

Act 172
enrolling

ASSEMBLY BILL 440

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

2 48.57 (3n) (ap) 3. Notwithstanding that an application of a long-term kinship
3 care relative specified in subd. 1. is denied or the long-term kinship care relative is
4 otherwise determined to be ineligible for licensure, the county department or, in a
5 county having a population of ~~500,000~~ 750,000 or more, the department may make
6 payments under par. (am) to the long-term kinship care relative until an event
7 specified in par. (am) 6. a. to f. occurs if the county department or department submits
8 to the court information relating to the background investigation specified in par.
9 (am) 4., an assessment of the safety of the long-term kinship care relative's home and
10 the ability of the long-term kinship care relative to care for the child, and a
11 recommendation that the child remain in the home of the long-term kinship care
12 relative and the court, after considering that information, assessment, and
13 recommendation, orders the child to remain in the long-term kinship care relative's
14 home. If the court does not order the child to remain in the kinship care relative's
15 home, the court shall order the county department or department to request a change
16 in placement under s. 48.357 (1) (am) or 938.357 (1) (am) or to request a termination
17 of the guardianship order under s. 48.977 (7). Any person specified in s. 48.357 (2m)
18 (a) or 938.357 (2m) (a) may also request a change in placement and any person who
19 is authorized to file a petition for the appointment of a guardian for the child may also
20 request a termination of the guardianship order.

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

22 48.57 (3n) (ar) (intro.) Subject to sub. (3p) (fm) 1m. and (hm), a county
23 department or, in a county having a population of ~~500,000~~ 750,000 or more, the
24 department shall enter into an agreement under par. (am) 6. if all of the following
25 conditions are met:

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

2 48.57 (3n) (b) 1. The county department or, in a county having a population of
3 500,000 750,000 or more, the department shall refer to the attorney responsible for
4 support enforcement under s. 59.53 (6) (a) the name of the parent or parents of a child
5 for whom a payment is made under par. (am).

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

7 48.57 (3n) (c) The county department or, in a county having a population of
8 500,000 750,000 or more, the department shall require the parent or parents of a
9 child for whom a payment is made under par. (am) to initiate or continue health care
10 insurance coverage for the child.

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

12 48.57 (3n) (d) The county department or, in a county having a population of
13 500,000 750,000 or more, the department shall, at least once every 12 months after
14 the county department or department begins making payments under this
15 subsection, determine whether any of the events specified in par. (am) 6. a. to f. have
16 occurred. If any such events have occurred, the county department or department
17 shall discontinue making those payments.

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

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

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1 the subunit of the department administering of the long-term kinship care program
2 in that county that the recipient has requested a hearing. Payments under par. (am)
3 shall be discontinued if any of the following applies:

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

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

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

14 48.57 (3p) (b) 1. After receipt of an application for payments under sub. (3m)
15 or (3n), the county department or, in a county having a population of ~~500,000~~ 750,000
16 or more, the department, with the assistance of the department of justice, shall
17 conduct a background investigation of the applicant.

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

19 48.57 (3p) (b) 2. The county department or, in a county having a population of
20 ~~500,000~~ 750,000 or more, the department, with the assistance of the department of
21 justice, may conduct a background investigation of any person who is receiving
22 payments under sub. (3m) at the time of review under sub. (3m) (d) or at any other
23 time that the county department or department considers to be appropriate.

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

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1 48.57 (3p) (b) 3. The county department or, in a county having a population of
2 500,000 750,000 or more, the department, with the assistance of the department of
3 justice, may conduct a background investigation of any person who is receiving
4 payments under sub. (3n) at any time that the county department or department
5 considers to be appropriate.

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

7 48.57 (3p) (c) 1. After receipt of an application for payments under sub. (3m)
8 or (3n), the county department or, in a county having a population of 500,000 750,000
9 or more, the department, with the assistance of the department of justice, shall, in
10 addition to the investigation under par. (b) 1., conduct a background investigation
11 of all employees and prospective employees of the applicant who have or would have
12 regular contact with the child for whom those payments are being made and of each
13 adult resident.

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

15 48.57 (3p) (c) 2. The county department or, in a county having a population of
16 500,000 750,000 or more, the department, with the assistance of the department of
17 justice, may conduct a background investigation of any of the employees or
18 prospective employees of any person who is receiving payments under sub. (3m) who
19 have or would have regular contact with the child for whom those payments are being
20 made and of each adult resident at the time of review under sub. (3m) (d) or at any
21 other time that the county department or department considers to be appropriate.

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

23 48.57 (3p) (c) 2m. The county department or, in a county having a population
24 of 500,000 750,000 or more, the department, with the assistance of the department
25 of justice, may conduct a background investigation of any of the employees or

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

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

6 48.57 **(3p)** (c) 3. Before a person who is receiving payments under sub. (3m) or
7 (3n) may employ any person in a position in which that person would have regular
8 contact with the child for whom those payments are being made or permit any person
9 to be an adult resident, the county department or, in a county having a population
10 of ~~500,000~~ 750,000 or more, the department, with the assistance of the department
11 of justice, shall conduct a background investigation of the prospective employee or
12 prospective adult resident unless that person has already been investigated under
13 subd. 1., 2. or 2m.

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

15 48.57 **(3p)** (d) If the person being investigated under par. (b) or (c) is a
16 nonresident, or at any time within the 5 years preceding the date of the application
17 has been a nonresident, or if the county department or, in a county having a
18 population of ~~500,000~~ 750,000 or more, the department determines that the person's
19 employment, licensing or state court records provide a reasonable basis for further
20 investigation, the county department or department shall require the person to be
21 fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's
22 fingerprints, or by other technologies approved by law enforcement agencies. The
23 department of justice may provide for the submission of the fingerprint cards or
24 fingerprints by other technologies to the federal bureau of investigation for the

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1 purposes of verifying the identity of the person fingerprinted and obtaining records
2 of his or her criminal arrest and conviction.

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

4 48.57 (3p) (e) (intro.) Upon request, a person being investigated under par. (b)
5 or (c) shall provide the county department or, in a county having a population of
6 500,000 750,000 or more, the department with all of the following information:

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

8 48.57 (3p) (fm) 1. The county department or, in a county having a population
9 of 500,000 750,000 or more, the department may provisionally approve the making
10 of payments under sub. (3m) based on the applicant's statement under sub. (3m) (am)
11 4m. The county department or department may not finally approve the making of
12 payments under sub. (3m) unless the county department or department receives
13 information from the department of justice indicating that the conviction record of
14 the applicant under the law of this state is satisfactory according to the criteria
15 specified in par. (g) 1. to 3. or payment is approved under par. (h) 4. The county
16 department or department may make payments under sub. (3m) conditioned on the
17 receipt of information from the federal bureau of investigation indicating that the
18 person's conviction record under the law of any other state or under federal law is
19 satisfactory according to the criteria specified in par. (g) 1. to 3.

