

1 center, to determine if a need exists for system changes, and recommend system or  
2 other changes if appropriate.

3 SECTION 470. 46.283 (6) (b) 10. of the statutes is repealed.

4 SECTION 471. 46.285 (intro.) of the statutes is renumbered 46.285 and amended  
5 to read:

6 **46.285 Operation of resource center and care management**  
7 **organization.** In order to meet federal requirements and assure federal financial  
8 participation in funding of the family care benefit, a county, a tribe or band, a  
9 long-term care district or an organization, including a private, nonprofit  
10 corporation, may not directly operate both a resource center and a care management  
11 organization, ~~except as follows:~~

12 SECTION 472. 46.285 (1) of the statutes is repealed.

13 SECTION 473. 46.285 (2) of the statutes is repealed.

14 SECTION 474. 46.286 (3) (b) 2. a. of the statutes is repealed.

15 SECTION 475. 46.287 (2) (a) 1. (intro.) of the statutes is amended to read:

16 46.287 (2) (a) 1. (intro.) Except as provided in subd. 2., a client may contest any  
17 of the following applicable matters by filing, within 45 days of the failure of a resource  
18 center or ~~care management organization~~ county to act on the contested matter  
19 within the time frames specified by rule by the department or within 45 days after  
20 receipt of notice of a decision in a contested matter, a written request for a hearing  
21 under s. 227.44 to the division of hearings and appeals created under s. 15.103 (1):

22 SECTION 476. 46.287 (2) (a) 1. d. of the statutes is renumbered 46.287 (2) (a) 1m.

23 b.

24 SECTION 477. 46.287 (2) (a) 1. e. of the statutes is repealed.

25 SECTION 478. 46.287 (2) (a) 1. f. of the statutes is repealed.

1           **SECTION 479.** 46.287 (2) (a) 1m. of the statutes is created to read:

2           46.287 (2) (a) 1m. Except as provided in subd. 2., a client may contest any of  
3 the following adverse benefit determinations by filing, within 90 days of the failure  
4 of a care management organization to act on a contested adverse benefit  
5 determination within the time frames specified by rule by the department or within  
6 90 days after receipt of notice of a decision upholding the adverse benefit  
7 determination, a written request for a hearing under s. 227.44 to the division of  
8 hearings and appeals created under s. 15.103 (1):

9           a. Denial of functional eligibility under s. 46.286 (1) as a result of the care  
10 management organization's administration of the long-term care functional screen,  
11 including a change from a nursing home level of care to a non-nursing home level  
12 of care.

13           c. Denial or limited authorization of a requested service, including  
14 determinations based on type or level of service, requirements or medical necessity,  
15 appropriateness, setting, or effectiveness of a covered benefit.

16           d. Reduction, suspension, or termination of a previously authorized service,  
17 unless the service was only authorized for a limited amount or duration and that  
18 amount or duration has been completed.

19           e. Denial, in whole or in part, of payment for a service.

20           f. The failure of a care management organization to act within the time frames  
21 provided in 42 CFR 438.408 (b) (1) and (2) regarding the standard resolution of  
22 grievances and appeals.

23           g. Denial of an enrollee's request to dispute financial liability, including  
24 copayments, premiums, deductibles, coinsurance, other cost sharing, and other  
25 member financial liabilities.

1 h. Denial of an enrollee, who is a resident of a rural area with only one care  
2 management organization, to obtain services outside the care management  
3 organization's network of contracted providers.

4 i. Development of a plan of care that is unacceptable to the enrollee because the  
5 plan of care requires the enrollee to live in a place that is unacceptable to the enrollee;  
6 the plan of care does not provide sufficient care, treatment, or support to meet the  
7 enrollee's needs and support the enrollee's identified outcomes; or the plan of care  
8 requires the enrollee to accept care, treatment, or support that is unnecessarily  
9 restrictive or unwanted by the enrollee.

10 j. Involuntary disenrollment from the care management organization.

11 **SECTION 480.** 46.287 (2) (b) of the statutes is amended to read:

12 46.287 (2) (b) An enrollee may contest a decision, omission or action of a care  
13 management organization other than those specified in par. (a), ~~or may contest the~~  
14 ~~choice of service provider. In these instances, the enrollee shall first send a written~~  
15 ~~request for review by the unit of the department that monitors care management~~  
16 ~~organization contracts. This unit shall review and attempt to resolve the dispute.~~  
17 1m. by filing a grievance with the care management organization. If the dispute  
18 grievance is not resolved to the satisfaction of the enrollee, he or she may request  
19 a hearing under the procedures specified in par. (a) 1. (intro.) that the department  
20 review the decision of the care management organization.

21 **SECTION 481.** 46.288 (2) (intro.) of the statutes is renumbered 46.288 (2) and  
22 amended to read:

23 46.288 (2) Criteria and procedures for determining functional eligibility under  
24 s. 46.286 (1) (a), financial eligibility under s. 46.286 (1) (b), and cost sharing under  
25 s. 46.286 (2) (a). ~~The rules for determining functional eligibility under s. 46.286 (1)~~

1 ~~(a) 1m. shall be substantially similar to eligibility criteria for receipt of the long-term~~  
2 ~~support community options program under s. 46.27. Rules under this subsection~~  
3 ~~shall include definitions of the following terms applicable to s. 46.286:~~

4 **SECTION 482.** 46.288 (2) (d) to (j) of the statutes are repealed.

5 **SECTION 483.** 46.2896 (1) (a) of the statutes is amended to read:

6 46.2896 (1) (a) "Long-term care program" means the long-term care program  
7 under s. 46.27, <sup>plan</sup> 46.275, 46.277, 46.278, or 46.2785; the family care program providing  
8 the benefit under s. 46.286; the Family Care Partnership program; or the long-term  
9 care program defined in s. 46.2899 (1).

10 **SECTION 484.** 46.536 of the statutes is amended to read:

11 **46.536 ~~Mobile crisis team~~ Crisis program enhancement grants.** From  
12 the appropriation under s. 20.435 (5) (cf), the department shall award grants in the  
13 total amount of \$250,000 in each fiscal biennium to counties or regions comprised of  
14 multiple counties to establish certified or enhance crisis programs ~~that create mental~~  
15 ~~health mobile crisis teams~~ to serve individuals having mental health crises in rural  
16 areas. The department shall award a grant under this section in an amount equal  
17 to one-half the amount of money the county or region provides to establish certified  
18 or enhance crisis programs ~~that create mobile crisis teams.~~

19 **SECTION 485.** 46.82 (3) (a) 13. of the statutes is repealed.

20 **SECTION 488.** 47.07 of the statutes is created to read:

21 **47.07 Project SEARCH.** (1) The department shall allocate for each fiscal  
22 year at least \$250,000 from the appropriation under s. 20.445 (1) (b) for contracts  
23 entered into under this section.

1           (2) The department may enter into contracts to provide services to persons with  
2 disabilities under the Project SEARCH program operated by the Cincinnati  
3 Children's Hospital or its successor organization.

4           **SECTION 491.** 48.02 (14m) of the statutes is created to read:

5           **48.02 (14m)** "Qualifying residential family-based treatment facility" means a  
6 certified residential family-based alcohol or drug abuse treatment facility that  
7 meets all of the following criteria:

8           (a) The treatment facility provides, as part of the treatment for substance  
9 abuse, parenting skills training, parent education, and individual and family  
10 counseling.

11           (b) The substance abuse treatment, parenting skills training, parent  
12 education, and individual and family counseling is provided under an organizational  
13 structure and treatment framework that involves understanding, recognizing, and  
14 responding to the effects of all types of trauma and in accordance with recognized  
15 principles of a trauma-informed approach and trauma-specific interventions to  
16 address the consequences of trauma and facilitate healing.

17           **SECTION 492.** 48.13 of the statutes is amended to read:

18           **48.13 Jurisdiction over children alleged to be in need of protection or**  
19 **services.** Except as provided in s. 48.028 (3), the court has exclusive original  
20 jurisdiction over a child alleged to be in need of protection or services which can be  
21 ordered by the court, and if one of the following applies:

22           (1) ~~Who~~ The child is without a parent or guardian;.

23           (2) ~~Who~~ The child has been abandoned;.

24           (2m) ~~Whose~~ The child's parent has relinquished custody of the child under s.  
25 48.195 (1);.

1           (3) ~~Who~~ The child has been the victim of abuse, as defined in s. 48.02 (1) (a) or  
2           (b) to (g), including injury that is self-inflicted or inflicted by another;.

3           (3m) ~~Who~~ The child is at substantial risk of becoming the victim of abuse, as  
4           defined in s. 48.02 (1) (a) or (b) to (g), including injury that is self-inflicted or inflicted  
5           by another, based on reliable and credible information that another child in the home  
6           has been the victim of such abuse;.

7           (4) ~~Whose~~ The child's parent or guardian signs the petition requesting  
8           jurisdiction under this subsection and is unable or needs assistance to care for or  
9           provide necessary special treatment or care for the child;.

10          (4m) ~~Whose~~ The child's guardian is unable or needs assistance to care for or  
11          provide necessary special treatment or care for the child, but is unwilling or unable  
12          to sign the petition requesting jurisdiction under this subsection;.

13          (5) ~~Who~~ The child has been placed for care or adoption in violation of law;.

14          (8) ~~Who~~ The child is receiving inadequate care during the period of time a  
15          parent is missing, incarcerated, hospitalized or institutionalized;.

16          (9) ~~Who~~ The child is at least age 12, signs the petition requesting jurisdiction  
17          under this subsection and is in need of special treatment or care which the parent,  
18          guardian or legal custodian is unwilling, neglecting, unable or needs assistance to  
19          provide;.

20          (10) ~~Whose~~ The child's parent, guardian or legal custodian neglects, refuses or  
21          is unable for reasons other than poverty to provide necessary care, food, clothing,  
22          medical or dental care or shelter so as to seriously endanger the physical health of  
23          the child;.

24          (10m) ~~Whose~~ The child's parent, guardian or legal custodian is at substantial  
25          risk of neglecting, refusing or being unable for reasons other than poverty to provide

1 necessary care, food, clothing, medical or dental care or shelter so as to endanger  
2 seriously the physical health of the child, based on reliable and credible information  
3 that the child's parent, guardian or legal custodian has neglected, refused or been  
4 unable for reasons other than poverty to provide necessary care, food, clothing,  
5 medical or dental care or shelter so as to endanger seriously the physical health of  
6 another child in the home;

7 (11) ~~Who~~ The child is suffering emotional damage for which the parent,  
8 guardian or legal custodian has neglected, refused or been unable and is neglecting,  
9 refusing or unable, for reasons other than poverty, to obtain necessary treatment or  
10 to take necessary steps to ameliorate the symptoms;

11 (11m) ~~Who~~ The child is suffering from an alcohol and other drug abuse  
12 impairment, exhibited to a severe degree, for which the parent, guardian or legal  
13 custodian is neglecting, refusing or unable to provide treatment; ~~or,~~

14 (13) ~~Who~~ The child has not been immunized as required by s. 252.04 and not  
15 exempted under s. 252.04 (3).

16 SECTION 493. 48.13 (14) of the statutes is created to read:

17 48.13 (14) The child's parent is residing in a qualifying residential  
18 family-based treatment facility or will be residing at such a facility at the time of a  
19 child's placement with the parent in the facility, signs the petition requesting  
20 jurisdiction under this subsection, and, with the department's consent, requests that  
21 the child reside with him or her at the qualifying residential family-based treatment  
22 facility.

