

2015 Assembly Bill 440 (LRB -2708)

An Act to repeal 20.437 (1) (d), 20.437 (1) (da), 20.437 (1) (me), 20.437 (2) (kp), 20.437 (2) (pz), 46.46, 48.563 (14m), 48.565 (2) (am), 48.565 (2) (c), 48.567 and 48.983 (6) (d) 2.; to renumber and amend 48.565 (intro.) (except 48.565 (title)), 48.565 (3) and 48.565 (6); to consolidate, renumber and amend 48.983 (6) (d) (title) and 1.; to amend 20.435 (8) (mb), 20.435 (8) (mm), 20.437 (1) (b), 20.437 (1) (km), 20.437 (1) (m), 20.437 (1) (ma), 20.437 (1) (mc), 20.437 (1) (md), 20.437 (1) (n), 20.437 (1) (na), 20.437 (2) (dz), 20.437 (2) (ja), 20.437 (2) (md), 20.437 (3) (kp), 20.437 (3) (mm), 48.07 (3), 48.207 (2) (a), 48.207 (2) (b), 48.21 (3) (f), 48.21 (5) (b) 1. d., 48.21 (5) (b) 1m., 48.21 (5) (b) 2m., 48.21 (5) (b) 3., 48.21 (5) (e) 2. (intro.), 48.24 (5), 48.275 (2) (d) 1., 48.275 (2) (d) 2., 48.295 (1), 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., 48.32 (1) (b) 2., 48.33 (4) (c), 48.33 (4) (d) 1., 48.335 (3g) (b), 48.335 (6), 48.345 (4) (b), 48.345 (4) (bm), 48.345 (12) (b), 48.345 (12) (c), 48.345 (13) (a), 48.345 (13) (b), 48.345 (14) (a), 48.347 (5) (a), 48.347 (5) (b), 48.347 (6) (a), 48.355 (2) (b) 4m., 48.355 (2) (b) 6., 48.355 (2) (b) 6g., 48.355 (2) (b) 6p., 48.355 (2) (b) 6r., 48.355 (2) (c), 48.355 (2) (cm) 1., 48.355 (2b) (b), 48.355 (2c) (a) (intro.), 48.355 (2c) (b), 48.355 (2d) (b) (intro.), 48.357 (1) (c) 2m., 48.357 (2m) (bm), 48.357 (2v) (a) 1m., 48.357 (2v) (a) 2m., 48.357 (2v) (d) 1., 48.357 (5m) (b), 48.36 (2), 48.363 (1) (d), 48.38 (5) (am), 48.428 (2) (a), 48.428 (2) (b), 48.545 (2) (a) (intro.), 48.563 (1) (b), 48.563 (2) (title), 48.563 (4), 48.565 (2) (a), 48.565 (2) (b), 48.569 (1) (d), 48.57 (1) (e), 48.57 (1) (hm), 48.57 (2m), 48.57 (3m) (am) (intro.), 48.57 (3m) (ap) 1., 48.57 (3m) (ap) 3., 48.57 (3m) (b) 1., 48.57 (3m) (c), 48.57 (3m) (d), 48.57 (3m) (g) 2. (intro.), 48.57 (3m) (h), 48.57 (3n) (am) (intro.), 48.57 (3n) (ap) 1., 48.57 (3n) (ap) 3., 48.57 (3n) (ar) (intro.), 48.57 (3n) (b) 1., 48.57 (3n) (c), 48.57 (3n) (d), 48.57 (3n) (g) 2. (intro.), 48.57 (3n) (h), 48.57 (3p) (b) 1., 48.57 (3p) (b) 2., 48.57 (3p) (b) 3., 48.57 (3p) (c) 1., 48.57 (3p) (c) 2., 48.57 (3p) (c) 2m., 48.57 (3p) (c) 3., 48.57 (3p) (d), 48.57 (3p) (e) (intro.), 48.57 (3p) (fm) 1., 48.57 (3p) (fm) 1m., 48.57 (3p) (fm) 2., 48.57 (3p) (fm) 2m., 48.57 (3p) (g) (intro.), 48.57 (3p) (g) 3., 48.57 (3p) (h) 2., 48.57 (3p) (h) 3. (intro.), 48.57 (3p) (h) 4., 48.57 (3p) (hm), 48.57 (3p) (i), 48.57 (3p) (j), 48.58 (intro.), 48.59 (1), 48.651 (1) (intro.), 48.651 (2), 48.651 (2c) (a), 48.651 (2m), 48.651 (3) (a), 48.651 (3) (b), 48.658 (4) (a), 48.685 (4m) (a) (intro.), 48.685 (4m) (ad), 48.685 (5) (a), 48.685 (5m), 48.685 (6) (a), 48.75 (1b), 48.75 (1g) (a) 4., 48.831 (4) (c), 48.839 (4) (b), 48.88 (2) (c), 48.981 (1) (ag), 48.981 (3) (a) 1., 48.981 (3) (a) 2. (intro.), 48.981 (3) (a) 2d., 48.981 (3) (c) 2. a., 48.981 (3) (c) 2m. a., 48.981 (3) (c) 3., 48.981 (3) (c) 4., 48.981 (3) (c) 5m., 48.981 (3) (c) 5r., 48.981 (3) (c) 7., 48.981 (3) (cm), 48.981 (3) (d) 1., 48.981 (3) (d) 2., 48.981 (3m) (b) (intro.), 48.981 (5), 48.981 (7) (a) 5., 48.981 (7) (a) 6., 48.981 (7) (a) 6m., 48.981 (7) (a) 15., 48.981 (7) (cr) 3. a., 48.981 (8) (a), 48.981 (8) (c), 48.982 (6) (am), 48.983 (1) (b) 1. c., 48.983 (2) (a), 48.983 (2) (b), 48.983 (2) (c), 48.983 (3), 48.983 (4) (am), 48.983 (4) (b) 1., 48.983 (4) (b) 3., 48.983 (5), 48.983 (6) (intro.), 48.983 (6) (a) (intro.), 48.983 (6) (a) 3., 48.983 (6) (a) 5., 48.983 (6) (b) 4., 48.983 (6) (g), 48.983 (6g) (b), 48.983 (7) (ag), 48.983 (7) (ar), 48.983 (7) (c) (intro.), 48.983 (8), 49.143 (6), 49.155 (3g) (intro.), 49.175 (1) (u), 49.195 (4) (b) 2., 49.34 (5m) (em), 49.343 (5) (intro.), 49.45 (25) (b), 49.71 (2), 49.72 (2), 49.826 (1) (a), 49.84 (7) (c) 3., 49.855 (4m) (c), 253.15 (4) (b), 767.41 (3) (a), 767.75 (1f), 767.75 (3m), 971.37 (title) and 971.37 (1m) (c) 1. (intro.); and to create 48.565 (8) of the statutes; relating to: child support income withholding orders, deferred prosecution agreements, determining the amount of a home visitation program grant, modifications to the references to Milwaukee County by population, modifications to certain appropriations, and making an appropriation. (FE)

2015

10-22.	A.	Introduced by Representatives Neylon, A. Ott, Ballweg and Rodriguez ; cosponsored by Senators Petrowski, Darling and Olsen	345
10-22.	A.	Read first time and referred to Committee on Children and Families	345
10-23.	A.	Assembly Amendment 1 offered by Representative Neylon (LRB a0845)	347
10-23.	A.	Fiscal estimate received	
10-28.	A.	Fiscal estimate received	
10-28.	A.	Public hearing held	
12-09.	A.	Executive action taken	
12-14.	A.	Report passage recommended by Committee on Children and Families, Ayes 11, Noes 0	452
12-14.	A.	Referred to committee on Rules	452

2016

01-14.	A.	Placed on calendar 1-19-2016 by Committee on Rules	
01-19.	A.	Read a second time	515
01-19.	A.	Ordered to a third reading	515
01-19.	A.	Rules suspended	515
01-19.	A.	Read a third time and passed , Ayes 96, Noes 0	515
01-19.	A.	Ordered immediately messaged	515
01-19.	S.	Received from Assembly	616
01-22.	S.	Read first time and referred to committee on Judiciary and Public Safety	645
02-04.	S.	Public hearing held	
02-11.	S.	Executive action taken	
02-11.	S.	Report concurrence recommended by Committee on Judiciary and Public Safety, Ayes 5, Noes 0	
02-11.	S.	Available for scheduling	
02-15.	S.	Referred to joint committee on Finance by Committee on Senate Organization pursuant to Senate Rule 41 (1)(e), Ayes 3, Noes 2	
02-15.	S.	Withdrawn from joint committee on Finance and made Available for Scheduling by committee on Senate Organization, pursuant to Senate Rule 41 (1)(e), Ayes 3, Noes 2	

- 02-15. S. Placed on calendar 2-16-2016 pursuant to Senate Rule 18(1)
- 02-16. S. Read a second time
- 02-16. S. Ordered to a third reading
- 02-16. S. Rules suspended
- 02-16. S. Read a third time and **concurred in**, Ayes 32, Noes 0
- 02-16. S. Ordered immediately messaged
- 02-17. A. Received from Senate concurred in 708

2015
ENROLLED BILL

15en AB-40

ADOPTED DOCUMENTS:

Orig **Engr** **SubAmdt**

15 2708/1

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): 2/24/16

Topic Res CLAUSE

2/24/16

Date

Caro

Enrolling Drafter



State of Wisconsin
2015-2016 LEGISLATURE

CORRECTIONS IN:

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Prepared by the Legislative Reference Bureau
(February 25, 2016)

In enrolling, the following correction was made:

1. Page 78, line 22: after "county," insert "city."

****NOTE: Inserts missing word for consistency.

(END)



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2708/1
EHS/PJH/TJD:all:cs

2015 ASSEMBLY BILL 440

October 22, 2015 – Introduced by Representatives NEYLON, A. OTT, BALLWEG and RODRIGUEZ, cosponsored by Senators PETROWSKI, DARLING and OLSEN. Referred to Committee on Children and Families.

