


# Appendix A ... segment II

LEGISLATIVE REFERENCE BUREAU  
DRAFTING HISTORY RESEARCH APPENDIX

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 The drafting file for 2017 LRB-0240/2 (For: DCF)  
has been copied/transferred to the drafting file for  
**2017 LRB-4468** (For: Rep. Snyder)

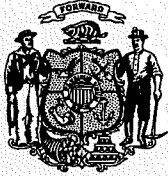


 Are These “Companion Bills” ?? ... No

**RESEARCH APPENDIX -**  
**PLEASE KEEP WITH THE DRAFTING FILE**

 Request Made By: EAW

 Date: 11/16/2017



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-0240/P4 PS  
EHS&EAW:kjf

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

in: 2/15  
due: 2/16

INSERT  
D-note

1 **AN ACT to amend** 48.75 (1d) and 48.78 (2) (a); and **to create** 48.66 (6) of the  
2 statutes; **relating to:** continuity of foster care when the license of a child  
3 welfare agency to license foster homes is revoked, suspended, or surrendered  
4 or when a contract under which a child welfare agency provides foster home  
5 licensing services is terminated and providing an exemption from emergency  
6 rule procedures.

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

This bill provides for the continuity of foster care when the license of a child welfare agency to license foster homes is revoked, suspended, or surrendered or when a contract under which a child welfare agency provides foster home licensing services is terminated. This bill also changes the standard for when a foster home license may be revoked.

Under current law, subject to certain exceptions, no person may provide care and maintenance for children unless the person obtains a license to operate a foster home from the Department of Children and Families or a county department of human services or social services (county department) or from a child welfare agency, if that agency is licensed by DCF to license foster homes. Current law also permits DCF to enter into contracts with nonprofit or proprietary agencies, including child welfare agencies, for the purchase of services. Currently, a child welfare or public licensing agency may revoke a foster home license if the licensee has substantially

and intentionally violated any provision of the Children's Code or rules promulgated by DCF. This bill provides that a child welfare or public licensing agency may revoke a foster home license if the licensee has violated any provision of the Children's Code or rules promulgated by DCF.

This bill provides that if DCF informs a child welfare agency of its intent to revoke or suspend the agency's license to license foster homes or to terminate a contract under which a child welfare agency provides foster home licensing services for DCF or if a child welfare agency informs DCF of its intent to surrender such a license or to terminate such a contract, DCF may do any of the following:

1. Transfer each foster home license issued by the child welfare agency to a county department, DCF, or another child welfare agency that consents to the transfer. A license so transferred remains valid until it expires or 180 days after the date of the transfer, whichever is later.

①-②. Require the child welfare agency to provide DCF with complete copies of the child welfare agency's financial, child placement, and foster care licensing records.

②-③. Transfer any child placement or foster care licensing records obtained from a child welfare agency to any county department or child welfare agency to which a foster home license issued by the child welfare agency is transferred under the bill or to any public licensing agency or child welfare agency that relicenses a foster home licensed by the child welfare agency as provided in the bill.

③-④. Prohibit the child welfare agency from accepting new placements or issuing new foster care licenses.

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

INS A

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

1 SECTION 1. 48.66 (6) of the statutes is created to read:

2 48.66 (6) <sup>(a)</sup> If the department notifies a child welfare agency of its intent to revoke  
3 or suspend the child welfare agency's license to license foster homes under s. 227.51  
4 or notifies a child welfare agency of its intent to terminate a contract under which  
5 the child welfare agency provides foster home licensing services for the department  
6 or if a child welfare agency notifies the department of its intent to surrender <sup>or surrenders</sup> such a  
7 license or terminate such a contract, the department may do any of the following:

8 (b) (a) Transfer each foster home license issued by the child welfare agency to a  
9 county department or the department, or to another child welfare agency that

move to (c)(b)  
p. 3 line 13

INS 2-8

~~If the department revokes, suspends, or child welfare agency's license under s. 227.51 or terminates a contract to license foster homes or if the child welfare agency surrenders such a license or contract, the department may~~

(c)(b),  
cont.

1 consents to the transfer. A license transferred under this paragraph remains valid  
2 until it expires or 180 days after the date of the transfer, whichever is later.