23 SECTION 494. 48.207 (1) (L) of the statutes is created to read:

24 48.207 (1) (L) With a parent in a qualifying residential family-based treatment  
25 facility if the child's permanency plan includes a recommendation for such a

1 placement under s. 48.38 (4) (em) before the placement is made and the parent  
2 consents to the placement.

3 **SECTION 495.** 48.345 (3) (c) of the statutes is amended to read:

4 48.345 (3) (c) A foster home licensed under s. 48.62, a group home licensed  
5 under s. 48.625, a foster home, group home, or similar facility regulated in another  
6 state, or ~~in~~ the home of a guardian under s. 48.977 (2).

7 **SECTION 496.** 48.345 (3) (cm) of the statutes is amended to read:

8 48.345 (3) (cm) A group home described in s. 48.625 (1m) or a similar facility  
9 regulated in another state, if the child is at least 12 years of age, is a custodial parent,  
10 as defined in s. 49.141 (1) (b), or an expectant mother, is receiving inadequate care,  
11 and is in need of a safe and structured living arrangement.

12 **SECTION 497.** 48.345 (3) (d) of the statutes is amended to read:

13 48.345 (3) (d) A residential ~~treatment~~ care center for children and youth  
14 operated by a child welfare agency licensed under s. 48.60, or a similar facility  
15 regulated in another state.

16 **SECTION 498.** 48.345 (3) (e) of the statutes is created to read:

17 48.345 (3) (e) With a parent in a qualifying residential family-based treatment  
18 facility, or a similar facility regulated in another state, if the child's permanency plan  
19 includes a recommendation for such a placement under s. 48.38 (4) (em) before the  
20 placement is made.

21 **SECTION 499.** 48.38 (2) (intro.) of the statutes is amended to read:

22 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),  
23 for each child living in a foster home, group home, residential care center for children  
24 and youth, juvenile detention facility, shelter care facility, qualifying residential  
25 family-based treatment facility with a parent, or supervised independent living



1 arrangement, the agency that placed the child or arranged the placement or the  
2 agency assigned primary responsibility for providing services to the child under s.  
3 48.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following  
4 conditions exists, and, for each child living in the home of a guardian or a relative  
5 other than a parent, that agency shall prepare a written permanency plan, if any of  
6 the conditions specified in pars. (a) to (e) exists:

7 **SECTION 500.** 48.38 (2) (d) of the statutes is amended to read:

8 48.38 (2) (d) The child was placed under a voluntary agreement between the  
9 agency and the child's parent under s. 48.63 (1) (a) or (bm) or (5) (b) or under a  
10 voluntary transition-to-independent-living agreement under s. 48.366 (3).

11 **SECTION 501.** 48.38 (4) (em) of the statutes is created to read:

12 48.38 (4) (em) A recommendation regarding placement with a parent in a  
13 qualifying residential family-based treatment facility.

14 **SECTION 507.** 48.48 (17) (a) 3. of the statutes is amended to read:

15 48.48 (17) (a) 3. Provide appropriate protection and services for children and  
16 the expectant mothers of unborn children in its care, including providing services for  
17 those children and their families and for those expectant mothers in their own  
18 homes, placing ~~the~~ those children in licensed foster homes or group homes in this  
19 state or similar facilities regulated in another state within a reasonable proximity  
20 to the agency with legal custody, placing ~~the~~ those children in the homes of guardians  
21 under s. 48.977 (2), placing those children in a qualifying residential family-based  
22 treatment facility with a parent or in similar facilities regulated in another state, or  
23 contracting for services for those children by licensed child welfare agencies in this  
24 state or a similar child welfare agency regulated in another state, except that the  
25 department may not purchase the educational component of private day treatment

1 programs unless the department, the school board, as defined in s. 115.001 (7), and  
2 the state superintendent of public instruction all determine that an appropriate  
3 public education program is not available. Disputes between the department and the  
4 school district shall be resolved by the state superintendent of public instruction.

5 **SECTION 508.** 48.48 (17) (c) 4. of the statutes is amended to read:

6 48.48 (17) (c) 4. Is living in a foster home, group home, ~~or~~ residential care center  
7 for children and youth, qualifying residential family-based treatment facility, or a  
8 similar facility regulated in another state or in a supervised independent living  
9 arrangement.

10 **SECTION 509.** 48.481 (3) of the statutes is repealed.

11 **SECTION 511.** 48.487 (1m) of the statutes is amended to read:

12 48.487 (1m) TRIBAL FAMILY SERVICES GRANTS. From the appropriation account  
13 under s. 20.437 (1) ~~(bd)~~ (js), the department may distribute tribal family services  
14 grants to the elected governing bodies of the Indian tribes in this state. An elected  
15 governing body that receives a grant under this subsection may expend the grant  
16 moneys received for any of the purposes specified in subs. (2), (3) (b), (4m) (b), (5) (b),  
17 (6), and (7) as determined by that body.

18 **SECTION 512.** 48.526 (7) (intro.) of the statutes is amended to read:

19 48.526 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability  
20 of the appropriations under s. 20.437 (1) (cj) and (o), the department shall allocate  
21 funds for community youth and family aids for the period beginning on July 1, 2015  
22 2019, and ending on June 30, 2017 2021, as provided in this subsection to county  
23 departments under ss. 46.215, 46.22, and 46.23 as follows:

24 **SECTION 513m.** 48.526 (7) (a) of the statutes is amended to read:

1           48.526 (7) (a) For community youth and family aids under this section,  
2 amounts not to exceed ~~\$45,572,100~~ \$45,383,600 for the last 6 months of ~~2015,~~  
3 ~~\$91,150,200~~ 2019, ~~\$90,767,200~~ for ~~2016~~ 2020, and ~~\$45,578,100~~ \$45,383,600 for the  
4 first 6 months of ~~2017~~ 2021.

5           **SECTION 514.** 48.526 (7) (b) (intro.) of the statutes is amended to read:

6           48.526 (7) (b) (intro.) Of the amounts specified in par. (a), the department shall  
7 allocate \$2,000,000 for the last 6 months of ~~2015~~ 2019, \$4,000,000 for ~~2016~~ 2020, and  
8 \$2,000,000 for the first 6 months of ~~2017~~ 2021 to counties based on each of the  
9 following factors weighted equally:

10           **SECTION 515.** 48.526 (7) (bm) of the statutes is amended to read:

11           48.526 (7) (bm) Of the amounts specified in par. (a), the department shall  
12 allocate \$6,250,000 for the last 6 months of ~~2015~~ 2019, \$12,500,000 for ~~2016~~ 2020,  
13 and \$6,250,000 for the first 6 months of ~~2017~~ 2021 to counties based on each county's  
14 proportion of the number of juveniles statewide who are placed in a juvenile  
15 correctional facility or a secured residential care center for children and youth during  
16 the most recent 3-year period for which that information is available.

17           **SECTION 516.** 48.526 (7) (c) of the statutes is amended to read:

18           48.526 (7) (c) Of the amounts specified in par. (a), the department shall allocate  
19 \$1,053,200 for the last 6 months of ~~2015~~ 2019, \$2,106,500 for ~~2016~~ 2020, and  
20 \$1,053,300 for the first 6 months of ~~2017~~ 2021 to counties based on each of the factors  
21 specified in par. (b) 1. to 3. weighted equally, except that no county may receive an  
22 allocation under this paragraph that is less than 93 percent nor more than 115  
23 percent of the amount that the county would have received under this paragraph if  
24 the allocation had been distributed only on the basis of the factor specified in par. (b)  
25 3.

1           **SECTION 517.** 48.526 (7) (e) of the statutes is amended to read:

2           48.526 (7) (e) For emergencies related to community youth and family aids  
3 under this section, amounts not to exceed \$125,000 for the last 6 months of ~~2015~~  
4 2019, \$250,000 for ~~2016~~ 2020, and \$125,000 for the first 6 months of ~~2017~~ 2021. A  
5 county is eligible for payments under this paragraph only if it has a population of not  
6 more than 45,000.

7           **SECTION 518.** 48.526 (7) (h) of the statutes is amended to read:

8           48.526 (7) (h) For counties that are purchasing community supervision  
9 services under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~2017~~ 2019,  
10 \$2,124,800 in ~~2018~~ 2020, and \$1,062,400 in the first 6 months of ~~2019~~ 2021 for the  
11 provision of community supervision services for juveniles from that county. In  
12 distributing funds to counties under this paragraph, the department shall distribute  
13 to each county the full amount of the charges for the services purchased by that  
14 county, except that if the amounts available under this paragraph are insufficient to  
15 distribute that full amount, the department shall distribute those available amounts  
16 to each county that purchases community supervision services based on the ratio  
17 that the charges to that county for those services bear to the total charges to all  
18 counties that purchase those services.

19           **SECTION 519.** 48.526 (8) of the statutes is amended to read:

20           48.526 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the  
21 allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last  
22 6 months of ~~2015~~ 2019, \$1,333,400 in ~~2016~~ 2020, and \$666,700 in the first 6 months  
23 of ~~2017~~ 2021 for alcohol and other drug abuse treatment programs.

24           **SECTION 522.** 48.53 of the statutes is repealed.

25           **SECTION 522m.** 48.561 (3) (a) of the statutes is amended to read:

1           48.561 (3) (a) A county having a population of 750,000 or more shall contribute  
2           the greater of \$58,893,500 or the amount in the schedule for the appropriation under  
3           s. 20.437 (1) (cx) in each state fiscal year for the provision of child welfare services  
4           in that county by the department. That contribution shall be made as follows:

5           1. Through a reduction of \$37,209,200 from the amounts distributed to that  
6           county under ss. 46.40 (2) and 48.563 (2) in each state fiscal year.

7           2. Through a reduction of \$1,583,000 from the amount distributed to that  
8           county under s. 46.40 (2m) (a) in each state fiscal year.

9           3. Through a deduction of \$20,101,300 the remainder of the payment after the  
10           county's contribution under subs. 1. and 2. from any state payment due that county  
11           under s. 79.035, 79.04, or 79.08 as provided in par. (b).

12           **SECTION 523.** 48.563 (2) of the statutes is amended to read:

13           48.563 (2) COUNTY ALLOCATION. For children and family services under s. 48.569  
14           (1) (d), the department shall distribute not more than ~~\$70,211,100~~ \$80,125,200 in  
15           fiscal year ~~2017-18~~ 2019-20 and ~~\$74,308,000~~ \$101,145,500 in fiscal year ~~2018-19~~  
16           2020-21.

17           **SECTION 524.** 48.57 (1) (c) of the statutes is amended to read:

18           48.57 (1) (c) To provide appropriate protection and services for children and the  
19           expectant mothers of unborn children in its care, including providing services for  
20           those children and their families and for those expectant mothers in their own  
21           homes, placing those children in licensed foster homes or group homes in this state  
22           or similar facilities regulated in another state within a reasonable proximity to the  
23           agency with legal custody, placing those children in the homes of guardians under  
24           s. 48.977 (2), placing those children in a qualifying residential family-based  
25           treatment facility, or in a similar facility regulated in another state, or contracting

1 for services for those children by licensed child welfare agencies in this state or a  
2 child welfare agency regulated in another state, except that the county department  
3 may not purchase the educational component of private day treatment programs  
4 unless the county department, the school board, as defined in s. 115.001 (7), and the  
5 state superintendent of public instruction all determine that an appropriate public  
6 education program is not available. Disputes between the county department and  
7 the school district shall be resolved by the state superintendent of public instruction.

