and approval. The department of health services may not make any payments to a
5 county for programs included in the contract that is under review by the committee.
6 The department of health services shall reimburse each county for the contracts from
7 the appropriations under s. 20.435 (7) (b) and (o) according to s. 46.495.

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

9 46.22 (1) (e) 3. b. A county department of social services shall develop, under
10 the requirements of s. 49.34, plans and contracts for the purchase of care and services
11 under ch. 48 and subch. III of ch. 49 to be purchased and of community-based
12 juvenile delinquency-related services. The department of children and families may
13 review the contracts and approve them if they are consistent with s. 49.34 and to the
14 extent that state or federal funds are available for such purposes. The joint
15 committee on finance may require the department of children and families to submit
16 the contracts to the committee for review and approval. The department of children
17 and families may not make any payments to a county for programs included in the
18 contract that is under review by the committee.

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

20 46.22 (1) (e) 3. c. A county department of social services shall develop, under
21 the requirements of s. 301.08 (2), plans and contracts for the purchase of juvenile
22 delinquency-related care and services to be purchased correctional services. The
23 department of corrections may review the contracts and approve them if they are
24 consistent with s. 301.08 (2) and to the extent that state or federal funds are available
25 for ~~such~~ those purposes. The joint committee on finance may require the department

1 of corrections to submit the contracts to the committee for review and approval. The
2 department of ~~corrections~~ children and families may not make any payments under
3 s. 48.526 to a county for programs included in the contract that is under review by
4 the committee. The department of ~~corrections~~ children and families shall reimburse
5 each county for the contracts from the appropriations under s. 20.410 (3) ~~(cd)~~ and ~~(ke)~~
6 20.437 (1) (cj) and (o) as appropriate.

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

9 46.22 (2g) (d) (intro.) Prepare, with the assistance of the county social services
10 director under sub. (3m) (b) 5., ~~a~~ all of the following:

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

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

17 3. A final budget for submission to the department of children and families in
18 accordance with s. 49.325 for authorized services under ch. 48 and subch. III of ch.
19 49, ~~and a~~ and authorized community-based juvenile delinquency-related services.

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

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

23 46.23 (5) (a) 1. Shall determine administrative and program policies, except as
24 provided under ch. 48 and subch. III of ch. 49 and except for policies relating to
25 community-based juvenile delinquency-related policies, services or to juvenile

1 correctional services, within limits established by the department of health services.
2 Policy decisions, except as provided under ch. 48 and subch. III of ch. 49 and except
3 for policy decisions relating to community-based juvenile delinquency-related
4 policies, services or to juvenile correctional services, that are not reserved by statute
5 for the department of health services may be delegated by the secretary to the county
6 human services board.

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

8 46.23 (5) (a) 2. Shall determine administrative and program policies under ch.
9 48 and subch. III of ch. 49 and administrative and program policies relating to
10 community-based juvenile delinquency-related services within limits established
11 by the department of children and families. Policy decisions under ch. 48 and subch.
12 III of ch. 49 and policy decisions relating to community-based juvenile
13 delinquency-related services that are not reserved by statute for the department of
14 children and families may be delegated by the secretary of children and families to
15 the county human services board.

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

17 46.23 (5) (a) 3. Shall determine ~~juvenile delinquency-related~~ administrative
18 programs and policies relating to juvenile correctional services within limits
19 established by the department of corrections. ~~Juvenile delinquency-related policy~~
20 Policy decisions relating to juvenile correctional services that are not reserved by
21 statute for the department of corrections may be delegated by the secretary of
22 corrections to the county human services board.

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

24 46.23 (5) (c) 1. Shall determine whether state mandated services, except for
25 services under ch. 48 and subch. III of ch. 49, community-based juvenile

1 ~~delinquency-related services,~~ and juvenile ~~delinquency-related~~ correctional
2 services, are provided ~~or by,~~ purchased from, or contracted for with local providers,
3 and monitor the performance of such those contracts. Purchase of services contracts
4 shall be subject to the conditions specified in s. 46.036.

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

6 46.23 (5) (c) 2. Shall determine whether state mandated services under ch. 48
7 and subch. III of ch. 49 and state-mandated community-based juvenile
8 delinquency-related services are provided ~~or by,~~ purchased from, or contracted for
9 with local providers, and monitor the performance of such those contracts. Purchase
10 of services contracts shall be subject to the conditions specified in s. 49.34.

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

12 46.23 (5) (c) 3. Shall determine whether state mandated juvenile
13 ~~delinquency-related~~ correctional services are provided ~~or by,~~ purchased from, or
14 contracted for with local providers, and monitor the performance of such those
15 contracts. Purchase of service contracts shall be subject to the conditions specified
16 in s. 301.031.

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

18 46.23 (5) (n) 1. Shall submit a final budget in accordance with s. 46.031 (1) for
19 authorized services, except for services under ch. 48 and subch. III of ch. 49,
20 community-based juvenile delinquency-related services, and juvenile
21 ~~delinquency-related~~ correctional services. Notwithstanding the categorization of or
22 limits specified for funds allocated under s. 46.495 or 51.423 (2), with the approval
23 of the department of health services the county human services board may expend
24 ~~these~~ those funds consistent with any service provided under s. 46.495 or 51.42.