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.

Analysis by the Legislative Reference Bureau**COURTS AND PROCEDURE****DOMESTIC RELATIONS**

Under current law, a court order for child or family support or maintenance generally sets forth a dollar amount that the payer is obligated to pay. However, under current law, the parties may stipulate that a child or family support or maintenance obligation may be calculated as a percentage of the payer's income.

Under the bill, regardless of whether the parties have stipulated that the child or family support or maintenance obligation may be calculated as a percentage of the payer's income, an order that assigns the payer's income, including certain benefits he or she receives, to satisfy the support obligation must set forth a dollar amount that is assigned.

OTHER COURTS AND PROCEDURE

Current law allows a district attorney to enter into a deferred prosecution agreement with a defendant who is charged, or who may be charged, with certain crimes related to domestic abuse or to child sexual abuse against a child who is related to or who lived with the person, or over whom the person had guardianship, custody, power, or authority. Generally, in a deferred prosecution agreement, the district attorney agrees to dismiss a charge or not file a charge if the defendant complies with specified conditions, such as paying restitution to the victim or completing counseling or treatment.

Current law allows a deferred prosecution agreement to include, as a condition of the agreement, that the person pay a domestic abuse surcharge and, under certain

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circumstances, a global positioning surcharge, if he or she faces charges of child sexual abuse and he or she is either a close relative of the alleged victim or is a guardian or legal custodian of the alleged victim.

Under this bill, a deferred prosecution agreement may include, as a condition of the agreement, that the person pay the domestic abuse surcharge and, if applicable, a global positioning surcharge, if he or she is an adult who faces charges of any of the crimes related to domestic abuse against an adult that may be subject to a deferred prosecution agreement.

HEALTH AND HUMAN SERVICES**CHILDREN**

Under current law, if, after distributing money to counties for children and family services, there is an amount allocated for that purpose that is left over and that is in excess of the amount received by the federal government for foster care and transitional independent living programs and adoption assistance for children with special needs, the Department of Children and Families (DCF) must carry forward and distribute not less than 50 percent of that excess amount. DCF must distribute this excess amount to counties other than Milwaukee County that are making good faith efforts to implement the statewide automated child welfare information system for services and projects to assist children and families. Current law also generally requires counties to use not less than 50 percent of these moneys for services for children who are at risk of abuse or neglect to prevent the need for child abuse and neglect intervention services. This bill eliminates the requirement that DCF carry forward and distribute excess federal money.

Under current law, a county must match funds received from DCF for children and family services, in an amount specified annually by DCF, using county tax levies, federal and state revenue sharing funds, or private donations to the county that meet certain requirements. Current law prohibits a county from using private donations to make up more than 25 percent of the total county match. This bill removes the restriction on using private donations in the total county match.

Current law requires each county department of social services or human services (county department) to submit its final budget to DCF for services directly provided by or purchased from DCF (DCF service budget) by December 31 each year. Current law also requires DCF, under certain circumstances, to distribute, allocate, and carry forward funds for children and family services to county departments and tribal governing bodies. Current law requires each county department and tribal governing body to submit to DCF a proposed budget for the expenditure of these funds (children and family aids budget) before December 1 of each year. This bill eliminates the requirement to submit a children and family aids budget, but does not eliminate the requirement to submit a DCF service budget.

Current law requires DCF, at the request of a county, tribal governing body, or private nonprofit organization, to carry forward up to 3 percent of the total amount allocated to the county, tribal governing body, or private nonprofit organization for children and family services for a calendar year. This bill eliminates the authority of DCF to carry forward amounts allocated to a tribal governing body or private nonprofit organization for children and family services for a calendar year.

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Current law allows DCF to carry forward up to 10 percent of allocated children and family services funds, less any amount carried forward as requested, for emergencies, justifiable costs above planned levels, and increased costs due to population shifts. This bill instead requires DCF, at a county's request, to carry forward up to 10 percent of those funds for emergencies or other circumstances that DCF agrees were unforeseen when the original allocation to the county was made. In addition, this bill requires any children and family services funds carried forward from one calendar year to the next to be used for children and family services and not general county administrative costs. The bill also prohibits any amount of funds carried forward from affecting the determination of a county's share of the children and family services funding allocated for a calendar year.

Under current law, DCF provides grants to certain counties, private agencies, and Indian tribes to fund home visitation programs. In a home visitation program, pregnant women who are eligible for Medical Assistance (MA) are offered an opportunity to undergo a risk assessment to determine whether they present risk factors for poor birth outcomes or for perpetrating child abuse or neglect. A person who is assessed to be at risk of poor birth outcomes or of abusing or neglecting his or her child is offered home visitation program services that begin during the prenatal period and may continue up until the child reaches five years of age. This bill allows DCF to provide these grants to cities as well.

Also under current law, DCF determines the amount of a home visitation program grant awarded to a county, private agency, or Indian tribe based on a formula that determines need based on the number of births that are funded by MA in the county, service area of the private agency, or reservation of the tribe and on the rate of poor birth outcomes, including infant mortality, premature births, low birth weights, and racial or ethnic disproportionality in the rates of those outcomes in that county, service area, or reservation. This bill changes how DCF determines the amount of a home visitation program grant by requiring the amount to be based on the need of the county, city, private agency, or Indian tribe and its capacity to participate in the home visitation program.

Various statutes are limited in application to Milwaukee County by references to "a county that has a population of 500,000 or more." Because of population increases in the state, this bill changes certain of those references that relate to children or DCF or Department of Health Services (DHS) responsibilities to "a county that has a population of 750,000 or more" so that those statutes continue to apply only to Milwaukee County.

MEDICAL ASSISTANCE

Under current law, certain federal MA moneys that are received in reimbursement of the cost of providing targeted case management services to children whose care is not eligible for reimbursement under Title IV-E of the federal Social Security Act (Title IV-E) are appropriated to DHS, transferred to DCF, and used to support the costs of augmenting the amount of moneys received under Title IV-E and of implementing the statewide automated child welfare information system and to provide services to children and families. This bill eliminates the transfer of MA moneys from DHS to DCF for these purposes and eliminates the

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requirement that DCF support the costs of augmenting the moneys received under Title IV–E.

OTHER HEALTH AND HUMAN SERVICES

Under current law, the state receives federal moneys as a result of a contract in conjunction with the federal Medicare and Medicaid programs (income augmentation funds). DHS is required to distribute a certain portion of these income augmentation funds to certain counties receiving community aids for providing community social, mental health, developmental disabilities, and alcohol and other drug abuse services. This bill eliminates the statutory requirements on spending income augmentation funds by DHS.

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

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

1 **SECTION 1.** 20.435 (8) (mb) of the statutes is amended to read:

2 20.435 (8) (mb) *Income augmentation services receipts.* All moneys that are
3 received under 42 USC 1395 to 1395ddd and 42 USC 1396 to 1396v as the result of
4 income augmentation activities for which the state has contracted, to be used as
5 provided in s. 46.46; and all moneys that are received under 42 USC 1396 to 1396v
6 in reimbursement of the cost of providing targeted case management services to
7 children whose care is not eligible for reimbursement under 42 USC 670 to 679a, to
8 be transferred to the appropriation account under s. 20.437 (3) (kp), 2013 stats. All
9 moneys received under this paragraph in excess of the moneys necessary to support
10 the costs specified in ss. s. 46.46 and 48.567, 2013 stats., shall be deposited in the
11 general fund as a nonappropriated receipt.