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

21 48.57 (3p) (fm) 1m. The county department or, in a county having a population
22 of 500,000 750,000 or more, the department may not enter into the agreement under
23 sub. (3n) (am) 6. unless the county department or department receives information
24 from the department of justice relating to the conviction record of the applicant under
25 the law of this state and that record indicates either that the applicant has not been

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1 arrested or convicted or that the applicant has been arrested or convicted but the
2 director of the county department or, in a county having a population of 500,000
3 750,000 or more, the person designated by the secretary to review conviction records
4 under this subdivision determines that the conviction record is satisfactory because
5 it does not include any arrest or conviction that the director or person designated by
6 the secretary determines is likely to adversely affect the child or the applicant's
7 ability to care for the child. The county department or, in a county having a
8 population of ~~500,000~~ 750,000 or more, the department may make payments under
9 sub. (3n) conditioned on the receipt of information from the federal bureau of
10 investigation indicating that the person's conviction record under the law of any
11 other state or under federal law is satisfactory because the conviction record does not
12 include any arrest or conviction that the director of the county department or, in a
13 county having a population of ~~500,000~~ 750,000 or more, the person designated by the
14 secretary to review conviction records under this subdivision determines is likely to
15 adversely affect the child or the applicant's ability to care for the child.

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

17 48.57 **(3p)** (fm) 2. A person receiving payments under sub. (3m) may
18 provisionally employ a person in a position in which that person would have regular
19 contact with the child for whom those payments are being made or provisionally
20 permit a person to be an adult resident if the person receiving those payments states
21 to the county department or, in a county having a population of ~~500,000~~ 750,000 or
22 more, the department that the employee or adult resident does not have any arrests
23 or convictions that could adversely affect the child or the ability of the person
24 receiving payments to care for the child. A person receiving payments under sub.
25 (3m) may not finally employ a person in a position in which that person would have

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1 regular contact with the child for whom those payments are being made or finally
2 permit a person to be an adult resident until the county department or, in a county
3 having a population of ~~500,000~~ 750,000 or more, the department receives
4 information from the department of justice indicating that the person's conviction
5 record under the law of this state is satisfactory according to the criteria specified in
6 par. (g) 1. to 3. and the county department or, in a county having a population of
7 ~~500,000~~ 750,000 or more, the department so advises the person receiving payments
8 under sub. (3m) or until a decision is made under par. (h) 4. to permit a person who
9 is receiving payments under sub. (3m) to employ a person in a position in which that
10 person would have regular contact with the child for whom payments are being made
11 or to permit a person to be an adult resident and the county department or, in a
12 county having a population of ~~500,000~~ 750,000 or more, the department so advises
13 the person receiving payments under sub. (3m). A person receiving payments under
14 sub. (3m) may finally employ a person in a position in which that person would have
15 regular contact with the child for whom those payments are being made or finally
16 permit a person to be an adult resident conditioned on the receipt of information from
17 the county department or, in a county having a population of ~~500,000~~ 750,000 or
18 more, the department that the federal bureau of investigation indicates that the
19 person's conviction record under the law of any other state or under federal law is
20 satisfactory according to the criteria specified in par. (g) 1. to 3.

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

22 48.57 (3p) (fm) 2m. A person receiving payments under sub. (3n) may
23 provisionally employ a person in a position in which that person would have regular
24 contact with the child for whom those payments are being made or provisionally
25 permit a person to be an adult resident if the person receiving those payments states

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

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1 director of the county department or, in a county having a population of 500,000
2 750,000 or more, the person designated by the secretary to review conviction records
3 under this subdivision determines is likely to adversely affect the child or the ability
4 of the person receiving payments to care for the child.

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

6 48.57 (3p) (g) (intro.) Except as provided in par. (h), the county department or,
7 in a county having a population of ~~500,000~~ 750,000 or more, the department may not
8 make payments to a person applying for payments under sub. (3m) and a person
9 receiving payments under sub. (3m) may not employ a person in a position in which
10 that person would have regular contact with the child for whom those payments are
11 being made or permit a person to be an adult resident if any of the following applies:

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

13 48.57 (3p) (g) 3. The person has been convicted of a violation of ch. 940, 944,
14 or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63, or 948.70,
15 or of a violation of the law of any other state or federal law that would be a violation
16 of ch. 940, 944, or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45,
17 948.63, or 948.70, if committed in this state, except that a county department or, in
18 a county having a population of ~~500,000~~ 750,000 or more, the department may make
19 payments to a person applying for payments under sub. (3m) and a person receiving
20 payments under sub. (3m) may employ in a position in which the person would have
21 regular contact with the child for whom those payments are being made or permit
22 to be an adult resident a person who has been convicted of a violation of s. 944.30
23 (1m), 944.31, or 944.33 or of a violation of the law of any other state or federal law
24 that would be a violation of s. 944.30 (1m), 944.31, or 944.33 if committed in this
25 state, if that violation occurred 20 years or more before the date of the investigation.

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

2 48.57 **(3p)** (h) 2. The request for review shall be filed with the director of the
3 county department or, in a county having a population of ~~500,000~~ 750,000 or more,
4 with the person designated by the secretary to receive requests for review filed under
5 this subdivision. If the governing body of an Indian tribe has entered into an
6 agreement under sub. (3t) to administer the program under this subsection and sub.
7 (3m), the request for review shall be filed with the person designated by that
8 governing body to receive requests for review filed under this subdivision.

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

10 48.57 **(3p)** (h) 3. (intro.) The director of the county department, the person
11 designated by the governing body of an Indian tribe or, in a county having a
12 population of ~~500,000~~ 750,000 or more, the person designated by the secretary shall
13 review the denial of payments or the prohibition on employment or being an adult
14 resident to determine if the conviction record on which the denial or prohibition is
15 based includes any arrests, convictions, or penalties that are likely to adversely
16 affect the child or the ability of the kinship care relative to care for the child. In
17 reviewing the denial or prohibition, the director of the county department, the person
18 designated by the governing body of the Indian tribe or the person designated by the
19 secretary shall consider all of the following factors:

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

21 48.57 **(3p)** (h) 4. If the director of the county department, the person designated
22 by the governing body of the Indian tribe or, in a county having a population of
23 ~~500,000~~ 750,000 or more, the person designated by the secretary determines that the
24 conviction record on which the denial of payments or the prohibition on employment
25 or being an adult resident is based does not include any arrests, convictions, or

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1 penalties that are likely to adversely affect the child or the ability of the kinship care
2 relative to care for the child, the director of the county department, the person
3 designated by the governing body of the Indian tribe, or the person designated by the
4 secretary may approve the making of payments under sub. (3m) or may permit a
5 person receiving payments under sub. (3m) to employ a person in a position in which
6 that person would have regular contact with the child for whom payments are being
7 made or permit a person to be an adult resident.

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

9 48.57 (3p) (hm) A county department or, in a county having a population of
10 500,000 750,000 or more, the department may not make payments to a person under
11 sub. (3n) and a person receiving payments under sub. (3n) may not employ a person
12 in a position in which that person would have regular contact with the child for whom
13 payments are being made or permit a person to be an adult resident if the director
14 of the county department or, in a county having a population of 500,000 750,000 or
15 more, the person designated by the secretary to review conviction records under this
16 paragraph determines that the person has any arrest or conviction that is likely to
17 adversely affect the child or the person's ability to care for the child.

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

19 48.57 (3p) (i) A county department and, in a county having a population of
20 500,000 750,000 or more, the department shall keep confidential all information
21 received under this subsection from the department of justice or the federal bureau
22 of investigation. Such information is not subject to inspection or copying under s.
23 19.35.