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

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

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

8 46.23 (5) (n) 3. Shall submit a final budget in accordance with s. 301.031 (1) for
9 authorized juvenile delinquency-related correctional services.

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

11 46.23 (5m) (c) Prepare, with the assistance of the county human services
12 director under sub. (6m) (e), a proposed budget for submission to the county executive
13 or county administrator; a final budget for submission to the department of health
14 services in accordance with s. 46.031 (1) for authorized services, except services
15 under ch. 48 and subch. III of ch. 49 ~~and~~, community-based juvenile
16 delinquency-related services, and juvenile correctional services; a final budget for
17 submission to the department of children and families in accordance with s. 49.325
18 for authorized services under ch. 48 and subch. III of ch. 49, and for authorized
19 community-based juvenile delinquency-related services; and a final budget for
20 submission to the department of corrections in accordance with s. 301.031 for
21 authorized juvenile delinquency-related correctional services.

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

23 46.23 (6) (a) (intro.) A county human services director appointed under sub. (5)
24 (f) shall have all of the administrative and executive powers and duties of managing,
25 operating, maintaining, and improving the services and programs of the county

1 department of human services, Those powers and duties are subject to the rules
2 promulgated by the department of health services for programs, except that, with
3 respect to services or programs under ch. 48 and subch. III of ch. 49 and
4 community-based juvenile delinquency-related services or programs, those powers
5 and duties are subject to the rules promulgated by the department of children and
6 families for services or programs under ch. 48 and subch. III of ch. 49, and, with
7 respect to juvenile correctional services or programs, those powers and duties are
8 subject to the rules promulgated by the department of corrections ~~for juvenile~~
9 ~~delinquency-related services or programs~~. In consultation with the county human
10 services board under sub. (5) and subject to its approval, the county human services
11 director shall prepare all of the following:

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

13 48.47 (10) DELINQUENT JUVENILES. Subject to sub. 301.03 (9) and (10), execute
14 the laws relating to the detention, reformation, and correction of delinquent
15 juveniles and promote the enforcement of laws for the protection of those juveniles
16 by doing all of the following:

17 (a) Cooperating with courts, the department of corrections, county
18 departments, licensed child welfare agencies, and institutions in providing
19 community-based programming, including in-home programming and intensive
20 supervision, for delinquent juveniles.

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

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

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

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

11 48.48 (4) In order to discharge more effectively its responsibilities under this
12 chapter and other relevant provisions of the statutes, to study causes and methods
13 of prevention and treatment of problems among children and families, delinquency,
14 and related social problems. The department may utilize all powers provided by the
15 statutes, including the authority to accept grants of money or property from federal,
16 state, or private sources, and enlist the cooperation of other appropriate agencies and
17 state departments.

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

19 48.48 (8p) To reimburse tribes and county departments, from the
20 appropriation under s. 20.437 (1) (kz), for unexpected or unusually high-cost
21 out-of-home care placements of Indian children by tribal courts, other than
22 placements to which sub. (8r) applies, and for subsidized guardianship payments
23 under s. 48.623 (1) or (6) for guardianships of Indian children ordered by tribal
24 courts. In this subsection, “unusually high-cost out-of-home care placements”
25 means the amount by which the cost to a tribe or to a county department of

1 out-of-home care placements of Indian children by tribal courts, other than
2 placements to which sub. (8r) applies, exceeds \$50,000 in a fiscal year.

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

4 **48.526 (title) Community youth and family aids.**

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

6 48.526 (1) PROCEDURES. The department shall develop procedures for the
7 implementation of this section and standards for the development and delivery of
8 community-based juvenile delinquency-related services, as defined in s. 46.011 (1c),
9 and shall provide consultation and technical assistance to aid counties in the
10 implementation and delivery of those services. The department shall establish
11 information systems and monitoring and evaluation procedures to report
12 periodically to the governor and legislature on the statewide impact of this section.

13 **SECTION 48.** 48.569 (2) (a) of the statutes is amended to read:

14 48.569 (2) (a) The county treasurer and each director of a county department
15 shall monthly certify under oath to the department, in the manner the department
16 prescribes, the claim of the county for state reimbursement under this section, and
17 if the department approves the claim it shall certify to the department of
18 administration for reimbursement to the county for amounts due under this section
19 and payment claimed to be made to the counties monthly. ~~The department may make~~
20 ~~advance payments prior to the beginning of each month equal to one-twelfth of the~~
21 ~~contracted amount.~~

22 **SECTION 49.** 48.985 (3) of the statutes is amended to read: ✓

23 48.985 (3) COMMUNITY YOUTH AND FAMILY AIDS. From the appropriation account
24 ~~under s. 20.410 (3) (k) 20.437 (1) (o), the department of corrections shall allocate,~~

1 ~~to county departments under ss. 46.215, 46.22, and 46.23 for the provision of services~~
2 ~~under s. ~~301.26~~ 48.526, not more than \$1,100,000 in each fiscal year.~~

3 **SECTION 50.** 49.11 (1) of the statutes is renumbered 49.11 (1e).

4 **SECTION 51.** 49.11 (1c) of the statutes is created to read:

5 49.11 (1c) “Community-based juvenile delinquency-related services” means
6 juvenile delinquency-related services provided under ch. 938 other than services
7 provided for a juvenile who is being held in a juvenile detention facility or who is
8 under the supervision of the department of corrections under s. 938.183, 938.34 (4h),
9 (4m), or (4n) (a), or 938.357 (4).