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

13 20.435 (8) (mm) *Reimbursements from federal government.* All moneys
14 received from the federal government, other than moneys described under ss. s.
15 46.46, 2013 stats., and ss. 49.45 (6u), and 49.49, that are intended to reimburse the

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1 state for expenditures in previous fiscal years from general purpose revenue
2 appropriations whose purpose includes a requirement to match or secure federal
3 funds and that exceeded in those fiscal years the estimates reflected in the intentions
4 of the legislature and governor, as expressed by them in the budget determinations,
5 and the joint committee on finance, as expressed by the committee in any
6 determinations, and the estimates approved for expenditure by the secretary of
7 administration under s. 16.50 (2), for the purpose of paying federal disallowances,
8 federal sanctions or penalties and the costs of any corrective action affecting the
9 department of health services. Notwithstanding s. 20.001 (3) (c), at the end of each
10 fiscal year, the amount determined by the department of administration under s.
11 16.54 (12) (d) shall lapse to the general fund.

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

13 20.437 (1) (b) *Children and family aids payments.* The amounts in the schedule
14 for services for children and families under s. 48.563, for reimbursement to counties
15 having a population of less than ~~500,000~~ 750,000 for the cost of court attached intake
16 services under s. 48.06 (4), for shelter care under ss. 48.58 and 938.22, and for foster
17 care and subsidized guardianship care under ss. 48.645 and 49.19 (10). Social
18 services disbursements under s. 49.32 (2) (b) may be made from this appropriation.
19 Refunds received relating to payments made under s. 49.32 (2) (b) for the provision
20 of services for which moneys are appropriated under this paragraph shall be
21 returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the
22 department of children and families may transfer funds between fiscal years under
23 this paragraph. The department shall deposit into this appropriation funds it
24 recovers under s. 48.569 (2) (b), from prior fiscal year audit adjustments. Except for
25 amounts authorized to be carried forward under s. 48.565, all funds recovered under

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1 s. 48.569 (2) (b) and all funds allocated under s. 48.563 and not spent or encumbered
2 by December 31 of each year shall lapse to the general fund on the succeeding
3 January 1 unless carried forward to the next calendar year by the joint committee
4 on finance.

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

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

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

8 20.437 (1) (km) *Interagency and intra-agency aids; children and family aids;*
9 *local assistance.* All moneys transferred from the appropriation accounts account
10 under ~~sub. (2) (md)~~ and s. 20.435 (7) (o), for services for children and families under
11 s. 48.563.

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

13 20.437 (1) (m) *Federal project operations.* All moneys received from the federal
14 government or any of its agencies for the state administration of specific ~~limited term~~
15 projects to be expended for the such purposes specified.

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

17 20.437 (1) (ma) *Federal project aids.* All moneys received from the federal
18 government or any of its agencies for specific ~~limited term~~ projects to be expended
19 as aids to individuals or organizations for the such purposes specified.

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

21 20.437 (1) (mc) *Federal block grant operations.* Except as provided in sub. (2)
22 (mc) and (mg), all block grant moneys received from the federal government or any
23 of its agencies for the state administration of federal block grants, for the such
24 purposes specified.

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

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

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

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

7 20.437 (1) (n) *Federal program operations*. ~~All~~ Except as provided in pars. (m),
8 (mc), and (mw), all moneys received from the federal government ~~or any of its~~
9 agencies for the state administration of ~~continuing programs to be expended under~~
10 this subsection, for the such purposes specified.

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

12 20.437 (1) (na) *Federal program aids*. ~~All~~ Except as provided in pars. (ma),
13 (md), and (mx), all moneys received from the federal government or any of its
14 agencies ~~for continuing programs~~ to be expended as aids to individuals or
15 organizations, for the such purposes specified.

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

17 20.437 (2) (dz) *Temporary Assistance for Needy Families programs;*
18 *maintenance of effort*. The amounts in the schedule for administration and benefit
19 payments under Wisconsin Works under ss. 49.141 to 49.161, the learnfare program
20 under s. 49.26, and the work experience program for noncustodial parents under s.
21 49.36; for payments to local governments, organizations, tribal governing bodies,
22 and Wisconsin Works agencies; for kinship care and long-term kinship care
23 assistance as specified under s. 49.175 (1) (s); for aid payments and local
24 administration with respect to any services or program specified under s. 49.175 (1);
25 and for emergency assistance for families with needy children under s. 49.138.

ASSEMBLY BILL 440**SECTION 14**

1 Payments may be made from this appropriation account for any contracts under s.
2 49.845 (4) and for any fraud investigation and error reduction activities under s.
3 49.197 (1m). Moneys appropriated under this paragraph may be used to match
4 federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002
5 (1), the department may transfer funds between fiscal years under this paragraph.
6 Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health services
7 shall credit to this appropriation account funds for the purposes of this appropriation
8 that the department transfers from the appropriation account under s. 20.435 (5)
9 (bc). All funds allocated by the department but not encumbered by December 31 of
10 each year lapse to the general fund on the next January 1 unless transferred to the
11 next calendar year by the joint committee on finance.

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

13 20.437 (2) (ja) *Child support state operations — fees ~~and~~, reimbursements, and*
14 *collections.* All moneys received from fees charged under s. 49.22 (8), from fees
15 ordered or otherwise owed under s. 767.57 (1e) (a), from fees collected under ss.
16 49.854 (11) (b) and 767.57 (1e) (b) 1m. and (c), from reimbursements under s. 108.13
17 (4) (f), from fees charged and incentive payments and collections retained under s.
18 49.22 (7m), and under s. 49.855 (4) or (4m) from the department of revenue or the
19 department of administration that were withheld by the department of revenue or
20 the internal revenue service or the department of administration for unpaid fees
21 ordered or otherwise owed under s. 767.57 (1e) (a), for costs associated with receiving
22 and disbursing support and support-related payments, including any contract costs,
23 and for administering the program under s. 49.22 and all other purposes specified
24 in s. 49.22; and all moneys received under s. 49.855 (4m) from the department of
25 administration that were withheld for child support, family support, maintenance,

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1 medical expenses, or birth expenses, to be distributed in accordance with state law
2 and federal regulations.

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

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

5 20.437 (2) (md) *Federal block grant aids.* The amounts in the schedule for aids
6 to individuals or organizations and to be transferred to the appropriation accounts
7 under ~~sub. (1) (km) and~~ ss. 20.435 (4) (kz), (6) (kx), (7) (ky), and (8) (kx) and 20.835
8 (2) (kf). All block grant moneys received for these purposes from the federal
9 government or any of its agencies shall be credited to this appropriation account. The
10 department may credit to this appropriation account the amount of any returned
11 check, or payment in other form, that is subject to expenditure in the same contract
12 period in which the original payment attempt was made, regardless of the fiscal year
13 in which the original payment attempt was made.

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

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

16 20.437 (3) (kp) *Interagency and intra-agency aids; income augmentation*
17 *services receipts.* All moneys transferred from the appropriation account under s.
18 20.435 (8) (mb) ~~and all moneys credited to this appropriation account under s. 48.565~~
19 ~~(2) (e), 2013 stats.,~~ to be used as provided in s. 48.567, 2013 stats. All moneys received
20 under this paragraph in excess of the moneys necessary to support the costs specified
21 in s. 48.567, 2013 stats., shall be deposited into the general fund as a
22 nonappropriated receipt.

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

24 20.437 (3) (mm) *Reimbursements from federal government.* All moneys
25 received from the federal government, ~~other than moneys described under ss. 48.565~~

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

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

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

15 48.07 (3) THE DEPARTMENT IN POPULOUS COUNTIES. In counties having a
16 population of ~~500,000~~ 750,000 or more, the department may be ordered by the court
17 to provide services for furnishing emergency shelter care to any child whose need
18 therefor is determined by the intake worker under s. 48.205. The court may
19 authorize the department to appoint members of the department to furnish
20 emergency shelter care services for the child. The emergency shelter care may be
21 provided as specified in s. 48.207.

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

23 48.207 (2) (a) If a facility listed in sub. (1) (b) to (k) is used to hold a child in
24 custody, or if supervisory services of a home detention program are provided to a child
25 held under sub. (1) (a), the authorized rate of the facility for the care of the child or

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1 the authorized rate for those supervisory services shall be paid by the county in a
2 county having a population of less than ~~500,000~~ 750,000 or by the department in a
3 county having a population of ~~500,000~~ 750,000 or more. If no authorized rate has
4 been established, a reasonable sum to be fixed by the court shall be paid by the county
5 in a county having a population of less than ~~500,000~~ 750,000 or by the department
6 in a county having a population of ~~500,000~~ 750,000 or more for the supervision or care
7 of the child.