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

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1 48.57 (3p) (j) A county department or, in a county having a population of
2 500,000 750,000 or more, the department may charge a fee for conducting a
3 background investigation under this subsection. The fee may not exceed the
4 reasonable cost of conducting the investigation.

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

6 **48.58 County children’s home in populous counties.** (intro.) Any existing
7 county children’s home in counties with a population of ~~500,000~~ 750,000 or more may
8 do any of the following:

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

10 48.59 (1) The county department or, in a county having a population of ~~500,000~~
11 750,000 or more, the department or an agency under contract with the department
12 shall investigate the personal and family history and environment of any child
13 transferred to its legal custody or placed under its supervision under s. 48.345 and
14 of every expectant mother of an unborn child placed under its supervision under s.
15 48.347 and make any physical or mental examinations of the child or expectant
16 mother considered necessary to determine the type of care necessary for the child or
17 expectant mother. The county department, department or agency shall screen a
18 child or expectant mother who is examined under this subsection to determine
19 whether the child or expectant mother is in need of special treatment or care because
20 of alcohol or other drug abuse, mental illness or severe emotional disturbance. The
21 county department, department or agency shall keep a complete record of the
22 information received from the court, the date of reception, all available data on the
23 personal and family history of the child or expectant mother, the results of all tests
24 and examinations given the child or expectant mother and a complete history of all
25 placements of the child while in the legal custody or under the supervision of the

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1 county department, department or agency or of the expectant mother while under
2 the supervision of the county department, department or agency.

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

4 48.651 (1) (intro.) Except as provided in s. 49.155 (4) (c), no person, other than
5 a child care center licensed under s. 48.65 or established or contracted for under s.
6 120.13 (14), may receive payment for providing child care services for an individual
7 who is determined eligible for a child care subsidy under s. 49.155 unless the person
8 is certified, according to the standards adopted by the department under s. 49.155
9 (1d), by the department in a county having a population of ~~500,000~~ 750,000 or more,
10 a county department, or an agency with which the department contracts under sub.
11 (2). To be certified under this section, a person must meet the minimum
12 requirements for certification established by the department under s. 49.155 (1d),
13 meet the requirements specified in s. 48.685, and pay the fee specified in sub. (2).
14 The department in a county having a population of ~~500,000~~ 750,000 or more, a county
15 department, or an agency contracted with under sub. (2) shall certify the following
16 categories of child care providers:

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

18 48.651 (2) The department in a county having a population of ~~500,000~~ 750,000
19 or more or a county department shall certify child care providers under sub. (1) or
20 the department may contract with a Wisconsin Works agency, as defined in s. 49.001
21 (9), child care resource and referral agency, or other agency to certify child care
22 providers under sub. (1) in a particular geographic area or for a particular Indian
23 tribal unit. The department in a county having a population of ~~500,000~~ 750,000 or
24 more or a county department that certifies child care providers under sub. (1) may
25 charge a fee to cover the costs of certifying those providers. An agency contracted

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1 with under this subsection may charge a fee specified by the department to
2 supplement the amount provided by the department under the contract for certifying
3 child care providers.

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

5 48.651 (2c) (a) Reimburse a county having a population of ~~500,000~~ 750,000 or
6 more for all approved, allowable certification costs, as provided in s. 49.826 (2) (c).

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

8 48.651 (2m) The department in a county having a population of ~~500,000~~
9 750,000 or more, a county department, or an agency contracted with under sub. (2)
10 shall provide the department of health services with information about each person
11 who is denied certification for a reason specified in s. 48.685 (4m) (a) 1. to 5.

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

13 48.651 (3) (a) If a child care provider certified under sub. (1) is convicted of a
14 serious crime, as defined in s. 48.685 (1) (c) 3m., or if a caregiver specified in s. 48.685
15 (1) (ag) 1. a. or a nonclient resident, as defined in s. 48.685 (1) (bm), of the child care
16 provider is convicted or adjudicated delinquent for committing a serious crime on or
17 after his or her 12th birthday, the department in a county having a population of
18 ~~500,000~~ 750,000 or more, a county department, or an agency contracted with under
19 sub. (2) shall revoke the certification of the child care provider immediately upon
20 providing written notice of revocation and the grounds for revocation and an
21 explanation of the process for appealing the revocation.

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

23 48.651 (3) (b) If a child care provider certified under sub. (1) is the subject of
24 a pending criminal charge alleging that the person has committed a serious crime,
25 as defined in s. 48.685 (1) (c) 3m., or if a caregiver specified in s. 48.685 (1) (ag) 1. a.

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1 or a nonclient resident, as defined in s. 48.685 (1) (bm), of the child care provider is
2 the subject of a pending criminal charge or delinquency petition alleging that the
3 person has committed a serious crime on or after his or her 12th birthday, the
4 department in a county having a population of ~~500,000~~ 750,000 or more, a county
5 department, or an agency contracted with under sub. (2) shall immediately suspend
6 the certification of the child care provider until the department, county department,
7 or agency obtains information regarding the final disposition of the charge or
8 delinquency petition indicating that the person is not ineligible to be certified under
9 sub. (1).

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

11 48.658 (4) (a) The department shall promulgate rules to implement this
12 section. Those rules shall include a rule requiring the department, whenever it
13 inspects a child care provider that is licensed under s. 48.65 (1) or established or
14 contracted for under s. 120.13 (14), and a county department or an agency contracted
15 with under s. 48.651 (2), whenever it inspects a child care provider that is certified
16 under s. 48.651, to inspect the child safety alarm of each child care vehicle that is
17 used to transport children to and from the child care provider to determine whether
18 the child safety alarm is in good working order.

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

20 48.685 (4m) (a) (intro.) Notwithstanding s. 111.335, and except as provided in
21 par. (ad) and sub. (5), the department may not license, or continue or renew the
22 license of, a person to operate an entity, the department in a county having a
23 population of ~~500,000~~ 750,000 or more, a county department, or an agency contracted
24 with under s. 48.651 (2) may not certify a child care provider under s. 48.651, a county
25 department or a child welfare agency may not license, or renew the license of, a foster

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1 home under s. 48.62, the department in a county having a population of 750,000 or
2 more or a county department may not provide subsidized guardianship payments to
3 an interim caretaker under s. 48.623 (6), and a school board may not contract with
4 a person under s. 120.13 (14), if the department, county department, contracted
5 agency, child welfare agency, or school board knows or should have known any of the
6 following:

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

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

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

20 48.685 (5) (a) Subject to pars. (bm) and (br), the department may license to
21 operate an entity, the department in a county having a population of ~~500,000~~ 750,000
22 or more, a county department, or an agency contracted with under s. 48.651 (2) may
23 certify under s. 48.651, a county department or a child welfare agency may license
24 under s. 48.62, the department in a county having a population of 750,000 or more
25 or a county department may provide subsidized guardianship payments under s.

