September 14, 2015 – Introduced by Representatives KOOYENGA, RODRIGUEZ, JAGLER, GANNON, THIESFELDT, PETERSEN, HUTTON, ALLEN, A. OTT, KREMER, NOVAK and BALLWEG, cosponsored by Senators LEMAHIEU and MOULTON. Referred to Committee on Children and Families.

AN ACT to renumber and amend 48.623 (1) (b) 1.; and to create 48.623 (1) (b) 1. c. and 48.623 (7) (d) of the statutes; relating to: eligibility for monthly subsidized guardianship payments of a person who develops a familial relationship with a child or the child’s family during the child’s placement in out–of–home care, providing an exemption from emergency rule procedures, and granting rule–making authority.

Analysis by the Legislative Reference Bureau

Under current law, a guardian of a child in need of protection or services is eligible to receive monthly subsidized guardianship payments if certain conditions have been met. One of those conditions is that the guardian must be a relative of the child or a person who has a significant emotional relationship with the child and who, prior to the child’s placement in out–of–home care, had an existing relationship with the child that is similar to a familial relationship.

This bill provides that a person who has a significant emotional relationship with a child or the child’s family and who, during to the child’s placement in out–of–home care, developed a relationship with the child or the child’s family that is similar to a familial relationship is eligible for monthly subsidized guardianship payments. Eligibility of such a person for those payments, however, is subject to rules that the bill requires the Department of Children and Families to promulgate establishing conditions that must be met in order for that person to be eligible for those payments.
The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 48.623 (1) (b) 1. of the statutes is renumbered 48.623 (1) (b) 1. (intro.) and amended to read:

48.623 (1) (b) 1. (intro.) The guardian is any of the following:

a. A relative of the child or is a

b. A person who has a significant emotional relationship with the child or the child’s family and who, prior to the child’s placement in out-of-home care, had an existing relationship with the child or the child’s family that is similar to a familial relationship.

SECTION 2. 48.623 (1) (b) 1. c. of the statutes is created to read:

48.623 (1) (b) 1. c. Subject to the rules promulgated under sub. (7) (d), a person who has a significant emotional relationship with the child or the child’s family and who, during the child’s placement in out-of-home care, developed a relationship with the child or the child’s family that is similar to a familial relationship.

SECTION 3. 48.623 (7) (d) of the statutes is created to read:

48.623 (7) (d) Rules establishing the conditions that must be met in order for a person specified in sub. (1) (b) 1. c. to be eligible for monthly subsidized guardianship payments under sub. (1).


(1) Eligibility conditions for subsidized guardianship payments; emergency rules. Using the procedure under section 227.24 of the statutes, the department of children and families may promulgate the rules required under section 48.623 (7) (d).
of the statutes, as created by this act, for the period before the effective date of the permanent rules promulgated under section 48.623 (7) (d) of the statutes, as created by this act, but not to exceed the period authorized under section 227.24 (1) (c) of the statutes, subject to extension under section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(END)