3 (1)(b) Require the child welfare agency to provide the department with complete  
4 copies of the child welfare agency's financial, child placement, and foster home  
5 licensing records in accordance with department requirements.

6 (2) - (c) Transfer any child placement or foster care licensing records obtained under  
7 par. (b) to any county department or child welfare agency to which a foster home  
8 license issued by the child welfare agency is transferred under par. (a) or to any  
9 public licensing agency or child welfare agency that relicenses a foster home licensed  
10 by the child welfare agency.

11 (3) - (d) Prohibit the child welfare agency from accepting new placements or issuing  
12 new foster home licenses.

(c)(b)

13 SECTION 2. 48.75 (1d) of the statutes is amended to read:

14 48.75 (1d) Child welfare agencies, if licensed to do so by the department, and  
15 public licensing agencies may license foster homes under the rules promulgated by  
16 the department under s. 48.67 governing the licensing of foster homes. ~~A Except~~  
17 ~~as provided under s. 48.66 (6), a foster home license shall be issued for a term not to~~  
18 ~~exceed 2 years from the date of issuance, and is not transferable, and. A foster home~~  
19 ~~license~~ may be revoked by the child welfare agency or by the public licensing agency  
20 because the licensee has ~~substantially and intentionally~~ violated any provision of  
21 this chapter or of the rules of the department promulgated under s. 48.67 or because  
22 the licensee fails to meet the minimum requirements for a license. The licensee shall  
23 be given written notice of any revocation and the grounds for the revocation.

24 SECTION 3. 48.78 (2) (a) of the statutes is amended to read:

1           48.78 (2) (a) No agency may make available for inspection or disclose the  
2 contents of any record kept or information received about an individual who is or was  
3 in its care or legal custody, except as provided under sub. (2m) or s. 48.371, 48.38 (5)  
4 (b) or (d) or (5m) (d), 48.396 (3) (bm) or (c) 1r., 48.432, 48.433, 48.48 (17) (bm), 48.57  
5 (2m), 48.66 (6) (b) or (c), 48.93, 48.981 (7), 938.396 (2m) (c) 1r., 938.51, or 938.78 or  
6 by order of the court.

7           **SECTION 4. Nonstatutory provisions.**

8           (1) EMERGENCY RULES. The department of children and families may  
9 promulgate emergency rules under section 227.24 of the statutes that it deems  
10 necessary to implement section 48.66 (6) of the statutes. Notwithstanding section  
11 227.24 (1) (a) and (3) of the statutes, the department is not required to provide  
12 evidence that promulgating a rule under this subsection as an emergency rule is  
13 necessary for the preservation of the public peace, health, safety, or welfare and is  
14 not required to provide a finding of emergency for a rule promulgated under this  
15 subsection.

16           **(END)**

**2017-2018 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0240/P5ins  
EHS&EAW:kjf

INS - A

X Also under the bill, if DCF revokes or suspends a child welfare agency's license to license foster homes or terminates a contract under which a child welfare agency provides foster home licensing services for DCF, or if a child welfare agency surrenders such a license or terminates such a contract, DCF may transfer each foster home license issued by the child welfare agency to a county department, DCF, or another child welfare agency that consents to the transfer. A license so transferred remains valid until it expires or 180 days after the date of the transfer, whichever is later.

INS 2-8

If the department <sup>✓</sup>revokes or suspends a child welfare agency's license to license foster homes under s. 227.51 or terminates a contract under which the child welfare agency provides foster home licensing services for the department, or if a child welfare agency surrenders such a license or terminates such a contract, the department may

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

0240/P5dn  
EAW:kjf

February 16, 2017

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Lonna,

The draft incorporates your requested changes, however, I did have to rearrange the language slightly to clarify that transfer of licenses can happen only if the license or contract is revoked, terminated, suspended, or surrendered, and the other actions can happen after notice of intent to revoke, terminate, suspend, or surrender a license or contract is issued.

Please let me know if this is not your intent, or if you have other questions.