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

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

14 48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license
15 a person to operate an entity, a county department or a child welfare agency may
16 refuse to license a foster home under s. 48.62, the department in a county having a
17 population of 750,000 or more or a county department may refuse to provide
18 subsidized guardianship payments to a person under s. 48.623 (6), and an entity may
19 refuse to employ or contract with a caregiver or permit a nonclient resident to reside
20 at the entity or with a caregiver specified in sub. (1) (ag) 1. am. of the entity if the
21 person has been convicted of an offense that is not a serious crime, but that is, in the
22 estimation of the department, county department, child welfare agency, or entity,
23 substantially related to the care of a client. Notwithstanding s. 111.335, the
24 department may refuse to license a person to operate a child care center, the
25 department in a county having a population of ~~500,000~~ 750,000 or more, a county

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1 department, or an agency contracted with under s. 48.651 (2) may refuse to certify
2 a child care provider under s. 48.651, a school board may refuse to contract with a
3 person under s. 120.13 (14), and a child care center that is licensed under s. 48.65 or
4 established or contracted for under s. 120.13 (14) or a child care provider that is
5 certified under s. 48.651 may refuse to employ or contract with a caregiver or permit
6 a nonclient resident to reside at the child care center or child care provider if the
7 person has been convicted of or adjudicated delinquent on or after his or her 12th
8 birthday for an offense that is not a serious crime, but that is, in the estimation of
9 the department, county department, contracted agency, school board, child care
10 center, or child care provider, substantially related to the care of a client.

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

12 48.685 (6) (a) The department shall require any person who applies for
13 issuance, continuation, or renewal of a license to operate an entity, the department
14 in a county having a population of ~~500,000~~ 750,000 or more, a county department,
15 or an agency contracted with under s. 48.651 (2) shall require any child care provider
16 who applies for initial certification under s. 48.651 or for renewal of that certification,
17 a county department or a child welfare agency shall require any person who applies
18 for issuance or renewal of a license to operate a foster home under s. 48.62, the
19 department in a county having a population of 750,000 or more or a county
20 department shall require any person who applies for subsidized guardianship
21 payments under s. 48.623 (6), and a school board shall require any person who
22 proposes to contract with the school board under s. 120.13 (14) or to renew a contract
23 under that subsection, to complete a background information form that is provided
24 by the department.

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

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

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

5 48.75 (1g) (a) 4. The county of the public licensing agency issuing the license
6 has a population of ~~500,000~~ 750,000 or more and the placement is for adoption under
7 s. 48.833 (1), 48.835, or 48.837.

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

9 48.831 (4) (c) If the court finds that adoption is not in the child’s best interest,
10 the court shall order that the child be placed in the guardianship of the department
11 and place the child in the custody of a county department or, in a county having a
12 population of ~~500,000~~ 750,000 or more, the department or an agency under contract
13 with the department.

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

15 48.839 (4) (b) Shall transfer legal custody of the child to the department, in a
16 county having a population of ~~500,000~~ 750,000 or more, to a county department or
17 to a child welfare agency licensed under s. 48.60.

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

19 48.88 (2) (c) If a stepparent has filed a petition for adoption and no agency has
20 guardianship of the child, the court shall order the department, in a county having
21 a population of ~~500,000~~ 750,000 or more, or a county department or, with the consent
22 of the department in a county having a population of less than ~~500,000~~ 750,000 or
23 a licensed child welfare agency, order the department or the child welfare agency to
24 conduct a screening, consisting of no more than one interview with the petitioner and
25 a check of the petitioner’s background through public records, including records

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1 maintained by the department or any county department under s. 48.981. The
2 department, county department or child welfare agency that conducts the screening
3 shall file a report of the screening with the court within 30 days. After reviewing the
4 report, the court may proceed to act on the petition, may order the department in a
5 county having a population of ~~500,000~~ 750,000 or more or the county department to
6 conduct an investigation as described under par. (a) (intro.) or may order the
7 department in a county having a population of less than ~~500,000~~ 750,000 or a
8 licensed child welfare agency to make the investigation if the department or child
9 welfare agency consents.

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

11 48.981 (1) (ag) “Agency” means a county department, the department in a
12 county having a population of ~~500,000~~ 750,000 or more or a licensed child welfare
13 agency under contract with a county department or the department in a county
14 having a population of ~~500,000~~ 750,000 or more to perform investigations under this
15 section.

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

17 48.981 (3) (a) 1. A person required to report under sub. (2) shall immediately
18 inform, by telephone or personally, the county department or, in a county having a
19 population of ~~500,000~~ 750,000 or more, the department or a licensed child welfare
20 agency under contract with the department or the sheriff or city, village, or town
21 police department of the facts and circumstances contributing to a suspicion of child
22 abuse or neglect or of unborn child abuse or to a belief that abuse or neglect will occur.

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

24 48.981 (3) (a) 2. (intro.) The sheriff or police department shall within 12 hours,
25 exclusive of Saturdays, Sundays, or legal holidays, refer to the county department

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1 or, in a county having a population of ~~500,000~~ 750,000 or more, the department or
2 a licensed child welfare agency under contract with the department all of the
3 following types of cases reported to the sheriff or police department:

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

5 48.981 (3) (a) 2d. The sheriff or police department may refer to the county
6 department or, in a county having a population of ~~500,000~~ 750,000 or more, the
7 department or a licensed child welfare agency under contract with the department
8 a case reported to the sheriff or police department in which a person who is not a
9 caregiver is suspected of abuse or of threatened abuse of a child.

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

11 48.981 (3) (c) 2. a. If the person making the investigation is an employee of the
12 county department or, in a county having a population of ~~500,000~~ 750,000 or more,
13 the department or a licensed child welfare agency under contract with the
14 department and he or she determines that it is consistent with the child's best
15 interest in terms of physical safety and physical health to remove the child from his
16 or her home for immediate protection, he or she shall take the child into custody
17 under s. 48.08 (2) or 48.19 (1) (c) and deliver the child to the intake worker under s.
18 48.20.

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

20 48.981 (3) (c) 2m. a. If the person making the investigation is an employee of
21 the county department or, in a county having a population of ~~500,000~~ 750,000 or
22 more, the department or a licensed child welfare agency under contract with the
23 department and he or she determines that it is consistent with the best interest of
24 the unborn child in terms of physical safety and physical health to take the expectant
25 mother into custody for the immediate protection of the unborn child, he or she shall

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1 take the expectant mother into custody under s. 48.08 (2), 48.19 (1) (cm) or 48.193
2 (1) (c) and deliver the expectant mother to the intake worker under s. 48.20 or 48.203.

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

4 48.981 (3) (c) 3. If the county department or, in a county having a population
5 of ~~500,000~~ 750,000 or more, the department or a licensed child welfare agency under
6 contract with the department determines that a child, any member of the child's
7 family or the child's guardian or legal custodian is in need of services or that the
8 expectant mother of an unborn child is in need of services, the county department,
9 department or licensed child welfare agency shall offer to provide appropriate
10 services or to make arrangements for the provision of services. If the child's parent,
11 guardian or legal custodian or the expectant mother refuses to accept the services,
12 the county department, department or licensed child welfare agency may request
13 that a petition be filed under s. 48.13 alleging that the child who is the subject of the
14 report or any other child in the home is in need of protection or services or that a
15 petition be filed under s. 48.133 alleging that the unborn child who is the subject of
16 the report is in need of protection or services.