10 **SECTION 52.** 49.275 of the statutes is amended to read:

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

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

19 49.32 (1) (a) Except as provided in s. 49.345 (14) (b) and (c), the department
20 shall establish a uniform system of fees for services ~~provided or purchased~~ under this
21 subchapter and ch. 48, and community-based juvenile delinquency-related services
22 under ch. 938, purchased or provided by the department, or by a county department
23 under s. 46.215, 46.22, or 46.23, except as provided in s. 49.22 (6) and except when,
24 as determined by the department, a fee is administratively unfeasible or would
25 significantly prevent accomplishing the purpose of the service. A county department

1 under s. 46.215, 46.22, or 46.23 shall apply the fees that it collects under this program
2 to cover the cost of those services. The department shall report to the joint committee
3 on finance no later than March 1 of each year on the number of children placed for
4 adoption by the department during the previous year and the costs to the state for
5 services relating to such adoptions.

6 **SECTION 54.** 49.32 (1) (b) of the statutes is amended to read:

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

15 **SECTION 55.** 49.32 (2) (b) of the statutes is amended to read:

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

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

22 49.325 (1) (a) Each county department under s. 46.215, 46.22, or 46.23 shall
23 submit its final budget for services purchased or directly provided ~~or purchased~~
24 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.

1 **SECTION 65.** 49.34 (3) (f) of the statutes is repealed.

2 **SECTION 66.** 49.345 (1) of the statutes is amended to read:

3 49.345 (1) Liability and the collection and enforcement of such liability for the
4 care, maintenance, services, and supplies specified in this section are governed
5 exclusively by this section, except in cases of child support ordered by a court under
6 s. 48.355 (2) (b) 4., 48.357 (5m) (a), ~~or 48.363 (2), 938.183 (4), 938.355 (2) (b) 4.,~~
7 938.357 (5m) (a), or 938.363 (2) or ch. 767.

8 **SECTION 67.** 49.345 (2) of the statutes is amended to read:

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

1 and estate from the charges that may be necessary to provide for the person. The
2 department shall make every reasonable effort to notify the liable persons as soon
3 as possible after the beginning of the maintenance, but the notice or the receipt
4 ~~thereof~~ of the notice is not a condition of liability.

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

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

9 **SECTION 69.** 49.345 (14) (b) of the statutes is amended to read:

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

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

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

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1 ~~upon the placement of the child as specified by rules promulgated under subd. 5. The~~
2 ~~assignment shall be for an amount sufficient to ensure payment under the order.~~

3 **SECTION 71.** 49.345 (14) (g) of the statutes is amended to read:

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

11 **SECTION 72.** 49.345 (16) of the statutes is amended to read:

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

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

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

1 subchapter and ch. 48 and of community-based juvenile delinquency-related
2 programs under ch. 938 in such form and containing such information as the federal
3 authorities require, and shall comply with all requirements prescribed to ensure
4 their correctness.

5 **SECTION 74.** 49.35 (1) (b) of the statutes is amended to read:

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

15 **SECTION 75.** 49.35 (2) of the statutes is amended to read:

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

20 **SECTION 76.** 49.45 (6m) (br) 1. of the statutes is amended to read:

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

1 disallowance from the appropriation account under s. 20.437 (1) (cj) or (2) (dz) ~~or~~
2 ~~direct the department of corrections to reduce allocations of funds to counties in the~~
3 ~~amount of the disallowance from the appropriation account under s. 20.410 (3) (cd),~~
4 in accordance with s. 16.544 to the extent applicable.

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

6 301.01 (1n) "Juvenile correctional services" means services provided for a
7 juvenile who is being held in a juvenile detention facility or who is under the
8 supervision of the department under s. 938.183, 938.34 (4h), (4m), or (4n) (a), or
9 938.357 (4). *Create Antorof (c)*

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

11 **301.025 Division of juvenile corrections.** The division of juvenile
12 corrections shall exercise the powers and perform the duties of the department that
13 relate to juvenile correctional services and institutions, juvenile offender review,
14 aftercare, corrective sanctions, and the serious juvenile offender program under s.
15 938.538, ~~and youth aids.~~ *Create antorof (d)*

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

17 301.03 (9) Supervise all persons placed under s. 938.183 in a state prison, all
18 persons placed under s. 938.34 (4h) in the serious juvenile offender program, all
19 persons placed in a juvenile correctional facility or a secured residential treatment
20 center for children and youth under s. 938.34 (4m) or 938.357 (4), and all persons
21 placed on departmental aftercare under s. 938.34 (4n) (a) or 938.357 (4).

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

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

24 301.03 (10) (a) Execute the laws relating to the detention, reformation, and
25 correction of delinquents delinquent juveniles placed under its jurisdiction.

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

2 301.03 (10) (c) Promote the enforcement of laws for the protection of delinquent
3 ~~children juveniles under its jurisdiction.~~ To this end, the department shall cooperate
4 with courts assigned to exercise jurisdiction under chs. 48 and 938, the department
5 of children and families, county departments under ss. 46.215, 46.22, and 46.23 and,
6 licensed child welfare agencies, and institutions in providing community-based
7 programming, including in-home programming and intensive supervision, for
8 delinquent ~~children juveniles under its jurisdiction.~~ The department shall also
9 establish and enforce standards for the development and delivery of services
10 provided by the department under ch. 938 in regard to juveniles who have been
11 adjudicated delinquent and placed under the jurisdiction of the department.

