



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-2708/en  
CMH:amn

## 2015 ASSEMBLY BILL 440

1       **AN ACT** *to repeal* 20.437 (1) (d), 20.437 (1) (da), 20.437 (1) (me), 20.437 (2) (kp),  
2           20.437 (2) (pz), 46.46, 48.563 (14m), 48.565 (2) (am), 48.565 (2) (c), 48.567 and  
3           48.983 (6) (d) 2.; *to renumber and amend* 48.565 (intro.) (except 48.565  
4           (title)), 48.565 (3) and 48.565 (6); *to consolidate, renumber and amend*  
5           48.983 (6) (d) (title) and 1.; *to amend* 20.435 (8) (mb), 20.435 (8) (mm), 20.437  
6           (1) (b), 20.437 (1) (km), 20.437 (1) (m), 20.437 (1) (ma), 20.437 (1) (mc), 20.437  
7           (1) (md), 20.437 (1) (n), 20.437 (1) (na), 20.437 (2) (dz), 20.437 (2) (ja), 20.437 (2)  
8           (md), 20.437 (3) (kp), 20.437 (3) (mm), 48.07 (3), 48.207 (2) (a), 48.207 (2) (b),  
9           48.21 (3) (f), 48.21 (5) (b) 1. d., 48.21 (5) (b) 1m., 48.21 (5) (b) 2m., 48.21 (5) (b)  
10          3., 48.21 (5) (e) 2. (intro.), 48.24 (5), 48.275 (2) (d) 1., 48.275 (2) (d) 2., 48.295 (1),  
11          48.30 (6) (c), 48.31 (7) (c), 48.32 (1) (b) 1. b., 48.32 (1) (b) 1. d., 48.32 (1) (b) 1m.,  
12          48.32 (1) (b) 2., 48.33 (4) (c), 48.33 (4) (d) 1., 48.335 (3g) (b), 48.335 (6), 48.345  
13          (4) (b), 48.345 (4) (bm), 48.345 (12) (b), 48.345 (12) (c), 48.345 (13) (a), 48.345 (13)  
14          (b), 48.345 (14) (a), 48.347 (5) (a), 48.347 (5) (b), 48.347 (6) (a), 48.355 (2) (b) 4m.,

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1 48.355 (2) (b) 6., 48.355 (2) (b) 6g., 48.355 (2) (b) 6p., 48.355 (2) (b) 6r., 48.355  
2 (2) (c), 48.355 (2) (cm) 1., 48.355 (2b) (b), 48.355 (2c) (a) (intro.), 48.355 (2c) (b),  
3 48.355 (2d) (b) (intro.), 48.357 (1) (c) 2m., 48.357 (2m) (bm), 48.357 (2v) (a) 1m.,  
4 48.357 (2v) (a) 2m., 48.357 (2v) (d) 1., 48.357 (5m) (b), 48.36 (2), 48.363 (1) (d),  
5 48.38 (5) (am), 48.428 (2) (a), 48.428 (2) (b), 48.545 (2) (a) (intro.), 48.563 (1) (b),  
6 48.563 (2) (title), 48.563 (4), 48.565 (2) (a), 48.565 (2) (b), 48.569 (1) (d), 48.57  
7 (1) (e), 48.57 (1) (hm), 48.57 (2m), 48.57 (3m) (am) (intro.), 48.57 (3m) (ap) 1.,  
8 48.57 (3m) (ap) 3., 48.57 (3m) (b) 1., 48.57 (3m) (c), 48.57 (3m) (d), 48.57 (3m)  
9 (g) 2. (intro.), 48.57 (3m) (h), 48.57 (3n) (am) (intro.), 48.57 (3n) (ap) 1., 48.57 (3n)  
10 (ap) 3., 48.57 (3n) (ar) (intro.), 48.57 (3n) (b) 1., 48.57 (3n) (c), 48.57 (3n) (d),  
11 48.57 (3n) (g) 2. (intro.), 48.57 (3n) (h), 48.57 (3p) (b) 1., 48.57 (3p) (b) 2., 48.57  
12 (3p) (b) 3., 48.57 (3p) (c) 1., 48.57 (3p) (c) 2., 48.57 (3p) (c) 2m., 48.57 (3p) (c) 3.,  
13 48.57 (3p) (d), 48.57 (3p) (e) (intro.), 48.57 (3p) (fm) 1., 48.57 (3p) (fm) 1m., 48.57  
14 (3p) (fm) 2., 48.57 (3p) (fm) 2m., 48.57 (3p) (g) (intro.), 48.57 (3p) (g) 3., 48.57 (3p)  
15 (h) 2., 48.57 (3p) (h) 3. (intro.), 48.57 (3p) (h) 4., 48.57 (3p) (hm), 48.57 (3p) (i),  
16 48.57 (3p) (j), 48.58 (intro.), 48.59 (1), 48.651 (1) (intro.), 48.651 (2), 48.651 (2c)  
17 (a), 48.651 (2m), 48.651 (3) (a), 48.651 (3) (b), 48.658 (4) (a), 48.685 (4m) (a)  
18 (intro.), 48.685 (4m) (ad), 48.685 (5) (a), 48.685 (5m), 48.685 (6) (a), 48.75 (1b),  
19 48.75 (1g) (a) 4., 48.831 (4) (c), 48.839 (4) (b), 48.88 (2) (c), 48.981 (1) (ag), 48.981  
20 (3) (a) 1., 48.981 (3) (a) 2. (intro.), 48.981 (3) (a) 2d., 48.981 (3) (c) 2. a., 48.981  
21 (3) (c) 2m. a., 48.981 (3) (c) 3., 48.981 (3) (c) 4., 48.981 (3) (c) 5m., 48.981 (3) (c)  
22 5r., 48.981 (3) (c) 7., 48.981 (3) (cm), 48.981 (3) (d) 1., 48.981 (3) (d) 2., 48.981  
23 (3m) (b) (intro.), 48.981 (5), 48.981 (7) (a) 5., 48.981 (7) (a) 6., 48.981 (7) (a) 6m.,  
24 48.981 (7) (a) 15., 48.981 (7) (cr) 3. a., 48.981 (8) (a), 48.981 (8) (c), 48.982 (6)  
25 (am), 48.983 (1) (b) 1. c., 48.983 (2) (a), 48.983 (2) (b), 48.983 (2) (c), 48.983 (3),

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1 48.983 (4) (am), 48.983 (4) (b) 1., 48.983 (4) (b) 3., 48.983 (5), 48.983 (6) (intro.),  
2 48.983 (6) (a) (intro.), 48.983 (6) (a) 3., 48.983 (6) (a) 5., 48.983 (6) (b) 4., 48.983  
3 (6) (g), 48.983 (6g) (b), 48.983 (7) (ag), 48.983 (7) (ar), 48.983 (7) (c) (intro.),  
4 48.983 (8), 49.143 (6), 49.155 (3g) (intro.), 49.175 (1) (u), 49.195 (4) (b) 2., 49.34  
5 (5m) (em), 49.343 (5) (intro.), 49.45 (25) (b), 49.71 (2), 49.72 (2), 49.826 (1) (a),  
6 49.84 (7) (c) 3., 49.855 (4m) (c), 253.15 (4) (b), 767.41 (3) (a), 767.75 (1f), 767.75  
7 (3m), 971.37 (title) and 971.37 (1m) (c) 1. (intro.); and **to create** 48.565 (8) of the  
8 statutes; **relating to:** child support income withholding orders, deferred  
9 prosecution agreements, determining the amount of a home visitation program  
10 grant, modifications to the references to Milwaukee County by population,  
11 modifications to certain appropriations, and making an appropriation.

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***Analysis by the Legislative Reference Bureau***

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

12 **SECTION 1.** 20.435 (8) (mb) of the statutes is amended to read:  
13 20.435 (8) (mb) *Income augmentation services receipts.* All moneys that are  
14 received under 42 USC 1395 to 1395ddd and 42 USC 1396 to 1396v as the result of  
15 income augmentation activities for which the state has contracted, to be used as  
16 provided in s. 46.46; and all moneys that are received under 42 USC 1396 to 1396v  
17 in reimbursement of the cost of providing targeted case management services to  
18 children whose care is not eligible for reimbursement under 42 USC 670 to 679a, to  
19 be transferred to the appropriation account under s. 20.437 (3) (kp), 2013 stats. All  
20 moneys received under this paragraph in excess of the moneys necessary to support

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1 the costs specified in ~~ss. s. 46.46 and 48.567, 2013 stats.,~~ shall be deposited in the  
2 general fund as a nonappropriated receipt.

3 **SECTION 2.** 20.435 (8) (mm) of the statutes is amended to read:

4 20.435 (8) (mm) *Reimbursements from federal government.* All moneys  
5 received from the federal government, other than moneys described under ~~ss. s.~~  
6 46.46, 2013 stats., and ss. 49.45 (6u), and 49.49, that are intended to reimburse the  
7 state for expenditures in previous fiscal years from general purpose revenue  
8 appropriations whose purpose includes a requirement to match or secure federal  
9 funds and that exceeded in those fiscal years the estimates reflected in the intentions  
10 of the legislature and governor, as expressed by them in the budget determinations,  
11 and the joint committee on finance, as expressed by the committee in any  
12 determinations, and the estimates approved for expenditure by the secretary of  
13 administration under s. 16.50 (2), for the purpose of paying federal disallowances,  
14 federal sanctions or penalties and the costs of any corrective action affecting the  
15 department of health services. Notwithstanding s. 20.001 (3) (c), at the end of each  
16 fiscal year, the amount determined by the department of administration under s.  
17 16.54 (12) (d) shall lapse to the general fund.

18 **SECTION 3.** 20.437 (1) (b) of the statutes is amended to read:

19 20.437 (1) (b) *Children and family aids payments.* The amounts in the schedule  
20 for services for children and families under s. 48.563, for reimbursement to counties  
21 having a population of less than ~~500,000~~ 750,000 for the cost of court attached intake  
22 services under s. 48.06 (4), for shelter care under ss. 48.58 and 938.22, and for foster  
23 care and subsidized guardianship care under ss. 48.645 and 49.19 (10). Social  
24 services disbursements under s. 49.32 (2) (b) may be made from this appropriation.  
25 Refunds received relating to payments made under s. 49.32 (2) (b) for the provision

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1 of services for which moneys are appropriated under this paragraph shall be  
2 returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the  
3 department of children and families may transfer funds between fiscal years under  
4 this paragraph. The department shall deposit into this appropriation funds it  
5 recovers under s. 48.569 (2) (b), from prior fiscal year audit adjustments. Except for  
6 amounts authorized to be carried forward under s. 48.565, all funds recovered under  
7 s. 48.569 (2) (b) and all funds allocated under s. 48.563 and not spent or encumbered  
8 by December 31 of each year shall lapse to the general fund on the succeeding  
9 January 1 unless carried forward to the next calendar year by the joint committee  
10 on finance.

11 **SECTION 4.** 20.437 (1) (d) of the statutes is repealed.

12 **SECTION 5.** 20.437 (1) (da) of the statutes is repealed.

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

14 20.437 (1) (km) *Interagency and intra-agency aids; children and family aids;*  
15 *local assistance.* All moneys transferred from the appropriation accounts account  
16 under ~~sub. (2) (md)~~ and s. 20.435 (7) (o), for services for children and families under  
17 s. 48.563.

18 **SECTION 7.** 20.437 (1) (m) of the statutes is amended to read:

19 20.437 (1) (m) *Federal project operations.* All moneys received from the federal  
20 government or any of its agencies for the state administration of specific ~~limited term~~  
21 projects to be expended for the such purposes specified.

22 **SECTION 8.** 20.437 (1) (ma) of the statutes is amended to read:

23 20.437 (1) (ma) *Federal project aids.* All moneys received from the federal  
24 government or any of its agencies for specific ~~limited term~~ projects to be expended  
25 as aids to individuals or organizations for the such purposes specified.

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1           **SECTION 9.** 20.437 (1) (mc) of the statutes is amended to read:

2           20.437 (1) (mc) *Federal block grant operations.* Except as provided in sub. (2)  
3 (mc) and (mg), all block grant moneys received from the federal government or any  
4 of its agencies for the state administration of federal block grants, for the such  
5 purposes specified.

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

7           20.437 (1) (md) *Federal block grant aids.* Except as provided in ~~par. (me) and~~  
8 sub. (2) (md) and (mg), all block grant moneys received from the federal government  
9 or any of its agencies to be expended as local assistance or aids to individuals or  
10 organizations, for such purposes.

11           **SECTION 11.** 20.437 (1) (me) of the statutes is repealed.

12           **SECTION 12.** 20.437 (1) (n) of the statutes is amended to read:

13           20.437 (1) (n) *Federal program operations.* ~~All~~ Except as provided in pars. (m),  
14 (mc), and (mw), all moneys received from the federal government ~~or any of its~~  
15 agencies for the state administration of continuing programs ~~to be expended under~~  
16 this subsection, for the such purposes specified.

17           **SECTION 13.** 20.437 (1) (na) of the statutes is amended to read:

18           20.437 (1) (na) *Federal program aids.* ~~All~~ Except as provided in pars. (ma),  
19 (md), and (mx), all moneys received from the federal government or any of its  
20 agencies ~~for continuing programs~~ to be expended as aids to individuals or  
21 organizations, for the such purposes specified.

22           **SECTION 14.** 20.437 (2) (dz) of the statutes is amended to read:

23           20.437 (2) (dz) *Temporary Assistance for Needy Families programs;*  
24 *maintenance of effort.* The amounts in the schedule for administration and benefit  
25 payments under Wisconsin Works under ss. 49.141 to 49.161, the learnfare program

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1 under s. 49.26, and the work experience program for noncustodial parents under s.  
2 49.36; for payments to local governments, organizations, tribal governing bodies,  
3 and Wisconsin Works agencies; for kinship care and long-term kinship care  
4 assistance as specified under s. 49.175 (1) (s); for aid payments and local  
5 administration with respect to any services or program specified under s. 49.175 (1);  
6 and for emergency assistance for families with needy children under s. 49.138.  
7 Payments may be made from this appropriation account for any contracts under s.  
8 49.845 (4) and for any fraud investigation and error reduction activities under s.  
9 49.197 (1m). Moneys appropriated under this paragraph may be used to match  
10 federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002  
11 (1), the department may transfer funds between fiscal years under this paragraph.  
12 Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health services  
13 shall credit to this appropriation account funds for the purposes of this appropriation  
14 that the department transfers from the appropriation account under s. 20.435 (5)  
15 (bc). All funds allocated by the department but not encumbered by December 31 of  
16 each year lapse to the general fund on the next January 1 unless transferred to the  
17 next calendar year by the joint committee on finance.

18 **SECTION 15.** 20.437 (2) (ja) of the statutes is amended to read:

19 20.437 (2) (ja) *Child support state operations — fees ~~and~~, reimbursements, and*  
20 *collections*. All moneys received from fees charged under s. 49.22 (8), from fees  
21 ordered or otherwise owed under s. 767.57 (1e) (a), from fees collected under ss.  
22 49.854 (11) (b) and 767.57 (1e) (b) 1m. and (c), from reimbursements under s. 108.13  
23 (4) (f), from fees charged and incentive payments and collections retained under s.  
24 49.22 (7m), and under s. 49.855 (4) or (4m) from the department of revenue or the  
25 department of administration that were withheld by the department of revenue or

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1 the internal revenue service or the department of administration for unpaid fees  
2 ordered or otherwise owed under s. 767.57 (1e) (a), for costs associated with receiving  
3 and disbursing support and support-related payments, including any contract costs,  
4 and for administering the program under s. 49.22 and all other purposes specified  
5 in s. 49.22; and all moneys received under s. 49.855 (4m) from the department of  
6 administration that were withheld for child support, family support, maintenance,  
7 medical expenses, or birth expenses, to be distributed in accordance with state law  
8 and federal regulations.

9 **SECTION 16.** 20.437 (2) (kp) of the statutes is repealed.

10 **SECTION 17.** 20.437 (2) (md) of the statutes is amended to read:

11 20.437 (2) (md) *Federal block grant aids.* The amounts in the schedule for aids  
12 to individuals or organizations and to be transferred to the appropriation accounts  
13 under ~~sub. (1) (km) and~~ ss. 20.435 (4) (kz), (6) (kx), (7) (ky), and (8) (kx) and 20.835  
14 (2) (kf). All block grant moneys received for these purposes from the federal  
15 government or any of its agencies shall be credited to this appropriation account. The  
16 department may credit to this appropriation account the amount of any returned  
17 check, or payment in other form, that is subject to expenditure in the same contract  
18 period in which the original payment attempt was made, regardless of the fiscal year  
19 in which the original payment attempt was made.

20 **SECTION 18.** 20.437 (2) (pz) of the statutes is repealed.

21 **SECTION 19.** 20.437 (3) (kp) of the statutes is amended to read:

22 20.437 (3) (kp) *Interagency and intra-agency aids; income augmentation*  
23 *services receipts.* All moneys transferred from the appropriation account under s.  
24 20.435 (8) (mb) ~~and all moneys credited to this appropriation account under s. 48.565~~  
25 ~~(2) (e), 2013 stats.,~~ to be used as provided in s. 48.567, 2013 stats. All moneys received



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1 under this paragraph in excess of the moneys necessary to support the costs specified  
2 in s. 48.567, 2013 stats., shall be deposited into the general fund as a  
3 nonappropriated receipt.

4 **SECTION 20.** 20.437 (3) (mm) of the statutes is amended to read:

5 20.437 (3) (mm) *Reimbursements from federal government.* All moneys  
6 received from the federal government, ~~other than moneys described under ss. 48.565~~  
7 ~~(2) and 48.567~~, that are intended to reimburse the state for expenditures in previous  
8 fiscal years from general purpose revenue appropriations whose purpose includes a  
9 requirement to match or secure federal funds and that exceeded in those fiscal years  
10 the estimates reflected in the intentions of the legislature and governor, as expressed  
11 by them in the budget determinations, and the joint committee on finance, as  
12 expressed by the committee in any determinations, and the estimates approved for  
13 expenditure by the secretary of administration under s. 16.50 (2), for the purpose of  
14 paying federal disallowances, federal sanctions, or penalties and the costs of any  
15 corrective action affecting the department of children and families.  
16 Notwithstanding s. 20.001 (3) (c), at the end of each fiscal year, the amount  
17 determined by the department of administration under s. 16.54 (12) (d) shall lapse  
18 to the general fund.

19 **SECTION 21.** 46.46 of the statutes is repealed.