Elizabeth Wheeler  
Legislative Attorney  
(608) 261-5543  
[Elizabeth.Wheeler@legis.wisconsin.gov](mailto:Elizabeth.Wheeler@legis.wisconsin.gov)

## **Wheeler, Elizabeth**

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**From:** Morouney, Lonna S - DCF  
**Sent:** Thursday, March 02, 2017 4:27 PM  
**To:** Wheeler, Elizabeth  
**Subject:** RE: changes to 0240/P5 relating to foster care licensing  
**Attachments:** 17-0240\_P5.pdf; 17-0240\_P5dn.pdf

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**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Elizabeth,  
Here are the changes we have to LRB 0240/P5 relating to foster care licensing. Thank you!

- Section 1, page 2, Line 3, remove "to license foster homes" any action would affect the CPA license as a whole not just their ability to license foster homes.
- Section 1, page 2, Line 7, insert "s" after terminate.
- Section 1, page 3, Line 4, after foster delete "care" and insert "home" as we did in the previous version throughout.

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**From:** Wheeler, Elizabeth [mailto:Elizabeth.Wheeler@legis.wisconsin.gov]  
**Sent:** Tuesday, February 14, 2017 2:53 PM  
**To:** Morouney, Lonna S - DCF  
**Subject:** RE: changes to 0240/P4 relating to foster care licensing

OK Lonna. Got it.

**Elizabeth Wheeler**  
Legislative Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
Direct: 608-261-4453  
[Elizabeth.wheeler@legis.wisconsin.gov](mailto:Elizabeth.wheeler@legis.wisconsin.gov)

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**From:** Morouney, Lonna S - DCF  
**Sent:** Tuesday, February 14, 2017 2:19 PM  
**To:** Wheeler, Elizabeth <[Elizabeth.Wheeler@legis.wisconsin.gov](mailto:Elizabeth.Wheeler@legis.wisconsin.gov)>  
**Subject:** changes to 0240/P4 relating to foster care licensing

Hi Elizabeth,  
Here are the changes to 0240/P4 relating to foster care licensing. Thanks!

Please remove the nonstat provisions about emergency rule authority.

Please make the following change Section 1, page 2, Line 8 before "Transfer" insert "If the license or contract is terminated or a child welfare agency license is revoked or suspended under s. 227.51 or surrendered" also change the "T" in transfer to a "t" and in Line 6 after "surrender" add "or surrenders"

**Lonna Morouney**





State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-0240/PS  
EHS&EAW:kjf

10

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

in: 5/16  
due: today

1 **AN ACT to amend** 48.75 (1d) and 48.78 (2) (a); and **to create** 48.66 (6) of the  
2 statutes; **relating to:** continuity of foster care when the license of a child  
3 welfare agency to license foster homes is revoked, suspended, or surrendered  
4 or when a contract under which a child welfare agency provides foster home  
5 licensing services is terminated.

---

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

This bill provides for the continuity of foster care when the license of a child welfare agency to license foster homes is revoked, suspended, or surrendered or when a contract under which a child welfare agency provides foster home licensing services is terminated. This bill also changes the standard for when a foster home license may be revoked.

Under current law, subject to certain exceptions, no person may provide care and maintenance for children unless the person obtains a license to operate a foster home from the Department of Children and Families or a county department of human services or social services (county department) or from a child welfare agency, if that agency is licensed by DCF to license foster homes. Current law also permits DCF to enter into contracts with nonprofit or proprietary agencies, including child welfare agencies, for the purchase of services. Currently, a child welfare or public licensing agency may revoke a foster home license if the licensee has substantially and intentionally violated any provision of the Children's Code or rules promulgated by DCF. This bill provides that a child welfare or public licensing agency may revoke

a foster home license if the licensee has violated any provision of the Children's Code or rules promulgated by DCF.

This bill provides that if DCF informs a child welfare agency of its intent to revoke or suspend the agency's license to license foster homes or to terminate a contract under which a child welfare agency provides foster home licensing services for DCF or if a child welfare agency informs DCF of its intent to surrender such a license or to terminate such a contract, DCF may do any of the following:

1. Require the child welfare agency to provide DCF with complete copies of the child welfare agency's financial, child placement, and foster care licensing records.
2. Transfer any child placement or foster care licensing records obtained from a child welfare agency to any county department or child welfare agency to which a foster home license issued by the child welfare agency is transferred under the bill or to any public licensing agency or child welfare agency that relicenses a foster home licensed by the child welfare agency as provided in the bill.
3. Prohibit the child welfare agency from accepting new placements or issuing new foster care licenses.