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

13 301.03 (18) (a) Except as provided in s. 301.12 (14) (b) and (c), establish a
14 uniform system of fees for juvenile ~~delinquency-related services provided or~~
15 ~~purchased~~ correctional services purchased or provided by the department or a county
16 department under s. 46.215, 46.22, or 46.23, except for services provided to courts;
17 outreach, information and referral services; or when, as determined by the
18 department, a fee is administratively unfeasible or would significantly prevent
19 accomplishing the purpose of the service. A county department under s. 46.215,
20 46.22, or 46.23 shall apply the fees that it collects under this program to cover the
21 cost of those services.

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

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

24 301.03 (18) (b) Except as provided in s. 301.12 (14) (b) and (c), hold liable for
25 the services purchased or provided ~~or purchased~~ under par. (a) in the amount of the

1 fee established under par. (a) any person receiving those services or the spouse of the
2 person and, in the case of a minor, the parents of the person, and, in the case of a
3 foreign child described in s. 48.839 (1) who became dependent on public funds for his
4 or her primary support before an order granting his or her adoption, the resident of
5 this state appointed guardian of the child by a foreign court who brought the child
6 into this state for the purpose of adoption.

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

8 301.031 (1) (a) Each county department under s. 46.215, 46.22, or 46.23 shall
9 submit to the department by December 31 annually its final budget for juvenile
10 correctional services purchased or directly provided or purchased.

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

12 301.031 (2) ASSESSMENT OF NEEDS. Before developing and submitting a
13 proposed budget for juvenile correctional services to the county executive or county
14 administrator or the county board, the county departments listed in sub. (1) shall
15 assess needs and inventory resources and services, using an open public
16 participation process.

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

18 301.031 (2g) (a) The department shall annually submit to the county board of
19 supervisors in a county with a single-county department or the county boards of
20 supervisors in counties with a multicounty department a proposed written contract
21 containing the allocation of funds for juvenile correctional services and such
22 administrative requirements as necessary. The contract as approved may contain
23 conditions of participation consistent with federal and state law. The contract may
24 also include provisions necessary to ensure uniform cost accounting of services. Any
25 changes to the proposed contract shall be mutually agreed upon. The county board

1 of supervisors in a county with a single-county department or the county boards of
2 supervisors in counties with a multicounty department shall approve the contract
3 before January 1 of the year in which it takes effect unless the department grants
4 an extension. The county board of supervisors in a county with a single-county
5 department or the county boards of supervisors in counties with a multicounty
6 department may designate an agent to approve addenda to any contract after the
7 contract has been approved.

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

9 301.031 (2g) (b) The department may not approve contracts for amounts in
10 excess of available revenues. The county board of supervisors in a county with a
11 single-county department or the county boards of supervisors in counties with a
12 multicounty department may appropriate funds for juvenile ~~delinquency-related~~
13 correctional services. Actual expenditure of county funds shall be reported in
14 compliance with procedures developed by the department, and shall comply with
15 standards guaranteeing quality of care comparable to similar facilities.

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

17 301.031 (2g) (c) The joint committee on finance may require the department
18 to submit contracts between county departments under ss. 46.215, 46.22, and 46.23
19 and providers of ~~service~~ juvenile correctional services to the committee for review
20 and approval.

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

22 301.031 (2r) (a) 1. Is for juvenile correctional services which ~~that~~ duplicate or
23 are inconsistent with services being purchased or provided ~~or purchased~~ by the
24 department or other county departments receiving grants-in-aid or reimbursement
25 from the department.

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

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

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

9 **301.032 (title) Juvenile delinquency-related correctional services;**
10 **supervisory functions of state department.**

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

12 301.032 (1) (a) The department shall supervise the administration of juvenile
13 ~~delinquency-related~~ correctional services. The department shall submit to the
14 federal authorities state plans for the administration of juvenile
15 ~~delinquency-related~~ correctional services in such form and containing such
16 information as the federal authorities require, and shall comply with all
17 requirements prescribed to ensure their correctness.

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

19 301.032 (1) (b) All records of the department and all county records relating to
20 juvenile ~~delinquency-related~~ correctional services shall be open to inspection at all
21 reasonable hours by authorized representatives of the federal government.
22 Notwithstanding ss. 48.396 (2) and 938.396 (2), all county records relating to the
23 administration of those services shall be open to inspection at all reasonable hours
24 by authorized representatives of the department.

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

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

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

12 301.032 (2) The county administration of all laws relating to juvenile
13 delinquency-related correctional services shall be vested in the officers and agencies
14 designated in the statutes.

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

16 **301.07 Cooperation and contracts with federal government.** The
17 department may cooperate with the federal government in carrying out federal acts
18 concerning adult corrections and ~~youth corrections~~ juvenile correctional services and
19 may enter into contracts with the federal government under 18 USC 5003.