20 **SECTION 22.** 48.07 (3) of the statutes is amended to read:

21 48.07 (3) **THE DEPARTMENT IN POPULOUS COUNTIES.** In counties having a  
22 population of ~~500,000~~ 750,000 or more, the department may be ordered by the court  
23 to provide services for furnishing emergency shelter care to any child whose need  
24 therefor is determined by the intake worker under s. 48.205. The court may  
25 authorize the department to appoint members of the department to furnish

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1 emergency shelter care services for the child. The emergency shelter care may be  
2 provided as specified in s. 48.207.

3 **SECTION 23.** 48.207 (2) (a) of the statutes is amended to read:

4 48.207 (2) (a) If a facility listed in sub. (1) (b) to (k) is used to hold a child in  
5 custody, or if supervisory services of a home detention program are provided to a child  
6 held under sub. (1) (a), the authorized rate of the facility for the care of the child or  
7 the authorized rate for those supervisory services shall be paid by the county in a  
8 county having a population of less than ~~500,000~~ 750,000 or by the department in a  
9 county having a population of ~~500,000~~ 750,000 or more. If no authorized rate has  
10 been established, a reasonable sum to be fixed by the court shall be paid by the county  
11 in a county having a population of less than ~~500,000~~ 750,000 or by the department  
12 in a county having a population of ~~500,000~~ 750,000 or more for the supervision or care  
13 of the child.

14 **SECTION 24.** 48.207 (2) (b) of the statutes is amended to read:

15 48.207 (2) (b) If a facility listed in sub. (1m) (b) to (e) is used to hold an expectant  
16 mother of an unborn child in custody, or if supervisory services of a home detention  
17 program are provided to an expectant mother held under sub. (1m) (a), the  
18 authorized rate of the facility for the care of the expectant mother or the authorized  
19 rate for those supervisory services shall be paid by the county in a county having a  
20 population of less than ~~500,000~~ 750,000 or by the department in a county having a  
21 population of ~~500,000~~ 750,000 or more. If no authorized rate has been established,  
22 a reasonable sum to be fixed by the court shall be paid by the county in a county  
23 having a population of less than ~~500,000~~ 750,000 or by the department in a county  
24 having a population of ~~500,000~~ 750,000 or more for the supervision or care of the  
25 expectant mother.

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1           **SECTION 25.** 48.21 (3) (f) of the statutes is amended to read:

2           48.21 (3) (f) If present at the hearing, the parent shall be requested to provide  
3 the names and other identifying information of 3 relatives of the child or other  
4 individuals 18 years of age or over whose homes the parent requests the court to  
5 consider as placements for the child. If the parent does not provide that information  
6 at the hearing, the county department, the department in a county having a  
7 population of ~~500,000~~ 750,000 or more, or the agency primarily responsible for  
8 providing services to the child under the custody order shall permit the parent to  
9 provide the information at a later date.

10           **SECTION 26.** 48.21 (5) (b) 1. d. of the statutes is amended to read:

11           48.21 (5) (b) 1. d. If the child is under the supervision of the county department  
12 or, in a county having a population of ~~500,000~~ 750,000 or more, the department, an  
13 order ordering the child into the placement and care responsibility of the county  
14 department or department as required under 42 USC 672 (a) (2) and assigning the  
15 county department or department primary responsibility for providing services to  
16 the child.

17           **SECTION 27.** 48.21 (5) (b) 1m. of the statutes is amended to read:

18           48.21 (5) (b) 1m. If for good cause shown sufficient information is not available  
19 for the judge or circuit court commissioner to make a finding as to whether  
20 reasonable efforts were made to prevent the removal of the child from the home,  
21 while assuring that the child's health and safety are the paramount concerns, a  
22 finding as to whether reasonable efforts were made to make it possible for the child  
23 to return safely home and an order for the county department, department, in a  
24 county having a population of ~~500,000~~ 750,000 or more, or agency primarily  
25 responsible for providing services to the child under the custody order to file with the

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1 court sufficient information for the judge or circuit court commissioner to make a  
2 finding as to whether those reasonable efforts were made to prevent the removal of  
3 the child from the home by no later than 5 days, excluding Saturdays, Sundays, and  
4 legal holidays, after the date on which the order is granted.

5 **SECTION 28.** 48.21 (5) (b) 2m. of the statutes is amended to read:

6 48.21 (5) (b) 2m. If the child has one or more siblings, as defined in s. 48.38 (4)  
7 (br) 1., who have also been removed from the home, a finding as to whether the intake  
8 worker has made reasonable efforts to place the child in a placement that enables the  
9 sibling group to remain together, unless the judge or circuit court commissioner  
10 determines that a joint placement would be contrary to the safety or well-being of  
11 the child or any of those siblings, in which case the judge or circuit court  
12 commissioner shall order the county department, department in a county having a  
13 population of ~~500,000~~ 750,000 or more, or agency primarily responsible for providing  
14 services to the child under the custody order to make reasonable efforts to provide  
15 for frequent visitation or other ongoing interaction between the child and the  
16 siblings, unless the judge or circuit court commissioner determines that such  
17 visitation or interaction would be contrary to the safety or well-being of the child or  
18 any of those siblings.

19 **SECTION 29.** 48.21 (5) (b) 3. of the statutes is amended to read:

20 48.21 (5) (b) 3. If the judge or circuit court commissioner finds that any of the  
21 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,  
22 a determination that the county department, department, in a county having a  
23 population of ~~500,000~~ 750,000 or more, or agency primarily responsible for providing  
24 services under the custody order is not required to make reasonable efforts with

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1 respect to the parent to make it possible for the child to return safely to his or her  
2 home.

3 **SECTION 30.** 48.21 (5) (e) 2. (intro.) of the statutes is amended to read:

4 48.21 (5) (e) 2. (intro.) The court shall order the county department, the  
5 department in a county having a population of ~~500,000~~ 750,000 or more, or the  
6 agency primarily responsible for providing services to the child under the custody  
7 order to conduct a diligent search in order to locate and provide notice of the  
8 information specified in this subdivision to all relatives of the child named under sub.  
9 (3) (f) and to all adult relatives of the child within 30 days after the child is removed  
10 from the custody of the child's parent unless the child is returned to his or her home  
11 within that period. The court may also order the county department, department,  
12 or agency to conduct a diligent search in order to locate and provide notice of the  
13 information specified in this subdivision to all other adult individuals named under  
14 sub. (3) (f) within 30 days after the child is removed from the custody of the child's  
15 parent unless the child is returned to his or her home within that period. The county  
16 department, department, or agency may not provide that notice to a person named  
17 under sub. (3) (f) or to an adult relative if the county department, department, or  
18 agency has reason to believe that it would be dangerous to the child or to the parent  
19 if the child were placed with that person or adult relative. The notice shall include  
20 all of the following:

21 **SECTION 31.** 48.24 (5) of the statutes is amended to read:

22 48.24 (5) The intake worker shall request that a petition be filed, enter into an  
23 informal disposition, or close the case within 60 days after receipt of referral  
24 information. If the referral information is a report received by a county department  
25 or, in a county having a population of ~~500,000~~ 750,000 or more, the department or

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1 a licensed child welfare agency under contract with the department under s. 48.981  
2 (3) (a) 1., 2., or 2d., that 60-day period shall begin on the day on which the report is  
3 received by the county department, department, or licensed child welfare agency. If  
4 the case is closed or an informal disposition is entered into, the district attorney,  
5 corporation counsel, or other official under s. 48.09 shall receive written notice of that  
6 action. If a law enforcement officer has made a recommendation concerning the  
7 child, or the unborn child and the expectant mother of the unborn child, the intake  
8 worker shall forward this recommendation to the district attorney, corporation  
9 counsel, or other official under s. 48.09. If a petition is filed, the petition may include  
10 information received more than 60 days before filing the petition to establish a  
11 condition or pattern which, together with information received within the 60-day  
12 period, provides a basis for conferring jurisdiction on the court. The court shall grant  
13 appropriate relief as provided in s. 48.315 (3) with respect to any petition that is not  
14 referred or filed within the time periods specified in this subsection. Failure to object  
15 to the fact that a petition is not requested within the time period specified in this  
16 subsection waives any challenge to the court's competency to act on the petition.

17 **SECTION 32.** 48.275 (2) (d) 1. of the statutes is amended to read:

18 48.275 (2) (d) 1. In a county having a population of less than ~~500,000~~ 750,000,  
19 reimbursement payments shall be made to the clerk of courts of the county where the  
20 proceedings took place. Each payment shall be transmitted to the county treasurer,  
21 who shall deposit 25% of the amount paid for state-provided counsel in the county  
22 treasury and transmit the remainder to the secretary of administration. Payments  
23 transmitted to the secretary of administration shall be deposited in the general fund  
24 and credited to the appropriation account under s. 20.550 (1) (L). The county

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1 treasurer shall deposit 100% of the amount paid for county–provided counsel in the  
2 county treasury.

3 **SECTION 33.** 48.275 (2) (d) 2. of the statutes is amended to read:

4 48.275 (2) (d) 2. In a county having a population of ~~500,000~~ 750,000 or more,  
5 reimbursement payments shall be made to the clerk of courts of the county where the  
6 proceedings took place. Each payment shall be transmitted to the secretary of  
7 administration, who shall deposit the amount paid in the general fund and credit  
8 25% of the amount paid to the appropriation account under s. 20.437 (1) (gx) and the  
9 remainder to the appropriation account under s. 20.550 (1) (L).

10 **SECTION 34.** 48.295 (1) of the statutes is amended to read:

11 48.295 (1) After the filing of a petition and upon a finding by the court that  
12 reasonable cause exists to warrant a physical, psychological, mental, or  
13 developmental examination or an alcohol and other drug abuse assessment that  
14 conforms to the criteria specified under s. 48.547 (4), the court may order any child  
15 coming within its jurisdiction to be examined as an outpatient by personnel in an  
16 approved treatment facility for alcohol and other drug abuse, by a physician,  
17 psychiatrist or licensed psychologist, or by another expert appointed by the court  
18 holding at least a master’s degree in social work or another related field of child  
19 development, in order that the child’s physical, psychological, alcohol or other drug  
20 dependency, mental, or developmental condition may be considered. The court may  
21 also order a physical, psychological, mental, or developmental examination or an  
22 alcohol and other drug abuse assessment that conforms to the criteria specified  
23 under s. 48.547 (4) of a parent, guardian, or legal custodian whose ability to care for  
24 a child is at issue before the court or of an expectant mother whose ability to control  
25 her use of alcohol beverages, controlled substances, or controlled substance analogs

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1 is at issue before the court. The court shall hear any objections by the child or the  
2 child's parents, guardian, or legal custodian to the request for such an examination  
3 or assessment before ordering the examination or assessment. The expenses of an  
4 examination, if approved by the court, shall be paid by the county of the court  
5 ordering the examination in a county having a population of less than 500,000  
6 750,000 or by the department in a county having a population of 500,000 750,000 or  
7 more. The payment for an alcohol and other drug abuse assessment shall be in  
8 accordance with s. 48.361.

9 **SECTION 35.** 48.30 (6) (c) of the statutes is amended to read:

10 48.30 (6) (c) If the court orders the child's parent to provide a statement of  
11 income, assets, debts and living expenses to the court or if the court orders the child's  
12 parent to provide that statement to the designated agency under s. 48.33 (1) and that  
13 designated agency is not the county department or, in a county having a population  
14 of 500,000 750,000 or more, the department, the court shall also order the child's  
15 parent to provide that statement to the county department or, in a county having a  
16 population of 500,000 750,000 or more, the department at least 5 days before the  
17 scheduled date of the dispositional hearing or as otherwise ordered by the court. The  
18 county department or, in a county having a population of 500,000 750,000 or more,  
19 the department shall provide, without charge, to the parent a form on which to  
20 provide that statement, and the parent shall provide that statement on that form.  
21 The county department or, in a county having a population of 500,000 750,000 or  
22 more, the department shall use the information provided in the statement to  
23 determine whether the department may claim federal foster care and adoption  
24 assistance reimbursement under 42 USC 670 to 679a for the cost of providing care  
25 for the child.



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1           **SECTION 36.** 48.31 (7) (c) of the statutes is amended to read:

2           48.31 (7) (c) If the court orders the child’s parent to provide a statement of  
3 income, assets, debts and living expenses to the court or if the court orders the child’s  
4 parent to provide that statement to the designated agency under s. 48.33 (1) and that  
5 designated agency is not the county department or, in a county having a population  
6 of ~~500,000~~ 750,000 or more, the department, the court shall also order the child’s  
7 parent to provide that statement to the county department or, in a county having a  
8 population of ~~500,000~~ 750,000 or more, the department at least 5 days before the  
9 scheduled date of the dispositional hearing or as otherwise ordered by the court. The  
10 county department or, in a county having a population of ~~500,000~~ 750,000 or more,  
11 the department shall provide, without charge, to the parent a form on which to  
12 provide that statement, and the parent shall provide that statement on that form.  
13 The county department or, in a county having a population of ~~500,000~~ 750,000 or  
14 more, the department shall use the information provided in the statement to  
15 determine whether the department may claim federal foster care and adoption  
16 assistance reimbursement under 42 USC 670 to 679a for the cost of providing care  
17 for the child.

18           **SECTION 37.** 48.32 (1) (b) 1. b. of the statutes is amended to read:

19           48.32 (1) (b) 1. b. A finding as to whether the county department, the  
20 department, in a county having a population of ~~500,000~~ 750,000 or more, or the  
21 agency primarily responsible for providing services to the child has made reasonable  
22 efforts to prevent the removal of the child from the home, while assuring that the  
23 child’s health and safety are the paramount concerns, unless the judge or circuit  
24 court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b)  
25 1. to 5. applies.

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1           **SECTION 38.** 48.32 (1) (b) 1. d. of the statutes is amended to read:

2           48.32 (1) (b) 1. d. If the child’s placement or other living arrangement is under  
3 the supervision of the county department or, in a county having a population of  
4 ~~500,000~~ 750,000 or more, the department, an order ordering the child into the  
5 placement and care responsibility of the county department or department as  
6 required under 42 USC 672 (a) (2) and assigning the county department or  
7 department primary responsibility for providing services to the child.

8           **SECTION 39.** 48.32 (1) (b) 1m. of the statutes is amended to read:

9           48.32 (1) (b) 1m. If the child has one or more siblings, as defined in s. 48.38 (4)  
10 (br) 1., who have also been removed from the home, the consent decree shall include  
11 a finding as to whether the county department, department in a county having a  
12 population of ~~500,000~~ 750,000 or more, or agency primarily responsible for providing  
13 services to the child has made reasonable efforts to place the child in a placement that  
14 enables the sibling group to remain together, unless the judge or circuit court  
15 commissioner determines that a joint placement would be contrary to the safety or  
16 well-being of the child or any of those siblings, in which case the judge or circuit court  
17 commissioner shall order the county department, department, or agency to make  
18 reasonable efforts to provide for frequent visitation or other ongoing interaction  
19 between the child and the siblings, unless the judge or circuit court commissioner  
20 determines that such visitation or interaction would be contrary to the safety or  
21 well-being of the child or any of those siblings.

22           **SECTION 40.** 48.32 (1) (b) 2. of the statutes is amended to read:

23           48.32 (1) (b) 2. If the judge or circuit court commissioner finds that any of the  
24 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,  
25 the consent decree shall include a determination that the county department,

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1 department, in a county having a population of ~~500,000~~ 750,000 or more, or agency  
2 primarily responsible for providing services under the consent decree is not required  
3 to make reasonable efforts with respect to the parent to make it possible for the child  
4 to return safely to his or her home.

5 **SECTION 41.** 48.33 (4) (c) of the statutes is amended to read:

6 48.33 (4) (c) Specific information showing that continued placement of the child  
7 in his or her home would be contrary to the welfare of the child, specific information  
8 showing that the county department, the department, in a county having a  
9 population of ~~500,000~~ 750,000 or more, or the agency primarily responsible for  
10 providing services to the child has made reasonable efforts to prevent the removal  
11 of the child from the home, while assuring that the child's health and safety are the  
12 paramount concerns, unless any of the circumstances specified in s. 48.355 (2d) (b)  
13 1. to 5. applies, and, if a permanency plan has previously been prepared for the child,  
14 specific information showing that the county department, department, or agency has  
15 made reasonable efforts to achieve the permanency goal of the child's permanency  
16 plan, including, if appropriate, through an out-of-state placement.

17 **SECTION 42.** 48.33 (4) (d) 1. of the statutes is amended to read:

18 48.33 (4) (d) 1. If the child has one or more siblings, as defined in s. 48.38 (4)  
19 (br) 1., who have been removed from the home or for whom an out-of-home  
20 placement is recommended, specific information showing that the county  
21 department, department in a county having a population of ~~500,000~~ 750,000 or more,  
22 or agency primarily responsible for providing services to the child has made  
23 reasonable efforts to place the child in a placement that enables the sibling group to  
24 remain together, unless the county department, department, or agency recommends  
25 that the child and his or her siblings not be placed in a joint placement, in which case

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1 the report shall include specific information showing that a joint placement would  
2 be contrary to the safety or well-being of the child or any of those siblings and the  
3 specific information required under subd. 2.

4 **SECTION 43.** 48.335 (3g) (b) of the statutes is amended to read:

5 48.335 (3g) (b) That the county department, the department, in a county  
6 having a population of ~~500,000~~ 750,000 or more, or the agency primarily responsible  
7 for providing services to the child has made reasonable efforts to prevent the removal  
8 of the child from the home, while assuring that the child's health and safety are the  
9 paramount concerns, unless any of the circumstances specified in s. 48.355 (2d) (b)  
10 1. to 5. applies.

11 **SECTION 44.** 48.335 (6) of the statutes is amended to read:

12 48.335 (6) If the dispositional order places the child outside the home, the  
13 parent, if present at the hearing, shall be requested to provide the names and other  
14 identifying information of 3 relatives of the child or other individuals 18 years of age  
15 or over whose homes the parent requests the court to consider as placements for the  
16 child, unless that information has previously been provided under s. 48.21 (3) (f). If  
17 the parent does not provide that information at the hearing, the county department,  
18 the department in a county having a population of ~~500,000~~ 750,000 or more, or the  
19 agency primarily responsible for providing services to the child under the  
20 dispositional order shall permit the parent to provide the information at a later date.

21 **SECTION 45.** 48.345 (4) (b) of the statutes is amended to read:

22 48.345 (4) (b) The county department in a county having a population of less  
23 than ~~500,000~~ 750,000.

24 **SECTION 46.** 48.345 (4) (bm) of the statutes is amended to read:

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1           48.345 (4) (bm) The department in a county having a population of 500,000  
2           750,000 or more.

3           **SECTION 47.** 48.345 (12) (b) of the statutes is amended to read:

4           48.345 (12) (b) The judge shall order the school board to disclose the child's  
5           pupil records, as defined under s. 118.125 (1) (d), to the county department,  
6           department, in a county having a population of ~~500,000~~ 750,000 or more, or licensed  
7           child welfare agency responsible for supervising the child, as necessary to determine  
8           the child's compliance with the order under par. (a).