Also under the bill, if DCF revokes or suspends a child welfare agency's license to license foster homes or terminates a contract under which a child welfare agency provides foster home licensing services for DCF, or if a child welfare agency surrenders such a license or terminates such a contract, DCF may transfer each foster home license issued by the child welfare agency to a county department, DCF, or another child welfare agency that consents to the transfer. A license so transferred remains valid until it expires or 180 days after the date of the transfer, whichever is later.

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

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

1           **SECTION 1.** 48.66 (6) of the statutes is created to read:

2           48.66 (6) (a) If the department notifies a child welfare agency of its intent to  
 3           revoke or suspend the child welfare agency's license ~~to license foster homes~~ under s.  
 4           227.51 or notifies a child welfare agency of its intent to terminate a contract under  
 5           which the child welfare agency provides foster home licensing services for the  
 6           department or if a child welfare agency notifies the department of its intent to  
 7           surrender or surrenders such a license or terminate such a contract, the department  
 8           may do any of the following:

1           1. Require the child welfare agency to provide the department with complete  
2 copies of the child welfare agency's financial, child placement, and foster home  
3 licensing records in accordance with department requirements.

4           2. Transfer any child placement or foster <sup>care</sup> ~~care~~ licensing records obtained under  
5 par. (b) to any county department or child <sup>home</sup> ~~welfare~~ agency to which a foster home  
6 license issued by the child welfare agency is transferred under par. (a) or to any  
7 public licensing agency or child welfare agency that relicenses a foster home licensed  
8 by the child welfare agency.

9           3. Prohibit the child welfare agency from accepting new placements or issuing  
10 new foster home licenses.

11           (b) If the department revokes or suspends a child welfare agency's license to  
12 license foster homes under s. 227.51 or terminates a contract under which the child  
13 welfare agency provides foster home licensing services for the department, or if a  
14 child welfare agency surrenders such a license or terminates such a contract, the  
15 department may transfer each foster home license issued by the child welfare agency  
16 to a county department or the department, or to another child welfare agency that  
17 consents to the transfer. A license transferred under this paragraph remains valid  
18 until it expires or 180 days after the date of the transfer, whichever is later.

19           **SECTION 2.** 48.75 (1d) of the statutes is amended to read:

20           48.75 (1d) Child welfare agencies, if licensed to do so by the department, and  
21 public licensing agencies may license foster homes under the rules promulgated by  
22 the department under s. 48.67 governing the licensing of foster homes. ~~A~~ Except  
23 as provided under s. 48.66 (6), a foster home license shall be issued for a term not to  
24 exceed 2 years from the date of issuance, and is not transferable, and. A foster home  
25 license may be revoked by the child welfare agency or by the public licensing agency

1 because the licensee has ~~substantially and intentionally~~ violated any provision of  
2 this chapter or of the rules of the department promulgated under s. 48.67 or because  
3 the licensee fails to meet the minimum requirements for a license. The licensee shall  
4 be given written notice of any revocation and the grounds for the revocation.

5 **SECTION 3.** 48.78 (2) (a) of the statutes is amended to read:

6 48.78 (2) (a) No agency may make available for inspection or disclose the  
7 contents of any record kept or information received about an individual who is or was  
8 in its care or legal custody, except as provided under sub. (2m) or s. 48.371, 48.38 (5)  
9 (b) or (d) or (5m) (d), 48.396 (3) (bm) or (c) 1r., 48.432, 48.433, 48.48 (17) (bm), 48.57  
10 (2m), 48.66 (6) (b) or (c), 48.93, 48.981 (7), 938.396 (2m) (c) 1r., 938.51, or 938.78 or  
11 by order of the court.

12

(END)

## **Wheeler, Elizabeth**

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**From:** Morouney, Lonna S - DCF  
**Sent:** Friday, March 17, 2017 2:31 PM  
**To:** Wheeler, Elizabeth  
**Subject:** change to LRB 0240/P6 relating to foster care licensing  
**Attachments:** 17-0240\_P6.pdf

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Hi Elizabeth,

We have one edit to LRB 0240/P6 relating to foster care licensing. Thank you!