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

18 48.981 (3) (c) 4. The county department or, in a county having a population of
19 ~~500,000~~ 750,000 or more, the department or a licensed child welfare agency under
20 contract with the department shall determine, within 60 days after receipt of a report
21 that the county department, department, or licensed child welfare agency
22 investigates under subd. 1., whether abuse or neglect has occurred or is likely to
23 occur. The determination shall be based on a preponderance of the evidence
24 produced by the investigation. A determination that abuse or neglect has occurred
25 may not be based solely on the fact that the child's parent, guardian, or legal

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1 custodian in good faith selects and relies on prayer or other religious means for
2 treatment of disease or for remedial care of the child. In making a determination that
3 emotional damage has occurred, the county department or, in a county having a
4 population of ~~500,000~~ 750,000 or more, the department or a licensed child welfare
5 agency under contract with the department shall give due regard to the culture of
6 the subjects. This subdivision does not prohibit a court from ordering medical
7 services for the child if the child's health requires it.

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

9 48.981 (3) (c) 5m. The county department or, in a county having a population
10 of ~~500,000~~ 750,000 or more, the department or a licensed child welfare agency under
11 contract with the department may include in a determination under subd. 4. a
12 determination that a specific person has abused or neglected a child. If the county
13 department, department, or licensed child welfare agency makes an initial
14 determination that a specific person has abused or neglected a child, the county
15 department, department, or licensed child welfare agency shall provide that person
16 with an opportunity for a review of that initial determination in accordance with
17 rules promulgated by the department before the county department, department, or
18 licensed child welfare agency may make a final determination that the person has
19 abused or neglected a child. Within 5 days after the date of a final determination that
20 a specific person has abused or neglected a child, the county department,
21 department, or licensed child welfare agency shall notify the person in writing of the
22 determination, the person's right to a contested case hearing on the determination
23 under ch. 227, and the procedures under sub. 5p. by which the person may receive
24 that hearing.

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

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1 48.981 (3) (c) 5r. Within 15 days after a final determination is made under subd.
2 5m. that a specific person has abused or neglected a child or, if a contested case
3 hearing is held on such a determination, within 15 days after a final decision is made
4 under subd. 5p. determining that a specific person has abused or neglected a child,
5 the county department or, in a county having a population of ~~500,000~~ 750,000 or
6 more, the department or a licensed child welfare agency under contract with the
7 department shall provide the subunit of the department that administers s. 48.685
8 with information about the person who has been determined to have abused or
9 neglected the child.

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

11 48.981 (3) (c) 7. The county department or, in a county having a population of
12 ~~500,000~~ 750,000 or more, the department or a licensed child welfare agency under
13 contract with the department shall cooperate with law enforcement officials, courts
14 of competent jurisdiction, tribal governments and other human services agencies to
15 prevent, identify and treat child abuse and neglect and unborn child abuse. The
16 county department or, in a county having a population of ~~500,000~~ 750,000 or more,
17 the department or a licensed child welfare agency under contract with the
18 department shall coordinate the development and provision of services to abused
19 and neglected children, to abused unborn children to families in which child abuse
20 or neglect has occurred, to expectant mothers who have abused their unborn
21 children, to children and families when circumstances justify a belief that abuse or
22 neglect will occur and to the expectant mothers of unborn children when
23 circumstances justify a belief that unborn child abuse will occur.

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

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

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

10 48.981 (3) (d) 1. In this paragraph, “agent” includes a foster parent or other
11 person given custody of a child or a human services professional employed by a
12 county department under s. 51.42 or 51.437 or by a child welfare agency who is
13 working with a child or an expectant mother of an unborn child under contract with
14 or under the supervision of the department in a county having a population of
15 500,000 750,000 or more or a county department under s. 46.22.

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

17 48.981 (3) (d) 2. If an agent or employee of an agency required to investigate
18 under this subsection is the subject of a report, or if the agency determines that,
19 because of the relationship between the agency and the subject of a report, there is
20 a substantial probability that the agency would not conduct an unbiased
21 investigation, the agency shall, after taking any action necessary to protect the child
22 or unborn child, notify the department. Upon receipt of the notice, the department,
23 in a county having a population of less than 500,000 750,000 or a county department
24 or child welfare agency designated by the department in any county shall conduct
25 an independent investigation. If the department designates a county department

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1 under s. 46.22, 46.23, 51.42, or 51.437, that county department shall conduct the
2 independent investigation. If a licensed child welfare agency agrees to conduct the
3 independent investigation, the department may designate the child welfare agency
4 to do so. The powers and duties of the department or designated county department
5 or child welfare agency making an independent investigation are those given to
6 county departments under par. (c).

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

8 48.981 (3m) (b) (intro.) The department shall establish a pilot program under
9 which an agency in a county having a population of ~~500,000~~ 750,000 or more or a
10 county department that is selected to participate in the pilot program may employ
11 alternative responses to a report of abuse or neglect or of threatened abuse or neglect.
12 The department shall select agencies and county departments to participate in the
13 pilot program in accordance with the department's request-for-proposal procedures
14 and according to criteria developed by the department. Those criteria shall include
15 an assessment of the plan of an agency or county department for involving the
16 community in providing services for a family that is participating in the pilot
17 program and a determination of whether an agency or a county department has an
18 agreement with local law enforcement agencies and the representative of the public
19 under s. 48.09 to ensure interagency cooperation in implementing the pilot program.
20 To implement the pilot program, the department shall provide all of the following:

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

22 48.981 (5) CORONER'S REPORT. Any person or official required to report cases of
23 suspected child abuse or neglect who has reasonable cause to suspect that a child
24 died as a result of child abuse or neglect shall report the fact to the appropriate
25 medical examiner or coroner. The medical examiner or coroner shall accept the

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1 report for investigation and shall report the findings to the appropriate district
2 attorney; to the department or, in a county having a population of ~~500,000~~ 750,000
3 or more, to a licensed child welfare agency under contract with the department; to
4 the county department and, if the institution making the report initially is a hospital,
5 to the hospital.

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

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

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

13 48.981 (7) (a) 6. A multidisciplinary child abuse and neglect or unborn child
14 abuse team recognized by the county department or, in a county having a population
15 of ~~500,000~~ 750,000 or more, the department or a licensed child welfare agency under
16 contract with the department.

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

18 48.981 (7) (a) 6m. A person employed by a child advocacy center recognized by
19 the county board, the county department or, in a county having a population of
20 ~~500,000~~ 750,000 or more, the department or a licensed child welfare agency under
21 contract with the department, to the extent necessary to perform the services for
22 which the center is recognized by the county board, the county department, the
23 department or the licensed child welfare agency.

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

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1 48.981 (7) (a) 15. A child fatality review team recognized by the county
2 department or, in a county having a population of ~~500,000~~ 750,000 or more, the
3 department or a licensed child welfare agency under contract with the department.

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

5 48.981 (7) (cr) 3. a. Within 2 working days after receiving the information
6 provided under subd. 2., the subunit of the department that received the information
7 shall disclose to the public the fact that the subunit has received the information;
8 whether the department is conducting a review of the incident and, if so, the scope
9 of the review and the identities of any other agencies with which the department is
10 cooperating at that point in conducting the review; whether the child was residing
11 in the home or was placed in an out-of-home placement at the time of the incident;
12 and information about the child, including the age of the child. If the information
13 received is about an incident of egregious abuse or neglect, the subunit of the
14 department shall make the same disclosure to a citizen review panel, as described
15 in par. (a) 15g., and, in a county having a population of ~~500,000~~ 750,000 or more, to
16 the Milwaukee child welfare partnership council.

