

1 of art to be incorporated into one or more of the contiguous buildings or to be  
2 displayed in or on the grounds of one or more of the contiguous buildings.

3 (3) ADVISORY COMMITTEE. (a) For a building project requiring an expenditure  
4 under sub. (2) and after selection of the architect for the project, the board shall  
5 appoint an advisory committee for the purpose of reviewing and recommending one  
6 or more works of art to be incorporated into the state building or displayed in or on  
7 the grounds of the state building.

8 (b) The advisory committee shall consist of at least 5 members appointed by the  
9 board, including all of the following:

10 1. One member who is a member of the board.

11 2. At least 2 members who are artists, art educators, art administrators,  
12 museum directors or curators, art critics, or art collectors.

13 3. At least 2 members who are project managers, architects, users of the  
14 building, or members of the building commission.

15 (4) CONTRACTS WITH ARTISTS. (a) After reviewing the recommendations of the  
16 advisory committee appointed under sub. (3) with respect to a particular building  
17 project, the board shall select one or more works of art recommended by the advisory  
18 committee to be incorporated into the project. The board shall ensure that the  
19 aggregate of all works of art selected under this subsection represents a wide variety  
20 of art forms executed by the broadest feasible diversity of artists, except that the  
21 board shall give preference to the works of art of artists who are residents of this  
22 state.

23 (b) 1. The board shall contract for the procurement of each work of art selected  
24 for a building project under this section. Except as provided in subs. 2. and 3., each  
25 contract shall provide for sole ownership of the work of art to the state.

1           2. If a work of art selected for a building project under this section is an existing  
2 work of art and is no longer subject to the control of the artist originating the work  
3 of art, the contract shall assign sole ownership to the state, subject to any existing  
4 obligations of the owner to the originating artist.

5           3. If a work of art selected for a building project under this section is owned by  
6 the artist originating the work of art or if the work of art has not been executed on  
7 the date of the contract, the contract shall assign sole ownership to the state, subject  
8 to the following rights that shall be retained by the artist except as otherwise  
9 provided in the contract executed under par. (b) 1.:

10           a. The right to claim authorship of the work of art.

11           b. The right to reproduce the work of art, including all rights secured to the  
12 artist under federal copyright laws.

13           **(5) BOARD RESPONSIBILITIES.** After acquisition of a work of art under sub. (4),  
14 the board shall do all of the following:

15           (a) Ensure proper execution of the work of art if it is a new original work of art.

16           (b) Ensure that the work of art is properly installed within the public view.

17           (c) Cooperate with the building commission and consult with the artist or the  
18 artist's representative to ensure that the work of art is properly maintained and is  
19 not artistically altered without the consent of the artist or the artist's representative.

20           (d) Ensure that the work of art is maintained and displayed in or on the grounds  
21 of the state building for at least 25 years, unless, after consultation with the state  
22 agency making principal use of the building to which the work of art is appurtenant,  
23 the board finds that earlier removal is in the public interest. When a work of art  
24 acquired under this section is removed from a state building, the board shall loan the

1 work of art to an accredited museum in the state or to an educational or other  
2 appropriate public institution capable of maintaining and exhibiting the work of art.

3 **SECTION 428.** 45.03 (15) of the statutes is amended to read:

4 45.03 (15) DEFERRAL OF PAYMENTS AND INTEREST ON LOANS. When a veteran or  
5 a member of the veteran's family makes application for deferment of payment of  
6 monthly installments and waiver of interest charges on veterans loans made under  
7 this chapter, showing that the ability of the veteran to make payment is materially  
8 and adversely affected by reason of military service, the department may, with the  
9 approval of the board, defer payment of monthly installments and waive interest  
10 charges on veterans loans made under this chapter for the duration of any period of  
11 service in the armed forces of the United States during a national emergency or in  
12 time of war or under P.L. 87-117 and 6 months from date of discharge or separation  
13 and the time for payment may be extended for the same period. ~~However, when funds~~  
14 ~~estimated to be received in the veterans mortgage loan repayment fund to pay debt~~  
15 ~~service on public debt contracted under s. 20.866 (2) (zn) and (zo) are less than the~~  
16 ~~funds estimated to be required for the payment of the debt service, the board may~~  
17 ~~grant deferral of payments and interest on loans provided under s. 45.37 only when~~  
18 ~~so required by federal law.~~

19 **SECTION 429.** 45.03 (16) (c) 2. (intro.) of the statutes is amended to read:

20 45.03 (16) (c) 2. (intro.) The department shall declare immediately due and  
21 payable any loan made after July 29, 1979, under a program administered by the  
22 department under s. 45.40 or subch. III, if it finds that the loan was granted to an  
23 ineligible person due to any of the following circumstances:

24 **SECTION 430.** 45.03 (16) (c) 3. (intro.) of the statutes is amended to read:

1 45.03 (16) (c) 3. (intro.) Loan application forms processed by the department  
2 for programs administered under s. 45.40 ~~or subch. III~~ shall do all of the following:

3 SECTION 431. 45.03 (16) (c) 4. of the statutes is amended to read:

4 45.03 (16) (c) 4. The department shall incorporate the payment acceleration  
5 requirements of subd. 2. in all loan documents for programs administered by the  
6 department under s. 45.40 ~~or subch. III~~.

7 SECTION 432. Subchapter III of chapter 45 [precedes 45.30] of the statutes is  
8 repealed.

\*\*\*\*NOTE: Among other things, the repeal of subch. III eliminates the veterans mortgage loan repayment fund under s. 45.37 (7). Okay?

9 SECTION 433. 45.42 (4) of the statutes is amended to read:

10 45.42 (4) The department may execute necessary instruments, collect interest  
11 and principal, compromise indebtedness, sue and be sued, post bonds, and write off  
12 indebtedness that it considers uncollectible. If a loan under this section is secured  
13 by a real estate mortgage, the department may exercise the rights of owners and  
14 mortgagees generally and the rights and powers set forth in s. 45.32, 2017 stats. The  
15 department shall pay all interest and principal repaid on the loan into the veterans  
16 trust fund.

17 SECTION 434. 45.42 (8) (a) of the statutes is repealed.

*SECTION # 45.42(8)(b) of the statutes is renumbered 45-42(8).*

18 SECTION 435. 45.48 of the statutes is created to read:

19 45.48 **Veterans outreach and recovery program.** (1) To be funded from  
20 the appropriation under s. 20.485 (2) (qs), the department shall administer a  
21 program to provide outreach, mental health services, and support to individuals who  
22 reside in this state, who may have a mental health condition or substance use  
23 disorder, and who meet one of the following conditions:

1 (a) Are serving in the national guard of any state or a reserve component of the  
2 U.S. armed forces.

3 (b) Served on active duty in the U.S. armed forces, forces incorporated as part  
4 of the U.S. armed forces, a reserve component of the U.S. armed forces, or the  
5 national guard of any state and were discharged under conditions other than  
6 dishonorable.

7 (2) The eligibility requirements under s. 45.02 do not apply to an individual  
8 receiving services under sub. (1).

9 (3) The department may provide payments to facilitate the provision of services  
10 under sub. (1).

11 **SECTION 436.** 45.57 of the statutes is amended to read:

12 **45.57 Veterans homes; transfer of funding.** The department may transfer  
13 all or part of the unencumbered balance of any of the appropriations under s. 20.485  
14 (1) (g), (gd), (gk), or (i) to the veterans trust fund ~~or to the veterans mortgage loan~~  
15 ~~repayment fund.~~

16 **SECTION 437.** 46.057 (1) of the statutes is amended to read:

17 46.057 (1) The department shall establish, maintain, and operate the Mendota  
18 juvenile treatment center on the grounds of the Mendota Mental Health Institute.  
19 The department may designate staff at the Mendota Mental Health Institute as  
20 responsible for administering, and providing services at, the center.  
21 Notwithstanding ss. 301.02, 301.03, and 301.36 (1), the department shall operate the  
22 Mendota juvenile treatment center as a juvenile correctional facility, as defined in  
23 s. 938.02 (10p). The center shall not be considered a hospital, as defined in s. 50.33  
24 (2), an inpatient facility, as defined in s. 51.01 (10), a state treatment facility, as  
25 defined in s. 51.01 (15), or a treatment facility, as defined in s. 51.01 (19). The center

1 shall provide psychological and psychiatric evaluations and treatment for juveniles  
 2 whose behavior presents a serious problem to themselves or others in other juvenile  
 3 correctional facilities or in secured residential care centers for children and youth  
 4 and whose mental health needs can be met at the center. With the approval of the  
 5 department of health services, the department of corrections may transfer to the  
 6 center any juvenile who has been placed in a juvenile correctional facility or a secured  
 7 residential care center for children and youth under the supervision of the  
 8 department of corrections under s. 938.183, 938.34 (4h) or (4m), or 938.357 (3), (4),  
 9 or (5) (e) in the same manner that the department of corrections transfers juveniles  
 10 between other juvenile correctional facilities. Upon the recommendation of Subject  
 11 to s. 938.357 (3) (c), with the approval of the department of health services, a court  
 12 may place a juvenile at the center in a proceeding for a change in placement order  
 13 under s. 938.357 (3). *and 2019 Wisconsin Act .... (this act),* EHS