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

9 48.207 (2) (b) If a facility listed in sub. (1m) (b) to (e) is used to hold an expectant
10 mother of an unborn child in custody, or if supervisory services of a home detention
11 program are provided to an expectant mother held under sub. (1m) (a), the
12 authorized rate of the facility for the care of the expectant mother or the authorized
13 rate for those supervisory services shall be paid by the county in a county having a
14 population of less than ~~500,000~~ 750,000 or by the department in a county having a
15 population of ~~500,000~~ 750,000 or more. If no authorized rate has been established,
16 a reasonable sum to be fixed by the court shall be paid by the county in a county
17 having a population of less than ~~500,000~~ 750,000 or by the department in a county
18 having a population of ~~500,000~~ 750,000 or more for the supervision or care of the
19 expectant mother.

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

21 48.21 (3) (f) If present at the hearing, the parent shall be requested to provide
22 the names and other identifying information of 3 relatives of the child or other
23 individuals 18 years of age or over whose homes the parent requests the court to
24 consider as placements for the child. If the parent does not provide that information
25 at the hearing, the county department, the department in a county having a

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1 population of ~~500,000~~ 750,000 or more, or the agency primarily responsible for
2 providing services to the child under the custody order shall permit the parent to
3 provide the information at a later date.

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

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

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

12 48.21 (5) (b) 1m. If for good cause shown sufficient information is not available
13 for the judge or circuit court commissioner to make a finding as to whether
14 reasonable efforts were made to prevent the removal of the child from the home,
15 while assuring that the child's health and safety are the paramount concerns, a
16 finding as to whether reasonable efforts were made to make it possible for the child
17 to return safely home and an order for the county department, department, in a
18 county having a population of ~~500,000~~ 750,000 or more, or agency primarily
19 responsible for providing services to the child under the custody order to file with the
20 court sufficient information for the judge or circuit court commissioner to make a
21 finding as to whether those reasonable efforts were made to prevent the removal of
22 the child from the home by no later than 5 days, excluding Saturdays, Sundays, and
23 legal holidays, after the date on which the order is granted.

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

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

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

15 48.21 (5) (b) 3. If the judge or circuit court commissioner finds that any of the
16 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
17 a determination that the county department, department, in a county having a
18 population of ~~500,000~~ 750,000 or more, or agency primarily responsible for providing
19 services under the custody order is not required to make reasonable efforts with
20 respect to the parent to make it possible for the child to return safely to his or her
21 home.

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

23 48.21 (5) (e) 2. (intro.) The court shall order the county department, the
24 department in a county having a population of ~~500,000~~ 750,000 or more, or the
25 agency primarily responsible for providing services to the child under the custody

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

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

16 48.24 (5) The intake worker shall request that a petition be filed, enter into an
17 informal disposition, or close the case within 60 days after receipt of referral
18 information. If the referral information is a report received by a county department
19 or, in a county having a population of ~~500,000~~ 750,000 or more, the department or
20 a licensed child welfare agency under contract with the department under s. 48.981
21 (3) (a) 1., 2., or 2d., that 60-day period shall begin on the day on which the report is
22 received by the county department, department, or licensed child welfare agency. If
23 the case is closed or an informal disposition is entered into, the district attorney,
24 corporation counsel, or other official under s. 48.09 shall receive written notice of that
25 action. If a law enforcement officer has made a recommendation concerning the

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1 child, or the unborn child and the expectant mother of the unborn child, the intake
2 worker shall forward this recommendation to the district attorney, corporation
3 counsel, or other official under s. 48.09. If a petition is filed, the petition may include
4 information received more than 60 days before filing the petition to establish a
5 condition or pattern which, together with information received within the 60-day
6 period, provides a basis for conferring jurisdiction on the court. The court shall grant
7 appropriate relief as provided in s. 48.315 (3) with respect to any petition that is not
8 referred or filed within the time periods specified in this subsection. Failure to object
9 to the fact that a petition is not requested within the time period specified in this
10 subsection waives any challenge to the court's competency to act on the petition.

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

12 48.275 (2) (d) 1. In a county having a population of less than ~~500,000~~ 750,000,
13 reimbursement payments shall be made to the clerk of courts of the county where the
14 proceedings took place. Each payment shall be transmitted to the county treasurer,
15 who shall deposit 25% of the amount paid for state-provided counsel in the county
16 treasury and transmit the remainder to the secretary of administration. Payments
17 transmitted to the secretary of administration shall be deposited in the general fund
18 and credited to the appropriation account under s. 20.550 (1) (L). The county
19 treasurer shall deposit 100% of the amount paid for county-provided counsel in the
20 county treasury.

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

22 48.275 (2) (d) 2. In a county having a population of ~~500,000~~ 750,000 or more,
23 reimbursement payments shall be made to the clerk of courts of the county where the
24 proceedings took place. Each payment shall be transmitted to the secretary of
25 administration, who shall deposit the amount paid in the general fund and credit

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1 25% of the amount paid to the appropriation account under s. 20.437 (1) (gx) and the
2 remainder to the appropriation account under s. 20.550 (1) (L).

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

4 48.295 (1) After the filing of a petition and upon a finding by the court that
5 reasonable cause exists to warrant a physical, psychological, mental, or
6 developmental examination or an alcohol and other drug abuse assessment that
7 conforms to the criteria specified under s. 48.547 (4), the court may order any child
8 coming within its jurisdiction to be examined as an outpatient by personnel in an
9 approved treatment facility for alcohol and other drug abuse, by a physician,
10 psychiatrist or licensed psychologist, or by another expert appointed by the court
11 holding at least a master's degree in social work or another related field of child
12 development, in order that the child's physical, psychological, alcohol or other drug
13 dependency, mental, or developmental condition may be considered. The court may
14 also order a physical, psychological, mental, or developmental examination or an
15 alcohol and other drug abuse assessment that conforms to the criteria specified
16 under s. 48.547 (4) of a parent, guardian, or legal custodian whose ability to care for
17 a child is at issue before the court or of an expectant mother whose ability to control
18 her use of alcohol beverages, controlled substances, or controlled substance analogs
19 is at issue before the court. The court shall hear any objections by the child or the
20 child's parents, guardian, or legal custodian to the request for such an examination
21 or assessment before ordering the examination or assessment. The expenses of an
22 examination, if approved by the court, shall be paid by the county of the court
23 ordering the examination in a county having a population of less than 500,000
24 750,000 or by the department in a county having a population of 500,000 750,000 or

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1 more. The payment for an alcohol and other drug abuse assessment shall be in
2 accordance with s. 48.361.

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

4 48.30 (6) (c) If the court orders the child's parent to provide a statement of
5 income, assets, debts and living expenses to the court or if the court orders the child's
6 parent to provide that statement to the designated agency under s. 48.33 (1) and that
7 designated agency is not the county department or, in a county having a population
8 of ~~500,000~~ 750,000 or more, the department, the court shall also order the child's
9 parent to provide that statement to the county department or, in a county having a
10 population of ~~500,000~~ 750,000 or more, the department at least 5 days before the
11 scheduled date of the dispositional hearing or as otherwise ordered by the court. The
12 county department or, in a county having a population of ~~500,000~~ 750,000 or more,
13 the department shall provide, without charge, to the parent a form on which to
14 provide that statement, and the parent shall provide that statement on that form.
15 The county department or, in a county having a population of ~~500,000~~ 750,000 or
16 more, the department shall use the information provided in the statement to
17 determine whether the department may claim federal foster care and adoption
18 assistance reimbursement under 42 USC 670 to 679a for the cost of providing care
19 for the child.

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

21 48.31 (7) (c) If the court orders the child's parent to provide a statement of
22 income, assets, debts and living expenses to the court or if the court orders the child's
23 parent to provide that statement to the designated agency under s. 48.33 (1) and that
24 designated agency is not the county department or, in a county having a population
25 of ~~500,000~~ 750,000 or more, the department, the court shall also order the child's

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

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

13 48.32 (1) (b) 1. b. A finding as to whether the county department, the
14 department, in a county having a population of ~~500,000~~ 750,000 or more, or the
15 agency primarily responsible for providing services to the child has made reasonable
16 efforts to prevent the removal of the child from the home, while assuring that the
17 child's health and safety are the paramount concerns, unless the judge or circuit
18 court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b)
19 1. to 5. applies.

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

21 48.32 (1) (b) 1. d. If the child's placement or other living arrangement is under
22 the supervision of the county department or, in a county having a population of
23 ~~500,000~~ 750,000 or more, the department, an order ordering the child into the
24 placement and care responsibility of the county department or department as

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1 required under 42 USC 672 (a) (2) and assigning the county department or
2 department primary responsibility for providing services to the child.