8 **SECTION 525.** 48.57 (3) (a) 4. of the statutes is amended to read:

9 48.57 (3) (a) 4. Is living in a foster home, group home, residential care center  
10 for children and youth, ~~or~~ subsidized guardianship home, qualifying residential  
11 family-based treatment facility, or a similar facility regulated in another state or in  
12 a supervised independent living arrangement.

13 **SECTION 526m.** 48.57 (3m) (am) (intro.) of the statutes is amended to read:

14 48.57 (3m) (am) (intro.) From the appropriations under s. 20.437 (2) (dz), (md),  
15 (me), and (s), the department shall reimburse counties having populations of less  
16 than 750,000 for payments made under this subsection and shall make payments  
17 under this subsection in a county having a population of 750,000 or more. Subject  
18 to par. (ap), a county department and, in a county having a population of 750,000 or  
19 more, the department shall make payments in the amount of \$238 ~~\$254~~ per month  
20 beginning on January 1, 2018, ~~and \$244 per month beginning on January 1, 2019~~  
21 2020, to a kinship care relative who is providing care and maintenance for a child if  
22 all of the following conditions are met:

23 **SECTION 527m.** 48.57 (3n) (am) (intro.) of the statutes is amended to read:

24 48.57 (3n) (am) (intro.) From the appropriations under s. 20.437 (2) (dz), (md),  
25 (me), and (s), the department shall reimburse counties having populations of less

1 than 750,000 for payments made under this subsection and shall make payments  
2 under this subsection in a county having a population of 750,000 or more. Subject  
3 to par. (ap), a county department and, in a county having a population of 750,000 or  
4 more, the department shall make monthly payments for each child in the amount of  
5 \$238 \$254 per month beginning on January 1, 2018, and \$244 per month beginning  
6 on January 1, 2019 2020, to a long-term kinship care relative who is providing care  
7 and maintenance for that child if all of the following conditions are met:

8 **SECTION 528m.** 48.62 (4) of the statutes is amended to read:

9 48.62 (4) Monthly payments in foster care shall be provided according to the  
10 rates specified in this subsection. Beginning on January 1, 2018 2020, the rates are  
11 \$238 \$254 for care and maintenance provided for a child of any age by a foster home  
12 that is certified to provide level one care, as defined in the rules promulgated under  
13 sub. (8) (a) and, for care and maintenance provided by a foster home that is certified  
14 to provide care at a level of care that is higher than level one care, \$394 \$420 for a  
15 child under 5 years of age; \$431 \$460 for a child 5 to 11 years of age; \$490 \$522 for  
16 a child 12 to 14 years of age; and \$511 \$545 for a child 15 years of age or over.  
17 ~~Beginning on January 1, 2019, the rates are \$244 for care and maintenance provided~~  
18 ~~for a child of any age by a foster home that is certified to provide level one care, as~~  
19 ~~defined in the rules promulgated under sub. (8) (a) and, for care and maintenance~~  
20 ~~provided by a foster home that is certified to provide care at a level of care that is~~  
21 ~~higher than level one care, \$404 for a child under 5 years of age; \$442 for a child 5~~  
22 ~~to 11 years of age; \$502 for a child 12 to 14 years of age; and \$524 for a child 15 years~~  
23 ~~of age or over.~~ In addition to these grants for basic maintenance, the department,  
24 county department, or licensed child welfare agency shall make supplemental  
25 payments for foster care to a foster home that is receiving an age-related rate under

1 this subsection that are commensurate with the level of care that the foster home is  
2 certified to provide and the needs of the child who is placed in the foster home  
3 according to the rules promulgated by the department under sub. (8) (c).

4 **SECTION 529.** 48.623 (3) (a) of the statutes is amended to read:

5 48.623 (3) (a) Except as provided in this paragraph, the county department  
6 shall provide the monthly payments under sub. (1) or (6). The county department  
7 shall provide those payments from moneys received under s. 48.48 (8p) or 48.569 (1)  
8 (d). In a county having a population of 750,000 or more or in the circumstances  
9 specified in s. 48.43 (7) (a) or 48.485 (1), the department shall provide the monthly  
10 payments under sub. (1) or (6). The department shall provide those payments from  
11 the appropriations under s. 20.437 (1) (~~dd~~) (cx) and (~~pd~~) (mx).

12 **SECTION 530.** 48.63 (1) (bm) of the statutes is created to read:

13 48.63 (1) (bm) Acting under a voluntary agreement, a child's parent, the  
14 department, or a county department may place the child in a qualifying residential  
15 family-based treatment facility with a parent, if such a placement is recommended  
16 in the child's permanency plan under s. 48.38 (4) (em) before the placement is made.  
17 A placement under this paragraph ~~may not~~ <sup>cannot</sup> exceed 180 days from the date on which  
18 the child was removed from the home under the voluntary agreement. AAI  
58.

19 **SECTION 531.** 48.63 (1) (c) of the statutes is amended to read:

20 48.63 (1) (c) Voluntary agreements may be made only under par. (a) ~~or~~, (b), or  
21 (bm) or sub. (5) (b), shall be in writing, shall state whether the child has been adopted,  
22 and shall specifically state that the agreement may be terminated at any time by the  
23 parent, guardian, or Indian custodian or by the child if the child's consent to the  
24 agreement is required. In the case of an Indian child who is placed under par. (a) ~~or~~,  
25 (b), or (bm) by the voluntary agreement of the Indian child's parent or Indian



1       custodian, the voluntary consent of the parent or Indian custodian to the placement  
2       shall be given as provided in s. 48.028 (5) (a). The child's consent to an agreement  
3       under par. (a) ~~or~~, (b), or (bm) is required whenever the child is 12 years of age or older.

4       **SECTION 532.** 48.645 (1) (a) of the statutes is amended to read:

5       48.645 (1) (a) The child is living in a foster home licensed under s. 48.62 if a  
6       license is required under that section, in a foster home located within the boundaries  
7       of a reservation in this state and licensed by the tribal governing body of the  
8       reservation, in a group home licensed under s. 48.625, in a subsidized guardianship  
9       home under s. 48.623, in a residential care center for children and youth licensed  
10      under s. 48.60, with a parent in a qualifying residential family-based treatment  
11      facility, or in a supervised independent living arrangement and has been placed in  
12      that home, center, or arrangement by a county department under s. 46.215, 46.22,  
13      or 46.23, by the department, or by a governing body of an Indian tribe in this state  
14      under an agreement with a county department under s. 46.215, 46.22, or 46.23.

15      **SECTION 532c.** 48.645 (2) (a) 2. of the statutes is amended to read:

16      48.645 (2) (a) 2. A county or, in a county having a population of 750,000 or more,  
17      the department, on behalf of a child in the legal custody of a county department under  
18      s. 46.215, 46.22, or 46.23 or the department under s. 48.48 (17) or on behalf of a child  
19      who was removed from the home of a relative as a result of a judicial determination  
20      that continuance in the home of a relative would be contrary to the child's welfare  
21      for any reason when the child is placed in a licensed residential care center for  
22      children and youth or a qualifying residential family-based treatment center by the  
23      county department or the department. Reimbursement shall be made by the state  
24      as provided in subd. 1.

25      **SECTION 532d.** 48.645 (2) (a) 3. of the statutes is amended to read:

1           48.645 (2) (a) 3. A county or, in a county having a population of 750,000 or more,  
2 the department, when the child is placed in a licensed foster home, group home, or  
3 residential care center for children and youth, or a qualifying residential  
4 family-based treatment facility, in a subsidized guardianship home, or in a  
5 supervised independent living arrangement by a licensed child welfare agency or by  
6 a governing body of an Indian tribe in this state or by its designee, if the child is in  
7 the legal custody of the county department under s. 46.215, 46.22, or 46.23 or the  
8 department under s. 48.48 (17) or if the child was removed from the home of a relative  
9 as a result of a judicial determination that continuance in the home of the relative  
10 would be contrary to the child's welfare for any reason and the placement is made  
11 under an agreement with the county department or the department.

12           **SECTION 532e.** 48.645 (2) (a) 4. of the statutes is amended to read:

13           48.645 (2) (a) 4. A licensed foster home, group home, or residential care center  
14 for children and youth, or a qualifying residential family-based treatment facility  
15 or a subsidized guardianship home when the child is in the custody or guardianship  
16 of the state, when the child is a ward of a tribal court in this state and the placement  
17 is made under an agreement between the department and the governing body of the  
18 Indian tribe of the tribal court, or when the child was part of the state's direct service  
19 case load and was removed from the home of a relative as a result of a judicial  
20 determination that continuance in the home of a relative would be contrary to the  
21 child's welfare for any reason and the child is placed by the department.

22           **SECTION 534.** 48.651 (3) (a) of the statutes is amended to read:

23           48.651 (3) (a) If a ~~child care provider certified under sub. (1) is convicted of a~~  
24 ~~serious crime, as defined in s. 48.686 (1) (e), or if a caregiver specified in s. 48.686 (1)~~  
25 ~~(ag) 1. or a nonclient resident, as defined in s. 48.686 (1) (bm), of the person subject~~

1 to a background check under s. 48.686 (2) who operates, works at, or resides at a child  
2 care provider certified under sub. (1) is convicted or adjudicated delinquent for  
3 committing a serious crime, as defined in s. 48.686 (1) (c), ~~on or after his or her 10th~~  
4 ~~birthday~~, or if the department provides written notice of a decision under s. 48.686  
5 (4p) that the ~~child care provider, caregiver, or nonclient resident person~~ is ineligible  
6 ~~for certification, employment, or residence to operate, work at, or reside~~ at the child  
7 care provider, the department in a county having a population of 750,000 or more,  
8 a county department, or an agency contracted with under sub. (2) shall revoke the  
9 certification of the child care provider immediately upon providing written notice of  
10 revocation and the grounds for revocation and an explanation of the process for  
11 appealing the revocation.

12 **SECTION 535.** 48.651 (3) (b) of the statutes is amended to read:

13 48.651 (3) (b) If a ~~child care provider certified under sub. (1)~~ is the subject of  
14 ~~a pending criminal charge alleging that the person has committed a serious crime,~~  
15 ~~as defined in s. 48.686 (1) (c), or if a caregiver specified in s. 48.686 (1) (ag) 1. or a~~  
16 ~~nonclient resident, as defined in s. 48.686 (1) (bm), of the person subject to a~~  
17 background check under s. 48.686 (2) who operates, works at, or resides at a child  
18 care provider certified under sub. (1) is the subject of a pending criminal charge or  
19 delinquency petition alleging that the person has committed a serious crime ~~on or~~  
20 ~~after his or her 10th birthday~~, the department in a county having a population of  
21 750,000 or more, a county department, or an agency contracted with under sub. (2)  
22 shall immediately suspend the certification of the child care provider until the  
23 department, county department, or agency obtains information regarding the final  
24 disposition of the charge or delinquency petition indicating that the person is not

1 ineligible to be certified under sub. ~~(1)~~ operate, work at, or reside at the child care  
2 provider.

3 **SECTION 536.** 48.685 (1) (ao) of the statutes is created to read:

4 48.685 (1) (ao) "Congregate care facility" means a group home, shelter care  
5 facility, or residential care center for children and youth.

6 **SECTION 537.** 48.685 (1) (ap) of the statutes is created to read:

7 48.685 (1) (ap) "Congregate care worker" means an adult who works in a  
8 congregated care facility. "Congregate care worker" includes a person who has or is  
9 seeking a license to operate a congregated care facility and does not include an unpaid  
10 volunteer.