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

21 301.08 (2) (a) All care and services purchased by the department and all care
22 ~~and services relating to juvenile delinquency~~ juvenile correctional services
23 purchased by a county department under s. 46.215, 46.22, or 46.23 shall be
24 authorized and contracted for under the standards established under this
25 subsection. For purchases of \$10,000 or less the requirement for a written contract

1 may be waived by the department. No contract is required for care provided by foster
2 homes required to be licensed under s. 48.62. If the department directly contracts
3 for services, it shall follow the procedures in this subsection in addition to meeting
4 purchasing requirements established in s. 16.75.

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

6 301.085 (2) The department may make payments for juvenile
7 ~~delinquency-related payments~~ correctional services directly to recipients, vendors,
8 or providers in accordance with law and rules of the department on behalf of the
9 counties which have contracts to have such those payments made on their behalf.

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

11 **301.26 (title) ~~Community youth and family aids~~ Juvenile correctional**
12 **services; state services.**

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

14 301.26 (1) PROCEDURES. The department shall develop procedures for the
15 implementation of this section and standards for the development and delivery of
16 juvenile ~~delinquency-related services under ch. 938~~ correctional services, and shall
17 provide consultation and technical assistance to aid counties in the implementation
18 and ~~service~~ delivery of those services. The department shall establish information
19 systems, and monitoring and evaluation procedures to report periodically to the
20 governor and legislature on the ~~state~~ statewide impact of this section.

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

23 48.526 (2) RECEIPT OF FUNDS. (a) All funds to counties under this section shall
24 be allocated to county departments under ss. ~~46.21, 46.215,~~ 46.22 and 46.23 subject
25 to ss. ~~46.495 (2) and 301.031, except that monthly advance payments to the counties~~

1 ~~may be less than one-twelfth of the contracted amounts~~ 48.569 (2) and 49.325. No
2 reimbursement may be made to any multicounty department until the counties
3 ~~which~~ that established the department have drawn up a detailed contractual
4 agreement, approved by the secretary, setting forth the plans for joint sponsorship.

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

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

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

19 **48.526 (2m) PUBLIC PARTICIPATION PROCESS.** In determining the use of funds
20 under this section, county departments under ss. ~~46.21, 46.215~~, 46.22 and 46.23 shall
21 assess needs using an open public participation process ~~which~~ that involves
22 representatives of those receiving services.

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

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

1 48.526 (3) (a) Receipt of funds under this subsection is contingent upon use of
2 ~~a~~ the public participation process required under sub. (2m).

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

5 48.526 (3) (c) Within the limits of the appropriations under s. ~~20.410 (3) (ed)~~
6 ~~and (ke)~~ 20.437 (1) (cj) and (o), the department shall allocate funds to each county for
7 services under this section.

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

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

11 48.526 (3) (e) The department may carry forward \$500,000 or 10% of its funds
12 allocated under this subsection and not encumbered or carried forward under par.
13 (dm) by counties by December 31, whichever is greater, to the next 2 calendar years.
14 The department may transfer moneys from or within s. ~~20.410 (3) (ed)~~ 20.437 (1) (cj)
15 to accomplish this purpose. The department may allocate these transferred moneys
16 to counties with persistently high rates of juvenile arrests for serious offenses during
17 the next 2 calendar years to improve community-based juvenile
18 delinquency-related services, as defined in s. 46.011 (1c). The allocation does not
19 affect a county's base allocation.

20 **SECTION 110.** 301.26 (3) (em) of the statutes is renumbered 48.526 (3) (em) and
21 amended to read:

22 48.526 (3) (em) The department may carry forward any emergency funds
23 allocated under sub. (7) (e) and not encumbered or carried forward under par. (dm)
24 by December 31 to the next 2 calendar years. The department may transfer moneys
25 from or within s. ~~20.410 (3) (ed)~~ 20.437 (1) (cj) to accomplish this purpose. The

1 department may allocate these transferred moneys to counties that are eligible for
2 emergency payments under sub. (7) (e). The allocation does not affect a county's base
3 allocation.

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

5 301.26 (4) (a) Except as provided in pars. (c) and (cm), the department of
6 corrections shall bill counties, or the department of children and families shall
7 deduct from the allocations under s. ~~20.410 (3) (ed)~~ 20.437 (1) (cj), for the costs of care,
8 services, and supplies purchased or provided by the department of corrections for
9 each person receiving services under s. 938.183 or 938.34 or the department of health
10 services for each person receiving services under s. 46.057 or 51.35 (3). The
11 department of corrections may not bill a county ~~for or~~, and the department of children
12 and families may not deduct from a county's allocation, for the cost of care, services,
13 and supplies provided to a person subject to an order under s. 938.183 after the
14 person reaches 18 years of age. Payment shall be due within 60 days after the billing
15 date. If any payment has not been received within those 60 days, the department of
16 ~~corrections~~ children and families may withhold aid payments in the amount due
17 from the appropriation under s. ~~20.410 (3) (ed)~~ 20.437 (1) (cj).

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

19 301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on
20 the basis of the per person per day cost estimate specified in par. (d) 2., 3., and 4.
21 Except as provided in pars. (bm), (c), and (cm), liability shall apply to county
22 departments under s. ~~46.21~~, 46.215, 46.22, or 46.23 in the county of the court
23 exercising jurisdiction under ch. 938 for each person receiving services from the
24 department of corrections under s. 938.183 or 938.34 or the department of health
25 services under s. 46.057 or 51.35 (3). Except as provided in pars. (bm), (c), and (cm),

1 in multicounty court jurisdictions, the county of residency within the jurisdiction
2 shall be liable for costs under this subsection. Assessment of costs under par. (a) shall
3 also be made according to the general placement type or level of care provided, as
4 defined by the department, and prorated according to the ratio of the amount
5 designated under ~~sub. s. 48.526~~ (3) (c) to the total applicable estimated costs of care,
6 services, and supplies provided by the department of corrections under ss. 938.183
7 and 938.34 and the department of health services under s. 46.057 or 51.35 (3).