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

18 48.981 (8) (a) The department, the county departments, and a licensed child
19 welfare agency under contract with the department in a county having a population
20 of ~~500,000~~ 750,000 or more to the extent feasible shall conduct continuing education
21 and training programs for staff of the department, the county departments, licensed
22 child welfare agencies under contract with the department or a county department,
23 law enforcement agencies, and the tribal social services departments, persons and
24 officials required to report, the general public, and others as appropriate. The
25 programs shall be designed to encourage reporting of child abuse and neglect and of

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1 unborn child abuse, to encourage self-reporting and voluntary acceptance of services
2 and to improve communication, cooperation, and coordination in the identification,
3 prevention, and treatment of child abuse and neglect and of unborn child abuse.
4 Programs provided for staff of the department, county departments, and licensed
5 child welfare agencies under contract with county departments or the department
6 whose responsibilities include the investigation or treatment of child abuse or
7 neglect shall also be designed to provide information on means of recognizing and
8 appropriately responding to domestic abuse, as defined in s. 49.165 (1) (a). The
9 department, the county departments, and a licensed child welfare agency under
10 contract with the department in a county having a population of ~~500,000~~ 750,000 or
11 more shall develop public information programs about child abuse and neglect and
12 about unborn child abuse.

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

14 48.981 (8) (c) In meeting its responsibilities under par. (a) or (b), the
15 department, a county department or a licensed child welfare agency under contract
16 with the department in a county having a population of ~~500,000~~ 750,000 or more may
17 contract with any public or private organization which meets the standards set by
18 the department. In entering into the contracts the department, county department
19 or licensed child welfare agency shall give priority to parental organizations
20 combating child abuse and neglect or unborn child abuse.

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

22 48.982 (6) (am) Notwithstanding the geographical and urban and rural
23 distribution requirements under sub. (2) (a), the board shall allocate not more than
24 \$150,000 from the appropriation under s. 20.433 (1) (h) in each fiscal year for the
25 awarding of grants, in accordance with the request-for-proposal procedures

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1 developed under sub. (2) (a), to organizations located in counties with a population
2 of 500,000 750,000 or more.

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

4 48.983 (1) (b) 1. c. A family that includes a person who has contacted a county
5 ~~department, a~~, city, private agency, or Indian tribe that has been awarded a grant
6 under this section or, in a county having a population of 500,000 750,000 or more that
7 has been awarded a grant under this section, the ~~department, a~~ county, city, private
8 agency, or a licensed child welfare agency under contract with the department
9 requesting assistance to prevent poor birth outcomes or abuse or neglect of a child
10 in the person's family and with respect to which an individual responding to the
11 request has determined that all of the conditions in subd. 2. exist.

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

13 48.983 (2) (a) If a county, city, private agency, or Indian tribe applies and is
14 selected by the department under sub. (5) to participate in the program under this
15 section, the department shall award, from the appropriation under s. 20.437 (1) (ab),
16 a grant annually to be used only for the purposes specified in sub. (4) (a) and (am).
17 The minimum amount of a grant is \$10,000. The county, city, private agency, or
18 Indian tribe shall agree to match at least 25 percent of the grant amount annually
19 in funds or in-kind contributions.

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

21 48.983 (2) (b) The department shall determine the amount of a grant awarded
22 to a county, ^{city} ~~private agency~~, or Indian tribe under this section in excess of the
23 minimum amount based on the need of the county, city, private agency, or Indian
24 tribe for a grant, ~~as determined by a formula that the department shall promulgate~~
25 ~~by rule. That formula shall determine that need based on the number of births that~~

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1 ~~are funded by Medical Assistance under subch. IV of ch. 49 in that county, the area~~
2 ~~in which that private agency is providing services, or the reservation of that Indian~~
3 ~~tribe and on the rate of poor birth outcomes, including infant mortality, premature~~
4 ~~births, low birth weights, and racial or ethnic disproportionality in the rates of those~~
5 ~~outcomes, in that county, the area in which that private agency is providing services,~~
6 ~~or the reservation of that Indian tribe and the capacity of the county, city, private~~
7 ~~agency, or Indian tribe to participate in the program under this section, as~~
8 ~~determined by the department.~~

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

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

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

15 48.983 (3) JOINT APPLICATION PERMITTED. Any combination of 2 or more counties,
16 cities, private agencies, or Indian tribes may submit a joint application to the
17 department.

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

19 48.983 (4) (am) *Grants; start-up costs and capacity building.* In the first year
20 in which a grant under this section is awarded to a county, city, private agency, or
21 Indian tribe, the county, city, private agency, or Indian tribe may use a portion of the
22 grant to pay for start-up costs and capacity building related to the program under
23 this section. The department shall determine the maximum amount of a grant that
24 a county, city, private agency, or Indian tribe may use to pay for those start-up costs
25 and that capacity building.

ASSEMBLY BILL 440**SECTION 182**

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

2 48.983 (4) (b) 1. A county, city, private agency, or Indian tribe that is selected
3 to participate in the program under this section shall offer all pregnant women in the
4 county or city, the area in which that private agency is providing services, or the
5 reservation of the tribe who are eligible for Medical Assistance under subch. IV of ch.
6 49 an opportunity to undergo an assessment through use of a risk assessment
7 instrument to determine whether the person assessed presents risk factors for poor
8 birth outcomes or for perpetrating child abuse or neglect. Persons who agree to be
9 assessed shall be assessed during the prenatal period. The risk assessment
10 instrument shall be developed by the department and shall be based on risk
11 assessment instruments developed by the department for similar programs that are
12 in operation. The department need not promulgate as rules under ch. 227 the risk
13 assessment instrument developed under this subdivision. A person who is assessed
14 to be at risk of poor birth outcomes or of abusing or neglecting his or her child shall
15 be offered home visitation program services that shall be commenced during the
16 prenatal period. Home visitation program services may be provided to a family with
17 a child identified as being at risk of child abuse or neglect until the identified child
18 reaches 3 years of age. If a family has been receiving home visitation program
19 services continuously for not less than 12 months, those services may continue to be
20 provided to the family until the identified child reaches 3 years of age, regardless of
21 whether the child continues to be eligible for Medical Assistance under subch. IV of
22 ch. 49. If risk factors for child abuse or neglect with respect to the identified child
23 continue to be present when the child reaches 3 years of age, home visitation program
24 services may be provided until the identified child reaches 5 years of age. Home
25 visitation program services may not be provided to a person unless the person gives

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1 his or her written informed consent to receiving those services or, if the person is a
2 child, unless the child's parent, guardian, or legal custodian gives his or her written
3 informed consent for the child to receive those services.

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

5 48.983 (4) (b) 3. A county, city, private agency, or Indian tribe that is providing
6 home visitation program services under subd. 1. shall provide to a person receiving
7 those services the information relating to shaken baby syndrome and impacted
8 babies required under s. 253.15 (6).