11 **SECTION 538.** 48.685 (1) (c) 2. of the statutes is amended to read:

12 48.685 (1) (c) 2. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19  
13 (2), (4), (5), or (6), 940.22 (2) or (3), 940.225 (1), (2), or (3), 940.285 (2), 940.29, 940.295,  
14 942.09 (2), 948.02 (1) or (2), 948.025, 948.03 (2) or (5) (a) 1., 2., 3., or 4., 948.05,  
15 948.051, 948.055, 948.06, 948.07, 948.08, 948.081, 948.085, 948.11 (2) (a) or (am),  
16 948.12, 948.13, 948.21 ~~(2)~~, 948.215, 948.30, or 948.53.

17 **SECTION 539.** 48.685 (2) (am) 5. of the statutes is amended to read:

18 48.685 (2) (am) 5. Information maintained by the department of health services  
19 under this section and under ss. 48.623 (6) (am) 2. and (bm) 5., 48.75 (1m), and 48.979  
20 (1) (b) regarding any denial to the person of a license, or continuation or renewal of  
21 a license to operate an entity, or of payments under s. 48.623 (6) for operating an  
22 entity, for a reason specified in sub. (4m) (a) 1. to 5. and regarding any denial to the  
23 person of employment at, a contract with, or permission to reside at an entity or of  
24 permission to reside with a caregiver specified in sub. (1) (ag) 1. am. for a reason  
25 specified in sub. (4m) (b) 1. to 5. If the information obtained under this subdivision

1 indicates that the person has been denied a license, or continuation or renewal of a  
2 license, payments, employment, a contract, or permission to reside as described in  
3 this subdivision, the department, a county department, or a child welfare agency  
4 need not obtain the information specified in subds. 1. to 4., and the department need  
5 not obtain a fingerprint-based background check under par. (ba).

6 **SECTION 540.** 48.685 (2) (b) (intro.) of the statutes is amended to read:

7 48.685 (2) (b) (intro.) Every entity shall obtain all of the following with respect  
8 to a caregiver specified in sub. (1) (ag) 1. a. or am. of the entity ~~and~~, with respect to  
9 a nonclient resident of a caregiver specified in sub. (1) (ag) 1. am., and with respect  
10 to a congregate care worker, except a caregiver specified in sub. (1) (ag) 1. b., of the  
11 entity:

12 **SECTION 541.** 48.685 (2) (ba) of the statutes is created to read:

13 48.685 (2) (ba) If the person who is the subject of the search under par. (am)  
14 or (b) is a congregate care worker, the department shall obtain a fingerprint-based  
15 check of the national crime information databases, as defined in 28 USC 534 (f) (3)  
16 (A), unless the search has been terminated under par. (am) 5. or (b) 5m. The  
17 department, county department, or child welfare agency may release any  
18 information obtained under this paragraph only as permitted under 32 USC 20962  
19 (e).

20 **SECTION 542.** 48.685 (2) (bb) of the statutes is amended to read:

21 48.685 (2) (bb) If information obtained under par. (am) ~~or~~, (b), or (ba) indicates  
22 a charge of a serious crime, but does not completely and clearly indicate the final  
23 disposition of the charge, the department, county department, child welfare agency,  
24 or entity shall make every reasonable effort to contact the clerk of courts to determine  
25 the final disposition of the charge. If a background information form under sub. (6)

1 (a) or (am) indicates a charge or a conviction of a serious crime, but information  
2 obtained under par. (am) ~~or~~, (b), or (ba) does not indicate such a charge or conviction,  
3 the department, county department, child welfare agency, or entity shall make every  
4 reasonable effort to contact the clerk of courts to obtain a copy of the criminal  
5 complaint and the final disposition of the complaint. If information obtained under  
6 par. (am) ~~or~~, (b), or (ba), a background information form under sub. (6) (a) or (am),  
7 or any other information indicates a conviction of a violation of s. 940.19 (1), 940.195,  
8 940.20, 941.30, 942.08, 947.01 (1), or 947.013 obtained not more than 5 years before  
9 the date on which that information was obtained, the department, county  
10 department, child welfare agency, or entity shall make every reasonable effort to  
11 contact the clerk of courts to obtain a copy of the criminal complaint and judgment  
12 of conviction relating to that violation.

13 **SECTION 543.** 48.685 (2) (bg) of the statutes is amended to read:

14 48.685 (2) (bg) If an entity employs or contracts with a caregiver or congregate  
15 care worker for whom, within the last year, the information required under par. (b)  
16 1m. to 3m. and 5m. has already been obtained by another entity, the entity may  
17 obtain that information from that other entity, which shall provide the information,  
18 if possible, to the requesting entity. If an entity cannot obtain the information  
19 required under par. (b) 1m. to 3m. and 5m. from another entity or if an entity has  
20 reasonable grounds to believe that any information obtained from another entity is  
21 no longer accurate, the entity shall obtain that information from the sources  
22 specified in par. (b) 1m. to 3m. and 5m.

23 **SECTION 544.** 48.685 (2) (bm) of the statutes is amended to read:

24 48.685 (2) (bm) If the person who is the subject of the search under par. (am)  
25 or (b) is not a resident of this state, or if at any time within the 5 years preceding the

1 date of the search that person has not been a resident of this state, or if the  
2 department, county department, child welfare agency, or entity determines that the  
3 person's employment, licensing, or state court records provide a reasonable basis for  
4 further investigation, the department, county department, child welfare agency, or  
5 entity shall make a good faith effort to obtain from any state or other United States  
6 jurisdiction in which the person is a resident or was a resident within the 5 years  
7 preceding the date of the search information that is equivalent to the information  
8 specified in par. (am) 1. or (b) 1m. The department, county department, child welfare  
9 agency, or entity may require the person to be fingerprinted on 2 fingerprint cards,  
10 each bearing a complete set of the person's fingerprints, or by other technologies  
11 approved by law enforcement agencies. The department of justice may provide for  
12 the submission of the fingerprint cards or fingerprints by other technologies to the  
13 federal bureau of investigation for the purposes of verifying the identity of the person  
14 fingerprinted and obtaining records of his or her criminal arrests and convictions.  
15 The department, county department, or child welfare agency ~~may not~~ <sup>cannot</sup> use any  
16 information obtained under this paragraph for any purpose other than a search of  
17 the person's background under par. (am) or (b).

18 SECTION 545. 48.685 (2) (c) 1. of the statutes is amended to read:

19 48.685 (2) (c) 1. If the person who is the subject of the search under par. (am)  
20 is seeking an initial license to operate a foster home or is seeking relicensure after  
21 a break in licensure, the department, county department, or child welfare agency  
22 shall request under ~~42 USC 16962~~ 34 USC 20962 (b) a fingerprint-based check of the  
23 national crime information databases, as defined in 28 USC 534 (f) (3) (A). If that  
24 person is seeking subsidized guardianship payments under s. 48.623 (6), the  
25 department in a county having a population of 750,000 or more or county department

1 shall request that fingerprint-based check. The department, county department, or  
2 child welfare agency may release any information obtained under this subdivision  
3 only as permitted under ~~42 USC 16962~~ 34 USC 20962 (e).

4 **SECTION 546.** 48.685 (2) (d) of the statutes is amended to read:

5 48.685 (2) (d) Every entity shall maintain, or shall contract with another  
6 person to maintain, the most recent background information obtained on a caregiver  
7 or congregate care worker under par. (b). The information shall be made available  
8 for inspection by authorized persons, as defined by the department by rule.

9 **SECTION 547.** 48.685 (3) (b) of the statutes is amended to read:

10 48.685 (3) (b) Every 4 years or at any time within that period that an entity  
11 considers appropriate, the entity shall request the information specified in sub. (2)  
12 (b) 1m. to 5m. for all persons who are ~~caregivers specified in sub. (1) (ag) 1. a. or am.~~  
13 ~~of the entity and for all nonclient residents of a caregiver specified in sub. (1) (ag) 1.~~  
14 ~~am. of the entity~~ subject to sub. (2) (b).

15 **SECTION 548.** 48.685 (3) (c) of the statutes is created to read:

16 48.685 (3) (c) Every 4 years or at any time within that period that the  
17 department considers appropriate, the department shall obtain the information  
18 specified in sub. (2) (ba) for all persons who are congregate care workers.

19 **SECTION 549.** 48.685 (4m) (a) 1. of the statutes is amended to read:

20 48.685 (4m) (a) 1. That the person has been convicted of a serious crime or  
21 adjudicated delinquent ~~on or after his or her 10th birthday~~ for committing a serious  
22 crime or that the person is the subject of a pending criminal charge or delinquency  
23 petition alleging that the person has committed a serious crime ~~on or after his or her~~  
24 ~~10th birthday.~~

25 **SECTION 550.** 48.685 (4m) (b) (intro.) of the statutes is amended to read:



1           48.685 (4m) (b) (intro.) Notwithstanding s. 111.335, and except as provided in  
2 sub. (5), an entity may not employ or contract with a caregiver specified in sub. (1)  
3 (ag) 1. a. or am. or a congregate care worker or permit a nonclient resident to reside  
4 at the entity or with a caregiver specified in sub. (1) (ag) 1. am. of the entity if the  
5 entity knows or should have known any of the following:

6           **SECTION 551.** 48.685 (4m) (b) 1. of the statutes is amended to read:

7           48.685 (4m) (b) 1. That the person has been convicted of a serious crime or  
8 adjudicated delinquent ~~on or after his or her 10th birthday~~ for committing a serious  
9 crime or that the person is the subject of a pending criminal charge or delinquency  
10 petition alleging that the person has committed a serious crime ~~on or after his or her~~  
11 ~~10th birthday~~.

12           **SECTION 552.** 48.685 (4m) (c) of the statutes is amended to read:

13           48.685 (4m) (c) If the background information form completed by a person  
14 under sub. (6) (am) indicates that the person is not ineligible to be employed or  
15 contracted with for a reason specified in par. (b) 1. to 5., an entity may employ or  
16 contract with the person for not more than 45 days pending the receipt of the  
17 information sought under sub. (2) (am) or (b) and (ba). If the background information  
18 form completed by a person under sub. (6) (am) indicates that the person is not  
19 ineligible to be permitted to reside at an entity or with a caregiver specified in sub.  
20 (1) (ag) 1. am. for a reason specified in par. (b) 1. to 5. and if an entity otherwise has  
21 no reason to believe that the person is ineligible to be permitted to reside at an entity  
22 or with that caregiver for any of those reasons, the entity may permit the person to  
23 reside at the entity or with the caregiver for not more than 45 days pending receipt  
24 of the information sought under sub. (2) (am) or (b) and (ba). An entity shall provide

1 supervision for a person who is employed, contracted with, or permitted to reside as  
2 permitted under this paragraph.

3 **SECTION 553.** 48.685 (4m) (d) of the statutes is amended to read:

4 48.685 (4m) (d) If the department learns that a caregiver, congregate care  
5 worker, or nonclient resident is the subject of a pending investigation for a crime or  
6 offense that, under this subsection or sub. (5), could result in a bar to employment  
7 as a caregiver or residence being a caregiver, working, or residing at an entity, the  
8 department may notify the entity of the pending investigation.