9           **SECTION 48.** 48.345 (12) (c) of the statutes is amended to read:

10          48.345 (12) (c) The judge shall order the county department, department, in  
11          a county having a population of ~~500,000~~ 750,000 or more, or licensed child welfare  
12          agency responsible for supervising the child to disclose to the school board, technical  
13          college district board, tribal school, or private, nonprofit, nonsectarian agency which  
14          is providing an educational program under par. (a) 3. records or information about  
15          the child, as necessary to assure the provision of appropriate educational services  
16          under par. (a).

17          **SECTION 49.** 48.345 (13) (a) of the statutes is amended to read:

18          48.345 (13) (a) If the report prepared under s. 48.33 (1) recommends that the  
19          child is in need of treatment for the use or abuse of alcohol beverages, controlled  
20          substances or controlled substance analogs and its medical, personal, family or social  
21          effects, the court may order the child to enter an outpatient alcohol and other drug  
22          abuse treatment program at an approved treatment facility. The approved  
23          treatment facility shall, under the terms of a service agreement between the  
24          approved treatment facility and the county in a county having a population of less  
25          than ~~500,000~~ 750,000 or the department in a county having a population of 500,000

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1 750,000 or more, or with the written informed consent of the child or the child's  
2 parent if the child has not attained the age of 12, report to the agency primarily  
3 responsible for providing services to the child as to whether the child is cooperating  
4 with the treatment and whether the treatment appears to be effective.

5 **SECTION 50.** 48.345 (13) (b) of the statutes is amended to read:

6 48.345 (13) (b) If the report prepared under s. 48.33 (1) recommends that the  
7 child is in need of education relating to the use of alcohol beverages, controlled  
8 substances or controlled substance analogs, the court may order the child to  
9 participate in an alcohol or other drug abuse education program approved by the  
10 court. The person or agency that provides the education program shall, under the  
11 terms of a service agreement between the education program and the county in a  
12 county having a population of less than 500,000 750,000 or the department in a  
13 county having a population of 500,000 750,000 or more, or with the written informed  
14 consent of the child or the child's parent if the child has not attained the age of 12,  
15 report to the agency primarily responsible for providing services to the child about  
16 the child's attendance at the program.

17 **SECTION 51.** 48.345 (14) (a) of the statutes is amended to read:

18 48.345 (14) (a) If, based on an evaluation under s. 48.295 and the report under  
19 s. 48.33, the judge finds that the child expectant mother of an unborn child in need  
20 of protection or services is in need of inpatient treatment for her habitual lack of  
21 self-control in the use of alcohol, controlled substances or controlled substance  
22 analogs, exhibited to a severe degree, that inpatient treatment is appropriate for the  
23 child expectant mother's needs and that inpatient treatment is the least restrictive  
24 treatment consistent with the child expectant mother's needs, the judge may order  
25 the child expectant mother to enter an inpatient alcohol or other drug abuse

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1 treatment program at an inpatient facility, as defined in s. 51.01 (10). The inpatient  
2 facility shall, under the terms of a service agreement between the inpatient facility  
3 and the county in a county having a population of less than ~~500,000~~ 750,000 or the  
4 department in a county having a population of ~~500,000~~ 750,000 or more, or with the  
5 written and informed consent of the child expectant mother or the child expectant  
6 mother's parent if the child expectant mother has not attained the age of 12, report  
7 to the agency primarily responsible for providing services to the child expectant  
8 mother as to whether the child expectant mother is cooperating with the treatment  
9 and whether the treatment appears to be effective.

10 **SECTION 52.** 48.347 (5) (a) of the statutes is amended to read:

11 48.347 (5) (a) If the report prepared under s. 48.33 (1) recommends that the  
12 adult expectant mother is in need of treatment for the use or abuse of alcohol  
13 beverages, controlled substances or controlled substance analogs and its medical,  
14 personal, family or social effects, the court may order the adult expectant mother to  
15 enter an outpatient alcohol and other drug abuse treatment program at an approved  
16 treatment facility. The approved treatment facility shall, under the terms of a service  
17 agreement between the approved treatment facility and the county in a county  
18 having a population of less than ~~500,000~~ 750,000 or the department in a county  
19 having a population of ~~500,000~~ 750,000 or more, or with the written informed consent  
20 of the adult expectant mother, report to the agency primarily responsible for  
21 providing services to the adult expectant mother as to whether the adult expectant  
22 mother is cooperating with the treatment and whether the treatment appears to be  
23 effective.

24 **SECTION 53.** 48.347 (5) (b) of the statutes is amended to read:

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1           48.347 (5) (b) If the report prepared under s. 48.33 (1) recommends that the  
2 adult expectant mother is in need of education relating to the use of alcohol  
3 beverages, controlled substances or controlled substance analogs, the court may  
4 order the adult expectant mother to participate in an alcohol or other drug abuse  
5 education program approved by the court. The person or agency that provides the  
6 education program shall, under the terms of a service agreement between the  
7 education program and the county in a county having a population of less than  
8 500,000 750,000 or the department in a county having a population of 500,000  
9 750,000 or more, or with the written informed consent of the adult expectant mother,  
10 report to the agency primarily responsible for providing services to the adult  
11 expectant mother about the adult expectant mother's attendance at the program.

12           **SECTION 54.** 48.347 (6) (a) of the statutes is amended to read:

13           48.347 (6) (a) If, based on an evaluation under s. 48.295 and the report under  
14 s. 48.33, the judge finds that the adult expectant mother is in need of inpatient  
15 treatment for her habitual lack of self-control in the use of alcohol, controlled  
16 substances or controlled substance analogs, exhibited to a severe degree, that  
17 inpatient treatment is appropriate for the adult expectant mother's needs and that  
18 inpatient treatment is the least restrictive treatment consistent with the adult  
19 expectant mother's needs, the judge may order the adult expectant mother to enter  
20 an inpatient alcohol or other drug abuse treatment program at an inpatient facility,  
21 as defined in s. 51.01 (10). The inpatient facility shall, under the terms of a service  
22 agreement between the inpatient facility and the county in a county having a  
23 population of less than 500,000 750,000 or the department in a county having a  
24 population of 500,000 750,000 or more, or with the written and informed consent of  
25 the adult expectant mother, report to the agency primarily responsible for providing



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1 services to the adult expectant mother as to whether the adult expectant mother is  
2 cooperating with the treatment and whether the treatment appears to be effective.

3 **SECTION 55.** 48.355 (2) (b) 4m. of the statutes is amended to read:

4 48.355 (2) (b) 4m. If the child is placed outside the home and if the child's parent  
5 has not already provided a statement of income, assets, debts and living expenses to  
6 the county department or, in a county having a population of ~~500,000~~ 750,000 or  
7 more, the department under s. 48.30 (6) (b) or (c) or 48.31 (7) (b) or (c), an order for  
8 the parent to provide that statement to the county department or, in a county having  
9 a population of ~~500,000~~ 750,000 or more, the department by a date specified by the  
10 court. The county department or, in a county having a population of ~~500,000~~ 750,000  
11 or more, the department shall provide, without charge, to the parent a form on which  
12 to provide that statement, and the parent shall provide that statement on that form.  
13 The county department or, in a county having a population of ~~500,000~~ 750,000 or  
14 more, the department shall use the information provided in the statement to  
15 determine whether the department may claim federal foster care and adoption  
16 assistance reimbursement under 42 USC 670 to 679a for the cost of providing care  
17 for the child.

18 **SECTION 56.** 48.355 (2) (b) 6. of the statutes is amended to read:

19 48.355 (2) (b) 6. If the child is placed outside the home, a finding that continued  
20 placement of the child in his or her home would be contrary to the welfare of the child,  
21 a finding as to whether the county department, the department, in a county having  
22 a population of ~~500,000~~ 750,000 or more, or the agency primarily responsible for  
23 providing services under a court order has made reasonable efforts to prevent the  
24 removal of the child from the home, while assuring that the child's health and safety  
25 are the paramount concerns, unless the court finds that any of the circumstances

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1 specified in sub. (2d) (b) 1. to 5. applies, and, if a permanency plan has previously  
2 been prepared for the child, a finding as to whether the county department,  
3 department, or agency has made reasonable efforts to achieve the permanency goal  
4 of the child’s permanency plan, including, if appropriate, through an out-of-state  
5 placement. The court shall make the findings specified in this subdivision on a  
6 case-by-case basis based on circumstances specific to the child and shall document  
7 or reference the specific information on which those findings are based in the court  
8 order. A court order that merely references this subdivision without documenting  
9 or referencing that specific information in the court order or an amended court order  
10 that retroactively corrects an earlier court order that does not comply with this  
11 subdivision is not sufficient to comply with this subdivision.

12 **SECTION 57.** 48.355 (2) (b) 6g. of the statutes is amended to read:

13 48.355 (2) (b) 6g. If the child is placed outside the home under the supervision  
14 of the county department or, in a county having a population of ~~500,000~~ 750,000 or  
15 more, the department, an order ordering the child into the placement and care  
16 responsibility of the county department or department as required under 42 USC  
17 672 (a) (2) and assigning the county department or department primary  
18 responsibility for providing services to the child.

19 **SECTION 58.** 48.355 (2) (b) 6p. of the statutes is amended to read:

20 48.355 (2) (b) 6p. If the child is placed outside the home and if the child has one  
21 or more siblings, as defined in s. 48.38 (4) (br) 1., who have also been placed outside  
22 the home, a finding as to whether the county department, the department in a county  
23 having a population of ~~500,000~~ 750,000 or more, or the agency primarily responsible  
24 for providing services under a court order has made reasonable efforts to place the  
25 child in a placement that enables the sibling group to remain together, unless the

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1 court determines that a joint placement would be contrary to the safety or well-being  
2 of the child or any of those siblings, in which case the court shall order the county  
3 department, department, or agency to make reasonable efforts to provide for  
4 frequent visitation or other ongoing interaction between the child and the siblings,  
5 unless the court determines that such visitation or interaction would be contrary to  
6 the safety or well-being of the child or any of those siblings.

7 **SECTION 59.** 48.355 (2) (b) 6r. of the statutes is amended to read:

8 48.355 (2) (b) 6r. If the court finds that any of the circumstances specified in  
9 sub. (2d) (b) 1. to 5. applies with respect to a parent, a determination that the county  
10 department, department, in a county having a population of 500,000 750,000 or  
11 more, or agency primarily responsible for providing services under the court order  
12 is not required to make reasonable efforts with respect to the parent to make it  
13 possible for the child to return safely to his or her home.

14 **SECTION 60.** 48.355 (2) (c) of the statutes is amended to read:

15 48.355 (2) (c) If school attendance is a condition of an order under par. (b) 7.,  
16 the order shall specify what constitutes a violation of the condition and shall direct  
17 the school board of the school district in which the child is enrolled or the governing  
18 body of the private school, as defined in s. 115.001 (3d), in which the child is enrolled,  
19 or shall request the governing body of the tribal school in which the child is enrolled,  
20 to notify the county department that is responsible for supervising the child or, in a  
21 county having a population of 500,000 750,000 or more, the department within 5  
22 days after any violation of the condition by the child.

23 **SECTION 61.** 48.355 (2) (cm) 1. of the statutes is amended to read:

24 48.355 (2) (cm) 1. Subject to subd. 2., the court shall order the county  
25 department, the department in a county having a population of 500,000 750,000 or

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1 more, or the agency primarily responsible for providing services to the child under  
2 the dispositional order to conduct a diligent search in order to locate and provide  
3 notice of the information specified in s. 48.21 (5) (e) 2. a. to e. to all relatives of the  
4 child named under s. 48.335 (6) and to all adult relatives, as defined in s. 48.21 (5)  
5 (e) 1., of the child within 30 days after the child is removed from the custody of the  
6 child's parent unless the child is returned to his or her home within that period. The  
7 court may also order the county department, department, or agency to conduct a  
8 diligent search in order to locate and provide notice of that information to all other  
9 adult individuals named under s. 48.335 (6) within 30 days after the child is removed  
10 from the custody of the child's parent unless the child is returned to his or her home  
11 within that period. The county department, department, or agency may not provide  
12 that notice to a person named under s. 48.335 (6) or to an adult relative if the county  
13 department, department, or agency has reason to believe that it would be dangerous  
14 to the child or to the parent if the child were placed with that person or adult relative.

15 **SECTION 62.** 48.355 (2b) (b) of the statutes is amended to read:

16 48.355 (2b) (b) A county department, the department, in a county having a  
17 population of ~~500,000~~ 750,000 or more, or the agency primarily responsible for  
18 providing services to a child under a court order shall determine, in accordance with  
19 standards established by the department, whether to engage in concurrent  
20 planning. If, according to those standards, concurrent planning is required, the  
21 county department, department, or agency shall engage in concurrent planning  
22 unless the court or permanency review panel determines under s. 48.38 (5) (c) 5m.  
23 that concurrent planning is inappropriate.

24 **SECTION 63.** 48.355 (2c) (a) (intro.) of the statutes is amended to read:

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1           48.355 (2c) (a) (intro.) When a court makes a finding under sub. (2) (b) 6. as to  
2 whether the county department, the department, in a county having a population of  
3 ~~500,000~~ 750,000 or more, or the agency primarily responsible for providing services  
4 to the child under a court order has made reasonable efforts to prevent the removal  
5 of the child from his or her home, while assuring that the child’s health and safety  
6 are the paramount concerns, the court’s consideration of reasonable efforts shall  
7 include, but not be limited to, whether:

8           **SECTION 64.** 48.355 (2c) (b) of the statutes is amended to read:

9           48.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether  
10 the county department, department, in a county having a population of 500,000  
11 750,000 or more, or agency primarily responsible for providing services to the child  
12 under a court order has made reasonable efforts to achieve the permanency goal of  
13 the permanency plan, the court’s consideration of reasonable efforts shall include the  
14 considerations listed under par. (a) 1. to 5. and whether visitation schedules between  
15 the child and his or her parents were implemented, unless visitation was denied or  
16 limited by the court.

17           **SECTION 65.** 48.355 (2d) (b) (intro.) of the statutes is amended to read:

18           48.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court is not required  
19 to include in a dispositional order a finding as to whether the county department, the  
20 department, in a county having a population of ~~500,000~~ 750,000 or more, or the  
21 agency primarily responsible for providing services under a court order has made  
22 reasonable efforts with respect to a parent of a child to prevent the removal of the  
23 child from the home, while assuring that the child’s health and safety are the  
24 paramount concerns, or a finding as to whether the county department, department,  
25 or agency has made reasonable efforts with respect to a parent of a child to achieve

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1 the permanency goal of returning the child safely to his or her home, if the court finds  
2 any of the following:

3 **SECTION 66.** 48.357 (1) (c) 2m. of the statutes is amended to read:

4 48.357 (1) (c) 2m. If the court changes the child’s placement from a placement  
5 in the child’s home to a placement outside the child’s home, the parent, if present at  
6 the hearing, shall be requested to provide the names and other identifying  
7 information of 3 relatives of the child or other individuals 18 years of age or over  
8 whose homes the parent requests the court to consider as placements for the child,  
9 unless that information has previously been provided under this subdivision, sub.  
10 (2m) (bm), or s. 48.21 (3) (f) or 48.335 (6). If the parent does not provide that  
11 information at the hearing, the county department, the department in a county  
12 having a population of ~~500,000~~ 750,000 or more, or the agency primarily responsible  
13 for implementing the dispositional order shall permit the parent to provide the  
14 information at a later date.

15 **SECTION 67.** 48.357 (2m) (bm) of the statutes is amended to read:

16 48.357 (2m) (bm) If the court changes the child’s placement from a placement  
17 in the child’s home to a placement outside the child’s home, the parent, if present at  
18 the hearing, shall be requested to provide the names and other identifying  
19 information of 3 relatives of the child or other individuals 18 years of age or over  
20 whose homes the parent requests the court to consider as placements for the child,  
21 unless that information has previously been provided under this paragraph, sub. (1)  
22 (c) 2m., or s. 48.21 (3) (f) or 48.335 (6). If the parent does not provide that information  
23 at the hearing, the county department, the department in a county having a  
24 population of ~~500,000~~ 750,000 or more, or the agency primarily responsible for

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1 implementing the dispositional order shall permit the parent to provide the  
2 information at a later date.

3 **SECTION 68.** 48.357 (2v) (a) 1m. of the statutes is amended to read:

4 48.357 (2v) (a) 1m. If the change in placement order changes the placement of  
5 a child who is under the supervision of the county department or, in a county having  
6 a population of ~~500,000~~ 750,000 or more, the department to a placement outside the  
7 child's home, whether from a placement in the home or from another placement  
8 outside the home, an order ordering the child into, or to be continued in, the  
9 placement and care responsibility of the county department or department as  
10 required under 42 USC 672 (a) (2) and assigning the county department or  
11 department primary responsibility, or continued primary responsibility, for  
12 providing services to the child.

13 **SECTION 69.** 48.357 (2v) (a) 2m. of the statutes is amended to read:

14 48.357 (2v) (a) 2m. If the child has one or more siblings, as defined in s. 48.38  
15 (4) (br) 1., who have been placed outside the home or for whom a change in placement  
16 to a placement outside the home is requested, a finding as to whether the county  
17 department, the department in a county having a population of ~~500,000~~ 750,000 or  
18 more, or the agency primarily responsible for implementing the dispositional order  
19 has made reasonable efforts to place the child in a placement that enables the sibling  
20 group to remain together, unless the court determines that a joint placement would  
21 be contrary to the safety or well-being of the child or any of those siblings, in which  
22 case the court shall order the county department, department, or agency to make  
23 reasonable efforts to provide for frequent visitation or other ongoing interaction  
24 between the child and the siblings, unless the court determines that such visitation

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1 or interaction would be contrary to the safety or well-being of the child or any of those  
2 siblings.

3 **SECTION 70.** 48.357 (2v) (d) 1. of the statutes is amended to read:

4 48.357 (2v) (d) 1. Subject to subd. 2., the court shall order the county  
5 department, the department in a county having a population of ~~500,000~~ 750,000 or  
6 more, or the agency primarily responsible for implementing the dispositional order  
7 to conduct a diligent search in order to locate and provide notice of the information  
8 specified in s. 48.21 (5) (e) 2. a. to e. to all relatives of the child named under sub. (1)  
9 (c) 2m. or (2m) (bm) and to all adult relatives, as defined in s. 48.21 (5) (e) 1., of the  
10 child within 30 days after the child is removed from the custody of the child's parent  
11 unless the child is returned to his or her home within that period. The court may also  
12 order the county department, department, or agency to conduct a diligent search in  
13 order to locate and provide notice of that information to all other adult individuals  
14 named under sub. (1) (c) 2m. or (2m) (bm) within 30 days after the child is removed  
15 from the custody of the child's parent unless the child is returned to his or her home  
16 within that period. The county department, department, or agency may not provide  
17 that notice to a person named under sub. (1) (c) 2m. or (2m) (bm) or to an adult  
18 relative if the county department, department, or agency has reason to believe that  
19 it would be dangerous to the child or to the parent if the child were placed with that  
20 person or adult relative.