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

10 48.983 (5) SELECTION OF COUNTIES, CITIES, PRIVATE AGENCIES, AND INDIAN TRIBES.
11 The department shall provide competitive application procedures for selecting
12 counties, cities, private agencies, and Indian tribes for participation in the program
13 under this section. The department shall establish a method for ranking applicants
14 for selection based on the quality of their applications. In ranking the applications,
15 the department shall give favorable consideration to a county, city, private agency,
16 or Indian tribe that submits a joint application under sub. (3) and ~~to a county that~~
17 ~~has indicated under sub. (6) (d) 2. that it is willing to use a portion of any moneys~~
18 ~~distributed to the county under s. 48.565 (2) (a) to provide case management services~~
19 ~~to a Medical Assistance beneficiary under s. 49.45 (25) (am) 9. who is a case or who~~
20 ~~is a member of a family that is a case and that has explained under sub. (6) (d) 2. how~~
21 ~~the county plans to use that portion of those moneys to promote the provision of those~~
22 ~~services for the case by using a wraparound process so as to provide those services~~
23 ~~in a flexible, comprehensive and individualized manner in order to reduce the~~
24 ~~necessity for court-ordered services.~~ The department shall also provide application
25 requirements and procedures for the renewal of a grant awarded under this section.

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1 The application procedures and the renewal application requirements and
2 procedures shall be clear and understandable to the applicants. The department
3 need not promulgate as rules under ch. 227 the application procedures, the renewal
4 application requirements or procedures, or the method for ranking applicants
5 established under this subsection.

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

7 48.983 (6) CRITERIA FOR AWARDING GRANTS. (intro.) In addition to any other
8 criteria developed by the department, a county, city, private agency, or Indian tribe
9 shall meet all of the following criteria in order to be selected for participation in the
10 program under this section:

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

12 48.983 (6) (a) (intro.) The part of an application, other than a renewal
13 application, submitted by a county, city, private agency, or Indian tribe that relates
14 to home visitation programs shall include all of the following:

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

16 48.983 (6) (a) 3. An identification of existing poor birth outcome and child abuse
17 and neglect prevention services that are available to residents of the county or city,
18 the area in which the private agency is providing services, or the reservation of the
19 Indian tribe and a description of how those services and any additional needed
20 services will support a comprehensive home visitation program.

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

22 48.983 (6) (a) 5. An explanation of how the applicant, in collaboration with local
23 prenatal care coordination providers, will implement strategies aimed at achieving
24 healthy birth outcomes, as determined by performance measures prescribed by the

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1 department and the department of health services, in the county, city, or reservation
2 of the Indian tribe.

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

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

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

11 48.983 (6) (d) *Wraparound process.* ~~1.~~ The applicant demonstrates in the grant
12 application that the payments that will be made from the fund established under par.
13 (b) 2. will promote the provision of services for the case by using a wraparound
14 process so as to provide those services in a flexible, comprehensive and
15 individualized manner in order to reduce the necessity for court-ordered services.

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

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

18 48.983 (6) (g) *Private agency applicant.* If the applicant is a private agency, the
19 applicant submits documentation with the grant application that demonstrates that
20 the application is supported by a county or city and that a county or city will
21 collaborate with the private agency in providing services.

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

23 48.983 (6g) (b) A county, city, private agency, or Indian tribe that is selected to
24 participate in the program under this section shall provide or shall designate an
25 individual or entity to provide an explanation of the confidentiality requirements

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1 under par. (a) to each individual who is offered an assessment under sub. (4) (b) or
2 who is offered services under the home visitation program of the county, city, private
3 agency, or Indian tribe.

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

5 48.983 (7) (ag) The department shall evaluate the availability of home
6 visitation programs in the state and determine whether there are gaps in home
7 visitation services in the state. The department shall cooperate with counties, cities,
8 private agencies, and Indian tribes providing home visitation programs to address
9 any gaps in services identified.

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

11 48.983 (7) (ar) Each county, city, private agency, and Indian tribe providing a
12 home visitation program shall collect and report data to the department, as required
13 by the department. The department shall require each county, city, private agency,
14 and Indian tribe providing a home visitation program to collect data using forms
15 prescribed by the department.

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

17 48.983 (7) (c) (intro.) Each county, city, private agency, and Indian tribe
18 providing a home visitation program shall develop a plan for evaluating the
19 effectiveness of its program for approval by the department. The plan shall
20 demonstrate how the county, city, private agency, or Indian tribe will use the
21 evaluation of its program to improve the quality and outcomes of the program and
22 to ensure continued compliance with the home visitation program criteria under sub.
23 (6) (a). The plan shall demonstrate how the outcomes will be tracked and measured.
24 Under the plan, the extent to which all of the following outcomes are achieved shall
25 be tracked and measured:

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

2 48.983 (8) TECHNICAL ASSISTANCE AND TRAINING. The department shall provide
3 technical assistance and training to counties, cities, private agencies, and Indian
4 tribes that are selected to participate in the program under this section. The training
5 may not be limited to a particular home visitation model. The training shall include
6 training in best practices regarding basic skills, uniform administration of screening
7 and assessment tools, the issues and challenges that families face, and supervision
8 and personnel skills for program managers. The training may also include training
9 on data collection and reporting.

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

11 49.143 (6) GEOGRAPHICAL AREAS. The department shall determine the
12 geographical area for which a Wisconsin ~~works~~ Works agency will administer
13 Wisconsin ~~works~~ Works. Except for federally recognized American Indian
14 reservations and in counties with a population of ~~500,000~~ 750,000 or more, no
15 geographical area may be smaller than one county. A geographical area may include
16 more than one county. The department need not establish the geographical areas by
17 rule.

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

19 49.155 (3g) CHILD CARE ADMINISTRATION IN CERTAIN COUNTIES. (intro.) In a county
20 having a population of ~~500,000~~ 750,000 or more all of the following apply:

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

22 49.175 (1) (u) *Prevention services.* For services to prevent child abuse or neglect
23 in counties having a population of ~~500,000~~ 750,000 or more, \$1,489,600 in each fiscal
24 year.

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

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1 49.195 (4) (b) 2. The recovery of benefits due to the efforts of an employee or
2 officer of a county having a population of ~~500,000~~ 750,000 or more under the
3 supervision of the department.

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

5 49.34 (5m) (em) Notwithstanding par. (b) 1. and 2., a county department under
6 s. 46.215, 51.42, or 51.437 providing client services in a county having a population
7 of ~~500,000~~ 750,000 or more or a nonstock, nonprofit corporation providing client
8 services in such a county may not retain a surplus generated by a rate-based service
9 or accumulate funds from more than one contract period for a rate-based service
10 from revenues that are used to meet the maintenance-of-effort requirement under
11 the federal temporary assistance for needy families program under 42 USC 601 to
12 619.