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

9 301.26 (4) (bm) Notwithstanding par. (b), the county department under s.
10 ~~46.21, 46.215,~~ 46.22, or 46.23 of the county of residency of a juvenile who has been
11 adjudicated delinquent by a court of another county or by a court of another
12 multicounty jurisdiction may voluntarily assume liability for the costs payable
13 under par. (a). A county department may assume liability under this paragraph by
14 a written agreement signed by the director of the county department that assumes
15 liability under this paragraph and the director of the county department that is
16 otherwise liable under par. (b).

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

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

20 48.526 (6) (a) ~~The intent of this subsection is to~~ department shall develop
21 criteria as provided in par. (b) to assist the legislature in allocating funding,
22 excluding funding for base allocations, from the appropriations under s. ~~20.410 (3)~~
23 ~~(ed) and (ke)~~ 20.437 (1) (cj) and (o) for purposes described in this section.

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

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

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

11 301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability
12 of the appropriations under s. 20.410 (3) (cd) and (ko), the department shall allocate
13 funds for community youth and family aids for the period beginning on July 1, 2013
14 2015, and ending on June 30, ~~2015~~ 2017, as provided in this subsection to county
15 departments under ss. 46.215, 46.22, and 46.23 as follows:

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

18 48.526 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability
19 of the appropriations under s. ~~20.410 (3) (cd) and (ko)~~ 20.4347 (1) (cj) and (o), the
20 department shall allocate funds for community youth and family aids for the period
21 beginning on July 1, 2015, and ending on June 30, 2017, as provided in this
22 subsection to county departments under ss. 46.215, 46.22, and 46.23 as follows:

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

24 301.26 (7) (a) For community youth and family aids under this section,
25 amounts not to exceed \$45,478,000 \$45,572,100 for the last 6 months of 2013,

1 ~~\$90,956,100~~ 2015, ~~\$91,150,200~~ for ~~2014~~ 2016, and ~~\$45,478,100~~ \$45,578,100 for the
2 first 6 months of ~~2015~~ 2017.

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

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

6 301.26 (7) (b) (intro.) Of the amounts specified in par. (a), the department shall
7 allocate \$2,000,000 for the last 6 months of ~~2013~~ 2015, \$4,000,000 for ~~2014~~ 2016, and
8 \$2,000,000 for the first 6 months of ~~2015~~ 2017 to counties based on each of the
9 following factors weighted equally:

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

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

13 301.26 (7) (bm) Of the amounts specified in par. (a), the department shall
14 allocate \$6,250,000 for the last 6 months of ~~2013~~ 2015, \$12,500,000 for ~~2014~~ 2016,
15 and \$6,250,000 for the first 6 months of ~~2015~~ 2017 to counties based on each county's
16 proportion of the number of juveniles statewide who are placed in a juvenile
17 correctional facility during the most recent 3-year period for which that information
18 is available.

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

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

22 301.26 (7) (c) Of the amounts specified in par. (a), the department shall allocate
23 \$1,053,200 for the last 6 months of ~~2013~~ 2015, \$2,106,500 for ~~2014~~ 2016, and
24 \$1,053,300 for the first 6 months of ~~2015~~ 2017 to counties based on each of the factors
25 specified in par. (b) 1. to 3. weighted equally, except that no county may receive an

1 allocation under this paragraph that is less than 93% nor more than 115% of the
2 amount that the county would have received under this paragraph if the allocation
3 had been distributed only on the basis of the factor specified in par. (b) 3.

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

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

7 301.26 (7) (e) For emergencies related to community youth and family aids
8 under this section, amounts not to exceed \$125,000 for the last 6 months of ~~2013~~
9 2015, \$250,000 for ~~2014~~ 2016, and \$125,000 for the first 6 months of ~~2015~~ 2017. A
10 county is eligible for payments under this paragraph only if it has a population of not
11 more than 45,000.

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

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

15 301.26 (7) (h) For counties that are participating in the corrective sanctions
16 program under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~2013~~ 2015,
17 \$2,124,800 in ~~2014~~ 2016, and \$1,062,400 in the first 6 months of ~~2015~~ 2017 for the
18 provision of corrective sanctions services for juveniles from that county. In
19 distributing funds to counties under this paragraph, the department shall determine
20 a county's distribution by dividing the amount allocated under this paragraph by the
21 number of slots authorized for the program under s. 938.533 (2) and multiplying the
22 quotient by the number of slots allocated to that county by agreement between the
23 department and the county. The department may transfer funds among counties as
24 necessary to distribute funds based on the number of slots allocated to each county.

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

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

4 301.26 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the
5 allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last
6 6 months of ~~2013~~ 2015, \$1,333,400 in ~~2014~~ 2016, and \$666,700 in the first 6 months
7 of ~~2015~~ 2017 for alcohol and other drug abuse treatment programs.