21 **SECTION 71.** 48.357 (5m) (b) of the statutes is amended to read:

22 48.357 (5m) (b) If the court orders the child's parent to provide a statement of  
23 income, assets, debts and living expenses to the court or if the court orders the child's  
24 parent to provide that statement to the person or agency primarily responsible for  
25 implementing the dispositional order and that person or agency is not the county



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1 department or, in a county having a population of ~~500,000~~ 750,000 or more, the  
2 department, the court shall also order the child's parent to provide that statement  
3 to the county department or, in a county having a population of ~~500,000~~ 750,000 or  
4 more, the department by a date specified by the court. The county department or,  
5 in a county having a population of ~~500,000~~ 750,000 or more, the department shall  
6 provide, without charge, to the parent a form on which to provide that statement, and  
7 the parent shall provide that statement on that form. The county department or, in  
8 a county having a population of ~~500,000~~ 750,000 or more, the department shall use  
9 the information provided in the statement to determine whether the department  
10 may claim federal foster care and adoption assistance reimbursement under 42 USC  
11 670 to 679a for the cost of providing care for the child.

12 **SECTION 72.** 48.36 (2) of the statutes is amended to read:

13 48.36 (2) If an expectant mother or a child whose legal custody has not been  
14 taken from a parent or guardian is given educational and social services, or medical,  
15 psychological or psychiatric treatment by order of the court, the cost of those services  
16 or that treatment, if ordered by the court, shall be a charge upon the county in a  
17 county having a population of less than ~~500,000~~ 750,000 or the department in a  
18 county having a population of ~~500,000~~ 750,000 or more. This section does not prevent  
19 recovery of reasonable contribution toward the costs from the parent or guardian of  
20 the child or from an adult expectant mother as the court may order based on the  
21 ability of the parent, guardian or adult expectant mother to pay. This subsection  
22 shall be subject to s. 49.32 (1).

23 **SECTION 73.** 48.363 (1) (d) of the statutes is amended to read:

24 48.363 (1) (d) If the court orders the child's parent to provide a statement of  
25 income, assets, debts and living expenses to the court or if the court orders the child's

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1 parent to provide that statement to the person or agency primarily responsible for  
2 implementing the dispositional order and that person or agency is not the county  
3 department or, in a county having a population of ~~500,000~~ 750,000 or more, the  
4 department, the court shall also order the child's parent to provide that statement  
5 to the county department or, in a county having a population of ~~500,000~~ 750,000 or  
6 more, the department by a date specified by the court. The county department or,  
7 in a county having a population of ~~500,000~~ 750,000 or more, the department shall  
8 provide, without charge, to the parent a form on which to provide that statement, and  
9 the parent shall provide that statement on that form. The county department or, in  
10 a county having a population of ~~500,000~~ 750,000 or more, the department shall use  
11 the information provided in the statement to determine whether the department  
12 may claim federal foster care and adoption assistance reimbursement under 42 USC  
13 670 to 679a for the cost of providing care for the child.

14 **SECTION 74.** 48.38 (5) (am) of the statutes is amended to read:

15 48.38 (5) (am) The court may appoint an independent agency to designate a  
16 panel to conduct a permanency review under par. (a). If the court in a county having  
17 a population of less than ~~500,000~~ 750,000 appoints an independent agency under this  
18 paragraph, the county department of the county of the court shall authorize and  
19 contract for the purchase of services from the independent agency. If the court in a  
20 county having a population of ~~500,000~~ 750,000 or more appoints an independent  
21 agency under this paragraph, the department shall authorize and contract for the  
22 purchase of services from the independent agency.

23 **SECTION 75.** 48.428 (2) (a) of the statutes is amended to read:

24 48.428 (2) (a) Except as provided in par. (b), when a court places a child in  
25 sustaining care after an order under s. 48.427 (4), the court shall transfer legal

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1 custody of the child to the county department, the department in a county having a  
2 population of ~~500,000~~ 750,000 or more, or a licensed child welfare agency, transfer  
3 guardianship of the child to an agency listed in s. 48.427 (3m) (a) 1. to 4. or (am), and  
4 place the child in the home of a licensed foster parent or kinship care relative with  
5 whom the child has resided for 6 months or longer. In placing an Indian child in  
6 sustaining care, the court shall comply with the order of placement preference under  
7 s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c), unless the court finds good cause,  
8 as described in s. 48.028 (7) (e), for departing from that order. Pursuant to the  
9 placement, that licensed foster parent or kinship care relative shall be a sustaining  
10 parent with the powers and duties specified in sub. (3).

11 **SECTION 76.** 48.428 (2) (b) of the statutes is amended to read:

12 48.428 (2) (b) When a court places a child in sustaining care after an order  
13 under s. 48.427 (4) with a person who has been appointed as the guardian of the child  
14 under s. 48.977 (2), the court may transfer legal custody of the child to the county  
15 department, the department in a county having a population of ~~500,000~~ 750,000 or  
16 more, or a licensed child welfare agency, transfer guardianship of the child to an  
17 agency listed in s. 48.427 (3m) (a) 1. to 4. or (am), and place the child in the home of  
18 a licensed foster parent or kinship care relative with whom the child has resided for  
19 6 months or longer. In placing an Indian child in sustaining care, the court shall  
20 comply with the order of placement preference under s. 48.028 (7) (b) or, if applicable,  
21 s. 48.028 (7) (c), unless the court finds good cause, as described in s. 48.028 (7) (e),  
22 for departing from that order. Pursuant to the placement, that licensed foster parent  
23 or kinship care relative shall be a sustaining parent with the powers and duties  
24 specified in sub. (3). If the court transfers guardianship of the child to an agency

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1 listed in s. 48.427 (3m) (a) 1. to 4. or (am), the court shall terminate the guardianship  
2 under s. 48.977.

3 **SECTION 77.** 48.545 (2) (a) (intro.) of the statutes is amended to read:

4 48.545 (2) (a) (intro.) From the appropriations under s. 20.437 (1) (eg), (kb), and  
5 (nL), the department shall distribute \$2,097,700 in each fiscal year to applying  
6 nonprofit corporations and public agencies operating in a county having a population  
7 of ~~500,000~~ 750,000 or more, \$1,171,800 in each fiscal year to applying county  
8 departments under s. 46.22, 46.23, 51.42, or 51.437 operating in counties other than  
9 a county having a population of ~~500,000~~ 750,000 or more, and \$55,000 in each fiscal  
10 year to Diverse and Resilient, Inc. to provide programs to accomplish all of the  
11 following:

12 **SECTION 78.** 48.563 (1) (b) of the statutes is amended to read:

13 48.563 (1) (b) Notwithstanding s. 48.568, if the department receives any  
14 federal moneys under 42 USC 670 to 679a in reimbursement of moneys allocated  
15 under par. (a) for the provision of foster care, the department shall distribute those  
16 federal moneys for services and projects to assist children and families ~~and for the~~  
17 ~~purposes specified in s. 48.567.~~

18 **SECTION 79.** 48.563 (2) (title) of the statutes is amended to read:

19 48.563 (2) (title) ~~BASIC COUNTY~~ COUNTY ALLOCATION.

20 **SECTION 80.** 48.563 (4) of the statutes is amended to read:

21 48.563 (4) POSTREUNIFICATION SERVICES. If a demonstration project authorized  
22 under 42 USC 1320a-9 reduces the cost of providing out-of-home care for children  
23 in a county having a population of 750,000 or more, from the appropriations under  
24 s. 20.437 (1) (cx) and ~~(e)~~ (mb) the department may distribute the amount by which  
25 that cost is reduced by that demonstration project in each fiscal year to county

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1 departments for services for children and families to prevent the reentry of children  
2 into out-of-home care.

3 **SECTION 81.** 48.563 (14m) of the statutes is repealed.

4 **SECTION 82.** 48.565 (intro.) (except 48.565 (title)) of the statutes is renumbered  
5 48.565 (1) (intro.) and amended to read:

6 48.565 (1) (intro.) Funds allocated by the department under s. 48.569 (1) (d) but  
7 not spent or encumbered by counties, governing bodies of Indian tribes, or private  
8 nonprofit organizations by December 31 of each year and funds recovered under s.  
9 48.569 (2) (b) and deposited into the appropriation account under s. 20.437 (1) (b)  
10 lapse to the general fund on the succeeding January 1 unless carried forward to the  
11 next calendar year under s. 20.437 (1) (b) or as follows:

12 **SECTION 83.** 48.565 (2) (a) of the statutes is amended to read:

13 48.565 (2) (a) ~~Subject to par. (am), if on December 31 of any year there remains~~  
14 ~~unspent or unencumbered in the allocation under s. 48.563 (2) an amount that~~  
15 ~~exceeds the amount received under 42 USC 670 to 679a and allocated under s. 48.563~~  
16 ~~(2) in that year, the department shall carry forward the excess moneys and distribute~~  
17 ~~not less than 50% of the excess moneys to counties having a population of less than~~  
18 ~~500,000 that are making a good faith effort, as determined by the department, to~~  
19 ~~comply with s. 46.22 (1) (c) 8. f. for services and projects to assist children and~~  
20 ~~families, notwithstanding the percentage limit specified in sub. (3). A county shall~~  
21 ~~use not less than 50% of the moneys distributed to the county under this subsection~~  
22 ~~for services for children who are at risk of abuse or neglect to prevent the need for~~  
23 ~~child abuse and neglect intervention services, except that in the calendar year in~~  
24 ~~which a county achieves compliance with s. 46.22 (1) (c) 8. f. and in the 2 calendar~~  
25 ~~years after that calendar year the county may use 100% of the moneys distributed~~

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1 ~~under this paragraph to reimburse the department for the costs of achieving that~~  
2 ~~compliance. If a county does not comply with s. 46.22 (1) (e) 8. f. before July 1, 2005,~~  
3 ~~the department may recover any amounts distributed to that county under this~~  
4 ~~paragraph after June 30, 2001, by billing the county or deducting from that county's~~  
5 ~~allocation under s. 48.563 (2). The department may bill a county or deduct from a~~  
6 ~~county's allocation under s. 48.563 (2) for the costs of implementing and operating~~  
7 ~~the statewide automated child welfare information system established under s.~~  
8 ~~48.47 (7g). All moneys received by the department under this paragraph shall be~~  
9 credited to the appropriation account under s. 20.437 (1) (j).

10 **SECTION 84.** 48.565 (2) (am) of the statutes is repealed.

11 **SECTION 85.** 48.565 (2) (b) of the statutes is amended to read:

12 48.565 (2) (b) A county may not use any moneys distributed under ~~par. (a) s.~~  
13 ~~48.563 (2)~~ to supplant any other moneys expended by the county for services and  
14 projects to assist children and families in a base year determined by the department.

15 **SECTION 86.** 48.565 (2) (c) of the statutes is repealed.

16 **SECTION 87.** 48.565 (3) of the statutes is renumbered 48.565 (1) (a) and  
17 amended to read:

18 48.565 (1) (a) At the request of a county, tribal governing body, or private  
19 ~~nonprofit organization,~~ the department shall carry forward to the next calendar year  
20 up to 3 percent of the total amount allocated to the county, ~~tribal governing body, or~~  
21 ~~nonprofit organization~~ under s. 48.569 (1) (d) for a calendar year. All funds carried  
22 forward for a tribal governing body or nonprofit organization and all federal child  
23 welfare funds under 42 USC 620 to 626 carried forward for a county shall be used  
24 for the purpose for which the funds were originally allocated. ~~Other funds carried~~  
25 ~~forward under this subsection may be used for any purpose under s. 20.437 (1) (b),~~

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1     ~~except that a county may not use any funds carried forward under this subsection~~  
2     ~~for administrative or staff costs. An allocation of carried-forward funding under this~~  
3     ~~subsection does not affect a county's base allocation under s. 48.563 (2).~~

4           **SECTION 88.** 48.565 (6) of the statutes is renumbered 48.565 (1) (b) and  
5     amended to read:

6           48.565 (1) (b) ~~The~~ At the request of a county, the department may shall carry  
7     forward to the next calendar year up to 10 percent of any funds specified in sub. (3)  
8     ~~that are not carried forward under sub. (3) for emergencies, for justifiable unit~~  
9     ~~services costs above planned levels, and for increased costs due to population shifts.~~  
10    ~~An allocation of carried-forward funding under this subsection~~ the total amount  
11    allocated to the county under s. 48.569 (1) (d) for a calendar year if the department  
12    agrees that an emergency or other circumstance that was unforeseen when the  
13    original allocation to the county was made necessitates the carryover.

14           (7) The amount of funds carried forward from the preceding calendar year at  
15    the request of a county under sub. (1) (a) or (b) does not affect -a- the determination  
16    of that county's base allocation share of the funding allocated under s. 48.563 (2) for  
17    a calendar year.

18           **SECTION 89.** 48.565 (8) of the statutes is created to read:

19           48.565 (8) A county shall use funds carried forward under this section for  
20    services provided to children and families and not for the county's general  
21    administrative costs.

22           **SECTION 90.** 48.567 of the statutes is repealed.

23           **SECTION 91.** 48.569 (1) (d) of the statutes is amended to read:

24           48.569 (1) (d) From the appropriations under s. 20.437 (1) (b), (cx), (km), and  
25    (o), the department shall distribute the funding for children and family services,

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1 including funding for foster care or subsidized guardianship care of a child on whose  
2 behalf aid is received under s. 48.645 to county departments as provided under s.  
3 48.563. County matching funds are required for the distribution under s. 48.563 (2).  
4 Each county's required match for the distribution under s. 48.563 (2) shall be  
5 specified in a schedule established annually by the department. Matching funds  
6 may be from county tax levies, federal and state revenue sharing funds, or private  
7 donations to the county that meet the requirements specified in sub. (1m). ~~Private~~  
8 ~~donations may not exceed 25 percent of the total county match.~~ If the county match  
9 is less than the amount required to generate the full amount of state and federal  
10 funds distributed for this period, the decrease in the amount of state and federal  
11 funds equals the difference between the required and the actual amount of county  
12 matching funds.

13 **SECTION 92.** 48.57 (1) (e) of the statutes is amended to read:

14 48.57 (1) (e) If a county department in a county with a population of 500,000  
15 750,000 or more and if contracted to do so by the department, to place children in a  
16 county children's home in the county under policies adopted by the county board of  
17 supervisors, to accept guardianship of children when appointed by the court and to  
18 place children under its guardianship for adoption.

19 **SECTION 93.** 48.57 (1) (hm) of the statutes is amended to read:

20 48.57 (1) (hm) If a county department in a county with a population of less than  
21 500,000 750,000, to accept guardianship, when appointed by the court, of a child  
22 whom the county department has placed in a foster home under a court order or  
23 voluntary agreement under s. 48.63 and to place that child under its guardianship  
24 for adoption by the foster parent.

25 **SECTION 94.** 48.57 (2m) of the statutes is amended to read:



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1           48.57 **(2m)** A county department, as soon as practicable after learning that a  
2           person who is receiving child welfare services under sub. (1) from the county  
3           department has changed his or her county of residence, shall provide notice of that  
4           change to the county department of the person's new county of residence or, if that  
5           new county of residence is a county having a population of ~~500,000~~ 750,000 or more,  
6           the department. The notice shall include a brief, written description of the services  
7           offered or provided to the person by the county department and the name, telephone  
8           number, and address of a person to contact for more information.

9           **SECTION 95.** 48.57 (3m) (am) (intro.) of the statutes is amended to read:

10           48.57 **(3m)** (am) (intro.) From the appropriations under s. 20.437 (2) (dz), (md),  
11           (me), and (s), the department shall reimburse counties having populations of less  
12           than ~~500,000~~ 750,000 for payments made under this subsection and shall make  
13           payments under this subsection in a county having a population of ~~500,000~~ 750,000  
14           or more. Subject to par. (ap), a county department and, in a county having a  
15           population of ~~500,000~~ 750,000 or more, the department shall make payments in the  
16           amount of \$226 per month beginning on January 1, 2014, and \$232 per month  
17           beginning on January 1, 2015, to a kinship care relative who is providing care and  
18           maintenance for a child if all of the following conditions are met:

19           **SECTION 96.** 48.57 (3m) (ap) 1. of the statutes is amended to read:

20           48.57 **(3m)** (ap) 1. Subject to subds. 2. and 3., the county department or, in a  
21           county having a population of ~~500,000~~ 750,000 or more, the department may make  
22           payments under par. (am) to a kinship care relative who is providing care and  
23           maintenance for a child who is placed in the home of the kinship care relative under  
24           a court order for no more than 60 days after the date on which the county department  
25           or department received under par. (am) 1. the completed application of the kinship

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1 care relative for a license to operate a foster home or, if the application is approved  
2 or denied or the kinship care relative is otherwise determined to be ineligible for  
3 licensure within those 60 days, until the date on which the application is approved  
4 or denied or the kinship care relative is otherwise determined to be ineligible for  
5 licensure.

6 **SECTION 97.** 48.57 (3m) (ap) 3. of the statutes is amended to read:

7 48.57 **(3m)** (ap) 3. Notwithstanding that an application of a kinship care  
8 relative specified in subd. 1. is denied or the kinship care relative is otherwise  
9 determined to be ineligible for licensure, the county department or, in a county  
10 having a population of ~~500,000~~ 750,000 or more, the department may make  
11 payments under par. (am) to the kinship care relative for as long as the conditions  
12 specified in par. (am) 1. to 6. continue to apply if the county department or  
13 department submits to the court information relating to the background  
14 investigation specified in par. (am) 4., an assessment of the safety of the kinship care  
15 relative's home and the ability of the kinship care relative to care for the child, and  
16 a recommendation that the child remain in the home of the kinship care relative and  
17 the court, after considering that information, assessment, and recommendation,  
18 orders the child to remain in the kinship care relative's home. If the court does not  
19 order the child to remain in the kinship care relative's home, the court shall order  
20 the county department or department to request a change in placement under s.  
21 48.357 (1) (am) or 938.357 (1) (am). Any person specified in s. 48.357 (2m) (a) or  
22 938.357 (2m) (a) may also request a change in placement.