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

14 49.343 (5) ADVISORY COMMITTEE. (intro.) The secretary shall create an advisory
15 committee under s. 15.04 (1) (c) consisting of representatives of purchasers; county
16 departments; the department, in a county having a population of ~~500,000~~ 750,000
17 or more; tribes; consumers; and a statewide association of private, incorporated
18 family and children's social service agencies representing all groups of providers that
19 are affected by the rate regulation process. The committee shall advise the
20 department on all of the following:

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

22 49.45 (25) (b) A county, city, village, town or, in a county having a population
23 of ~~500,000~~ 750,000 or more, the department may elect to make case management
24 services under this subsection available in the county, city, village or town to one or
25 more of the categories of beneficiaries under par. (am) through the medical

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1 assistance program. A county, city, village, town or, in a county having a population
2 of ~~500,000~~ 750,000 or more, the department that elects to make the services available
3 shall reimburse a case management provider for the amount of the allowable charges
4 for those services under the medical assistance program that is not provided by the
5 federal government.

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

7 49.71 (2) In counties with a population of ~~500,000~~ 750,000 or more, an
8 institution established under sub. (1) shall be governed under s. 46.21 or 59.79 (10),
9 but in all other counties it shall be governed under ss. 46.18, 46.19, and 46.20.

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

11 49.72 (2) In counties with a population of ~~500,000~~ 750,000 or more, such
12 institution shall be governed pursuant to s. 46.21, but in all other counties it shall
13 be governed pursuant to ss. 46.18, 46.19, and 46.20.

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

15 49.826 (1) (a) “County” means a county having a population of ~~500,000~~ 750,000
16 or more.

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

18 49.84 (7) (c) 3. A child residing in a foster care placement under the care and
19 placement responsibility of a county department under s. 46.215, 46.22, or 46.23 or,
20 in a county with a population of ~~500,000~~ 750,000 or more, under the care and
21 placement responsibility of the department of children and families.

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

23 49.855 (4m) (c) Except as provided by order of the court after hearing under
24 par. (b), the department of administration shall continue withholding until the
25 amount certified is recovered in full. The department of administration shall

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1 transfer the amounts withheld under this paragraph to the department of children
2 and families or its designee, the department of health services, or the department of
3 corrections, whichever is appropriate. The department of children and families or
4 its designee shall deposit amounts withheld for delinquent child or family support,
5 maintenance, or receiving and disbursing fees or past support, medical expenses, or
6 birth expenses in the appropriation account under s. 20.437 (2) ~~(kp)~~ (ja).

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

8 253.15 (4) (b) Before an individual may be certified under s. 48.651 as a child
9 care provider of children under 5 years of age, the individual shall receive training
10 relating to shaken baby syndrome and impacted babies that is approved or provided
11 by the certifying department in a county having a population of ~~500,000~~ 750,000 or
12 more, county department, or agency contracted with under s. 48.651 (2) or that is
13 provided by a nonprofit organization arranged by that department, county
14 department, or contracted agency to provide that training.

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

16 767.41 (3) (a) If the interest of any child demands it, and if the court finds that
17 neither parent is able to care for the child adequately or that neither parent is fit and
18 proper to have the care and custody of the child, the court may declare the child to
19 be in need of protection or services and transfer legal custody of the child to a relative
20 of the child, as defined in s. 48.02 (15), to a county department, as defined under s.
21 48.02 (2g), to a licensed child welfare agency, or, in a county having a population of
22 ~~500,000~~ 750,000 or more, the department of children and families. If the court
23 transfers legal custody of a child under this subsection, in its order the court shall
24 notify the parents of any applicable grounds for termination of parental rights under
25 s. 48.415. If the court transfers legal custody under this section to an agency, the

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1 court shall also refer the matter to the court intake worker, as defined in s. 48.02 (3),
2 who shall conduct an inquiry under s. 48.24 to determine whether a petition should
3 be filed under s. 48.13.

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

5 767.75 (1f) PAYMENT ORDER AS ASSIGNMENT OF INCOME. A payment order
6 constitutes an assignment of all commissions, earnings, salaries, wages, pension
7 benefits, benefits under ch. 102 or 108, lottery prizes that are payable in
8 installments, and other money due or to be due in the future to the department or
9 its designee. The assignment shall be for a fixed sum regardless of whether the
10 court-ordered obligation on which the assignment is based is expressed in the court
11 order as a percentage of the payer's income, and shall be for an amount sufficient to
12 ensure payment under the order, obligation, or stipulation and to pay any arrearages
13 due at a periodic rate not to exceed 50% of the amount of support due under the order,
14 obligation, or stipulation so long as the addition of the amount toward arrearages
15 does not leave the party at an income below the poverty line established under 42
16 USC 9902 (2).

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

18 767.75 (3m) ASSIGNMENT OF UNEMPLOYMENT COMPENSATION BENEFITS. Benefits
19 under ch. 108 may be assigned and withheld only in the manner provided in s. 108.13
20 (4). Any order to withhold benefits under ch. 108 shall be for a fixed sum ~~unless~~
21 regardless of whether the court-ordered obligation on which the withholding order
22 is based is expressed in the court order as a percentage of the payer's income, ~~in~~
23 ~~which case an order to withhold benefits under ch. 108 shall be for a percentage of~~
24 ~~benefits payable.~~ When money is to be withheld from these benefits, no fee may be

ASSEMBLY BILL 440**SECTION 213**

1 deducted from the amount withheld and no fine may be levied for failure to withhold
2 the money.

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

4 **971.37 (title) Deferred prosecution programs; domestic abuse and**
5 **child sexual abuse.**

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

7 971.37 (1m) (c) 1. (intro.) The agreement may provide as one of its conditions
8 that ~~a person~~ an adult covered under sub. (1) (b) or (e) par. (a) 2. or 3. pay the domestic
9 abuse surcharge under s. 973.055 and, if applicable, the global positioning system
10 tracking surcharge under s. 973.057. If the agreement requires the person to pay the
11 global positioning system tracking surcharge under s. 973.057, the agreement shall
12 also require the person to pay the domestic abuse surcharge under s. 973.055.
13 Payments and collections of the domestic abuse surcharge and the global positioning
14 system tracking surcharge under this subdivision are subject to s. 973.055 (2) to (4)
15 or to s. 973.057 (2) and (3), respectively, except as follows:

16 **SECTION 216. Fiscal changes.**

17 (1) CHILD WELFARE PROGRAM ENHANCEMENT PLAN AIDS. In the schedule under
18 section 20.005 (3) of the statutes for the appropriation to the department of children
19 and families under section 20.437 (1) (a) of the statutes, as affected by the acts of
20 2015, the dollar amount for fiscal year 2016-17 is increased by \$1,796,500 to increase
21 funding for the purposes for which the appropriation is made.

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

24 (1) The treatment of sections 20.435 (8) (mb) and (mm), 20.437 (1) (b), (d), (km),
25 (m), (ma), (mc), (md), (me), (n), and (na), (2) (dz), (ja), (kp), (md), and (pz), and (3) (kp)

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1 and (mm), 46.46, 48.563 (1) (b), 48.565 (intro.), (2) (a), (am), (b), and (c), (3), (6), and
2 (8), 48.567, and 49.855 (4m) (c) of the statutes and SECTION 216 (1) of this act take
3 effect on July 1, 2015, on the day after publication, or on the 2nd day after publication
4 of the 2015–17 biennial budget act, whichever is latest.

5 (2) The treatment of section 20.437 (1) (da) of the statutes takes effect on July
6 1, 2016.

7 (END)