**Section 1, Page 3, Line 11-12 remove "to license foster homes" this is the same as the request from last time of the first item, it was removed from one area, but not this one (the licensing language in Section 1 on p. 2 lines 2 & 3 should match with the licensing language on p. 3 lines 11 & 12.)**

### **Lonna Morouney**

*Legislative Liaison*

Department of Children and Families

201 East Washington Avenue

Madison, WI 53703

T: 608.422.7072

E: [LonnaS.Morouney@wisconsin.gov](mailto:LonnaS.Morouney@wisconsin.gov)



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-0240/P6 PF  
EHS&EAW:kjf

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

in: 3/20

due: today

1     **AN ACT** *to amend* 48.75 (1d) and 48.78 (2) (a); and *to create* 48.66 (6) of the  
2             statutes; **relating to:** continuity of foster care when the license of a child  
3             welfare agency to license foster homes is revoked, suspended, or surrendered  
4             or when a contract under which a child welfare agency provides foster home  
5             licensing services is terminated.

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

This bill provides for the continuity of foster care when the license of a child welfare agency to license foster homes is revoked, suspended, or surrendered or when a contract under which a child welfare agency provides foster home licensing services is terminated. This bill also changes the standard for when a foster home license may be revoked.

Under current law, subject to certain exceptions, no person may provide care and maintenance for children unless the person obtains a license to operate a foster home from the Department of Children and Families or a county department of human services or social services (county department) or from a child welfare agency, if that agency is licensed by DCF to license foster homes. Current law also permits DCF to enter into contracts with nonprofit or proprietary agencies, including child welfare agencies, for the purchase of services. Currently, a child welfare or public licensing agency may revoke a foster home license if the licensee has substantially and intentionally violated any provision of the Children's Code or rules promulgated by DCF. This bill provides that a child welfare or public licensing agency may revoke

a foster home license if the licensee has violated any provision of the Children's Code or rules promulgated by DCF.

This bill provides that if DCF informs a child welfare agency of its intent to revoke or suspend the agency's license to license foster homes or to terminate a contract under which a child welfare agency provides foster home licensing services for DCF or if a child welfare agency informs DCF of its intent to surrender such a license or to terminate such a contract, DCF may do any of the following:

1. Require the child welfare agency to provide DCF with complete copies of the child welfare agency's financial, child placement, and foster care licensing records.

2. Transfer any child placement or foster care licensing records obtained from a child welfare agency to any county department or child welfare agency to which a foster home license issued by the child welfare agency is transferred under the bill or to any public licensing agency or child welfare agency that relicenses a foster home licensed by the child welfare agency as provided in the bill.

3. Prohibit the child welfare agency from accepting new placements or issuing new foster care licenses.

Also under the bill, if DCF revokes or suspends a child welfare agency's license to license foster homes or terminates a contract under which a child welfare agency provides foster home licensing services for DCF, or if a child welfare agency surrenders such a license or terminates such a contract, DCF may transfer each foster home license issued by the child welfare agency to a county department, DCF, or another child welfare agency that consents to the transfer. A license so transferred remains valid until it expires or 180 days after the date of the transfer, whichever is later.

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

---

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

1           **SECTION 1.** 48.66 (6) of the statutes is created to read:

2           48.66 (6) (a) If the department notifies a child welfare agency of its intent to  
3           revoke or suspend the child welfare agency's license under s. 227.51 or notifies a child  
4           welfare agency of its intent to terminate a contract under which the child welfare  
5           agency provides foster home licensing services for the department or if a child  
6           welfare agency notifies the department of its intent to surrender or surrenders <sup>(1)</sup>such  
7           @ license or terminates such a contract, the department may do any of the following:

1           1. Require the child welfare agency to provide the department with complete  
2 copies of the child welfare agency's financial, child placement, and foster home  
3 licensing records in accordance with department requirements.

4           2. Transfer any child placement or foster home licensing records obtained  
5 under par. (b) to any county department or child welfare agency to which a foster  
6 home license issued by the child welfare agency is transferred under par. (a) or to any  
7 public licensing agency or child welfare agency that relicenses a foster home licensed  
8 by the child welfare agency.