23 **SECTION 98.** 48.57 (3m) (b) 1. of the statutes is amended to read:

24 48.57 **(3m)** (b) 1. The county department or, in a county having a population  
25 of ~~500,000~~ 750,000 or more, the department shall refer to the attorney responsible

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1 for support enforcement under s. 59.53 (6) (a) the name of the parent or parents of  
2 a child for whom a payment is made under par. (am).

3 **SECTION 99.** 48.57 (3m) (c) of the statutes is amended to read:

4 48.57 (3m) (c) The county department or, in a county having a population of  
5 ~~500,000~~ 750,000 or more, the department shall require the parent or parents of a  
6 child for whom a payment is made under par. (am) to initiate or continue health care  
7 insurance coverage for the child.

8 **SECTION 100.** 48.57 (3m) (d) of the statutes is amended to read:

9 48.57 (3m) (d) A county department or, in a county having a population of  
10 ~~500,000~~ 750,000 or more, the department shall review a placement of a child for  
11 which the county department or department makes payments under par. (am) not  
12 less than every 12 months after the county department or department begins making  
13 those payments to determine whether the conditions specified in par. (am) continue  
14 to exist. If those conditions do not continue to exist, the county department or  
15 department shall discontinue making those payments.

16 **SECTION 101.** 48.57 (3m) (g) 2. (intro.) of the statutes is amended to read:

17 48.57 (3m) (g) 2. (intro.) If a recipient requests a hearing within 10 days after  
18 the date of notice that his or her payments under par. (am) are being discontinued,  
19 those payments may not be discontinued until a decision is rendered after the  
20 hearing but payments made pending the hearing decision may be recovered by the  
21 department if the contested action or failure to act is upheld. The department shall  
22 promptly notify the county department of the county in which the recipient resides  
23 or, if the recipient resides in a county having a population of ~~500,000~~ 750,000 or more,  
24 the subunit of the department administering of the kinship care program in that

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1 county that the recipient has requested a hearing. Payments under par. (am) shall  
2 be discontinued if any of the following applies:

3 **SECTION 102.** 48.57 (3m) (h) of the statutes is amended to read:

4 48.57 (3m) (h) A county department or, in a county having a population of  
5 ~~500,000~~ 750,000 or more, the department may recover an overpayment made under  
6 par. (am) from a kinship care relative who continues to receive payments under par.  
7 (am) by reducing the amount of the kinship care relative's monthly payment. The  
8 department may by rule specify other methods for recovering overpayments made  
9 under par. (am). A county department that recovers an overpayment under this  
10 paragraph due to the efforts of its officers and employees may retain a portion of the  
11 amount recovered, as provided by the department by rule.

12 **SECTION 103.** 48.57 (3n) (am) (intro.) of the statutes is amended to read:

13 48.57 (3n) (am) (intro.) From the appropriations under s. 20.437 (2) (dz), (md),  
14 (me), and (s), the department shall reimburse counties having populations of less  
15 than ~~500,000~~ 750,000 for payments made under this subsection and shall make  
16 payments under this subsection in a county having a population of ~~500,000~~ 750,000  
17 or more. Subject to par. (ap), a county department and, in a county having a  
18 population of ~~500,000~~ 750,000 or more, the department shall make monthly  
19 payments for each child in the amount of \$226 per month beginning on January 1,  
20 2014, and \$232 per month beginning on January 1, 2015, to a long-term kinship care  
21 relative who is providing care and maintenance for that child if all of the following  
22 conditions are met:

23 **SECTION 104.** 48.57 (3n) (ap) 1. of the statutes is amended to read:

24 48.57 (3n) (ap) 1. Subject to subds. 2. and 3., the county department or, in a  
25 county having a population of ~~500,000~~ 750,000 or more, the department may make

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1 payments under par. (am) to a long-term kinship care relative who is providing care  
2 and maintenance for a child who is placed in the home of the long-term kinship care  
3 relative for no more than 60 days after the date on which the county department or  
4 department received under par. (am) 1. the completed application of the long-term  
5 kinship care relative for a license to operate a foster home or, if the application is  
6 approved or denied or the long-term kinship care relative is otherwise determined  
7 to be ineligible for licensure within those 60 days, until the date on which the  
8 application is approved or denied or the long-term kinship care relative is otherwise  
9 determined to be ineligible for licensure.

10 **SECTION 105.** 48.57 (3n) (ap) 3. of the statutes is amended to read:

11 48.57 (3n) (ap) 3. Notwithstanding that an application of a long-term kinship  
12 care relative specified in subd. 1. is denied or the long-term kinship care relative is  
13 otherwise determined to be ineligible for licensure, the county department or, in a  
14 county having a population of ~~500,000~~ 750,000 or more, the department may make  
15 payments under par. (am) to the long-term kinship care relative until an event  
16 specified in par. (am) 6. a. to f. occurs if the county department or department submits  
17 to the court information relating to the background investigation specified in par.  
18 (am) 4., an assessment of the safety of the long-term kinship care relative's home and  
19 the ability of the long-term kinship care relative to care for the child, and a  
20 recommendation that the child remain in the home of the long-term kinship care  
21 relative and the court, after considering that information, assessment, and  
22 recommendation, orders the child to remain in the long-term kinship care relative's  
23 home. If the court does not order the child to remain in the kinship care relative's  
24 home, the court shall order the county department or department to request a change  
25 in placement under s. 48.357 (1) (am) or 938.357 (1) (am) or to request a termination

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1 of the guardianship order under s. 48.977 (7). Any person specified in s. 48.357 (2m)  
2 (a) or 938.357 (2m) (a) may also request a change in placement and any person who  
3 is authorized to file a petition for the appointment of a guardian for the child may also  
4 request a termination of the guardianship order.

5 **SECTION 106.** 48.57 (3n) (ar) (intro.) of the statutes is amended to read:

6 48.57 (3n) (ar) (intro.) Subject to sub. (3p) (fm) 1m. and (hm), a county  
7 department or, in a county having a population of ~~500,000~~ 750,000 or more, the  
8 department shall enter into an agreement under par. (am) 6. if all of the following  
9 conditions are met:

10 **SECTION 107.** 48.57 (3n) (b) 1. of the statutes is amended to read:

11 48.57 (3n) (b) 1. The county department or, in a county having a population of  
12 ~~500,000~~ 750,000 or more, the department shall refer to the attorney responsible for  
13 support enforcement under s. 59.53 (6) (a) the name of the parent or parents of a child  
14 for whom a payment is made under par. (am).

15 **SECTION 108.** 48.57 (3n) (c) of the statutes is amended to read:

16 48.57 (3n) (c) The county department or, in a county having a population of  
17 ~~500,000~~ 750,000 or more, the department shall require the parent or parents of a  
18 child for whom a payment is made under par. (am) to initiate or continue health care  
19 insurance coverage for the child.

20 **SECTION 109.** 48.57 (3n) (d) of the statutes is amended to read:

21 48.57 (3n) (d) The county department or, in a county having a population of  
22 ~~500,000~~ 750,000 or more, the department shall, at least once every 12 months after  
23 the county department or department begins making payments under this  
24 subsection, determine whether any of the events specified in par. (am) 6. a. to f. have

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1 occurred. If any such events have occurred, the county department or department  
2 shall discontinue making those payments.

3 **SECTION 110.** 48.57 (3n) (g) 2. (intro.) of the statutes is amended to read:

4 48.57 **(3n)** (g) 2. (intro.) If a recipient requests a hearing within 10 days after  
5 the date of notice that his or her payments under par. (am) are being discontinued,  
6 those payments may not be discontinued until a decision is rendered after the  
7 hearing but payments made pending the hearing decision may be recovered by the  
8 department if the contested action or failure to act is upheld. The department shall  
9 promptly notify the county department of the county in which the recipient resides  
10 or, if the recipient resides in a county having a population of ~~500,000~~ 750,000 or more,  
11 the subunit of the department administering of the long-term kinship care program  
12 in that county that the recipient has requested a hearing. Payments under par. (am)  
13 shall be discontinued if any of the following applies:

14 **SECTION 111.** 48.57 (3n) (h) of the statutes is amended to read:

15 48.57 **(3n)** (h) A county department or, in a county having a population of  
16 ~~500,000~~ 750,000 or more, the department may recover an overpayment made under  
17 par. (am) from a long-term kinship care relative who continues to receive payments  
18 under par. (am) by reducing the amount of the long-term kinship care relative's  
19 monthly payment. The department may by rule specify other methods for recovering  
20 overpayments made under par. (am). A county department that recovers an  
21 overpayment under this paragraph due to the efforts of its officers and employees  
22 may retain a portion of the amount recovered, as provided by the department by rule.

23 **SECTION 112.** 48.57 (3p) (b) 1. of the statutes is amended to read:

24 48.57 **(3p)** (b) 1. After receipt of an application for payments under sub. (3m)  
25 or (3n), the county department or, in a county having a population of ~~500,000~~ 750,000

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1 or more, the department, with the assistance of the department of justice, shall  
2 conduct a background investigation of the applicant.

3 **SECTION 113.** 48.57 (3p) (b) 2. of the statutes is amended to read:

4 48.57 (3p) (b) 2. The county department or, in a county having a population of  
5 ~~500,000~~ 750,000 or more, the department, with the assistance of the department of  
6 justice, may conduct a background investigation of any person who is receiving  
7 payments under sub. (3m) at the time of review under sub. (3m) (d) or at any other  
8 time that the county department or department considers to be appropriate.

9 **SECTION 114.** 48.57 (3p) (b) 3. of the statutes is amended to read:

10 48.57 (3p) (b) 3. The county department or, in a county having a population of  
11 ~~500,000~~ 750,000 or more, the department, with the assistance of the department of  
12 justice, may conduct a background investigation of any person who is receiving  
13 payments under sub. (3n) at any time that the county department or department  
14 considers to be appropriate.

15 **SECTION 115.** 48.57 (3p) (c) 1. of the statutes is amended to read:

16 48.57 (3p) (c) 1. After receipt of an application for payments under sub. (3m)  
17 or (3n), the county department or, in a county having a population of ~~500,000~~ 750,000  
18 or more, the department, with the assistance of the department of justice, shall, in  
19 addition to the investigation under par. (b) 1., conduct a background investigation  
20 of all employees and prospective employees of the applicant who have or would have  
21 regular contact with the child for whom those payments are being made and of each  
22 adult resident.

23 **SECTION 116.** 48.57 (3p) (c) 2. of the statutes is amended to read:

24 48.57 (3p) (c) 2. The county department or, in a county having a population of  
25 ~~500,000~~ 750,000 or more, the department, with the assistance of the department of



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1 justice, may conduct a background investigation of any of the employees or  
2 prospective employees of any person who is receiving payments under sub. (3m) who  
3 have or would have regular contact with the child for whom those payments are being  
4 made and of each adult resident at the time of review under sub. (3m) (d) or at any  
5 other time that the county department or department considers to be appropriate.

6 **SECTION 117.** 48.57 (3p) (c) 2m. of the statutes is amended to read:

7 48.57 (3p) (c) 2m. The county department or, in a county having a population  
8 of 500,000 750,000 or more, the department, with the assistance of the department  
9 of justice, may conduct a background investigation of any of the employees or  
10 prospective employees of any person who is receiving payments under sub. (3n) who  
11 have or would have regular contact with the child for whom payments are being  
12 made and of each adult resident at any time that the county department or  
13 department considers to be appropriate.

14 **SECTION 118.** 48.57 (3p) (c) 3. of the statutes is amended to read:

15 48.57 (3p) (c) 3. Before a person who is receiving payments under sub. (3m) or  
16 (3n) may employ any person in a position in which that person would have regular  
17 contact with the child for whom those payments are being made or permit any person  
18 to be an adult resident, the county department or, in a county having a population  
19 of 500,000 750,000 or more, the department, with the assistance of the department  
20 of justice, shall conduct a background investigation of the prospective employee or  
21 prospective adult resident unless that person has already been investigated under  
22 subd. 1., 2. or 2m.

23 **SECTION 119.** 48.57 (3p) (d) of the statutes is amended to read:

24 48.57 (3p) (d) If the person being investigated under par. (b) or (c) is a  
25 nonresident, or at any time within the 5 years preceding the date of the application

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1 has been a nonresident, or if the county department or, in a county having a  
2 population of ~~500,000~~ 750,000 or more, the department determines that the person's  
3 employment, licensing or state court records provide a reasonable basis for further  
4 investigation, the county department or department shall require the person to be  
5 fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's  
6 fingerprints, or by other technologies approved by law enforcement agencies. The  
7 department of justice may provide for the submission of the fingerprint cards or  
8 fingerprints by other technologies to the federal bureau of investigation for the  
9 purposes of verifying the identity of the person fingerprinted and obtaining records  
10 of his or her criminal arrest and conviction.

11 **SECTION 120.** 48.57 (3p) (e) (intro.) of the statutes is amended to read:

12 48.57 **(3p)** (e) (intro.) Upon request, a person being investigated under par. (b)  
13 or (c) shall provide the county department or, in a county having a population of  
14 ~~500,000~~ 750,000 or more, the department with all of the following information:

15 **SECTION 121.** 48.57 (3p) (fm) 1. of the statutes is amended to read:

16 48.57 **(3p)** (fm) 1. The county department or, in a county having a population  
17 of ~~500,000~~ 750,000 or more, the department may provisionally approve the making  
18 of payments under sub. (3m) based on the applicant's statement under sub. (3m) (am)  
19 4m. The county department or department may not finally approve the making of  
20 payments under sub. (3m) unless the county department or department receives  
21 information from the department of justice indicating that the conviction record of  
22 the applicant under the law of this state is satisfactory according to the criteria  
23 specified in par. (g) 1. to 3. or payment is approved under par. (h) 4. The county  
24 department or department may make payments under sub. (3m) conditioned on the  
25 receipt of information from the federal bureau of investigation indicating that the

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1 person's conviction record under the law of any other state or under federal law is  
2 satisfactory according to the criteria specified in par. (g) 1. to 3.

3 **SECTION 122.** 48.57 (3p) (fm) 1m. of the statutes is amended to read:

4 48.57 (3p) (fm) 1m. The county department or, in a county having a population  
5 of ~~500,000~~ 750,000 or more, the department may not enter into the agreement under  
6 sub. (3n) (am) 6. unless the county department or department receives information  
7 from the department of justice relating to the conviction record of the applicant under  
8 the law of this state and that record indicates either that the applicant has not been  
9 arrested or convicted or that the applicant has been arrested or convicted but the  
10 director of the county department or, in a county having a population of ~~500,000~~  
11 750,000 or more, the person designated by the secretary to review conviction records  
12 under this subdivision determines that the conviction record is satisfactory because  
13 it does not include any arrest or conviction that the director or person designated by  
14 the secretary determines is likely to adversely affect the child or the applicant's  
15 ability to care for the child. The county department or, in a county having a  
16 population of ~~500,000~~ 750,000 or more, the department may make payments under  
17 sub. (3n) conditioned on the receipt of information from the federal bureau of  
18 investigation indicating that the person's conviction record under the law of any  
19 other state or under federal law is satisfactory because the conviction record does not  
20 include any arrest or conviction that the director of the county department or, in a  
21 county having a population of ~~500,000~~ 750,000 or more, the person designated by the  
22 secretary to review conviction records under this subdivision determines is likely to  
23 adversely affect the child or the applicant's ability to care for the child.

24 **SECTION 123.** 48.57 (3p) (fm) 2. of the statutes is amended to read:

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1           48.57 **(3p)** (fm) 2. A person receiving payments under sub. (3m) may  
2 provisionally employ a person in a position in which that person would have regular  
3 contact with the child for whom those payments are being made or provisionally  
4 permit a person to be an adult resident if the person receiving those payments states  
5 to the county department or, in a county having a population of ~~500,000~~ 750,000 or  
6 more, the department that the employee or adult resident does not have any arrests  
7 or convictions that could adversely affect the child or the ability of the person  
8 receiving payments to care for the child. A person receiving payments under sub.  
9 (3m) may not finally employ a person in a position in which that person would have  
10 regular contact with the child for whom those payments are being made or finally  
11 permit a person to be an adult resident until the county department or, in a county  
12 having a population of ~~500,000~~ 750,000 or more, the department receives  
13 information from the department of justice indicating that the person's conviction  
14 record under the law of this state is satisfactory according to the criteria specified in  
15 par. (g) 1. to 3. and the county department or, in a county having a population of  
16 ~~500,000~~ 750,000 or more, the department so advises the person receiving payments  
17 under sub. (3m) or until a decision is made under par. (h) 4. to permit a person who  
18 is receiving payments under sub. (3m) to employ a person in a position in which that  
19 person would have regular contact with the child for whom payments are being made  
20 or to permit a person to be an adult resident and the county department or, in a  
21 county having a population of ~~500,000~~ 750,000 or more, the department so advises  
22 the person receiving payments under sub. (3m). A person receiving payments under  
23 sub. (3m) may finally employ a person in a position in which that person would have  
24 regular contact with the child for whom those payments are being made or finally  
25 permit a person to be an adult resident conditioned on the receipt of information from

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1 the county department or, in a county having a population of 500,000 750,000 or  
2 more, the department that the federal bureau of investigation indicates that the  
3 person's conviction record under the law of any other state or under federal law is  
4 satisfactory according to the criteria specified in par. (g) 1. to 3.

5 **SECTION 124.** 48.57 (3p) (fm) 2m. of the statutes is amended to read:

6 48.57 **(3p)** (fm) 2m. A person receiving payments under sub. (3n) may  
7 provisionally employ a person in a position in which that person would have regular  
8 contact with the child for whom those payments are being made or provisionally  
9 permit a person to be an adult resident if the person receiving those payments states  
10 to the county department or, in a county having a population of 500,000 750,000 or  
11 more, the department that, to the best of his or her knowledge, the employee or adult  
12 resident does not have any arrests or convictions that could adversely affect the child  
13 or the ability of the person receiving payments to care for the child. A person  
14 receiving payment under sub. (3n) may not finally employ a person in a position in  
15 which that person would have regular contact with the child for whom those  
16 payments are being made or finally permit a person to be an adult resident until the  
17 county department or, in a county having a population of 500,000 750,000 or more,  
18 the department receives information from the department of justice relating to the  
19 person's conviction record under the law of this state and that record indicates either  
20 that the person has not been arrested or convicted or that the person has been  
21 arrested or convicted but the director of the county department or, in a county having  
22 a population of 500,000 750,000 or more, the person designated by the secretary to  
23 review conviction records under this subdivision determines that the conviction  
24 record is satisfactory because it does not include any arrest or conviction that is likely  
25 to adversely affect the child or the ability of the person receiving payments to care

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1 for the child and the county department or department so advises the person  
2 receiving payments under sub. (3n). A person receiving payments under sub. (3n)  
3 may finally employ a person in a position in which that person would have regular  
4 contact with the child for whom those payments are being made or finally permit a  
5 person to be an adult resident conditioned on the receipt of information from the  
6 county department or, in a county having a population of ~~500,000~~ 750,000 or more,  
7 the department that the federal bureau of investigation indicates that the person's  
8 conviction record under the law of any other state or under federal law is satisfactory  
9 because the conviction record does not include any arrest or conviction that the  
10 director of the county department or, in a county having a population of ~~500,000~~  
11 750,000 or more, the person designated by the secretary to review conviction records  
12 under this subdivision determines is likely to adversely affect the child or the ability  
13 of the person receiving payments to care for the child.