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

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

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

18 48.32 (1) (b) 2. If the judge or circuit court commissioner finds that any of the
19 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
20 the consent decree shall include a determination that the county department,
21 department, in a county having a population of ~~500,000~~ 750,000 or more, or agency
22 primarily responsible for providing services under the consent decree is not required
23 to make reasonable efforts with respect to the parent to make it possible for the child
24 to return safely to his or her home.

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

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

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

13 48.33 (4) (d) 1. If the child has one or more siblings, as defined in s. 48.38 (4)
14 (br) 1., who have been removed from the home or for whom an out-of-home
15 placement is recommended, specific information showing that the county
16 department, department in a county having a population of ~~500,000~~ 750,000 or more,
17 or agency primarily responsible for providing services to the child has made
18 reasonable efforts to place the child in a placement that enables the sibling group to
19 remain together, unless the county department, department, or agency recommends
20 that the child and his or her siblings not be placed in a joint placement, in which case
21 the report shall include specific information showing that a joint placement would
22 be contrary to the safety or well-being of the child or any of those siblings and the
23 specific information required under subd. 2.

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

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

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

8 48.335 (6) If the dispositional order places the child outside the home, the
9 parent, if present at the hearing, shall be requested to provide the names and other
10 identifying information of 3 relatives of the child or other individuals 18 years of age
11 or over whose homes the parent requests the court to consider as placements for the
12 child, unless that information has previously been provided under s. 48.21 (3) (f). If
13 the parent does not provide that information at the hearing, the county department,
14 the department in a county having a population of ~~500,000~~ 750,000 or more, or the
15 agency primarily responsible for providing services to the child under the
16 dispositional order shall permit the parent to provide the information at a later date.

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

18 48.345 (4) (b) The county department in a county having a population of less
19 than ~~500,000~~ 750,000.

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

21 48.345 (4) (bm) The department in a county having a population of ~~500,000~~
22 750,000 or more.

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

24 48.345 (12) (b) The judge shall order the school board to disclose the child’s
25 pupil records, as defined under s. 118.125 (1) (d), to the county department,

ASSEMBLY BILL 440**SECTION 47**

1 department, in a county having a population of ~~500,000~~ 750,000 or more, or licensed
2 child welfare agency responsible for supervising the child, as necessary to determine
3 the child's compliance with the order under par. (a).

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

5 48.345 (12) (c) The judge shall order the county department, department, in
6 a county having a population of ~~500,000~~ 750,000 or more, or licensed child welfare
7 agency responsible for supervising the child to disclose to the school board, technical
8 college district board, tribal school, or private, nonprofit, nonsectarian agency which
9 is providing an educational program under par. (a) 3. records or information about
10 the child, as necessary to assure the provision of appropriate educational services
11 under par. (a).

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

13 48.345 (13) (a) If the report prepared under s. 48.33 (1) recommends that the
14 child is in need of treatment for the use or abuse of alcohol beverages, controlled
15 substances or controlled substance analogs and its medical, personal, family or social
16 effects, the court may order the child to enter an outpatient alcohol and other drug
17 abuse treatment program at an approved treatment facility. The approved
18 treatment facility shall, under the terms of a service agreement between the
19 approved treatment facility and the county in a county having a population of less
20 than ~~500,000~~ 750,000 or the department in a county having a population of ~~500,000~~
21 750,000 or more, or with the written informed consent of the child or the child's
22 parent if the child has not attained the age of 12, report to the agency primarily
23 responsible for providing services to the child as to whether the child is cooperating
24 with the treatment and whether the treatment appears to be effective.

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

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

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

13 48.345 (14) (a) If, based on an evaluation under s. 48.295 and the report under
14 s. 48.33, the judge finds that the child expectant mother of an unborn child in need
15 of protection or services is in need of inpatient treatment for her habitual lack of
16 self-control in the use of alcohol, controlled substances or controlled substance
17 analogs, exhibited to a severe degree, that inpatient treatment is appropriate for the
18 child expectant mother's needs and that inpatient treatment is the least restrictive
19 treatment consistent with the child expectant mother's needs, the judge may order
20 the child expectant mother to enter an inpatient alcohol or other drug abuse
21 treatment program at an inpatient facility, as defined in s. 51.01 (10). The inpatient
22 facility shall, under the terms of a service agreement between the inpatient facility
23 and the county in a county having a population of less than ~~500,000~~ 750,000 or the
24 department in a county having a population of ~~500,000~~ 750,000 or more, or with the
25 written and informed consent of the child expectant mother or the child expectant

ASSEMBLY BILL 440**SECTION 51**

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

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

6 48.347 (5) (a) If the report prepared under s. 48.33 (1) recommends that the
7 adult expectant mother is in need of treatment for the use or abuse of alcohol
8 beverages, controlled substances or controlled substance analogs and its medical,
9 personal, family or social effects, the court may order the adult expectant mother to
10 enter an outpatient alcohol and other drug abuse treatment program at an approved
11 treatment facility. The approved treatment facility shall, under the terms of a service
12 agreement between the approved treatment facility and the county in a county
13 having a population of less than ~~500,000~~ 750,000 or the department in a county
14 having a population of ~~500,000~~ 750,000 or more, or with the written informed consent
15 of the adult expectant mother, report to the agency primarily responsible for
16 providing services to the adult expectant mother as to whether the adult expectant
17 mother is cooperating with the treatment and whether the treatment appears to be
18 effective.

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

20 48.347 (5) (b) If the report prepared under s. 48.33 (1) recommends that the
21 adult expectant mother is in need of education relating to the use of alcohol
22 beverages, controlled substances or controlled substance analogs, the court may
23 order the adult expectant mother to participate in an alcohol or other drug abuse
24 education program approved by the court. The person or agency that provides the
25 education program shall, under the terms of a service agreement between the

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1 education program and the county in a county having a population of less than
2 500,000 750,000 or the department in a county having a population of 500,000
3 750,000 or more, or with the written informed consent of the adult expectant mother,
4 report to the agency primarily responsible for providing services to the adult
5 expectant mother about the adult expectant mother's attendance at the program.

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

7 48.347 (6) (a) If, based on an evaluation under s. 48.295 and the report under
8 s. 48.33, the judge finds that the adult expectant mother is in need of inpatient
9 treatment for her habitual lack of self-control in the use of alcohol, controlled
10 substances or controlled substance analogs, exhibited to a severe degree, that
11 inpatient treatment is appropriate for the adult expectant mother's needs and that
12 inpatient treatment is the least restrictive treatment consistent with the adult
13 expectant mother's needs, the judge may order the adult expectant mother to enter
14 an inpatient alcohol or other drug abuse treatment program at an inpatient facility,
15 as defined in s. 51.01 (10). The inpatient facility shall, under the terms of a service
16 agreement between the inpatient facility and the county in a county having a
17 population of less than 500,000 750,000 or the department in a county having a
18 population of 500,000 750,000 or more, or with the written and informed consent of
19 the adult expectant mother, report to the agency primarily responsible for providing
20 services to the adult expectant mother as to whether the adult expectant mother is
21 cooperating with the treatment and whether the treatment appears to be effective.

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

23 48.355 (2) (b) 4m. If the child is placed outside the home and if the child's parent
24 has not already provided a statement of income, assets, debts and living expenses to
25 the county department or, in a county having a population of 500,000 750,000 or

ASSEMBLY BILL 440**SECTION 55**

1 more, the department under s. 48.30 (6) (b) or (c) or 48.31 (7) (b) or (c), an order for
2 the parent to provide that statement to the county department or, in a county having
3 a population of ~~500,000~~ 750,000 or more, the department by a date specified by the
4 court. The county department or, in a county having a population of ~~500,000~~ 750,000
5 or more, the department shall provide, without charge, to the parent a form on which
6 to provide that statement, and the parent shall provide that statement on that form.
7 The county department or, in a county having a population of ~~500,000~~ 750,000 or
8 more, the department shall use the information provided in the statement to
9 determine whether the department may claim federal foster care and adoption
10 assistance reimbursement under 42 USC 670 to 679a for the cost of providing care
11 for the child.

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

13 48.355 (2) (b) 6. If the child is placed outside the home, a finding that continued
14 placement of the child in his or her home would be contrary to the welfare of the child,
15 a finding as to whether the county department, the department, in a county having
16 a population of ~~500,000~~ 750,000 or more, or the agency primarily responsible for
17 providing services under a court order has made reasonable efforts to prevent the
18 removal of the child from the home, while assuring that the child's health and safety
19 are the paramount concerns, unless the court finds that any of the circumstances
20 specified in sub. (2d) (b) 1. to 5. applies, and, if a permanency plan has previously
21 been prepared for the child, a finding as to whether the county department,
22 department, or agency has made reasonable efforts to achieve the permanency goal
23 of the child's permanency plan, including, if appropriate, through an out-of-state
24 placement. The court shall make the findings specified in this subdivision on a
25 case-by-case basis based on circumstances specific to the child and shall document

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1 or reference the specific information on which those findings are based in the court
2 order. A court order that merely references this subdivision without documenting
3 or referencing that specific information in the court order or an amended court order
4 that retroactively corrects an earlier court order that does not comply with this
5 subdivision is not sufficient to comply with this subdivision.