9           3. Prohibit the child welfare agency from accepting new placements or issuing  
10 new foster home licenses.

11           (b) If the department revokes or suspends a child welfare agency's license <sup>to</sup>  
12 license foster homes under s. 227.51 or terminates a contract under which the child  
13 welfare agency provides foster home licensing services for the department, or if a  
14 child welfare agency surrenders <sup>its</sup> such a license or terminates such a contract, the  
15 department may transfer each foster home license issued by the child welfare agency  
16 to a county department or the department, or to another child welfare agency that  
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18 until it expires or 180 days after the date of the transfer, whichever is later.

19           **SECTION 2.** 48.75 (1d) of the statutes is amended to read:

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23 as provided under s. 48.66 (6), a foster home license shall be issued for a term not to  
24 exceed 2 years from the date of issuance, and is not transferable, and, A foster home  
25 license may be revoked by the child welfare agency or by the public licensing agency



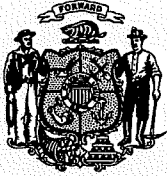
1 because the licensee has ~~substantially and intentionally~~ violated any provision of  
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8 in its care or legal custody, except as provided under sub. (2m) or s. 48.371, 48.38 (5)  
9 (b) or (d) or (5m) (d), 48.396 (3) (bm) or (c) 1r., 48.432, 48.433, 48.48 (17) (bm), 48.57  
10 (2m), 48.66 (6) (b) or (c), 48.93, 48.981 (7), 938.396 (2m) (c) 1r., 938.51, or 938.78 or  
11 by order of the court.

12

(END)



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-0240/P7  
EHS&EAW:kjf

11

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

in: 3/30  
due: Today  
no changes

1 **AN ACT to amend** 48.75 (1d) and 48.78 (2) (a); and **to create** 48.66 (6) of the  
2 statutes; **relating to:** continuity of foster care when the license of a child  
3 welfare agency to license foster homes is revoked, suspended, or surrendered  
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1. Require the child welfare agency to provide DCF with complete copies of the child welfare agency's financial, child placement, and foster care licensing records.
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3. Prohibit the child welfare agency from accepting new placements or issuing new foster care licenses.

Also under the bill, if DCF revokes or suspends a child welfare agency's license to license foster homes or terminates a contract under which a child welfare agency provides foster home licensing services for DCF, or if a child welfare agency surrenders such a license or terminates such a contract, DCF may transfer each foster home license issued by the child welfare agency to a county department, DCF, or another child welfare agency that consents to the transfer. A license so transferred remains valid until it expires or 180 days after the date of the transfer, whichever is later.

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

1           **SECTION 1.** 48.66 (6) of the statutes is created to read:

2           48.66 (6) (a) If the department notifies a child welfare agency of its intent to  
3           revoke or suspend the child welfare agency's license under s. 227.51 or notifies a child  
4           welfare agency of its intent to terminate a contract under which the child welfare  
5           agency provides foster home licensing services for the department or if a child  
6           welfare agency notifies the department of its intent to surrender or surrenders its  
7           license or terminates such a contract, the department may do any of the following:

1           1. Require the child welfare agency to provide the department with complete  
2 copies of the child welfare agency's financial, child placement, and foster home  
3 licensing records in accordance with department requirements.

4           2. Transfer any child placement or foster home licensing records obtained  
5 under par. (b) to any county department or child welfare agency to which a foster  
6 home license issued by the child welfare agency is transferred under par. (a) or to any  
7 public licensing agency or child welfare agency that relicenses a foster home licensed  
8 by the child welfare agency.

9           3. Prohibit the child welfare agency from accepting new placements or issuing  
10 new foster home licenses.

11           (b) If the department revokes or suspends a child welfare agency's license under  
12 s. 227.51 or terminates a contract under which the child welfare agency provides  
13 foster home licensing services for the department, or if a child welfare agency  
14 surrenders its license or terminates such a contract, the department may transfer  
15 each foster home license issued by the child welfare agency to a county department  
16 or the department, or to another child welfare agency that consents to the transfer.  
17 A license transferred under this paragraph remains valid until it expires or 180 days  
18 after the date of the transfer, whichever is later.