9 **SECTION 554.** 48.685 (5m) of the statutes is amended to read:

10 48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license  
11 a person to operate an entity, a county department or a child welfare agency may  
12 refuse to license a foster home under s. 48.62, the department in a county having a  
13 population of 750,000 or more or a county department may refuse to provide  
14 subsidized guardianship payments to a person under s. 48.623 (6), and an entity may  
15 refuse to employ or contract with a caregiver or congregate care worker or permit a  
16 nonclient resident to reside at the entity or with a caregiver specified in sub. (1) (ag)  
17 1. am. of the entity if the person has been convicted of an offense that is not a serious  
18 crime, but that is, in the estimation of the department, county department, child  
19 welfare agency, or entity, substantially related to the care of a client.

20 **SECTION 555.** 48.685 (6) (am) of the statutes is amended to read:

21 48.685 (6) (am) Every 4 years an entity shall require all of its caregivers and  
22 ~~all, nonclient residents of the entity or of a caregiver specified in sub. (1) (ag) 1. am.~~  
23 ~~of the entity, congregate care workers, and nonclient residents of a caregiver~~  
24 specified in sub. (1) (ag) 1. am. to complete a background information form that is  
25 provided to the entity by the department.

1           **SECTION 556.** 48.685 (8) of the statutes is amended to read:

2           48.685 (8) The department, the department of health services, a county  
3 department, or a child welfare agency may charge a fee for obtaining the information  
4 required under sub. (2) (am) or (3) (a), for providing information to an entity to enable  
5 the entity to comply with sub. (2) (b) or (3) (b), or for obtaining and submitting  
6 fingerprints under sub. (2) (ba) or (bm) or (3) (c). The fee may not exceed the  
7 reasonable cost of obtaining the information or of obtaining and submitting  
8 fingerprints. No fee may be charged to a nurse aide, as defined in s. 146.40 (1) (d),  
9 for obtaining or maintaining information or for obtaining and submitting  
10 fingerprints if to do so would be inconsistent with federal law.

11           **SECTION 557.** 48.686 (1) (ac) of the statutes is created to read:

12           48.686 (1) (ac) "Approval" means a child care center license under s. 48.65, a  
13 child care provider certification under s. 48.651, or a contract with a child care  
14 provider under s. 120.13 (14).

15           **SECTION 558.** 48.686 (1) (ag) 1. (intro.) of the statutes is repealed.

16           **SECTION 559.** 48.686 (1) (ag) 1. a. of the statutes is renumbered 48.686 (1) (ag)  
17 1. and amended to read:

18           48.686 (1) (ag) 1. An employee or ~~independent~~ contractor of a child care  
19 program who is involved in the care or supervision of clients.

20           **SECTION 560.** 48.686 (1) (ag) 1. b. of the statutes is renumbered 48.686 (1) (ag)  
21 1m. and amended to read:

22           48.686 (1) (ag) 1m. ~~Involved in the care or supervision of clients of a child care~~  
23 ~~program or~~ A person who has direct contact and unsupervised access to clients of a  
24 child care program.

25           **SECTION 561.** 48.686 (1) (ar) of the statutes is repealed.

1           **SECTION 562.** 48.686 (1) (bm) of the statutes is amended to read:

2           48.686 (1) (bm) ~~“Nonclient resident”~~ “Household member” means a person who  
3 is age 10 or older, who resides, or is expected to reside, at a child care program, and  
4 who is not a client of the child care program or caregiver.

5           **SECTION 563.** 48.686 (1) (bo) of the statutes is created to read:

6           48.686 (1) (bo) “Licensing entity” means all of the following:

7           1. The department when licensing a child care center under s. 48.65.

8           2. The department in a county with a population of 750,000 or more, a county  
9 department, or an agency or Indian tribe contracted with under s. 48.651 (2) when  
10 certifying a child care provider under s. 48.651.

11           3. A school board when contracting with a child care provider under s. 120.13  
12 (14).

13           **SECTION 564.** 48.686 (1) (bp) of the statutes is created to read:

14           48.686 (1) (bp) “Noncaregiver employee” means a person who provides services  
15 to a child care program as an employee or a contractor and is not a caregiver, but  
16 whose work at the child care program provides the ability to move freely throughout  
17 the premises and opportunities for interactions with clients of the child care  
18 program.

19           **SECTION 565.** 48.686 (1) (c) 5. of the statutes is amended to read:

20           48.686 (1) (c) 5. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.21,  
21 940.225 (1), (2), or (3), 940.23, 940.305, 940.31, 941.20 (2) or (3), 941.21, 943.02,  
22 943.03, 943.04, 943.10 (2), 943.32 (2), or 948.081, 948.21 (1) (a), 948.215, or 948.53  
23 (2) (b) 1.

24           **SECTION 566.** 48.686 (1) (c) 9. of the statutes is amended to read:

1           48.686 (1) (c) 9. A violation of s. 125.075 (1), 125.085 (3) (a) 2., 125.105 (2) (b),  
2           125.66 (3), 125.68 (12), 940.09, 940.19 (2), (4), (5), or (6), 940.20, 940.203, 940.205,  
3           940.207, 940.25, or 943.23 (1g), ~~a violation of s. 948.51 (2) that is a felony under s.~~  
4           ~~948.51 (3) (b) or (e), a violation of s. 346.63 (1), (2), (5), or (6) that is a felony under~~  
5           ~~s. 346.65 (2) (am) 4., 5., 6., or 7. or (f), (2j) (d), or (3m), or an offense under ch. 961 that~~  
6           ~~is a felony, if the person completed his or her sentence, including any probation,~~  
7           ~~parole, or extended supervision, or was discharged by the department of corrections,~~  
8           ~~less than 5 years before the date of the investigation under sub. (2) (am).~~

9           **SECTION 567.** 48.686 (1) (c) 10. of the statutes is amended to read:

10           48.686 (1) (c) 10. A violation of s. 948.22 (2), ~~if the person completed his or her~~  
11           ~~sentence, including any probation, parole, or extended supervision, or was~~  
12           ~~discharged by the department of corrections, less than 5 years before the date of the~~  
13           ~~investigation under sub. (2) (am), unless the person has paid all arrearages due and~~  
14           ~~is meeting his or her current support obligations.~~

15           **SECTION 568.** 48.686 (2) (a) of the statutes is amended to read:

16           48.686 (2) (a) ~~The department~~ A licensing entity shall require any person who  
17           applies for issuance of an initial license approval to operate a child care center under  
18           ~~s. 48.65, a school board shall require any person who proposes an initial contract with~~  
19           ~~the school board under s. 120.13 (14), and the department in a county having a~~  
20           ~~population of 750,000 or more, a county department, or an agency contracted with~~  
21           ~~under s. 48.651 (2) shall require any child care provider who applies for initial~~  
22           ~~certification under s. 48.651~~ program to submit the information required for a  
23           background check request under par. (ag). ~~A~~ If the licensing entity is a school board,  
24           ~~county department, or contracted agency or tribe, the licensing entity shall submit~~  
25           ~~the completed background information request to the department.~~

1           **SECTION 569.** 48.686 (2) (ab) of the statutes is amended to read:

2           48.686 (2) (ab) Each child care program shall submit a request to the  
3 department for a ~~criminal~~ background check for each potential caregiver,  
4 noncaregiver employee, and ~~potential nonclient resident~~ household member prior to  
5 the date on which an individual becomes a caregiver, noncaregiver employee, or  
6 ~~nonclient resident~~ household member, and at least once during every 5-year period  
7 for each existing caregiver, noncaregiver employee, or ~~nonclient resident~~ household  
8 member, except if all of the following apply to the individual:

9           1. The ~~caregiver, potential caregiver, nonclient resident, or potential nonclient~~  
10 ~~resident~~ individual has received a background check as described in par. (am) while  
11 ~~employed~~ working or seeking employment by work with another child care program  
12 within the state within the last 5 years.

13           2. The department provided to the child care program under subd. 1. a  
14 qualifying background check result for the ~~caregiver, potential caregiver, nonclient~~  
15 ~~resident, or potential nonclient resident~~ individual.

16           3. The ~~caregiver, potential caregiver, nonclient resident, or potential nonclient~~  
17 ~~resident is employed by~~ individual works or resides at a child care program within  
18 the state or has been separated from employment work or residence at a child care  
19 program within the state for a period of not more than 180 consecutive days.

20           **SECTION 570.** 48.686 (2) (ag) 1. b. of the statutes is amended to read:

21           48.686 (2) (ag) 1. b. Any additional information that the department deems  
22 necessary to perform the ~~criminal~~ background check.

23           **SECTION 571.** 48.686 (2) (ag) 2. of the statutes is amended to read:

1           48.686 (2) (ag) 2. A request for a ~~eriminal~~ background check is considered  
2 submitted on the day that the department receives all of the information required  
3 under subd. 1.

4           **SECTION 572.** 48.686 (2) (ag) 3. of the statutes is amended to read:

5           48.686 (2) (ag) 3. The requester of a background check under this paragraph  
6 shall submit all fees required by the department pursuant to the instructions  
7 provided by the department, not to exceed the actual cost of conducting the ~~eriminal~~  
8 background check.

9           **SECTION 573.** 48.686 (2) (am) (intro.) of the statutes is amended to read:

10           48.686 (2) (am) (intro.) Upon receipt of a request submitted under par. (a) or  
11 (ab), the department shall obtain all of the following with respect to ~~a caregiver or~~  
12 ~~a nonclient resident who is not under 10 years of age~~ the individual who is the subject  
13 of the request:

14           **SECTION 574.** 48.686 (2) (am) 1. of the statutes is amended to read:

15           48.686 (2) (am) 1. A fingerprint-based or name-based criminal history search  
16 from the records maintained by the department of justice.

17           **SECTION 575.** 48.686 (2) (am) 10. of the statutes is amended to read:

18           48.686 (2) (am) 10. A search of the department's ~~eriminal~~ background check  
19 records.

20           **SECTION 576.** 48.686 (2) (ar) of the statutes is amended to read:

21           48.686 (2) (ar) After receiving a request under par. (a) or (ab), the department  
22 shall conduct the ~~eriminal~~ background check as expeditiously as possible and shall  
23 make a good faith effort to complete all components of the ~~eriminal~~ background check  
24 no later than 45 days after the date on which the request was submitted.