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

7 48.355 (2) (b) 6g. If the child is placed outside the home under the supervision
8 of the county department or, in a county having a population of ~~500,000~~ 750,000 or
9 more, the department, an order ordering the child into the placement and care
10 responsibility of the county department or department as required under 42 USC
11 672 (a) (2) and assigning the county department or department primary
12 responsibility for providing services to the child.

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

14 48.355 (2) (b) 6p. If the child is placed outside the home and if the child has one
15 or more siblings, as defined in s. 48.38 (4) (br) 1., who have also been placed outside
16 the home, a finding as to whether the county department, the department in a county
17 having a population of ~~500,000~~ 750,000 or more, or the agency primarily responsible
18 for providing services under a court order has made reasonable efforts to place the
19 child in a placement that enables the sibling group to remain together, unless the
20 court determines that a joint placement would be contrary to the safety or well-being
21 of the child or any of those siblings, in which case the court shall order the county
22 department, department, or agency to make reasonable efforts to provide for
23 frequent visitation or other ongoing interaction between the child and the siblings,
24 unless the court determines that such visitation or interaction would be contrary to
25 the safety or well-being of the child or any of those siblings.

ASSEMBLY BILL 440**SECTION 59**

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

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

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

9 48.355 (2) (c) If school attendance is a condition of an order under par. (b) 7.,
10 the order shall specify what constitutes a violation of the condition and shall direct
11 the school board of the school district in which the child is enrolled or the governing
12 body of the private school, as defined in s. 115.001 (3d), in which the child is enrolled,
13 or shall request the governing body of the tribal school in which the child is enrolled,
14 to notify the county department that is responsible for supervising the child or, in a
15 county having a population of ~~500,000~~ 750,000 or more, the department within 5
16 days after any violation of the condition by the child.

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

18 48.355 (2) (cm) 1. Subject to subd. 2., the court shall order the county
19 department, the department in a county having a population of ~~500,000~~ 750,000 or
20 more, or the agency primarily responsible for providing services to the child under
21 the dispositional order to conduct a diligent search in order to locate and provide
22 notice of the information specified in s. 48.21 (5) (e) 2. a. to e. to all relatives of the
23 child named under s. 48.335 (6) and to all adult relatives, as defined in s. 48.21 (5)
24 (e) 1., of the child within 30 days after the child is removed from the custody of the
25 child's parent unless the child is returned to his or her home within that period. The

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1 court may also order the county department, department, or agency to conduct a
2 diligent search in order to locate and provide notice of that information to all other
3 adult individuals named under s. 48.335 (6) within 30 days after the child is removed
4 from the custody of the child's parent unless the child is returned to his or her home
5 within that period. The county department, department, or agency may not provide
6 that notice to a person named under s. 48.335 (6) or to an adult relative if the county
7 department, department, or agency has reason to believe that it would be dangerous
8 to the child or to the parent if the child were placed with that person or adult relative.

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

10 48.355 (2b) (b) A county department, the department, in a county having a
11 population of ~~500,000~~ 750,000 or more, or the agency primarily responsible for
12 providing services to a child under a court order shall determine, in accordance with
13 standards established by the department, whether to engage in concurrent
14 planning. If, according to those standards, concurrent planning is required, the
15 county department, department, or agency shall engage in concurrent planning
16 unless the court or permanency review panel determines under s. 48.38 (5) (c) 5m.
17 that concurrent planning is inappropriate.

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

19 48.355 (2c) (a) (intro.) When a court makes a finding under sub. (2) (b) 6. as to
20 whether the county department, the department, in a county having a population of
21 ~~500,000~~ 750,000 or more, or the agency primarily responsible for providing services
22 to the child under a court order has made reasonable efforts to prevent the removal
23 of the child from his or her home, while assuring that the child's health and safety
24 are the paramount concerns, the court's consideration of reasonable efforts shall
25 include, but not be limited to, whether:

ASSEMBLY BILL 440**SECTION 64**

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

2 48.355 **(2c)** (b) When a court makes a finding under sub. (2) (b) 6. as to whether
3 the county department, department, in a county having a population of 500,000
4 750,000 or more, or agency primarily responsible for providing services to the child
5 under a court order has made reasonable efforts to achieve the permanency goal of
6 the permanency plan, the court's consideration of reasonable efforts shall include the
7 considerations listed under par. (a) 1. to 5. and whether visitation schedules between
8 the child and his or her parents were implemented, unless visitation was denied or
9 limited by the court.

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

11 48.355 **(2d)** (b) (intro.) Notwithstanding sub. (2) (b) 6., the court is not required
12 to include in a dispositional order a finding as to whether the county department, the
13 department, in a county having a population of 500,000 750,000 or more, or the
14 agency primarily responsible for providing services under a court order has made
15 reasonable efforts with respect to a parent of a child to prevent the removal of the
16 child from the home, while assuring that the child's health and safety are the
17 paramount concerns, or a finding as to whether the county department, department,
18 or agency has made reasonable efforts with respect to a parent of a child to achieve
19 the permanency goal of returning the child safely to his or her home, if the court finds
20 any of the following:

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

22 48.357 **(1)** (c) 2m. If the court changes the child's placement from a placement
23 in the child's home to a placement outside the child's home, the parent, if present at
24 the hearing, shall be requested to provide the names and other identifying
25 information of 3 relatives of the child or other individuals 18 years of age or over

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1 whose homes the parent requests the court to consider as placements for the child,
2 unless that information has previously been provided under this subdivision, sub.
3 (2m) (bm), or s. 48.21 (3) (f) or 48.335 (6). If the parent does not provide that
4 information at the hearing, the county department, the department in a county
5 having a population of ~~500,000~~ 750,000 or more, or the agency primarily responsible
6 for implementing the dispositional order shall permit the parent to provide the
7 information at a later date.

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

9 48.357 (2m) (bm) If the court changes the child's placement from a placement
10 in the child's home to a placement outside the child's home, the parent, if present at
11 the hearing, shall be requested to provide the names and other identifying
12 information of 3 relatives of the child or other individuals 18 years of age or over
13 whose homes the parent requests the court to consider as placements for the child,
14 unless that information has previously been provided under this paragraph, sub. (1)
15 (c) 2m., or s. 48.21 (3) (f) or 48.335 (6). If the parent does not provide that information
16 at the hearing, the 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 implementing the dispositional order shall permit the parent to provide the
19 information at a later date.

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

21 48.357 (2v) (a) 1m. If the change in placement order changes the placement of
22 a child who is under the supervision of the county department or, in a county having
23 a population of ~~500,000~~ 750,000 or more, the department to a placement outside the
24 child's home, whether from a placement in the home or from another placement
25 outside the home, an order ordering the child into, or to be continued in, the

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1 placement and care responsibility of the county department or department as
2 required under 42 USC 672 (a) (2) and assigning the county department or
3 department primary responsibility, or continued primary responsibility, for
4 providing services to the child.

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

6 48.357 (2v) (a) 2m. If the child has one or more siblings, as defined in s. 48.38
7 (4) (br) 1., who have been placed outside the home or for whom a change in placement
8 to a placement outside the home is requested, a finding as to whether the county
9 department, the department in a county having a population of ~~500,000~~ 750,000 or
10 more, or the agency primarily responsible for implementing the dispositional order
11 has made reasonable efforts to place the child in a placement that enables the sibling
12 group to remain together, unless the court determines that a joint placement would
13 be contrary to the safety or well-being of the child or any of those siblings, in which
14 case the court shall order the county department, department, or agency to make
15 reasonable efforts to provide for frequent visitation or other ongoing interaction
16 between the child and the siblings, unless the court determines that such visitation
17 or interaction would be contrary to the safety or well-being of the child or any of those
18 siblings.

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

20 48.357 (2v) (d) 1. Subject to subd. 2., the court shall order the county
21 department, the department in a county having a population of ~~500,000~~ 750,000 or
22 more, or the agency primarily responsible for implementing the dispositional order
23 to conduct a diligent search in order to locate and provide notice of the information
24 specified in s. 48.21 (5) (e) 2. a. to e. to all relatives of the child named under sub. (1)
25 (c) 2m. or (2m) (bm) and to all adult relatives, as defined in s. 48.21 (5) (e) 1., of the

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1 child within 30 days after the child is removed from the custody of the child's parent
2 unless the child is returned to his or her home within that period. The court may also
3 order the county department, department, or agency to conduct a diligent search in
4 order to locate and provide notice of that information to all other adult individuals
5 named under sub. (1) (c) 2m. or (2m) (bm) within 30 days after the child is removed
6 from the custody of the child's parent unless the child is returned to his or her home
7 within that period. The county department, department, or agency may not provide
8 that notice to a person named under sub. (1) (c) 2m. or (2m) (bm) or to an adult
9 relative if the county department, department, or agency has reason to believe that
10 it would be dangerous to the child or to the parent if the child were placed with that
11 person or adult relative.