14 **SECTION 125.** 48.57 (3p) (g) (intro.) of the statutes is amended to read:

15 48.57 **(3p)** (g) (intro.) Except as provided in par. (h), the county department or,  
16 in a county having a population of ~~500,000~~ 750,000 or more, the department may not  
17 make payments to a person applying for payments under sub. (3m) and a person  
18 receiving payments under sub. (3m) may not employ a person in a position in which  
19 that person would have regular contact with the child for whom those payments are  
20 being made or permit a person to be an adult resident if any of the following applies:

21 **SECTION 126.** 48.57 (3p) (g) 3. of the statutes is amended to read:

22 48.57 **(3p)** (g) 3. The person has been convicted of a violation of ch. 940, 944,  
23 or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63, or 948.70,  
24 or of a violation of the law of any other state or federal law that would be a violation  
25 of ch. 940, 944, or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45,

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1 948.63, or 948.70, if committed in this state, except that a county department or, in  
2 a county having a population of ~~500,000~~ 750,000 or more, the department may make  
3 payments to a person applying for payments under sub. (3m) and a person receiving  
4 payments under sub. (3m) may employ in a position in which the person would have  
5 regular contact with the child for whom those payments are being made or permit  
6 to be an adult resident a person who has been convicted of a violation of s. 944.30  
7 (1m), 944.31, or 944.33 or of a violation of the law of any other state or federal law  
8 that would be a violation of s. 944.30 (1m), 944.31, or 944.33 if committed in this  
9 state, if that violation occurred 20 years or more before the date of the investigation.

10 **SECTION 127.** 48.57 (3p) (h) 2. of the statutes is amended to read:

11 48.57 **(3p)** (h) 2. The request for review shall be filed with the director of the  
12 county department or, in a county having a population of ~~500,000~~ 750,000 or more,  
13 with the person designated by the secretary to receive requests for review filed under  
14 this subdivision. If the governing body of an Indian tribe has entered into an  
15 agreement under sub. (3t) to administer the program under this subsection and sub.  
16 (3m), the request for review shall be filed with the person designated by that  
17 governing body to receive requests for review filed under this subdivision.

18 **SECTION 128.** 48.57 (3p) (h) 3. (intro.) of the statutes is amended to read:

19 48.57 **(3p)** (h) 3. (intro.) The director of the county department, the person  
20 designated by the governing body of an Indian tribe or, in a county having a  
21 population of ~~500,000~~ 750,000 or more, the person designated by the secretary shall  
22 review the denial of payments or the prohibition on employment or being an adult  
23 resident to determine if the conviction record on which the denial or prohibition is  
24 based includes any arrests, convictions, or penalties that are likely to adversely  
25 affect the child or the ability of the kinship care relative to care for the child. In

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1 reviewing the denial or prohibition, the director of the county department, the person  
2 designated by the governing body of the Indian tribe or the person designated by the  
3 secretary shall consider all of the following factors:

4 **SECTION 129.** 48.57 (3p) (h) 4. of the statutes is amended to read:

5 48.57 (3p) (h) 4. If the director of the county department, the person designated  
6 by the governing body of the Indian tribe or, in a county having a population of  
7 ~~500,000~~ 750,000 or more, the person designated by the secretary determines that the  
8 conviction record on which the denial of payments or the prohibition on employment  
9 or being an adult resident is based does not include any arrests, convictions, or  
10 penalties that are likely to adversely affect the child or the ability of the kinship care  
11 relative to care for the child, the director of the county department, the person  
12 designated by the governing body of the Indian tribe, or the person designated by the  
13 secretary may approve the making of payments under sub. (3m) or may permit a  
14 person receiving payments under sub. (3m) to employ a person in a position in which  
15 that person would have regular contact with the child for whom payments are being  
16 made or permit a person to be an adult resident.

17 **SECTION 130.** 48.57 (3p) (hm) of the statutes is amended to read:

18 48.57 (3p) (hm) A county department or, in a county having a population of  
19 ~~500,000~~ 750,000 or more, the department may not make payments to a person under  
20 sub. (3n) and a person receiving payments under sub. (3n) may not employ a person  
21 in a position in which that person would have regular contact with the child for whom  
22 payments are being made or permit a person to be an adult resident if the director  
23 of the county department or, in a county having a population of ~~500,000~~ 750,000 or  
24 more, the person designated by the secretary to review conviction records under this



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1 paragraph determines that the person has any arrest or conviction that is likely to  
2 adversely affect the child or the person's ability to care for the child.

3 **SECTION 131.** 48.57 (3p) (i) of the statutes is amended to read:

4 48.57 (3p) (i) A county department and, in a county having a population of  
5 ~~500,000~~ 750,000 or more, the department shall keep confidential all information  
6 received under this subsection from the department of justice or the federal bureau  
7 of investigation. Such information is not subject to inspection or copying under s.  
8 19.35.

9 **SECTION 132.** 48.57 (3p) (j) of the statutes is amended to read:

10 48.57 (3p) (j) A county department or, in a county having a population of  
11 ~~500,000~~ 750,000 or more, the department may charge a fee for conducting a  
12 background investigation under this subsection. The fee may not exceed the  
13 reasonable cost of conducting the investigation.

14 **SECTION 133.** 48.58 (intro.) of the statutes is amended to read:

15 **48.58 County children's home in populous counties.** (intro.) Any existing  
16 county children's home in counties with a population of ~~500,000~~ 750,000 or more may  
17 do any of the following:

18 **SECTION 134.** 48.59 (1) of the statutes is amended to read:

19 48.59 (1) The county department or, in a county having a population of ~~500,000~~  
20 750,000 or more, the department or an agency under contract with the department  
21 shall investigate the personal and family history and environment of any child  
22 transferred to its legal custody or placed under its supervision under s. 48.345 and  
23 of every expectant mother of an unborn child placed under its supervision under s.  
24 48.347 and make any physical or mental examinations of the child or expectant  
25 mother considered necessary to determine the type of care necessary for the child or

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1 expectant mother. The county department, department or agency shall screen a  
2 child or expectant mother who is examined under this subsection to determine  
3 whether the child or expectant mother is in need of special treatment or care because  
4 of alcohol or other drug abuse, mental illness or severe emotional disturbance. The  
5 county department, department or agency shall keep a complete record of the  
6 information received from the court, the date of reception, all available data on the  
7 personal and family history of the child or expectant mother, the results of all tests  
8 and examinations given the child or expectant mother and a complete history of all  
9 placements of the child while in the legal custody or under the supervision of the  
10 county department, department or agency or of the expectant mother while under  
11 the supervision of the county department, department or agency.

12 **SECTION 135.** 48.651 (1) (intro.) of the statutes is amended to read:

13 48.651 (1) (intro.) Except as provided in s. 49.155 (4) (c), no person, other than  
14 a child care center licensed under s. 48.65 or established or contracted for under s.  
15 120.13 (14), may receive payment for providing child care services for an individual  
16 who is determined eligible for a child care subsidy under s. 49.155 unless the person  
17 is certified, according to the standards adopted by the department under s. 49.155  
18 (1d), by the department in a county having a population of ~~500,000~~ 750,000 or more,  
19 a county department, or an agency with which the department contracts under sub.  
20 (2). To be certified under this section, a person must meet the minimum  
21 requirements for certification established by the department under s. 49.155 (1d),  
22 meet the requirements specified in s. 48.685, and pay the fee specified in sub. (2).  
23 The department in a county having a population of ~~500,000~~ 750,000 or more, a county  
24 department, or an agency contracted with under sub. (2) shall certify the following  
25 categories of child care providers:

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1           **SECTION 136.** 48.651 (2) of the statutes is amended to read:

2           48.651 **(2)** The department in a county having a population of ~~500,000~~ 750,000  
3 or more or a county department shall certify child care providers under sub. (1) or  
4 the department may contract with a Wisconsin Works agency, as defined in s. 49.001  
5 (9), child care resource and referral agency, or other agency to certify child care  
6 providers under sub. (1) in a particular geographic area or for a particular Indian  
7 tribal unit. The department in a county having a population of ~~500,000~~ 750,000 or  
8 more or a county department that certifies child care providers under sub. (1) may  
9 charge a fee to cover the costs of certifying those providers. An agency contracted  
10 with under this subsection may charge a fee specified by the department to  
11 supplement the amount provided by the department under the contract for certifying  
12 child care providers.

13           **SECTION 137.** 48.651 (2c) (a) of the statutes is amended to read:

14           48.651 **(2c)** (a) Reimburse a county having a population of ~~500,000~~ 750,000 or  
15 more for all approved, allowable certification costs, as provided in s. 49.826 (2) (c).

16           **SECTION 138.** 48.651 (2m) of the statutes is amended to read:

17           48.651 **(2m)** The department in a county having a population of ~~500,000~~  
18 750,000 or more, a county department, or an agency contracted with under sub. (2)  
19 shall provide the department of health services with information about each person  
20 who is denied certification for a reason specified in s. 48.685 (4m) (a) 1. to 5.

21           **SECTION 139.** 48.651 (3) (a) of the statutes is amended to read:

22           48.651 **(3)** (a) If a child care provider certified under sub. (1) is convicted of a  
23 serious crime, as defined in s. 48.685 (1) (c) 3m., or if a caregiver specified in s. 48.685  
24 (1) (ag) 1. a. or a nonclient resident, as defined in s. 48.685 (1) (bm), of the child care  
25 provider is convicted or adjudicated delinquent for committing a serious crime on or

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1 after his or her 12th birthday, the department in a county having a population of  
2 500,000 750,000 or more, a county department, or an agency contracted with under  
3 sub. (2) shall revoke the certification of the child care provider immediately upon  
4 providing written notice of revocation and the grounds for revocation and an  
5 explanation of the process for appealing the revocation.

6 **SECTION 140.** 48.651 (3) (b) of the statutes is amended to read:

7 48.651 (3) (b) If a child care provider certified under sub. (1) is the subject of  
8 a pending criminal charge alleging that the person has committed a serious crime,  
9 as defined in s. 48.685 (1) (c) 3m., or if a caregiver specified in s. 48.685 (1) (ag) 1. a.  
10 or a nonclient resident, as defined in s. 48.685 (1) (bm), of the child care provider is  
11 the subject of a pending criminal charge or delinquency petition alleging that the  
12 person has committed a serious crime on or after his or her 12th birthday, the  
13 department in a county having a population of 500,000 750,000 or more, a county  
14 department, or an agency contracted with under sub. (2) shall immediately suspend  
15 the certification of the child care provider until the department, county department,  
16 or agency obtains information regarding the final disposition of the charge or  
17 delinquency petition indicating that the person is not ineligible to be certified under  
18 sub. (1).

19 **SECTION 141.** 48.658 (4) (a) of the statutes is amended to read:

20 48.658 (4) (a) The department shall promulgate rules to implement this  
21 section. Those rules shall include a rule requiring the department, whenever it  
22 inspects a child care provider that is licensed under s. 48.65 (1) or established or  
23 contracted for under s. 120.13 (14), and a county department or an agency contracted  
24 with under s. 48.651 (2), whenever it inspects a child care provider that is certified  
25 under s. 48.651, to inspect the child safety alarm of each child care vehicle that is

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1 used to transport children to and from the child care provider to determine whether  
2 the child safety alarm is in good working order.

3 **SECTION 142.** 48.685 (4m) (a) (intro.) of the statutes is amended to read:

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

16 **SECTION 143.** 48.685 (4m) (ad) of the statutes is amended to read:

17 48.685 (**4m**) (ad) The department, a county department, or a child welfare  
18 agency may license a foster home under s. 48.62; the department may license a child  
19 care center under s. 48.65; the department in a county having a population of ~~500,000~~  
20 750,000 or more, a county department, or an agency contracted with under s. 48.651  
21 (2) may certify a child care provider under s. 48.651; the department in a county  
22 having a population of 750,000 or more or a county department may provide  
23 subsidized guardianship payments to an interim caretaker under s. 48.623 (6); and  
24 a school board may contract with a person under s. 120.13 (14), conditioned on the  
25 receipt of the information specified in sub. (2) (am) and (ar) indicating that the person

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1 is not ineligible to be licensed, certified, provided payments, or contracted with for  
2 a reason specified in par. (a) 1. to 5.

3 **SECTION 144.** 48.685 (5) (a) of the statutes is amended to read:

4 48.685 (5) (a) Subject to pars. (bm) and (br), the department may license to  
5 operate an entity, the department in a county having a population of ~~500,000~~ 750,000  
6 or more, a county department, or an agency contracted with under s. 48.651 (2) may  
7 certify under s. 48.651, a county department or a child welfare agency may license  
8 under s. 48.62, the department in a county having a population of 750,000 or more  
9 or a county department may provide subsidized guardianship payments under s.  
10 48.623 (6), and a school board may contract with under s. 120.13 (14) a person who  
11 otherwise may not be licensed, certified, or contracted with for a reason specified in  
12 sub. (4m) (a) 1. to 5., and an entity may employ, contract with, or permit to reside at  
13 the entity or permit to reside with a caregiver specified in sub. (1) (ag) 1. am. of the  
14 entity a person who otherwise may not be employed, provided payments, contracted  
15 with, or permitted to reside at the entity or with that caregiver for a reason specified  
16 in sub. (4m) (b) 1. to 5., if the person demonstrates to the department, the county  
17 department, the contracted agency, the child welfare agency, or the school board or,  
18 in the case of an entity that is located within the boundaries of a reservation, to the  
19 person or body designated by the Indian tribe under sub. (5d) (a) 3., by clear and  
20 convincing evidence and in accordance with procedures established by the  
21 department by rule or by the tribe that he or she has been rehabilitated.

22 **SECTION 145.** 48.685 (5m) of the statutes is amended to read:

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

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

20 **SECTION 146.** 48.685 (6) (a) of the statutes is amended to read:

21 48.685 (6) (a) The department shall require any person who applies for  
22 issuance, continuation, or renewal of a license to operate an entity, the department  
23 in a county having a population of ~~500,000~~ 750,000 or more, a county department,  
24 or an agency contracted with under s. 48.651 (2) shall require any child care provider  
25 who applies for initial certification under s. 48.651 or for renewal of that certification,

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

9 **SECTION 147.** 48.75 (1b) of the statutes is amended to read:

10 48.75 (1b) In this section, “public licensing agency” means a county  
11 department or, in a county having a population of ~~500,000~~ 750,000 or more, the  
12 department.

13 **SECTION 148.** 48.75 (1g) (a) 4. of the statutes is amended to read:

14 48.75 (1g) (a) 4. The county of the public licensing agency issuing the license  
15 has a population of ~~500,000~~ 750,000 or more and the placement is for adoption under  
16 s. 48.833 (1), 48.835, or 48.837.

17 **SECTION 149.** 48.831 (4) (c) of the statutes is amended to read:

18 48.831 (4) (c) If the court finds that adoption is not in the child’s best interest,  
19 the court shall order that the child be placed in the guardianship of the department  
20 and place the child in the custody of a county department or, in a county having a  
21 population of ~~500,000~~ 750,000 or more, the department or an agency under contract  
22 with the department.

23 **SECTION 150.** 48.839 (4) (b) of the statutes is amended to read:



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1           48.839 (4) (b) Shall transfer legal custody of the child to the department, in a  
2           county having a population of ~~500,000~~ 750,000 or more, to a county department or  
3           to a child welfare agency licensed under s. 48.60.

4           **SECTION 151.** 48.88 (2) (c) of the statutes is amended to read:

5           48.88 (2) (c) If a stepparent has filed a petition for adoption and no agency has  
6           guardianship of the child, the court shall order the department, in a county having  
7           a population of ~~500,000~~ 750,000 or more, or a county department or, with the consent  
8           of the department in a county having a population of less than ~~500,000~~ 750,000 or  
9           a licensed child welfare agency, order the department or the child welfare agency to  
10          conduct a screening, consisting of no more than one interview with the petitioner and  
11          a check of the petitioner’s background through public records, including records  
12          maintained by the department or any county department under s. 48.981. The  
13          department, county department or child welfare agency that conducts the screening  
14          shall file a report of the screening with the court within 30 days. After reviewing the  
15          report, the court may proceed to act on the petition, may order the department in a  
16          county having a population of ~~500,000~~ 750,000 or more or the county department to  
17          conduct an investigation as described under par. (a) (intro.) or may order the  
18          department in a county having a population of less than ~~500,000~~ 750,000 or a  
19          licensed child welfare agency to make the investigation if the department or child  
20          welfare agency consents.

21          **SECTION 152.** 48.981 (1) (ag) of the statutes is amended to read:

22          48.981 (1) (ag) “Agency” means a county department, the department in a  
23          county having a population of ~~500,000~~ 750,000 or more or a licensed child welfare  
24          agency under contract with a county department or the department in a county

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1 having a population of ~~500,000~~ 750,000 or more to perform investigations under this  
2 section.

3 **SECTION 153.** 48.981 (3) (a) 1. of the statutes is amended to read:

4 48.981 (3) (a) 1. A person required to report under sub. (2) shall immediately  
5 inform, by telephone or personally, the county department or, in a county having a  
6 population of ~~500,000~~ 750,000 or more, the department or a licensed child welfare  
7 agency under contract with the department or the sheriff or city, village, or town  
8 police department of the facts and circumstances contributing to a suspicion of child  
9 abuse or neglect or of unborn child abuse or to a belief that abuse or neglect will occur.

10 **SECTION 154.** 48.981 (3) (a) 2. (intro.) of the statutes is amended to read:

11 48.981 (3) (a) 2. (intro.) The sheriff or police department shall within 12 hours,  
12 exclusive of Saturdays, Sundays, or legal holidays, refer to the county department  
13 or, in a county having a population of ~~500,000~~ 750,000 or more, the department or  
14 a licensed child welfare agency under contract with the department all of the  
15 following types of cases reported to the sheriff or police department:

16 **SECTION 155.** 48.981 (3) (a) 2d. of the statutes is amended to read:

17 48.981 (3) (a) 2d. The sheriff or police department may refer to the county  
18 department or, in a county having a population of ~~500,000~~ 750,000 or more, the  
19 department or a licensed child welfare agency under contract with the department  
20 a case reported to the sheriff or police department in which a person who is not a  
21 caregiver is suspected of abuse or of threatened abuse of a child.