19           **SECTION 2.** 48.75 (1d) of the statutes is amended to read:

20           48.75 (1d) Child welfare agencies, if licensed to do so by the department, and  
21 public licensing agencies may license foster homes under the rules promulgated by  
22 the department under s. 48.67 governing the licensing of foster homes. ~~-A- Except~~  
23 ~~as provided under s. 48.66 (6), a foster home license shall be issued for a term not to~~  
24 ~~exceed 2 years from the date of issuance, and is not transferable, and. A foster home~~  
25 ~~license may be revoked by the child welfare agency or by the public licensing agency.~~

1 because the licensee has ~~substantially and intentionally~~ violated any provision of  
2 this chapter or of the rules of the department promulgated under s. 48.67 or because  
3 the licensee fails to meet the minimum requirements for a license. The licensee shall  
4 be given written notice of any revocation and the grounds for the revocation.

5 **SECTION 3.** 48.78 (2) (a) of the statutes is amended to read:

6 48.78 (2) (a) No agency may make available for inspection or disclose the  
7 contents of any record kept or information received about an individual who is or was  
8 in its care or legal custody, except as provided under sub. (2m) or s. 48.371, 48.38 (5)  
9 (b) or (d) or (5m) (d), 48.396 (3) (bm) or (c) 1r., 48.432, 48.433, 48.48 (17) (bm), 48.57  
10 (2m), ~~48.66 (6) (b) or (c)~~, 48.93, 48.981 (7), 938.396 (2m) (c) 1r., 938.51, or 938.78 or  
11 by order of the court.

12

(END)



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-0240/1  
EHS&EAW:kjf

12

2017 BILL

Today  
9/15

1 AN ACT *to amend* 48.75 (1d) and 48.78 (2) (a); and *to create* 48.66 (6) of the  
2 statutes; **relating to:** continuity of foster care when the license of a child  
3 welfare agency to license foster homes is revoked, suspended, or surrendered  
4 or when a contract under which a child welfare agency provides foster home  
5 licensing services is terminated.

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*Analysis by the Legislative Reference Bureau*

This bill provides for the continuity of foster care when the license of a child welfare agency to license foster homes is revoked, suspended, or surrendered or when a contract under which a child welfare agency provides foster home licensing services is terminated. This bill also changes the standard for when a foster home license may be revoked.

Under current law, subject to certain exceptions, no person may provide care and maintenance for children unless the person obtains a license to operate a foster home from the Department of Children and Families or a county department of human services or social services (county department) or from a child welfare agency, if that agency is licensed by DCF to license foster homes. Current law also permits DCF to enter into contracts with nonprofit or proprietary agencies, including child welfare agencies, for the purchase of services. Currently, a child welfare or public licensing agency may revoke a foster home license if the licensee has substantially and intentionally violated any provision of the Children's Code or rules promulgated by DCF. This bill provides that a child welfare or public licensing agency may revoke

**BILL**

a foster home license if the licensee has violated any provision of the Children's Code or rules promulgated by DCF.

This bill provides that if DCF informs a child welfare agency of its intent to revoke or suspend the agency's license to license foster homes or to terminate a contract under which a child welfare agency provides foster home licensing services for DCF or if a child welfare agency informs DCF of its intent to surrender such a license or to terminate such a contract, DCF may do any of the following:

1. Require the child welfare agency to provide DCF with complete copies of the child welfare agency's financial, child placement, and foster care licensing records.

2. Transfer any child placement or foster care licensing records obtained from a child welfare agency to any county department or child welfare agency to which a foster home license issued by the child welfare agency is transferred under the bill or to any public licensing agency or child welfare agency that relicenses a foster home licensed by the child welfare agency as provided in the bill.

3. Prohibit the child welfare agency from accepting new placements or issuing new foster care licenses.

Also under the bill, if DCF revokes or suspends a child welfare agency's license to license foster homes or terminates a contract under which a child welfare agency provides foster home licensing services for DCF, or if a child welfare agency surrenders such a license or terminates such a contract, DCF may transfer each foster home license issued by the child welfare agency to a county department, DCF, or another child welfare agency that consents to the transfer. A license so transferred remains valid until it expires or 180 days after the date of the transfer, whichever is later.

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

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State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-0240/2  
EHS&EAW:kjf

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