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

13 48.357 (5m) (b) If the court orders the child's parent to provide a statement of
14 income, assets, debts and living expenses to the court or if the court orders the child's
15 parent to provide that statement to the person or agency primarily responsible for
16 implementing the dispositional order and that person or agency is not the county
17 department or, in a county having a population of ~~500,000~~ 750,000 or more, the
18 department, the court shall also order the child's parent to provide that statement
19 to the county department or, in a county having a population of ~~500,000~~ 750,000 or
20 more, the department by a date specified by the court. The county department or,
21 in a county having a population of ~~500,000~~ 750,000 or more, the department shall
22 provide, without charge, to the parent a form on which to provide that statement, and
23 the parent shall provide that statement on that form. The county department or, in
24 a county having a population of ~~500,000~~ 750,000 or more, the department shall use
25 the information provided in the statement to determine whether the department

ASSEMBLY BILL 440**SECTION 71**

1 may claim federal foster care and adoption assistance reimbursement under 42 USC
2 670 to 679a for the cost of providing care for the child.

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

4 48.36 (2) If an expectant mother or a child whose legal custody has not been
5 taken from a parent or guardian is given educational and social services, or medical,
6 psychological or psychiatric treatment by order of the court, the cost of those services
7 or that treatment, if ordered by the court, shall be a charge upon the county in a
8 county having a population of less than ~~500,000~~ 750,000 or the department in a
9 county having a population of ~~500,000~~ 750,000 or more. This section does not prevent
10 recovery of reasonable contribution toward the costs from the parent or guardian of
11 the child or from an adult expectant mother as the court may order based on the
12 ability of the parent, guardian or adult expectant mother to pay. This subsection
13 shall be subject to s. 49.32 (1).

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

15 48.363 (1) (d) If the court orders the child's parent to provide a statement of
16 income, assets, debts and living expenses to the court or if the court orders the child's
17 parent to provide that statement to the person or agency primarily responsible for
18 implementing the dispositional order and that person or agency is not the county
19 department or, in a county having a population of ~~500,000~~ 750,000 or more, the
20 department, the court shall also order the child's parent to provide that statement
21 to the county department or, in a county having a population of ~~500,000~~ 750,000 or
22 more, the department by a date specified by the court. The county department or,
23 in a county having a population of ~~500,000~~ 750,000 or more, the department shall
24 provide, without charge, to the parent a form on which to provide that statement, and
25 the parent shall provide that statement on that form. The county department or, in

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1 a county having a population of ~~500,000~~ 750,000 or more, the department shall use
2 the information provided in the statement to determine whether the department
3 may claim federal foster care and adoption assistance reimbursement under 42 USC
4 670 to 679a for the cost of providing care for the child.

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

6 48.38 (5) (am) The court may appoint an independent agency to designate a
7 panel to conduct a permanency review under par. (a). If the court in a county having
8 a population of less than ~~500,000~~ 750,000 appoints an independent agency under this
9 paragraph, the county department of the county of the court shall authorize and
10 contract for the purchase of services from the independent agency. If the court in a
11 county having a population of ~~500,000~~ 750,000 or more appoints an independent
12 agency under this paragraph, the department shall authorize and contract for the
13 purchase of services from the independent agency.

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

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

ASSEMBLY BILL 440**SECTION 75**

1 placement, that licensed foster parent or kinship care relative shall be a sustaining
2 parent with the powers and duties specified in sub. (3).

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

4 48.428 (2) (b) When a court places a child in sustaining care after an order
5 under s. 48.427 (4) with a person who has been appointed as the guardian of the child
6 under s. 48.977 (2), the court may transfer legal custody of the child to the county
7 department, the department in a county having a population of ~~500,000~~ 750,000 or
8 more, or a licensed child welfare agency, transfer guardianship of the child to an
9 agency listed in s. 48.427 (3m) (a) 1. to 4. or (am), and place the child in the home of
10 a licensed foster parent or kinship care relative with whom the child has resided for
11 6 months or longer. In placing an Indian child in sustaining care, the court shall
12 comply with the order of placement preference under s. 48.028 (7) (b) or, if applicable,
13 s. 48.028 (7) (c), unless the court finds good cause, as described in s. 48.028 (7) (e),
14 for departing from that order. Pursuant to the placement, that licensed foster parent
15 or kinship care relative shall be a sustaining parent with the powers and duties
16 specified in sub. (3). If the court transfers guardianship of the child to an agency
17 listed in s. 48.427 (3m) (a) 1. to 4. or (am), the court shall terminate the guardianship
18 under s. 48.977.

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

20 48.545 (2) (a) (intro.) From the appropriations under s. 20.437 (1) (eg), (kb), and
21 (nL), the department shall distribute \$2,097,700 in each fiscal year to applying
22 nonprofit corporations and public agencies operating in a county having a population
23 of ~~500,000~~ 750,000 or more, \$1,171,800 in each fiscal year to applying county
24 departments under s. 46.22, 46.23, 51.42, or 51.437 operating in counties other than
25 a county having a population of ~~500,000~~ 750,000 or more, and \$55,000 in each fiscal

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1 year to Diverse and Resilient, Inc. to provide programs to accomplish all of the
2 following:

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

4 48.563 (1) (b) Notwithstanding s. 48.568, if the department receives any
5 federal moneys under 42 USC 670 to 679a in reimbursement of moneys allocated
6 under par. (a) for the provision of foster care, the department shall distribute those
7 federal moneys for services and projects to assist children and families ~~and for the~~
8 ~~purposes specified in s. 48.567.~~

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

10 48.563 (2) (title) ~~BASIC COUNTY~~ COUNTY ALLOCATION.

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

12 48.563 (4) POSTREUNIFICATION SERVICES. If a demonstration project authorized
13 under 42 USC 1320a-9 reduces the cost of providing out-of-home care for children
14 in a county having a population of 750,000 or more, from the appropriations under
15 s. 20.437 (1) (cx) and ~~(e)~~ (mb) the department may distribute the amount by which
16 that cost is reduced by that demonstration project in each fiscal year to county
17 departments for services for children and families to prevent the reentry of children
18 into out-of-home care.

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

20 **SECTION 82.** 48.565 (intro.) (except 48.565 (title)) of the statutes is renumbered
21 48.565 (1) (intro.) and amended to read:

22 48.565 (1) (intro.) Funds allocated by the department under s. 48.569 (1) (d) but
23 not spent or encumbered by counties, ~~governing bodies of Indian tribes, or private~~
24 ~~nonprofit organizations~~ by December 31 of each year ~~and funds recovered under s.~~
25 ~~48.569 (2) (b) and deposited into the appropriation account under s. 20.437 (1) (b)~~

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1 lapse to the general fund on the succeeding January 1 unless carried forward to the
2 next calendar year under s. 20.437 (1) (b) or as follows:

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

4 48.565 (2) (a) ~~Subject to par. (am), if on December 31 of any year there remains~~
5 ~~unspent or unencumbered in the allocation under s. 48.563 (2) an amount that~~
6 ~~exceeds the amount received under 42 USC 670 to 679a and allocated under s. 48.563~~
7 ~~(2) in that year, the department shall carry forward the excess moneys and distribute~~
8 ~~not less than 50% of the excess moneys to counties having a population of less than~~
9 ~~500,000 that are making a good faith effort, as determined by the department, to~~
10 ~~comply with s. 46.22 (1) (c) 8. f. for services and projects to assist children and~~
11 ~~families, notwithstanding the percentage limit specified in sub. (3). A county shall~~
12 ~~use not less than 50% of the moneys distributed to the county under this subsection~~
13 ~~for services for children who are at risk of abuse or neglect to prevent the need for~~
14 ~~child abuse and neglect intervention services, except that in the calendar year in~~
15 ~~which a county achieves compliance with s. 46.22 (1) (c) 8. f. and in the 2 calendar~~
16 ~~years after that calendar year the county may use 100% of the moneys distributed~~
17 ~~under this paragraph to reimburse the department for the costs of achieving that~~
18 ~~compliance. If a county does not comply with s. 46.22 (1) (c) 8. f. before July 1, 2005,~~
19 ~~the department may recover any amounts distributed to that county under this~~
20 ~~paragraph after June 30, 2001, by billing the county or deducting from that county's~~
21 ~~allocation under s. 48.563 (2). The department may bill a county or deduct from a~~
22 ~~county's allocation under s. 48.563 (2) for the costs of implementing and operating~~
23 ~~the statewide automated child welfare information system established under s.~~
24 ~~48.47 (7g). All moneys received by the department under this paragraph shall be~~
25 ~~credited to the appropriation account under s. 20.437 (1) (j).~~

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

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

3 48.565 (2) (b) A county may not use any moneys distributed under ~~par. (a) s.~~
4 48.563 (2) to supplant any other moneys expended by the county for services and
5 projects to assist children and families in a base year determined by the department.