25           **SECTION 577.** 48.686 (2) (bd) of the statutes is amended to read:

1           48.686 (2) (bd) Notwithstanding par. (am), the department is not required to  
2 obtain the information specified in par. (am) 1. to 10., with respect to a ~~person~~  
3 household member under 18 years of age whose background check request under par.  
4 (ag) indicates that the ~~person~~ household member is not ineligible to be permitted to  
5 reside at a child care program for a reason specified in sub. (4m) (a) 1. to 8. and with  
6 respect to whom the department otherwise has no reason to believe that the person  
7 is ineligible to be permitted to reside at the child care program for any of those  
8 reasons. This paragraph does not preclude the department from obtaining, at its  
9 discretion, the information specified in par. (am) 1. to 10. with respect to a ~~person~~  
10 household member described in this paragraph ~~who is a nonclient resident or a~~  
11 ~~potential nonclient resident of a child care program.~~

12           **SECTION 578.** 48.686 (3) (am) of the statutes is amended to read:

13           48.686 (3) (am) Every year or at any time that the department considers  
14 appropriate, the department may request the information specified in sub. (2) (am)  
15 1. to 5. for all caregivers ~~under sub. (1) (ag) 2., nonclient residents of such a caregiver,~~  
16 ~~and caregivers under sub. (1) (ag) 1. who have direct contact with clients. For the~~  
17 ~~purposes of this paragraph, "direct contact" means face-to-face physical proximity~~  
18 ~~to a client that affords the opportunity to commit abuse or neglect of a client or to~~  
19 ~~misappropriate the property of a client, noncaregiver employees, and household~~  
20 ~~members.~~

21           **SECTION 579.** 48.686 (4m) (a) (intro.) of the statutes is amended to read:

22           48.686 (4m) (a) (intro.) Notwithstanding s. 111.335, and except as provided in  
23 par. (ad) and sub. (5), ~~the department~~ a licensing entity may not ~~license, or continue~~  
24 ~~or renew the license of, a person to operate a child care center under s. 48.65, the~~  
25 ~~department in a county having a population of 750,000 or more, a county~~



1 ~~department, or an agency contracted with under s. 48.651 (2) may not certify a child~~  
2 ~~care provider under s. 48.651, a school board may not contract with a person under~~  
3 ~~s. 120.13 (14) issue an approval to operate a child care program to a person, and a~~  
4 ~~child care program may not employ or contract with a caregiver specified in sub. (1)~~  
5 ~~(ag) 1. or noncaregiver employee or permit a household member to reside at the child~~  
6 ~~care program if the department, county department, contracted agency, school~~  
7 ~~board, licensing entity or child care program knows or should have known any of the~~  
8 following:

9 **SECTION 580.** 48.686 (4m) (a) 1. of the statutes is amended to read:

10 48.686 (4m) (a) 1. That the person has been convicted of a serious crime or  
11 adjudicated delinquent ~~on or after his or her 10th birthday~~ for committing a serious  
12 crime or that the person is the subject of a pending criminal charge or delinquency  
13 petition alleging that the person has committed a serious crime ~~on or after his or her~~  
14 ~~10th birthday~~.

15 **SECTION 581.** 48.686 (4m) (a) 2. of the statutes is created to read:

16 48.686 (4m) (a) 2. That the person is registered or is required to be registered  
17 on a state sex offender registry or repository or the national sex offender registry.

18 **SECTION 582.** 48.686 (4m) (a) 5. of the statutes is amended to read:

19 48.686 (4m) (a) 5. That the department has determined the person ineligible  
20 ~~to be licensed~~ receive an approval to operate a child care center under s. 48.65, ~~to be~~  
21 ~~certified to operate a child care provider under s. 48.651, to contract with a school~~  
22 ~~board under s. 120.13 (14) program, to be employed as a caregiver at by a child care~~  
23 ~~program, or to be a nonclient resident at household member of a child care program.~~

24 **SECTION 583.** 48.686 (4m) (a) 6. of the statutes is amended to read:

1           48.686 (4m) (a) 6. That the person has refused to provide information under  
2 sub. (2) (ag), or that the person refused to participate in, cooperate with, or submit  
3 required information for the ~~eriminal~~ background check described in sub. (2) (am),  
4 including fingerprints.

5           **SECTION 584.** 48.686 (4m) (a) 7. of the statutes is amended to read:

6           48.686 (4m) (a) 7. That the person knowingly made a materially false  
7 statement in connection with the person's ~~eriminal~~ background check described in  
8 sub. (2).

9           **SECTION 585.** 48.686 (4m) (a) 8. of the statutes is amended to read:

10           48.686 (4m) (a) 8. That the person knowingly omitted material information  
11 requested in connection with the person's ~~eriminal~~ background check conducted  
12 under sub. (2).

13           **SECTION 586.** 48.686 (4m) (ad) of the statutes is amended to read:

14           48.686 (4m) (ad) ~~The department~~ A licensing entity may ~~license~~ issue an  
15 approval to operate a child care center under s. 48.65; the department in a county  
16 having a population of 750,000 or more, a county department, or an agency  
17 contracted with under s. 48.651 (2) may certify a child care provider under s. 48.651;  
18 and a school board may contract with a person under s. 120.13 (14), program to a  
19 person conditioned on the receipt of the information specified in sub. (4p) (a)  
20 indicating that the person is not ineligible to be so licensed, certified, or contracted  
21 with for a reason specified in par. (a) 1. to 8.

22           **SECTION 587.** 48.686 (4m) (c) of the statutes is amended to read:

23           48.686 (4m) (c) A child care program may employ or contract with a potential  
24 caregiver or noncaregiver employee or permit a potential ~~nonclient~~ resident  
25 household member to reside at the child care program for up to 45 days from the date

1 a background check request is submitted to the department pending the completion  
2 of the department's report under sub. (4p) (a) if the department provides a  
3 preliminary report under sub. (4p) (c) to the child care program indicating that the  
4 ~~potential caregiver or nonclient resident~~ individual is not ineligible to work or reside  
5 at a child care program. At all times that ~~children in care~~ clients of a child care  
6 program are present, an individual who received a qualifying result on a background  
7 check described in sub. (2) (am) within the past 5 years must supervise a potential  
8 ~~employee caregiver, noncaregiver employee, or nonclient resident~~ household  
9 member permitted to work or reside at the child care program under this paragraph.

10 **SECTION 588.** 48.686 (4p) (a) of the statutes is amended to read:

11 48.686 (4p) (a) The department shall provide the results of the ~~criminal~~  
12 background check to the child care program in a written report that indicates only  
13 that the individual on whom the background check was conducted is eligible or  
14 ineligible for employment or to reside at the child care program, without revealing  
15 any disqualifying ~~crime~~ offense or other information regarding the individual.

16 **SECTION 589.** 48.686 (4p) (b) of the statutes is amended to read:

17 48.686 (4p) (b) The department shall provide the results of the ~~criminal~~  
18 background check to the individual on whom the background check was conducted  
19 in a written report that indicates whether the individual is eligible or ineligible for  
20 employment or to reside at the child care program. If the individual is ineligible for  
21 employment or to reside at the child care program, the department's report shall  
22 include information on each disqualifying ~~crime~~ offense and information on the right  
23 to appeal.

24 **SECTION 590.** 48.686 (4p) (c) of the statutes is amended to read:

1           48.686 (4p) (c) Before the department completes its report under par. (a), a  
2 caregiver under sub. (1) (ag) 2. may submit a written request to the department for  
3 a preliminary report indicating whether a potential caregiver, noncaregiver  
4 employee, or ~~nonclient resident~~ household member is eligible to work or reside at a  
5 child care program under sub. (4m) (c). If the department receives such a request,  
6 it shall provide a written preliminary report to that caregiver indicating whether the  
7 individual is barred from ~~employment as a caregiver~~ working or ~~residence as a~~  
8 ~~nonclient resident~~ residing at a child care program on the basis of a background  
9 check under sub. (2) (am) 1. or 7. If the individual is ineligible for ~~employment or~~  
10 ~~residence~~ to work or reside at a child care program based on the results of the  
11 preliminary report, the department shall also provide a preliminary report to the  
12 individual containing information related to each disqualifying ~~crime~~ offense.

13           **SECTION 591.** 48.686 (4p) (d) of the statutes is amended to read:

14           48.686 (4p) (d) The results of a report under par. (c) may not be appealed by  
15 the individual until receipt of the department's report under par. (b) following  
16 completion of all components of the ~~criminal~~ background check.

17           **SECTION 592.** 48.686 (4s) (a) of the statutes is amended to read:

18           48.686 (4s) (a) An individual who is the subject of the department's report on  
19 the results of a ~~criminal~~ background check may appeal the department's decision.  
20 Only the person who is the subject of the department's report may appeal the  
21 department's decision. Neither the child care program nor any other person may  
22 appeal the department's decision.

23           **SECTION 593.** 48.686 (4s) (b) of the statutes is amended to read:

24           48.686 (4s) (b) An appeal request shall be submitted to the department at the  
25 address, e-mail address, or fax number identified in the statement of appeal rights

1 no later than ~~60~~ 10 days after the date of the department's decision, unless the  
2 appellant requests, and the department grants, an extension for a specific amount  
3 of time prior to expiration of the ~~60~~ 10 day appeal period. Extensions may be granted  
4 for good cause shown.

5 **SECTION 594.** 48.686 (4s) (f) of the statutes is amended to read:

6 48.686 (4s) (f) The department shall sustain the results of its ~~criminal~~  
7 background check report if supported by a preponderance of the available evidence.

8 **SECTION 595.** 48.686 (4s) (m) of the statutes is amended to read:

9 48.686 (4s) (m) Notwithstanding s. 19.35, the department may not publicly  
10 release or disclose the results of any ~~criminal~~ individual background report it issues,  
11 except that the department may release aggregated data by crime as listed in sub.  
12 (1) (c) from ~~criminal~~ background check results so long as the data does not contain  
13 personally identifiable information. The department may disclose and use  
14 information obtained in conducting ~~criminal~~ background checks as necessary during  
15 an appeal or reconsideration under this subsection or for another lawful purpose.

16 **SECTION 596.** 48.686 (5) of the statutes is repealed and recreated to read:

17 48.686 (5) (a) A person may have the opportunity to demonstrate his or her  
18 rehabilitation to the department or to a tribe authorized to conduct a rehabilitation  
19 review under sub. (5d) if any of the following apply:

20 1. An investigation under sub. (2) (am) indicates that sub. (4m) (a) 2., 3., or 4.  
21 applies to the person.

22 2. An investigation under sub. (2) (am) indicates that the person has been  
23 convicted or adjudicated delinquent of a serious crime as specified under sub. (1) (c)  
24 9. or for a violation of the law of any other state or United States jurisdiction that  
25 would be a violation listed in sub. (1) (c) 9. if committed in this state, and the person

1 completed his or her sentence, including any probation, parole, or extended  
2 supervision, or was discharged by the department of corrections, more than 5 years  
3 before the date of the investigation under sub. (2) (am).

4 (b) If the department or tribe determines that the person has demonstrated  
5 rehabilitation in accordance with procedures established by the department by rule  
6 or by the tribe and by clear and convincing evidence, the prohibition in sub. (4m) (a)  
7 does not apply.

8 **SECTION 597.** 48.686 (5c) (a) of the statutes is renumbered 48.686 (5c).

9 **SECTION 598.** 48.686 (5c) (b) of the statutes is repealed.

10 **SECTION 599.** 48.686 (5c) (c) of the statutes is repealed.

11 **SECTION 600.** 48.686 (5g) of the statutes is amended to read:

12 48.686 (5g) On January 1 of each year, the department shall submit a report  
13 to the legislature under s. 13.172 (2) that specifies the number of persons in the  
14 previous year who have requested to demonstrate that they have been rehabilitated  
15 under sub. (5) (a), the number of persons who successfully demonstrated that they  
16 have been rehabilitated under sub. (5) (a), and the reasons for the success or failure  
17 of a person who has attempted to demonstrate that he or she has been rehabilitated.

18 **SECTION 601.** 48.686 (5m) of the statutes is amended to read:

19 48.686 (5m) Notwithstanding s. 111.335, the department a licensing entity  
20 may refuse to license a person issue an approval to operate a child care center, the  
21 department in a county having a population of 750,000 or more, a county  
22 department, or an agency contracted with under s. 48.651 (2) may refuse to certify  
23 a child care provider under s. 48.651, a school board may refuse to contract with a  
24 person under s. 120.13 (14) program to a person, and a child care program may refuse  
25 to employ or contract with a caregiver or noncaregiver employee or permit a

1 ~~nonclient resident~~ household member to reside at the child care program if the  
2 person has been convicted of or adjudicated delinquent ~~on or after his or her 10th~~  
3 ~~birthday~~ for an offense that is not a serious crime, but that is, in the estimation of  
4 the department, substantially related to the care of a client. The department shall  
5 notify the provider and the individual of the results of a substantially related  
6 determination pursuant to the process set forth in sub. (4p) for ~~criminal~~ background  
7 check determinations. The individual shall have the same appeal rights as set forth  
8 in sub. (4s), and the same appeal procedures apply.