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

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

11 ~~SECTION 134. 301.263 (1) of the statutes is renumbered 48.528 (1) and amended~~ ✓
12 to read:

13 48.528 (1) From the appropriation under s. ~~20.410 (3) (f)~~ 20.437 (1) (cm), the
14 department shall distribute \$3,750,000 in each year to counties for early
15 intervention services for first offenders and for intensive community-based
16 intervention services for seriously chronic offenders.

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

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

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

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20 938.02 (4) "Department" means the department of children and families,
21 except that with respect to a juvenile who is being held in a juvenile detention facility
22 or who is under the supervision of the department of corrections under s. 938.183,
23 938.34 (4h), (4m), or (4n) (a), or 938.357 (4), "department" means the department of
24 corrections.

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

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

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

11 938.48 (1) ENFORCEMENT OF LAWS. Promote the enforcement of the laws relating
12 to delinquent juveniles ~~and juveniles in need of protection or services~~ and take the
13 initiative in all matters involving the interests of those juveniles when adequate
14 provision for those matters is not made. This duty shall be discharged in cooperation
15 with the courts, the department of children and families, county departments,
16 licensed child welfare agencies, parents, and other individuals interested in the
17 welfare of juveniles.

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

20 48.48 (8r) ~~INDIAN JUVENILE PLACEMENTS. Reimburse~~ To reimburse Indian tribes
21 and county departments, from the appropriation under s. ~~20.410 (3)~~ 20.437 (1) (kp),
22 for unexpected or unusually high-cost out-of-home care placements of Indian
23 juveniles children who have been adjudicated delinquent by tribal courts. In this
24 subsection, “unusually high-cost out-of-home care placements” means the amount
25 by which the cost to an Indian tribe or to a county department of out-of-home care

1 placements of Indian juveniles children who have been adjudicated delinquent by
2 tribal courts exceeds \$50,000 in a fiscal year.

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

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

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

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

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

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

17 (c) *Positions and employees.* On the effective date of this paragraph, all
18 positions and all incumbent employees holding those positions in the department of
19 corrections performing duties that are primarily related to the allocation of youth
20 aids, the supervision of community-based juvenile delinquency-related services, or
21 the supervision of services provided for juveniles in need of protection or services, as
22 determined by the secretary of administration, are transferred to the department of
23 children and families.

24 (d) *Employee status.* Employees transferred under paragraph (c) have all the
25 rights and the same status under subchapter V of chapter 111 and chapter 230 of the

1 statutes in the department of children and families that they enjoyed in the
2 department of corrections immediately before the transfer. Notwithstanding section
3 230.28 (4) of the statutes, no employee so transferred who has attained permanent
4 status in class is required to serve a probationary period.

5 (e) *Tangible personal property.* On the effective date of this paragraph, all
6 tangible personal property, including records, of the department of corrections that
7 is primarily related to the allocation of youth aids, the supervision of
8 community-based juvenile delinquency-related services, or the supervision of
9 services provided for juveniles in need of protection or services, as determined by the
10 secretary of administration, is transferred to the department of children and
11 families.

12 (f) *Pending matters.* Any matter pending with the department of corrections
13 on the effective date of this paragraph that is primarily related to the allocation of
14 youth aids, the supervision of community-based juvenile delinquency-related
15 services, or the supervision of services provided for juveniles in need of protection or
16 services, as determined by the secretary of administration, is transferred to the
17 department of children and families. All materials submitted to or actions taken by
18 the department of corrections with respect to the pending matter are considered as
19 having been submitted to or taken by the department of children and families.

20 (g) *Contracts.* All contracts entered into by the department of corrections in
21 effect on the effective date of this paragraph that are primarily related to the
22 allocation of youth aids, the supervision of community-based juvenile
23 delinquency-related services, or the supervision of services provided for juveniles in
24 need of protection or services, as determined by the secretary of administration,
25 remain in effect and are transferred to the department of children and families. The

1 department of children and families shall carry out any obligations under those
2 contracts unless modified or rescinded by the department of children and families to
3 the extent allowed under the contract.

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

17 **SECTION 9408. Effective dates; Corrections.**

18 (1) COMMUNITY-BASED JUVENILE DELINQUENCY-RELATED SERVICES. The treatment
19 of sections 20.410 (3) (cd), (f), (ko), and (kp), 20.437 (1) (kz) and (o), 20.505 (8) (hm)
20 21d., 46.011 (1) (1c), and (1p), 46.03 (18) (a) and (20) (a), 46.206 (1) (a) and (2), 46.215
21 (1) (d) and (2) (a) 1., 2., and 3. and (c) 1., 2., and 3., 46.22 (1) (b) 1. b., 2. a. and c., and
22 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.,
23 and 3., and (n) 1., 2., and 3., (5m) (c), and (6) (a) (intro.), 48.47 (10), 48.48 (1), (4), and
24 (8p), 48.526 (title) and (1), 48.569 (2) (a), 48.985 (b) 49.11 (1) and (1c), 49.275, 49.32
25 (1) (a) and (b) and (2) (b), 49.325 (1) (a), (2), (2g) (a), (b), and (c), and (2r) (a) 1. and