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

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

9 48.565 (1) (a) ~~At the request of a county, tribal governing body, or private~~
10 ~~nonprofit organization, the department shall carry forward to the next calendar year~~
11 ~~up to 3 percent of the total amount allocated to the county, tribal governing body, or~~
12 ~~nonprofit organization under s. 48.569 (1) (d) for a calendar year. All funds carried~~
13 ~~forward for a tribal governing body or nonprofit organization and all federal child~~
14 ~~welfare funds under 42 USC 620 to 626 carried forward for a county shall be used~~
15 ~~for the purpose for which the funds were originally allocated. Other funds carried~~
16 ~~forward under this subsection may be used for any purpose under s. 20.437 (1) (b),~~
17 ~~except that a county may not use any funds carried forward under this subsection~~
18 ~~for administrative or staff costs. An allocation of carried-forward funding under this~~
19 ~~subsection does not affect a county's base allocation under s. 48.563 (2).~~

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

22 48.565 (1) (b) ~~The~~ At the request of a county, the department may shall carry
23 ~~forward to the next calendar year up to 10 percent of any funds specified in sub. (3)~~
24 ~~that are not carried forward under sub. (3) for emergencies, for justifiable unit~~
25 ~~services costs above planned levels, and for increased costs due to population shifts.~~

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1 ~~An allocation of carried forward funding under this subsection~~ the total amount
2 allocated to the county under s. 48.569 (1) (d) for a calendar year if the department
3 agrees that an emergency or other circumstance that was unforeseen when the
4 original allocation to the county was made necessitates the carryover.

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

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

10 48.565 (8) A county shall use funds carried forward under this section for
11 services provided to children and families and not for the county's general
12 administrative costs.

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

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

15 48.569 (1) (d) From the appropriations under s. 20.437 (1) (b), (cx), (km), and
16 (o), the department shall distribute the funding for children and family services,
17 including funding for foster care or subsidized guardianship care of a child on whose
18 behalf aid is received under s. 48.645 to county departments as provided under s.
19 48.563. County matching funds are required for the distribution under s. 48.563 (2).
20 Each county's required match for the distribution under s. 48.563 (2) shall be
21 specified in a schedule established annually by the department. Matching funds
22 may be from county tax levies, federal and state revenue sharing funds, or private
23 donations to the county that meet the requirements specified in sub. (1m). ~~Private~~
24 ~~donations may not exceed 25 percent of the total county match.~~ If the county match
25 is less than the amount required to generate the full amount of state and federal

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1 funds distributed for this period, the decrease in the amount of state and federal
2 funds equals the difference between the required and the actual amount of county
3 matching funds.

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

5 48.57 (1) (e) If a county department in a county with a population of 500,000
6 750,000 or more and if contracted to do so by the department, to place children in a
7 county children's home in the county under policies adopted by the county board of
8 supervisors, to accept guardianship of children when appointed by the court and to
9 place children under its guardianship for adoption.

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

11 48.57 (1) (hm) If a county department in a county with a population of less than
12 500,000 750,000, to accept guardianship, when appointed by the court, of a child
13 whom the county department has placed in a foster home under a court order or
14 voluntary agreement under s. 48.63 and to place that child under its guardianship
15 for adoption by the foster parent.

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

17 48.57 (2m) A county department, as soon as practicable after learning that a
18 person who is receiving child welfare services under sub. (1) from the county
19 department has changed his or her county of residence, shall provide notice of that
20 change to the county department of the person's new county of residence or, if that
21 new county of residence is a county having a population of 500,000 750,000 or more,
22 the department. The notice shall include a brief, written description of the services
23 offered or provided to the person by the county department and the name, telephone
24 number, and address of a person to contact for more information.

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

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

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

11 48.57 (3m) (ap) 1. Subject to subds. 2. and 3., the county department or, in a
12 county having a population of ~~500,000~~ 750,000 or more, the department may make
13 payments under par. (am) to a kinship care relative who is providing care and
14 maintenance for a child who is placed in the home of the kinship care relative under
15 a court order for no more than 60 days after the date on which the county department
16 or department received under par. (am) 1. the completed application of the kinship
17 care relative for a license to operate a foster home or, if the application is approved
18 or denied or the kinship care relative is otherwise determined to be ineligible for
19 licensure within those 60 days, until the date on which the application is approved
20 or denied or the kinship care relative is otherwise determined to be ineligible for
21 licensure.

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

23 48.57 (3m) (ap) 3. Notwithstanding that an application of a kinship care
24 relative specified in subd. 1. is denied or the kinship care relative is otherwise
25 determined to be ineligible for licensure, the county department or, in a county

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1 having a population of ~~500,000~~ 750,000 or more, the department may make
2 payments under par. (am) to the kinship care relative for as long as the conditions
3 specified in par. (am) 1. to 6. continue to apply if the county department or
4 department submits to the court information relating to the background
5 investigation specified in par. (am) 4., an assessment of the safety of the kinship care
6 relative's home and the ability of the kinship care relative to care for the child, and
7 a recommendation that the child remain in the home of the kinship care relative and
8 the court, after considering that information, assessment, and recommendation,
9 orders the child to remain in the kinship care relative's home. If the court does not
10 order the child to remain in the kinship care relative's home, the court shall order
11 the county department or department to request a change in placement under s.
12 48.357 (1) (am) or 938.357 (1) (am). Any person specified in s. 48.357 (2m) (a) or
13 938.357 (2m) (a) may also request a change in placement.

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

15 48.57 (3m) (b) 1. The county department or, in a county having a population
16 of ~~500,000~~ 750,000 or more, the department shall refer to the attorney responsible
17 for support enforcement under s. 59.53 (6) (a) the name of the parent or parents of
18 a child for whom a payment is made under par. (am).

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

20 48.57 (3m) (c) The county department or, in a county having a population of
21 ~~500,000~~ 750,000 or more, the department shall require the parent or parents of a
22 child for whom a payment is made under par. (am) to initiate or continue health care
23 insurance coverage for the child.

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

ASSEMBLY BILL 440**SECTION 100**

1 48.57 (3m) (d) A county department or, in a county having a population of
2 500,000 750,000 or more, the department shall review a placement of a child for
3 which the county department or department makes payments under par. (am) not
4 less than every 12 months after the county department or department begins making
5 those payments to determine whether the conditions specified in par. (am) continue
6 to exist. If those conditions do not continue to exist, the county department or
7 department shall discontinue making those payments.

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

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

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

20 48.57 (3m) (h) A county department or, in a county having a population of
21 500,000 750,000 or more, the department may recover an overpayment made under
22 par. (am) from a kinship care relative who continues to receive payments under par.
23 (am) by reducing the amount of the kinship care relative's monthly payment. The
24 department may by rule specify other methods for recovering overpayments made
25 under par. (am). A county department that recovers an overpayment under this

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

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

4 48.57 (3n) (am) (intro.) From the appropriations under s. 20.437 (2) (dz), (md),
5 (me), and (s), the department shall reimburse counties having populations of less
6 than ~~500,000~~ 750,000 for payments made under this subsection and shall make
7 payments under this subsection in a county having a population of ~~500,000~~ 750,000
8 or more. Subject to par. (ap), a county department and, in a county having a
9 population of ~~500,000~~ 750,000 or more, the department shall make monthly
10 payments for each child in the amount of \$226 per month beginning on January 1,
11 2014, and \$232 per month beginning on January 1, 2015, to a long-term kinship care
12 relative who is providing care and maintenance for that child if all of the following
13 conditions are met:

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

15 48.57 (3n) (ap) 1. Subject to subds. 2. and 3., the county department or, in a
16 county having a population of ~~500,000~~ 750,000 or more, the department may make
17 payments under par. (am) to a long-term kinship care relative who is providing care
18 and maintenance for a child who is placed in the home of the long-term kinship care
19 relative for no more than 60 days after the date on which the county department or
20 department received under par. (am) 1. the completed application of the long-term
21 kinship care relative for a license to operate a foster home or, if the application is
22 approved or denied or the long-term kinship care relative is otherwise determined
23 to be ineligible for licensure within those 60 days, until the date on which the
24 application is approved or denied or the long-term kinship care relative is otherwise
25 determined to be ineligible for licensure.