9 **SECTION 602.** 48.686 (7) of the statutes is amended to read:

10 48.686 (7) The department shall conduct throughout the state periodic training  
11 sessions that cover procedures and uses of ~~criminal~~ background investigations;  
12 reporting and investigating misappropriation of property or abuse or neglect of a  
13 client; and any other material that will better enable entities to comply with the  
14 requirements of this section.

15 **SECTION 603.** 48.715 (4g) (a) of the statutes is amended to read:

16 48.715 (4g) (a) ~~If a person who has been issued a license under s. 48.66 (1) (a)~~  
17 ~~or a probationary license under s. 48.69 to operate a child care center is convicted of~~  
18 ~~a serious crime, as defined in s. 48.686 (1) (c), if a caregiver specified in s. 48.686 (1)~~  
19 ~~(ag) 1. or a nonclient resident, as defined in s. 48.686 (1) (bm), of the subject to a~~  
20 ~~background check under s. 48.686 (2) who operates, works at, or resides at a child~~  
21 ~~care center is convicted or adjudicated delinquent for committing a serious crime ~~on~~~~  
22 ~~or after his or her 10th birthday, or if the results of a ~~criminal~~ background check~~  
23 ~~conducted under s. 48.686 indicate that the ~~person, caregiver, or nonclient resident~~~~  
24 ~~household member, or noncaregiver employee is not eligible to be licensed, certified,~~  
25 ~~or employed, or permitted to reside at a child care program, the department shall~~

1 revoke the license of the child care center immediately upon providing written notice  
2 of revocation and the grounds for revocation and an explanation of the process for  
3 appealing the revocation.

4 **SECTION 604.** 48.715 (4g) (b) of the statutes is amended to read:

5 48.715 (4g) (b) If a person ~~who has been issued a license under s. 48.66 (1) (a)~~  
6 ~~or a probationary license under s. 48.69 to operate a child care center is the subject~~  
7 ~~of a pending criminal charge alleging that the person has committed a serious crime,~~  
8 ~~as defined in s. 48.686 (1) (c), or if a caregiver specified in s. 48.686 (1) (ag) 1. or a~~  
9 ~~nonclient resident, as defined in s. 48.686 (1) (bm), of the subject to a background~~  
10 ~~check under s. 48.686 (2) who operates, works at, or resides at a child care center is~~  
11 ~~the subject of a pending criminal charge or delinquency petition alleging that the~~  
12 ~~person has committed a serious crime ~~on or after his or her 10th birthday,~~ the~~  
13 ~~department shall immediately suspend the license of the child care center until the~~  
14 ~~department obtains information regarding the final disposition of the charge or~~  
15 ~~delinquency petition indicating that the person is not ineligible to ~~be licensed to~~~~  
16 ~~operate, work at, or reside at a child care center.~~

17 **SECTION 605.** 48.981 (7) (a) 4p. of the statutes is amended to read:

18 48.981 (7) (a) 4p. A public or private agency in this state or any other state that  
19 is investigating a person for purposes of licensing the person to operate a foster home  
20 or placing a child for adoption in the home of the person or for the purposes of  
21 conducting a background investigation of an adult congregate care worker, as  
22 defined in s. 48.685 (1) (ap).

23 **SECTION 606.** 49.133 of the statutes is repealed.

24 **SECTION 607.** 49.1385 of the statutes is amended to read:



1           **49.1385 Grants for services for homeless and runaway youth.** The  
2 department may award not more than \$100,000 \$400,000 in each fiscal year in  
3 grants to support programs that provide services for homeless and runaway youth.

4           **SECTION 633.** 49.155 (6) (b) of the statutes is amended to read:

5           49.155 (6) (b) The department shall set maximum payment rates for Level I  
6 certified family child care providers certified under s. 48.651 (1) (a) for services  
7 provided to eligible individuals under this section. The maximum rates set under  
8 this paragraph may not exceed ~~75~~ 90 percent of the rates established under par. (a).

9           **SECTION 634.** 49.155 (6) (c) of the statutes is amended to read:

10           49.155 (6) (c) The department shall set maximum payment rates for Level II  
11 certified family child care providers for services provided to eligible individuals  
12 under this section. The maximum rates set under this paragraph may not exceed 50  
13 90 percent of the rates established under par. (a).

14           **SECTION 635.** 49.155 (7) (a) 1. of the statutes is amended to read:

15           49.155 (7) (a) 1. If ~~a child care provider is convicted of a serious crime, as defined~~  
16 ~~in s. 48.686 (1) (c), or if a caregiver specified in s. 48.686 (1) (ag) 1. a. or a nonclient~~  
17 ~~resident, as defined in s. 48.686 (1) (bm), of the person subject to a background check~~  
18 ~~under s. 48.686 (2) who operates, works at, or resides at a child care provider is~~  
19 ~~convicted or adjudicated delinquent for committing a serious crime on or after his or~~  
20 ~~her 10th birthday, as defined in s. 48.686 (1) (c), or if the department provides written~~  
21 ~~notice under s. 48.686 (4p) that the child care provider, caregiver, or nonclient~~  
22 ~~resident person is ineligible for certification, employment, or residence to operate,~~  
23 ~~work at, or reside~~ at the child care provider, the department or the county  
24 department under s. 46.215, 46.22, or 46.23 shall refuse to allow payment to the child

1 care provider for any child care provided under this section beginning on the date of  
2 the conviction or delinquency adjudication.

3 **SECTION 636.** 49.155 (7) (a) 2. of the statutes is amended to read:

4 49.155 (7) (a) 2. If a ~~child care provider is the subject of a pending criminal~~  
5 ~~charge alleging that the person has committed a serious crime, as defined in s. 48.686~~  
6 ~~(1) (c), or if a caregiver specified in s. 48.686 (1) (ag) 1. or a nonclient resident, as~~  
7 ~~defined in s. 48.686 (1) (bm), of the person subject to a background check under s.~~  
8 48.686 (2) who operates, works at, or resides at a child care provider is the subject  
9 of a pending criminal charge or delinquency petition alleging that the person has  
10 committed a serious crime on or after his or her 10th birthday, as defined in s. 48.686  
11 (1) (c), the department or the county department under s. 46.215, 46.22, or 46.23 shall  
12 immediately suspend ~~refuse to allow~~ payment to the child care provider for any child  
13 care provided under this section until the department obtains information regarding  
14 the final disposition of the charge or delinquency petition indicating that the person  
15 is not ineligible to receive such a payment ~~operate, work at, or reside at the child care~~  
16 provider.

17 **SECTION 637.** 49.155 (7) (b) of the statutes is repealed and recreated to read:

18 49.155 (7) (b) 1. If a person subject to a background check under s. 48.686 (2)  
19 who operates, works at, or resides at a child care provider has been convicted or  
20 adjudicated delinquent for committing an offense that is not a serious crime, as  
21 defined in s. 48.686 (1) (c), but the department determines under s. 48.686 (5m) that  
22 the offense substantially relates to the care of children or the department determines  
23 that the offense substantially relates to the operation of a business, the department  
24 or the county department under s. 46.215, 46.22, or 46.23 may refuse to allow  
25 payment to the child care provider for child care provided under this section.

1           2. If a person subject to a background check under s. 48.686 (2) who operates,  
2 works at, or resides at a child care provider is the subject of a pending criminal charge  
3 or delinquency petition for committing an offense that is not a serious crime, as  
4 defined in s. 48.686 (1) (c), but the department determines under s. 48.686 (5m) that  
5 the offense substantially relates to the care of children or the department determines  
6 that the offense substantially relates to the operation of a business, the department  
7 or the county department under s. 46.215, 46.22, or 46.23 may refuse to allow  
8 payment to the child care provider for child care provided under this section.

9           **SECTION 640m.** 49.163 (2) (am) 2. of the statutes is amended to read:

10           49.163 (2) (am) 2. If over ~~24~~ 25 years of age, be a biological or adoptive parent  
11 of a child under 18 years of age whose parental rights to the child have not been  
12 terminated or be a relative and primary caregiver of a child under 18 years of age.

13           **SECTION 643.** 49.175 (1) (intro.) of the statutes is amended to read:

14           49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in ~~subs.~~ sub. (2)  
15 and (3), within the limits of the appropriations under s. 20.437 (2) (a), (cm), (dz), (k),  
16 (kx), (L), (mc), (md), (me), and (s) and (3) (kp), the department shall allocate the  
17 following amounts for the following purposes:

18           **SECTION 644.** 49.175 (1) (a), (b), (c), (g), (i), (k), (n), (o), (p), (q), (qm), (r), (s), (t),  
19 (u), (v), (y) and (z) of the statutes are amended to read:

20           49.175 (1) (a) *Wisconsin Works benefits.* For Wisconsin Works benefits,  
21 ~~\$42,500,000~~ \$31,110,000 in fiscal year ~~2017-18~~ 2019-20 and ~~\$44,625,000~~  
22 \$31,732,200 in fiscal year ~~2018-19~~ 2020-21.

23           (b) *Wisconsin Works agency contracts; job access loans.* For contracts with  
24 Wisconsin Works agencies under s. 49.143 and for job access loans under s. 49.147

1 (6), ~~\$52,000,000~~ \$50,000,000 in fiscal year ~~2017-18~~ 2019-20 and ~~\$54,600,000~~  
2 \$50,000,000 in fiscal year ~~2018-19~~ 2020-21.

3 (c) *Case management incentive payments.* For supplement payments to  
4 individuals under s. 49.255, ~~\$2,700,000~~ in fiscal year ~~2017-18~~ 2019-20 and  
5 ~~\$2,700,000~~ in fiscal year ~~2018-19~~ 2020-21.

6 (g) *State administration of public assistance programs and overpayment*  
7 *collections.* For state administration of public assistance programs and the collection  
8 of public assistance overpayments, ~~\$15,987,000~~ \$16,671,200 in fiscal year ~~2017-18~~  
9 2019-20 and ~~\$15,902,900~~ \$17,268,300 in fiscal year ~~2018-19~~ 2020-21.

10 (i) *Emergency assistance.* For emergency assistance under s. 49.138 and for  
11 transfer to the department of administration for low-income energy or  
12 weatherization assistance programs, ~~\$7,000,000~~ \$6,000,000 in each fiscal year.

13 (k) *Transform Milwaukee and Transitional Jobs programs.* For contract costs  
14 under the Transform Milwaukee Jobs program and the Transitional Jobs program  
15 under s. 49.163, ~~\$7,000,000~~ \$8,500,000 in fiscal year ~~2017-18~~ 2019-20 and  
16 ~~\$8,000,000~~ \$9,500,000 in fiscal year ~~2018-19~~ 2020-21.

17 (n) *Fostering futures: connections count.* For funding community connectors to  
18 interact with vulnerable families with young children and to connect families with  
19 formal and informal community support, ~~\$360,300 in fiscal year 2017-18~~ and  
20 ~~\$560,300 in fiscal year 2018-19~~ \$560,300 in each fiscal year.

21 (o) *Evidence-based substance abuse prevention grants.* For grants awarded  
22 under s. 48.545 (2) (c), ~~\$500,000 in each fiscal year 2018-19~~.