(b) SECTION *
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1 2., 49.34 (1), (2), and (3) (f), 49.345 (1), (2), (8) (g), (14) (b), (e) 1, and (g) and (16), 49.35
 2 (1) (a) and (b) and (2), 49.45 (6m) (br) 1., 301.01 (1n), 301.025, 301.03 (9), (9r), (10)
 3 (a) and (c), and (18) (a), (am), and (b), 301.031 (1) (a), (2), (2g) (a), (b), and (c), and (2r)
 4 (a) 1. and 2., 301.032 (title), (1) (a), (b), and (c), and (2), 301.07, 301.08 (2) (a), 301.085
 5 (2), 301.26 (title), (1), (2), (2m), (3) (title), (a), (c), (dm), (e), and (em), (4) (a), (b), and
 6 (bm), and (6) (title), (a), and (b), 301.263 (title), (1), (2), and (3), 938.02 (4), 938.06 (4),
 7 and 938.48 (1) and (8p) of the statutes, the renumbering and amendment of section
 8 301.26 (7) (intro.) of the statutes, the renumbering of section 301.26 (7) (a), (b), (bm),
 9 (c), (e), and (h) and (8) of the statutes, and section 9108 (1) of this act take effect on
 10 January 1, 2016.

(section 3)

(END)

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and 301.263(1)

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The amendment of sections 46.011 (1p), 49.71 (1c), and 301.01 (1n) of the statutes, stays in

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(INSERT 4-18)

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SECTION 1. 20.437 (1) (o) of the statutes, as affected by 2015 Wisconsin Act ...

2

(this act), is amended to read:

3

20.437 (1) (o) *Federal aid; children, youth, and family aids.* All federal moneys

4

received in amounts pursuant to allocation plans developed by the department for

5

the provision or purchase of services authorized under ~~par.~~ [✓] pars. (b) and (c) and all

6

federal moneys received as child welfare funds under 42 USC 620 to 626 for the

7

provision or purchase of child welfare projects and services. Disbursements from

8

this appropriation may be made directly to counties for services to children and

9

families under s. 49.32 (2) (b) or 49.325 or directly to counties in accordance with

10

federal requirements for the disbursement of federal funds.

History: 2007 a. 20 ss. 331, 335, 340, 341, 342, 344 to 352, 354 to 368g, 374 to 376, 380, 381, 401, 404, 405, 423 to 437, 447, 448, 450, 451, 453, 453p, 454, 456 to 458, 460e, 463, 465 to 472, 474 to 480, 9121 (6) (a); 2009 a. 28 ss. 471 to 513, 522; 2009 a. 76, 180, 185, 265, 339; 2011 a. 32, 258; 2013 a. 20, 170, 334.

***NOTE: This is reconciled s. 20.437 (1) (o). This SECTION has been affected by drafts with the following LRB numbers: LRB-0306/P2 and LRB-0407/P2.

(END OF INSERT)

(INSERT 26-2)

11

SECTION 2. 49.345 (14) (e) 1. of the statutes, as affected by 2015 Wisconsin Act

12

... (this act), is amended to read:

13

49.345 (14) (e) 1. An order issued under s. 48.355 (2) (b) 4., 48.357 (5m) (a), or

14

48.363 (2), 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a), or 938.363 (2) for support

15

determined under this subsection constitutes an assignment of all commissions,

16

earnings, salaries, wages, pension benefits, income continuation insurance benefits

17

under s. 40.62, duty disability benefits under s. 40.65, benefits under ch. 102 or 108,

18

and other money due or to be due in the future to the county department under s.

19

46.215, 46.22, or 46.23 in the county where the order was entered or to the

Auto ref

1

create a.r. (a)

4

↓

Auto ref

create a.r. (b)

4

1 department, depending upon the placement of the child as specified by rules
2 promulgated under subd. 5. The assignment shall be for an amount sufficient to
3 ensure payment under the order.

History: 2007 a. 20 ss. 893, 1507; 2009 a. 28, 218; 2011 a. 260.

****NOTE: This is reconciled s. 49.345 (14) (e) 1. This SECTION has been affected by drafts with the following LRB numbers: LRB-0347/P1 and LRB-0407/P2.

(END OF INSERT)

(INSERT 42-16)

4

SECTION 3. 301.263 (1) of the statutes, as affected by 2015 Wisconsin Act 10 (this act), is renumbered 48.528 (1) and amended to read:

6 48.528 (1) In each fiscal year, the department shall distribute the amount
7 appropriated under s. 20.410 (3) (f) 20.437 (1) (cm) to counties for early intervention
8 services for first offenders and for intensive community-based intervention services
9 for seriously chronic offenders.

History: 1995 a. 27, 77; 1997 a. 35; 1999 a. 9; 2005 a. 344; 2013 a. 20.

****NOTE: This is reconciled s. 301.263 (1). This SECTION has been affected by drafts with the following LRB numbers: LRB-0216/P2 and LRB-0407/P2.

(END OF INSERT)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0407/P3dn

GMM...*gf*

Date

Katie:

✓ ✓ ✓ ✓
This draft reconciles LRB-0407/P2, LRB-0216/P2, LRB-0306/P2, and LRB-0347/P1.
All of these drafts should continue to appear in the compiled bill.

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0407/P3dn
GMM:kjf:jf

January 29, 2015

Katie:

This draft reconciles LRB-0407/P2, LRB-0216/P2, LRB-0306/P2, and LRB-0347/P1.
All of these drafts should continue to appear in the compiled bill.

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