22 **SECTION 156.** 48.981 (3) (c) 2. a. of the statutes is amended to read:

23 48.981 (3) (c) 2. a. If the person making the investigation is an employee of the  
24 county department or, in a county having a population of ~~500,000~~ 750,000 or more,  
25 the department or a licensed child welfare agency under contract with the

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1 department and he or she determines that it is consistent with the child's best  
2 interest in terms of physical safety and physical health to remove the child from his  
3 or her home for immediate protection, he or she shall take the child into custody  
4 under s. 48.08 (2) or 48.19 (1) (c) and deliver the child to the intake worker under s.  
5 48.20.

6 **SECTION 157.** 48.981 (3) (c) 2m. a. of the statutes is amended to read:

7 48.981 (3) (c) 2m. a. If the person making the investigation is an employee of  
8 the county department or, in a county having a population of ~~500,000~~ 750,000 or  
9 more, the department or a licensed child welfare agency under contract with the  
10 department and he or she determines that it is consistent with the best interest of  
11 the unborn child in terms of physical safety and physical health to take the expectant  
12 mother into custody for the immediate protection of the unborn child, he or she shall  
13 take the expectant mother into custody under s. 48.08 (2), 48.19 (1) (cm) or 48.193  
14 (1) (c) and deliver the expectant mother to the intake worker under s. 48.20 or 48.203.

15 **SECTION 158.** 48.981 (3) (c) 3. of the statutes is amended to read:

16 48.981 (3) (c) 3. If the county department or, in a county having a population  
17 of ~~500,000~~ 750,000 or more, the department or a licensed child welfare agency under  
18 contract with the department determines that a child, any member of the child's  
19 family or the child's guardian or legal custodian is in need of services or that the  
20 expectant mother of an unborn child is in need of services, the county department,  
21 department or licensed child welfare agency shall offer to provide appropriate  
22 services or to make arrangements for the provision of services. If the child's parent,  
23 guardian or legal custodian or the expectant mother refuses to accept the services,  
24 the county department, department or licensed child welfare agency may request  
25 that a petition be filed under s. 48.13 alleging that the child who is the subject of the

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1 report or any other child in the home is in need of protection or services or that a  
2 petition be filed under s. 48.133 alleging that the unborn child who is the subject of  
3 the report is in need of protection or services.

4 **SECTION 159.** 48.981 (3) (c) 4. of the statutes is amended to read:

5 48.981 (3) (c) 4. The county department or, in a county having a population of  
6 ~~500,000~~ 750,000 or more, the department or a licensed child welfare agency under  
7 contract with the department shall determine, within 60 days after receipt of a report  
8 that the county department, department, or licensed child welfare agency  
9 investigates under subd. 1., whether abuse or neglect has occurred or is likely to  
10 occur. The determination shall be based on a preponderance of the evidence  
11 produced by the investigation. A determination that abuse or neglect has occurred  
12 may not be based solely on the fact that the child's parent, guardian, or legal  
13 custodian in good faith selects and relies on prayer or other religious means for  
14 treatment of disease or for remedial care of the child. In making a determination that  
15 emotional damage has occurred, the county department or, in a county having a  
16 population of ~~500,000~~ 750,000 or more, the department or a licensed child welfare  
17 agency under contract with the department shall give due regard to the culture of  
18 the subjects. This subdivision does not prohibit a court from ordering medical  
19 services for the child if the child's health requires it.

20 **SECTION 160.** 48.981 (3) (c) 5m. of the statutes is amended to read:

21 48.981 (3) (c) 5m. The county department or, in a county having a population  
22 of ~~500,000~~ 750,000 or more, the department or a licensed child welfare agency under  
23 contract with the department may include in a determination under subd. 4. a  
24 determination that a specific person has abused or neglected a child. If the county  
25 department, department, or licensed child welfare agency makes an initial

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1 determination that a specific person has abused or neglected a child, the county  
2 department, department, or licensed child welfare agency shall provide that person  
3 with an opportunity for a review of that initial determination in accordance with  
4 rules promulgated by the department before the county department, department, or  
5 licensed child welfare agency may make a final determination that the person has  
6 abused or neglected a child. Within 5 days after the date of a final determination that  
7 a specific person has abused or neglected a child, the county department,  
8 department, or licensed child welfare agency shall notify the person in writing of the  
9 determination, the person's right to a contested case hearing on the determination  
10 under ch. 227, and the procedures under sub. 5p. by which the person may receive  
11 that hearing.

12 **SECTION 161.** 48.981 (3) (c) 5r. of the statutes is amended to read:

13 48.981 (3) (c) 5r. Within 15 days after a final determination is made under subd.  
14 5m. that a specific person has abused or neglected a child or, if a contested case  
15 hearing is held on such a determination, within 15 days after a final decision is made  
16 under subd. 5p. determining that a specific person has abused or neglected a child,  
17 the county department or, in a county having a population of 500,000 750,000 or  
18 more, the department or a licensed child welfare agency under contract with the  
19 department shall provide the subunit of the department that administers s. 48.685  
20 with information about the person who has been determined to have abused or  
21 neglected the child.

22 **SECTION 162.** 48.981 (3) (c) 7. of the statutes is amended to read:

23 48.981 (3) (c) 7. The county department or, in a county having a population of  
24 500,000 750,000 or more, the department or a licensed child welfare agency under  
25 contract with the department shall cooperate with law enforcement officials, courts

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1 of competent jurisdiction, tribal governments and other human services agencies to  
2 prevent, identify and treat child abuse and neglect and unborn child abuse. The  
3 county department or, in a county having a population of ~~500,000~~ 750,000 or more,  
4 the department or a licensed child welfare agency under contract with the  
5 department shall coordinate the development and provision of services to abused  
6 and neglected children, to abused unborn children to families in which child abuse  
7 or neglect has occurred, to expectant mothers who have abused their unborn  
8 children, to children and families when circumstances justify a belief that abuse or  
9 neglect will occur and to the expectant mothers of unborn children when  
10 circumstances justify a belief that unborn child abuse will occur.

11 **SECTION 163.** 48.981 (3) (cm) of the statutes is amended to read:

12 48.981 (3) (cm) *Contract with licensed child welfare agencies.* A county  
13 department may contract with a licensed child welfare agency to fulfill the county  
14 department's duties specified under par. (c) 1., 2. b., 2m. b., 5., 5r., 6., 6m., and 8. The  
15 department may contract with a licensed child welfare agency to fulfill the  
16 department's duties specified under par. (c) 1., 2. a., 2m. b., 3., 4., 5., 5m., 5r., 6., 6m.,  
17 7., 8., and 9. in a county having a population of ~~500,000~~ 750,000 or more. The  
18 confidentiality provisions specified in sub. (7) shall apply to any licensed child  
19 welfare agency with which a county department or the department contracts.

20 **SECTION 164.** 48.981 (3) (d) 1. of the statutes is amended to read:

21 48.981 (3) (d) 1. In this paragraph, "agent" includes a foster parent or other  
22 person given custody of a child or a human services professional employed by a  
23 county department under s. 51.42 or 51.437 or by a child welfare agency who is  
24 working with a child or an expectant mother of an unborn child under contract with

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1 or under the supervision of the department in a county having a population of  
2 500,000 750,000 or more or a county department under s. 46.22.

3 **SECTION 165.** 48.981 (3) (d) 2. of the statutes is amended to read:

4 48.981 (3) (d) 2. If an agent or employee of an agency required to investigate  
5 under this subsection is the subject of a report, or if the agency determines that,  
6 because of the relationship between the agency and the subject of a report, there is  
7 a substantial probability that the agency would not conduct an unbiased  
8 investigation, the agency shall, after taking any action necessary to protect the child  
9 or unborn child, notify the department. Upon receipt of the notice, the department,  
10 in a county having a population of less than 500,000 750,000 or a county department  
11 or child welfare agency designated by the department in any county shall conduct  
12 an independent investigation. If the department designates a county department  
13 under s. 46.22, 46.23, 51.42, or 51.437, that county department shall conduct the  
14 independent investigation. If a licensed child welfare agency agrees to conduct the  
15 independent investigation, the department may designate the child welfare agency  
16 to do so. The powers and duties of the department or designated county department  
17 or child welfare agency making an independent investigation are those given to  
18 county departments under par. (c).

19 **SECTION 166.** 48.981 (3m) (b) (intro.) of the statutes is amended to read:

20 48.981 (3m) (b) (intro.) The department shall establish a pilot program under  
21 which an agency in a county having a population of 500,000 750,000 or more or a  
22 county department that is selected to participate in the pilot program may employ  
23 alternative responses to a report of abuse or neglect or of threatened abuse or neglect.  
24 The department shall select agencies and county departments to participate in the  
25 pilot program in accordance with the department's request-for-proposal procedures

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1 and according to criteria developed by the department. Those criteria shall include  
2 an assessment of the plan of an agency or county department for involving the  
3 community in providing services for a family that is participating in the pilot  
4 program and a determination of whether an agency or a county department has an  
5 agreement with local law enforcement agencies and the representative of the public  
6 under s. 48.09 to ensure interagency cooperation in implementing the pilot program.  
7 To implement the pilot program, the department shall provide all of the following:

8 **SECTION 167.** 48.981 (5) of the statutes is amended to read:

9 48.981 (5) CORONER'S REPORT. Any person or official required to report cases of  
10 suspected child abuse or neglect who has reasonable cause to suspect that a child  
11 died as a result of child abuse or neglect shall report the fact to the appropriate  
12 medical examiner or coroner. The medical examiner or coroner shall accept the  
13 report for investigation and shall report the findings to the appropriate district  
14 attorney; to the department or, in a county having a population of 500,000 750,000  
15 or more, to a licensed child welfare agency under contract with the department; to  
16 the county department and, if the institution making the report initially is a hospital,  
17 to the hospital.

18 **SECTION 168.** 48.981 (7) (a) 5. of the statutes is amended to read:

19 48.981 (7) (a) 5. A professional employee of a county department under s. 51.42  
20 or 51.437 who is working with the child or the expectant mother of the unborn child  
21 under contract with or under the supervision of the county department under s. 46.22  
22 or, in a county having a population of 500,000 750,000 or more, the department or  
23 a licensed child welfare agency under contract with the department.

24 **SECTION 169.** 48.981 (7) (a) 6. of the statutes is amended to read:



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1           48.981 (7) (a) 6. A multidisciplinary child abuse and neglect or unborn child  
2           abuse team recognized by the county department or, in a county having a population  
3           of ~~500,000~~ 750,000 or more, the department or a licensed child welfare agency under  
4           contract with the department.

5           **SECTION 170.** 48.981 (7) (a) 6m. of the statutes is amended to read:

6           48.981 (7) (a) 6m. A person employed by a child advocacy center recognized by  
7           the county board, the county department or, in a county having a population of  
8           ~~500,000~~ 750,000 or more, the department or a licensed child welfare agency under  
9           contract with the department, to the extent necessary to perform the services for  
10          which the center is recognized by the county board, the county department, the  
11          department or the licensed child welfare agency.

12          **SECTION 171.** 48.981 (7) (a) 15. of the statutes is amended to read:

13          48.981 (7) (a) 15. A child fatality review team recognized by the county  
14          department or, in a county having a population of ~~500,000~~ 750,000 or more, the  
15          department or a licensed child welfare agency under contract with the department.

16          **SECTION 172.** 48.981 (7) (cr) 3. a. of the statutes is amended to read:

17          48.981 (7) (cr) 3. a. Within 2 working days after receiving the information  
18          provided under subd. 2., the subunit of the department that received the information  
19          shall disclose to the public the fact that the subunit has received the information;  
20          whether the department is conducting a review of the incident and, if so, the scope  
21          of the review and the identities of any other agencies with which the department is  
22          cooperating at that point in conducting the review; whether the child was residing  
23          in the home or was placed in an out-of-home placement at the time of the incident;  
24          and information about the child, including the age of the child. If the information  
25          received is about an incident of egregious abuse or neglect, the subunit of the

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1 department shall make the same disclosure to a citizen review panel, as described  
2 in par. (a) 15g., and, in a county having a population of ~~500,000~~ 750,000 or more, to  
3 the Milwaukee child welfare partnership council.

4 **SECTION 173.** 48.981 (8) (a) of the statutes is amended to read:

5 48.981 (8) (a) The department, the county departments, and a licensed child  
6 welfare agency under contract with the department in a county having a population  
7 of ~~500,000~~ 750,000 or more to the extent feasible shall conduct continuing education  
8 and training programs for staff of the department, the county departments, licensed  
9 child welfare agencies under contract with the department or a county department,  
10 law enforcement agencies, and the tribal social services departments, persons and  
11 officials required to report, the general public, and others as appropriate. The  
12 programs shall be designed to encourage reporting of child abuse and neglect and of  
13 unborn child abuse, to encourage self-reporting and voluntary acceptance of services  
14 and to improve communication, cooperation, and coordination in the identification,  
15 prevention, and treatment of child abuse and neglect and of unborn child abuse.  
16 Programs provided for staff of the department, county departments, and licensed  
17 child welfare agencies under contract with county departments or the department  
18 whose responsibilities include the investigation or treatment of child abuse or  
19 neglect shall also be designed to provide information on means of recognizing and  
20 appropriately responding to domestic abuse, as defined in s. 49.165 (1) (a). The  
21 department, the county departments, and a licensed child welfare agency under  
22 contract with the department in a county having a population of ~~500,000~~ 750,000 or  
23 more shall develop public information programs about child abuse and neglect and  
24 about unborn child abuse.

25 **SECTION 174.** 48.981 (8) (c) of the statutes is amended to read:

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1           48.981 (8) (c) In meeting its responsibilities under par. (a) or (b), the  
2           department, a county department or a licensed child welfare agency under contract  
3           with the department in a county having a population of ~~500,000~~ 750,000 or more may  
4           contract with any public or private organization which meets the standards set by  
5           the department. In entering into the contracts the department, county department  
6           or licensed child welfare agency shall give priority to parental organizations  
7           combating child abuse and neglect or unborn child abuse.

8           **SECTION 175.** 48.982 (6) (am) of the statutes is amended to read:

9           48.982 (6) (am) Notwithstanding the geographical and urban and rural  
10          distribution requirements under sub. (2) (a), the board shall allocate not more than  
11          \$150,000 from the appropriation under s. 20.433 (1) (h) in each fiscal year for the  
12          awarding of grants, in accordance with the request-for-proposal procedures  
13          developed under sub. (2) (a), to organizations located in counties with a population  
14          of ~~500,000~~ 750,000 or more.

15          **SECTION 176.** 48.983 (1) (b) 1. c. of the statutes is amended to read:

16          48.983 (1) (b) 1. c. A family that includes a person who has contacted a county  
17          ~~department, a~~ city private agency, or Indian tribe that has been awarded a grant  
18          under this section or, in a county having a population of ~~500,000~~ 750,000 or more that  
19          has been awarded a grant under this section, the ~~department, a~~ county, city private  
20          agency, or a licensed child welfare agency under contract with the department  
21          requesting assistance to prevent poor birth outcomes or abuse or neglect of a child  
22          in the person's family and with respect to which an individual responding to the  
23          request has determined that all of the conditions in subd. 2. exist.

24          **SECTION 177.** 48.983 (2) (a) of the statutes is amended to read:

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

8           **SECTION 178.** 48.983 (2) (b) of the statutes is amended to read:

9           48.983 (2) (b) The department shall determine the amount of a grant awarded  
10 to a county, city, private agency, or Indian tribe under this section in excess of the  
11 minimum amount based on the need of the county, city, private agency, or Indian  
12 tribe for a grant, ~~as determined by a formula that the department shall promulgate~~  
13 ~~by rule. That formula shall determine that need based on the number of births that~~  
14 ~~are funded by Medical Assistance under subch. IV of ch. 49 in that county, the area~~  
15 ~~in which that private agency is providing services, or the reservation of that Indian~~  
16 ~~tribe and on the rate of poor birth outcomes, including infant mortality, premature~~  
17 ~~births, low birth weights, and racial or ethnic disproportionality in the rates of those~~  
18 ~~outcomes, in that county, the area in which that private agency is providing services,~~  
19 ~~or the reservation of that Indian tribe~~ and the capacity of the county, city, private  
20 agency, or Indian tribe to participate in the program under this section, as  
21 determined by the department.

22           **SECTION 179.** 48.983 (2) (c) of the statutes is amended to read:

23           48.983 (2) (c) The department shall allocate 10 percent of the funds available  
24 from the appropriation account under s. 20.437 (1) (ab) in each fiscal year for grants

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1 under this section to counties, cities, private agencies, or Indian tribes that have not  
2 previously received those grants.

3 **SECTION 180.** 48.983 (3) of the statutes is amended to read:

4 48.983 (3) JOINT APPLICATION PERMITTED. Any combination of 2 or more counties,  
5 cities, private agencies, or Indian tribes may submit a joint application to the  
6 department.

7 **SECTION 181.** 48.983 (4) (am) of the statutes is amended to read:

8 48.983 (4) (am) *Grants; start-up costs and capacity building.* In the first year  
9 in which a grant under this section is awarded to a county, city, private agency, or  
10 Indian tribe, the county, city, private agency, or Indian tribe may use a portion of the  
11 grant to pay for start-up costs and capacity building related to the program under  
12 this section. The department shall determine the maximum amount of a grant that  
13 a county, city, private agency, or Indian tribe may use to pay for those start-up costs  
14 and that capacity building.

15 **SECTION 182.** 48.983 (4) (b) 1. of the statutes is amended to read:

16 48.983 (4) (b) 1. A county, city, private agency, or Indian tribe that is selected  
17 to participate in the program under this section shall offer all pregnant women in the  
18 county or city, the area in which that private agency is providing services, or the  
19 reservation of the tribe who are eligible for Medical Assistance under subch. IV of ch.  
20 49 an opportunity to undergo an assessment through use of a risk assessment  
21 instrument to determine whether the person assessed presents risk factors for poor  
22 birth outcomes or for perpetrating child abuse or neglect. Persons who agree to be  
23 assessed shall be assessed during the prenatal period. The risk assessment  
24 instrument shall be developed by the department and shall be based on risk  
25 assessment instruments developed by the department for similar programs that are

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1 in operation. The department need not promulgate as rules under ch. 227 the risk  
2 assessment instrument developed under this subdivision. A person who is assessed  
3 to be at risk of poor birth outcomes or of abusing or neglecting his or her child shall  
4 be offered home visitation program services that shall be commenced during the  
5 prenatal period. Home visitation program services may be provided to a family with  
6 a child identified as being at risk of child abuse or neglect until the identified child  
7 reaches 3 years of age. If a family has been receiving home visitation program  
8 services continuously for not less than 12 months, those services may continue to be  
9 provided to the family until the identified child reaches 3 years of age, regardless of  
10 whether the child continues to be eligible for Medical Assistance under subch. IV of  
11 ch. 49. If risk factors for child abuse or neglect with respect to the identified child  
12 continue to be present when the child reaches 3 years of age, home visitation program  
13 services may be provided until the identified child reaches 5 years of age. Home  
14 visitation program services may not be provided to a person unless the person gives  
15 his or her written informed consent to receiving those services or, if the person is a  
16 child, unless the child's parent, guardian, or legal custodian gives his or her written  
17 informed consent for the child to receive those services.