23 (p) *Direct child care services.* For direct child care services under s. 49.155,  
24 ~~\$289,215,200~~ or 49.257, \$357,097,500 in fiscal year ~~2017-18~~ 2019-20 and  
25 ~~\$318,369,200~~ \$365,700,400 in fiscal year ~~2018-19~~ 2020-21.

1 (q) *Child care state administration and licensing activities.* For state  
2 administration of child care programs under s. 49.155 and for child care licensing  
3 activities, ~~\$36,189,400~~ \$40,152,100 in fiscal year ~~2017-18~~ 2019-20 and ~~\$36,030,000~~  
4 \$41,555,200 in fiscal year ~~2018-19~~ 2020-21.

5 (qm) *Quality care for quality kids.* For the child care quality improvement  
6 activities specified in s. ss. 49.155 (1g) and 49.257, ~~\$15,652,700~~ \$16,532,900 in each  
7 fiscal year 2019-20 and \$16,683,700 in fiscal year 2020-21.

8 (r) *Children of recipients of supplemental security income.* For payments made  
9 under s. 49.775 for the support of the dependent children of recipients of  
10 supplemental security income, ~~\$26,938,000~~ \$25,013,300 in each fiscal year.

11 (s) *Kinship care and long-term kinship care assistance.* For kinship care and  
12 long-term kinship care payments under s. 48.57 (3m) (am) and (3n) (am), for  
13 assessments to determine eligibility for those payments, and for agreements under  
14 s. 48.57 (3t) with the governing bodies of Indian tribes for the administration of the  
15 kinship care and long-term kinship care programs within the boundaries of the  
16 reservations of those tribes, ~~\$22,012,100~~ \$26,640,000 in fiscal year ~~2017-18~~ 2019-20  
17 and ~~\$22,741,200~~ \$28,159,200 in fiscal year ~~2018-19~~ 2020-21.

18 (t) *Safety and out-of-home placement services.* For services provided to ensure  
19 the safety of children who the department or a county determines may remain at  
20 home if appropriate services are provided, and for services provided to families with  
21 children placed in out-of-home care, ~~\$6,282,500~~ \$8,314,300 in fiscal year ~~2017-18~~  
22 2019-20 and ~~\$7,314,300~~ \$9,314,300 in fiscal year ~~2018-19~~ 2020-21. To receive  
23 funding under this paragraph, a county shall match a percentage of the amount  
24 received that is equal to the percentage the county is required to match for a

1 distribution under s. 48.563 (2) as specified by the schedule established by the  
2 department under s. 48.569 (1) (d).

3 (u) *Prevention services.* For services to prevent child abuse or neglect,  
4 ~~\$5,289,600 in each fiscal year~~ \$5,789,600 in fiscal year 2019-20 and \$6,789,600 in  
5 fiscal year 2020-21.

6 (v) *General education development.* For general education development testing  
7 and preparation for individuals who are eligible for temporary assistance for needy  
8 families under 42 USC 601 et seq., ~~\$115,000~~ \$175,000 in each fiscal year.

9 (y) *Offender reentry demonstration project.* For the offender reentry  
10 demonstration project under s. 49.37 (1), ~~\$187,500 in fiscal year 2017-18 and~~  
11 ~~\$250,000 in fiscal year 2018-19~~ \$250,000 in each fiscal year.

12 (z) *Grants to the Boys and Girls Clubs of America.* For grants to the Wisconsin  
13 Chapter of the Boys and Girls Clubs of America to fund programs that improve social,  
14 academic, and employment skills of youth who are eligible to receive temporary  
15 assistance for needy families under 42 USC 601 et seq., focusing on study habits,  
16 intensive tutoring in math and English, and exposure to career options and role  
17 models, ~~\$1,275,000~~ \$2,675,000 in each fiscal year. Grants provided under this  
18 paragraph may not be used by the grant recipient to replace funding for programs  
19 that are being funded, when the grant proceeds are received, with moneys other than  
20 those from the appropriations specified in sub. (1) (intro.). The total amount of the  
21 grants includes funds for ~~the Green Bay Boys and Girls Clubs for the BE GREAT:~~  
22 Graduate program in the amount of matching funds that the program provides, up  
23 to ~~\$75,000~~ \$1,400,000 in each fiscal year, to be used only for activities for which  
24 federal Temporary Assistance for Needy Families block grant moneys may be used.  
25 ~~The total amount of the grants also includes funds to be equally distributed among~~

1 ~~the Milwaukee, Oshkosh, and Appleton Boys and Girls Clubs for the BE GREAT~~  
2 ~~Graduate program in the amount of matching funds that the program provides, up~~  
3 ~~to \$100,000 in each fiscal year, to be used only for activities for which federal~~  
4 ~~Temporary Assistance for Needy Families block grant moneys may be used.~~

5 **SECTION 644c.** 49.175 (1) (fa) of the statutes is created to read:

6 49.175 (1) (fa) *Homeless case management services grants; additional funding.*

7 For grants to shelter facilities under s. 16.3085, \$500,000 in fiscal year 2019-20 and  
8 \$500,000 in fiscal year 2020-21. All moneys allocated under this paragraph shall be  
9 credited to the appropriation account under s. 20.865 (4) (g) for the purpose of  
10 supplementing the appropriation under s. 20.505 (7) (kg).

11 **SECTION 648.** 49.257 of the statutes is created to read:

12 **49.257 Milwaukee child care grant program.** (1) In this section, "child  
13 care provider" has the meaning given in s. 49.155 (1) (ag).

14 (2) From the allocation under s. 49.175 (1) (p), the department may award  
15 grants to child care providers to support access to high-quality child care for families  
16 that reside in a geographic area with high-poverty levels, as identified by the  
17 department, in the city of Milwaukee. A grant under this section may be used for  
18 start-up costs, ongoing operational costs, including subsidy payments for eligible  
19 families, and quality improvement activities. A child care provider that is awarded  
20 a grant under this subsection shall contribute matching funds equal to 25 percent  
21 of the amount awarded. The matching contribution may be in the form of money or  
22 in-kind goods or services.

23 (3) From the allocation under s. 49.175 (1) (qm), the department may award  
24 grants to any of the following to improve overall child care quality in the geographic  
25 area identified under sub. (2):

1 (a) Child care providers and employees of child care providers.

2 (b) Educational institutions for the purpose of educating employees of child  
3 care providers.

4 **SECTION 650m.** 49.36 (7) of the statutes is amended to read:

5 49.36 (7) The department shall pay a county, tribal governing body, or  
6 Wisconsin works agency not more than \$400 \$800 for each person who participates  
7 in the program under this section in the region in which the county, tribal governing  
8 body, or Wisconsin works agency administers the program under this section. The  
9 county, tribal governing body, or Wisconsin works agency shall pay any additional  
10 costs of the program.

11 **SECTION 651.** 49.45 (2) (a) 23. of the statutes is amended to read:

12 49.45 (2) (a) 23. Promulgate rules that define “supportive services”, “personal  
13 services” and “nursing services” provided in a certified residential care apartment  
14 complex, as defined under s. 50.01 (6d), for purposes of reimbursement under ~~ss.~~  
15 ~~46.27 (11) (c) 7. and s. 46.277 (5) (e).~~

16 **SECTION 654.** 49.45 (3) (a) of the statutes is amended to read:

17 49.45 (3) (a) Reimbursement shall be made to each county department under  
18 ss. 46.215, 46.22, and 46.23 for any administrative services performed in the Medical  
19 Assistance program on the basis of s. 49.78 (8). ~~For purposes of reimbursement~~  
20 ~~under this paragraph, assessments completed under s. 46.27 (6) (a) are~~  
21 ~~administrative services performed in the Medical Assistance program.~~

22 **SECTION 659.** 49.45 (3p) (a) of the statutes is amended to read:

23 49.45 (3p) (a) Subject to par. (c) and notwithstanding sub. (3) (e), from the  
24 appropriations under s. 20.435 (4) (b) and (o), in each fiscal year, the department  
25 shall pay to hospitals that ~~would~~ are not eligible for payments under sub. (3m) but



25

1 ~~that~~ meet the criteria under sub. (3m) (a) ~~except that the hospitals do not provide~~  
2 ~~obstetric services 1. and 2. and that, in the most recent year for which information~~  
3 ~~is available, charged at least 6 percent of overall charges for services to the Medical~~  
4 ~~Assistance program for services provided to Medical Assistance recipients an~~  
5 amount equal to the sum of \$250,000 ~~\$2,000,000~~, as the state share of payments, and  
6 the matching federal share of payments. The department may make a payment to  
7 a hospital under this subsection under a calculation method determined by the  
8 department that provides a fee-for-service supplemental payment that increases as  
9 the hospital's percentage of inpatient days for Medical Assistance recipients at the  
10 ~~hospital~~ the total amount of the hospital's overall charges for services that are  
11 charges to the Medical Assistance program increases.

12 **SECTION 660.** 49.45 (5) (a) of the statutes is amended to read:

13 49.45 (5) (a) Any person whose application for medical assistance is denied or  
14 is not acted upon promptly or who believes that the payments made in the person's  
15 behalf have not been properly determined or that his or her eligibility has not been  
16 properly determined may file an appeal with the department pursuant to par. (b).  
17 Review is unavailable if the decision or failure to act arose more than 45 days before  
18 submission of the petition for a hearing, except as provided in par. (ag) or (ar).

19 **SECTION 661.** 49.45 (5) (ag) of the statutes is created to read:

20 49.45 (5) (ag) A person shall request a hearing within 90 days of the date of  
21 receipt of a notice from a care management organization or managed care  
22 organization upholding its adverse benefit determination relating to any of the  
23 following or within 90 days of the date the care management organization or  
24 managed care organization failed to act on the contested matter within the time  
25 specified by the department:

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60.

1           1. Denial or limited authorization of a requested services, including a  
2 determination based on the type or level of service, requirement for medical  
3 necessity, appropriateness, setting, or effectiveness of a covered benefit.

4           2. Reduction, suspension, or termination of a previously authorized service,  
5 unless the service was only authorized for a limited amount or duration and that  
6 amount or duration has been completed.

7           3. Denial, in whole or in part, of payment for a service.

8           4. Failure to provide services in a timely manner.

9           5. Failure of a care management organization or managed care organization  
10 to act within the time frames provided in 42 CFR 438.408 (b) (1) and (2) regarding  
11 the standard resolution of grievances and appeals.

12           6. Denial of an enrollee's request to dispute financial liability, including  
13 copayments, premiums, deductibles, coinsurance, other cost sharing, and other  
14 member financial liabilities.

15           7. Denial of an enrollee, who is a resident of a rural area with only one care  
16 management organization or managed care organization, to obtain services outside  
17 the organization's network of contracted providers.

18           **SECTION 662.** 49.45 (5) (ar) of the statutes is created to read:

19           49.45 (5) (ar) If a federal regulation specifies a different time limit to request  
20 a hearing than par. (a) or (ag), the time limit in the federal regulation shall apply.

21           **SECTION 663.** 49.45 (5) (b) 1. (intro.) of the statutes is amended to read:

22           49.45 (5) (b) 1. (intro.) Upon receipt of a timely petition under par. (a) the  
23 department shall give the applicant or recipient reasonable notice and opportunity  
24 for a fair hearing. The department may make such additional investigation as it  
25 considers necessary. Notice of the hearing shall be given to the applicant or recipient