18 **SECTION 183.** 48.983 (4) (b) 3. of the statutes is amended to read:

19 48.983 (4) (b) 3. A county, city, private agency, or Indian tribe that is providing  
20 home visitation program services under subd. 1. shall provide to a person receiving  
21 those services the information relating to shaken baby syndrome and impacted  
22 babies required under s. 253.15 (6).

23 **SECTION 184.** 48.983 (5) of the statutes is amended to read:

24 48.983 (5) SELECTION OF COUNTIES, CITIES, PRIVATE AGENCIES, AND INDIAN TRIBES.  
25 The department shall provide competitive application procedures for selecting

**ASSEMBLY BILL 440****SECTION 184**

1 counties, cities, private agencies, and Indian tribes for participation in the program  
2 under this section. The department shall establish a method for ranking applicants  
3 for selection based on the quality of their applications. In ranking the applications,  
4 the department shall give favorable consideration to a county, city, private agency,  
5 or Indian tribe that submits a joint application under sub. (3) ~~and to a county that~~  
6 ~~has indicated under sub. (6) (d) 2. that it is willing to use a portion of any moneys~~  
7 ~~distributed to the county under s. 48.565 (2) (a) to provide case management services~~  
8 ~~to a Medical Assistance beneficiary under s. 49.45 (25) (am) 9. who is a case or who~~  
9 ~~is a member of a family that is a case and that has explained under sub. (6) (d) 2. how~~  
10 ~~the county plans to use that portion of those moneys to promote the provision of those~~  
11 ~~services for the case by using a wraparound process so as to provide those services~~  
12 ~~in a flexible, comprehensive and individualized manner in order to reduce the~~  
13 ~~necessity for court-ordered services.~~ The department shall also provide application  
14 requirements and procedures for the renewal of a grant awarded under this section.  
15 The application procedures and the renewal application requirements and  
16 procedures shall be clear and understandable to the applicants. The department  
17 need not promulgate as rules under ch. 227 the application procedures, the renewal  
18 application requirements or procedures, or the method for ranking applicants  
19 established under this subsection.

20 **SECTION 185.** 48.983 (6) (intro.) of the statutes is amended to read:

21 48.983 (6) CRITERIA FOR AWARDING GRANTS. (intro.) In addition to any other  
22 criteria developed by the department, a county, city, private agency, or Indian tribe  
23 shall meet all of the following criteria in order to be selected for participation in the  
24 program under this section:

25 **SECTION 186.** 48.983 (6) (a) (intro.) of the statutes is amended to read:

**ASSEMBLY BILL 440****SECTION 186**

1           48.983 (6) (a) (intro.) The part of an application, other than a renewal  
2 application, submitted by a county, city, private agency, or Indian tribe that relates  
3 to home visitation programs shall include all of the following:

4           **SECTION 187.** 48.983 (6) (a) 3. of the statutes is amended to read:

5           48.983 (6) (a) 3. An identification of existing poor birth outcome and child abuse  
6 and neglect prevention services that are available to residents of the county or city,  
7 the area in which the private agency is providing services, or the reservation of the  
8 Indian tribe and a description of how those services and any additional needed  
9 services will support a comprehensive home visitation program.

10          **SECTION 188.** 48.983 (6) (a) 5. of the statutes is amended to read:

11          48.983 (6) (a) 5. An explanation of how the applicant, in collaboration with local  
12 prenatal care coordination providers, will implement strategies aimed at achieving  
13 healthy birth outcomes, as determined by performance measures prescribed by the  
14 department and the department of health services, in the county, city, or reservation  
15 of the Indian tribe.

16          **SECTION 189.** 48.983 (6) (b) 4. of the statutes is amended to read:

17          48.983 (6) (b) 4. ‘Nonentitlement.’ No individual is entitled to any payment  
18 from a fund established under subd. 1. or 2. Nothing in this section shall be construed  
19 as requiring a county, city, private agency, or Indian tribe to make a determination  
20 described in sub. (1) (b) 2. A determination described in sub. (1) (b) 2. may not be  
21 construed to be a determination described in s. 48.981 (3) (c) 4.

22          **SECTION 190.** 48.983 (6) (d) (title) and 1. of the statutes are consolidated,  
23 renumbered 48.983 (6) (d) and amended to read:

24          48.983 (6) (d) *Wraparound process.* –1. The applicant demonstrates in the grant  
25 application that the payments that will be made from the fund established under par.



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1 (b) 2. will promote the provision of services for the case by using a wraparound  
2 process so as to provide those services in a flexible, comprehensive and  
3 individualized manner in order to reduce the necessity for court-ordered services.

4 **SECTION 191.** 48.983 (6) (d) 2. of the statutes is repealed.

5 **SECTION 192.** 48.983 (6) (g) of the statutes is amended to read:

6 48.983 (6) (g) *Private agency applicant.* If the applicant is a private agency, the  
7 applicant submits documentation with the grant application that demonstrates that  
8 the application is supported by a county or city and that a county or city will  
9 collaborate with the private agency in providing services.

10 **SECTION 193.** 48.983 (6g) (b) of the statutes is amended to read:

11 48.983 (6g) (b) A county, city, private agency, or Indian tribe that is selected to  
12 participate in the program under this section shall provide or shall designate an  
13 individual or entity to provide an explanation of the confidentiality requirements  
14 under par. (a) to each individual who is offered an assessment under sub. (4) (b) or  
15 who is offered services under the home visitation program of the county, city, private  
16 agency, or Indian tribe.

17 **SECTION 194.** 48.983 (7) (ag) of the statutes is amended to read:

18 48.983 (7) (ag) The department shall evaluate the availability of home  
19 visitation programs in the state and determine whether there are gaps in home  
20 visitation services in the state. The department shall cooperate with counties, cities,  
21 private agencies, and Indian tribes providing home visitation programs to address  
22 any gaps in services identified.

23 **SECTION 195.** 48.983 (7) (ar) of the statutes is amended to read:

24 48.983 (7) (ar) Each county, city, private agency, and Indian tribe providing a  
25 home visitation program shall collect and report data to the department, as required

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1 by the department. The department shall require each county, city, private agency,  
2 and Indian tribe providing a home visitation program to collect data using forms  
3 prescribed by the department.

4 **SECTION 196.** 48.983 (7) (c) (intro.) of the statutes is amended to read:

5 48.983 (7) (c) (intro.) Each county, city, private agency, and Indian tribe  
6 providing a home visitation program shall develop a plan for evaluating the  
7 effectiveness of its program for approval by the department. The plan shall  
8 demonstrate how the county, city, private agency, or Indian tribe will use the  
9 evaluation of its program to improve the quality and outcomes of the program and  
10 to ensure continued compliance with the home visitation program criteria under sub.  
11 (6) (a). The plan shall demonstrate how the outcomes will be tracked and measured.  
12 Under the plan, the extent to which all of the following outcomes are achieved shall  
13 be tracked and measured:

14 **SECTION 197.** 48.983 (8) of the statutes is amended to read:

15 48.983 (8) TECHNICAL ASSISTANCE AND TRAINING. The department shall provide  
16 technical assistance and training to counties, cities, private agencies, and Indian  
17 tribes that are selected to participate in the program under this section. The training  
18 may not be limited to a particular home visitation model. The training shall include  
19 training in best practices regarding basic skills, uniform administration of screening  
20 and assessment tools, the issues and challenges that families face, and supervision  
21 and personnel skills for program managers. The training may also include training  
22 on data collection and reporting.

23 **SECTION 198.** 49.143 (6) of the statutes is amended to read:

24 49.143 (6) GEOGRAPHICAL AREAS. The department shall determine the  
25 geographical area for which a Wisconsin ~~works~~ Works agency will administer

**ASSEMBLY BILL 440****SECTION 198**

1 Wisconsin ~~works~~ Works. Except for federally recognized American Indian  
2 reservations and in counties with a population of ~~500,000~~ 750,000 or more, no  
3 geographical area may be smaller than one county. A geographical area may include  
4 more than one county. The department need not establish the geographical areas by  
5 rule.

6 **SECTION 199.** 49.155 (3g) (intro.) of the statutes is amended to read:

7 49.155 (3g) CHILD CARE ADMINISTRATION IN CERTAIN COUNTIES. (intro.) In a county  
8 having a population of ~~500,000~~ 750,000 or more all of the following apply:

9 **SECTION 200.** 49.175 (1) (u) of the statutes is amended to read:

10 49.175 (1) (u) *Prevention services.* For services to prevent child abuse or neglect  
11 in counties having a population of ~~500,000~~ 750,000 or more, \$1,489,600 in each fiscal  
12 year.

13 **SECTION 201.** 49.195 (4) (b) 2. of the statutes is amended to read:

14 49.195 (4) (b) 2. The recovery of benefits due to the efforts of an employee or  
15 officer of a county having a population of ~~500,000~~ 750,000 or more under the  
16 supervision of the department.

17 **SECTION 202.** 49.34 (5m) (em) of the statutes is amended to read:

18 49.34 (5m) (em) Notwithstanding par. (b) 1. and 2., a county department under  
19 s. 46.215, 51.42, or 51.437 providing client services in a county having a population  
20 of ~~500,000~~ 750,000 or more or a nonstock, nonprofit corporation providing client  
21 services in such a county may not retain a surplus generated by a rate-based service  
22 or accumulate funds from more than one contract period for a rate-based service  
23 from revenues that are used to meet the maintenance-of-effort requirement under  
24 the federal temporary assistance for needy families program under 42 USC 601 to  
25 619.

**ASSEMBLY BILL 440****SECTION 203**

1           **SECTION 203.** 49.343 (5) (intro.) of the statutes is amended to read:

2           49.343 (5) **ADVISORY COMMITTEE.** (intro.) The secretary shall create an advisory  
3 committee under s. 15.04 (1) (c) consisting of representatives of purchasers; county  
4 departments; the department, in a county having a population of 500,000 750,000  
5 or more; tribes; consumers; and a statewide association of private, incorporated  
6 family and children’s social service agencies representing all groups of providers that  
7 are affected by the rate regulation process. The committee shall advise the  
8 department on all of the following:

9           **SECTION 204.** 49.45 (25) (b) of the statutes is amended to read:

10           49.45 (25) (b) A county, city, village, town or, in a county having a population  
11 of 500,000 750,000 or more, the department may elect to make case management  
12 services under this subsection available in the county, city, village or town to one or  
13 more of the categories of beneficiaries under par. (am) through the medical  
14 assistance program. A county, city, village, town or, in a county having a population  
15 of 500,000 750,000 or more, the department that elects to make the services available  
16 shall reimburse a case management provider for the amount of the allowable charges  
17 for those services under the medical assistance program that is not provided by the  
18 federal government.

19           **SECTION 205.** 49.71 (2) of the statutes is amended to read:

20           49.71 (2) In counties with a population of 500,000 750,000 or more, an  
21 institution established under sub. (1) shall be governed under s. 46.21 or 59.79 (10),  
22 but in all other counties it shall be governed under ss. 46.18, 46.19, and 46.20.

23           **SECTION 206.** 49.72 (2) of the statutes is amended to read:

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1           49.72 (2) In counties with a population of ~~500,000~~ 750,000 or more, such  
2 institution shall be governed pursuant to s. 46.21, but in all other counties it shall  
3 be governed pursuant to ss. 46.18, 46.19, and 46.20.

4           **SECTION 207.** 49.826 (1) (a) of the statutes is amended to read:

5           49.826 (1) (a) “County” means a county having a population of ~~500,000~~ 750,000  
6 or more.

7           **SECTION 208.** 49.84 (7) (c) 3. of the statutes is amended to read:

8           49.84 (7) (c) 3. A child residing in a foster care placement under the care and  
9 placement responsibility of a county department under s. 46.215, 46.22, or 46.23 or,  
10 in a county with a population of ~~500,000~~ 750,000 or more, under the care and  
11 placement responsibility of the department of children and families.

12           **SECTION 209.** 49.855 (4m) (c) of the statutes is amended to read:

13           49.855 (4m) (c) Except as provided by order of the court after hearing under  
14 par. (b), the department of administration shall continue withholding until the  
15 amount certified is recovered in full. The department of administration shall  
16 transfer the amounts withheld under this paragraph to the department of children  
17 and families or its designee, the department of health services, or the department of  
18 corrections, whichever is appropriate. The department of children and families or  
19 its designee shall deposit amounts withheld for delinquent child or family support,  
20 maintenance, or receiving and disbursing fees or past support, medical expenses, or  
21 birth expenses in the appropriation account under s. 20.437 (2) ~~(kp)~~ (ja).

22           **SECTION 210.** 253.15 (4) (b) of the statutes is amended to read:

23           253.15 (4) (b) Before an individual may be certified under s. 48.651 as a child  
24 care provider of children under 5 years of age, the individual shall receive training  
25 relating to shaken baby syndrome and impacted babies that is approved or provided

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1 by the certifying department in a county having a population of ~~500,000~~ 750,000 or  
2 more, county department, or agency contracted with under s. 48.651 (2) or that is  
3 provided by a nonprofit organization arranged by that department, county  
4 department, or contracted agency to provide that training.

5 **SECTION 211.** 767.41 (3) (a) of the statutes is amended to read:

6 767.41 (3) (a) If the interest of any child demands it, and if the court finds that  
7 neither parent is able to care for the child adequately or that neither parent is fit and  
8 proper to have the care and custody of the child, the court may declare the child to  
9 be in need of protection or services and transfer legal custody of the child to a relative  
10 of the child, as defined in s. 48.02 (15), to a county department, as defined under s.  
11 48.02 (2g), to a licensed child welfare agency, or, in a county having a population of  
12 ~~500,000~~ 750,000 or more, the department of children and families. If the court  
13 transfers legal custody of a child under this subsection, in its order the court shall  
14 notify the parents of any applicable grounds for termination of parental rights under  
15 s. 48.415. If the court transfers legal custody under this section to an agency, the  
16 court shall also refer the matter to the court intake worker, as defined in s. 48.02 (3),  
17 who shall conduct an inquiry under s. 48.24 to determine whether a petition should  
18 be filed under s. 48.13.

19 **SECTION 212.** 767.75 (1f) of the statutes is amended to read:

20 767.75 (1f) PAYMENT ORDER AS ASSIGNMENT OF INCOME. A payment order  
21 constitutes an assignment of all commissions, earnings, salaries, wages, pension  
22 benefits, benefits under ch. 102 or 108, lottery prizes that are payable in  
23 installments, and other money due or to be due in the future to the department or  
24 its designee. The assignment shall be for a fixed sum regardless of whether the  
25 court-ordered obligation on which the assignment is based is expressed in the court

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1 order as a percentage of the payer's income, and shall be for an amount sufficient to  
2 ensure payment under the order, obligation, or stipulation and to pay any arrearages  
3 due at a periodic rate not to exceed 50% of the amount of support due under the order,  
4 obligation, or stipulation so long as the addition of the amount toward arrearages  
5 does not leave the party at an income below the poverty line established under 42  
6 USC 9902 (2).

7 **SECTION 213.** 767.75 (3m) of the statutes is amended to read:

8 767.75 **(3m)** ASSIGNMENT OF UNEMPLOYMENT COMPENSATION BENEFITS. Benefits  
9 under ch. 108 may be assigned and withheld only in the manner provided in s. 108.13  
10 (4). Any order to withhold benefits under ch. 108 shall be for a fixed sum ~~unless~~  
11 regardless of whether the court-ordered obligation on which the withholding order  
12 is based is expressed in the court order as a percentage of the payer's income, ~~in~~  
13 ~~which case an order to withhold benefits under ch. 108 shall be for a percentage of~~  
14 ~~benefits payable.~~ When money is to be withheld from these benefits, no fee may be  
15 deducted from the amount withheld and no fine may be levied for failure to withhold  
16 the money.

17 **SECTION 214.** 971.37 (title) of the statutes is amended to read:

18 **971.37** (title) **Deferred prosecution programs; domestic abuse and**  
19 **child sexual abuse.**

20 **SECTION 215.** 971.37 (1m) (c) 1. (intro.) of the statutes is amended to read:

21 971.37 **(1m)** (c) 1. (intro.) The agreement may provide as one of its conditions  
22 that ~~a person~~ an adult covered under sub. (1) (b) or (c) par. (a) 2. or 3. pay the domestic  
23 abuse surcharge under s. 973.055 and, if applicable, the global positioning system  
24 tracking surcharge under s. 973.057. If the agreement requires the person to pay the  
25 global positioning system tracking surcharge under s. 973.057, the agreement shall

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1 also require the person to pay the domestic abuse surcharge under s. 973.055.  
2 Payments and collections of the domestic abuse surcharge and the global positioning  
3 system tracking surcharge under this subdivision are subject to s. 973.055 (2) to (4)  
4 or to s. 973.057 (2) and (3), respectively, except as follows:

5 **SECTION 216. Fiscal changes.**

6 (1) CHILD WELFARE PROGRAM ENHANCEMENT PLAN AIDS. In the schedule under  
7 section 20.005 (3) of the statutes for the appropriation to the department of children  
8 and families under section 20.437 (1) (a) of the statutes, as affected by the acts of  
9 2015, the dollar amount for fiscal year 2016–17 is increased by \$1,796,500 to increase  
10 funding for the purposes for which the appropriation is made.

11 **SECTION 217. Effective dates.** This act takes effect on the day after  
12 publication, except as follows:

13 (1) The treatment of sections 20.435 (8) (mb) and (mm), 20.437 (1) (b), (d), (km),  
14 (m), (ma), (mc), (md), (me), (n), and (na), (2) (dz), (ja), (kp), (md), and (pz), and (3) (kp)  
15 and (mm), 46.46, 48.563 (1) (b), 48.565 (intro.), (2) (a), (am), (b), and (c), (3), (6), and  
16 (8), 48.567, and 49.855 (4m) (c) of the statutes and SECTION 216 (1) of this act take  
17 effect on July 1, 2015, on the day after publication, or on the 2nd day after publication  
18 of the 2015–17 biennial budget act, whichever is latest.

19 (2) The treatment of section 20.437 (1) (da) of the statutes takes effect on July  
20 1, 2016.

21 (END)