14 **SECTION 438.** 46.057 (1) of the statutes, as affected by 2017 Wisconsin Act 185,  
 15 section 15, *is repealed and recreated* is amended to read:

16 46.057 (1). The department shall establish, maintain, and operate the Mendota  
 17 juvenile treatment center on the grounds of the Mendota Mental Health Institute.  
 18 The department may designate staff at the Mendota Mental Health Institute as  
 19 responsible for administering, and providing services at, the center.  
 20 Notwithstanding ss. 301.02, 301.03, and 301.36 (1), the department shall operate the  
 21 Mendota juvenile treatment center as a juvenile correctional facility, as defined in  
 22 s. 938.02 (10p). The center shall not be considered a hospital, as defined in s. 50.33  
 23 (2), an inpatient facility, as defined in s. 51.01 (10), a state treatment facility, as  
 24 defined in s. 51.01 (15), or a treatment facility, as defined in s. 51.01 (19). The center  
 25 shall provide psychological and psychiatric evaluations and treatment for juveniles

1 whose behavior presents a serious problem to themselves or others in other juvenile  
2 correctional facilities or in secured residential care centers for children and youth  
3 and whose mental health needs can be met at the center. With the approval of the  
4 department of health services, the department of corrections may transfer to the  
5 center any juvenile who has been placed in a juvenile correctional facility or a secured  
6 residential care center for children and youth under the supervision of the  
7 department of corrections under s. 938.183, 938.34 (4h), or 938.357 (3), (4), or (5) (e)  
8 in the same manner that the department of corrections transfers juveniles between  
9 other juvenile correctional facilities. Upon the recommendation of Subject to s.  
10 938.357 (3) (c), with the approval of the department of health services, a court may  
11 place a juvenile at the center in a proceeding for a change in placement order under  
12 s. 938.357 (3).

13 **SECTION 439.** 46.057 (1m) of the statutes is created to read:

14 46.057 (1m) Only the director of the Mendota Mental Health Institute, or his  
15 or her designee, is authorized to make decisions regarding the admission of juveniles  
16 to and treatment of juveniles at the center and the release and return of juveniles  
17 to the appropriate state or county facility.

18 **SECTION 440.** 46.057 (2) of the statutes is amended to read:

19 46.057 (2) From the appropriation account under s. 20.410 (3) (ba), the  
20 department of corrections shall transfer to the appropriation account under s. 20.435  
21 (2) (kx) \$1,365,500 in each fiscal year and, from the appropriation account under s.  
22 20.410 (3) (hm), the department of corrections shall transfer to the appropriation  
23 account under s. 20.435 (2) (kx) ~~\$2,869,200~~ \$3,224,100 in fiscal year ~~2017-18~~  
24 2019-20 and ~~\$2,932,600~~ \$5,878,100 in fiscal year ~~2018-19~~ 2020-21, for services for  
25 juveniles placed at the Mendota juvenile treatment center. The department of health

1 services may charge the department of corrections not more than the actual cost of  
2 providing those services.

3 **SECTION 441.** 46.10 (16) of the statutes is amended to read:

4 46.10 (16) The department shall delegate to county departments under ss.  
5 51.42 and 51.437 or the local providers of care and services meeting the standards  
6 established by the department under s. 46.036, the responsibilities vested in the  
7 department under this section for collection of patient fees for services other than  
8 those provided at state facilities, those provided to children that are reimbursed  
9 under a waiver under s. ~~46.27 (11)~~, 46.275, 46.278, or 46.2785, or those provided  
10 under the disabled children's long-term support program if the county departments  
11 or providers meet the conditions that the department determines are appropriate.  
12 The department may delegate to county departments under ss. 51.42 and 51.437 the  
13 responsibilities vested in the department under this section for collection of patient  
14 fees for services provided at the state facilities if the necessary conditions are met.

15 **SECTION 442.** 46.21 (2m) (b) 1. a. of the statutes is amended to read:

16 46.21 (2m) (b) 1. a. The powers and duties of the county departments under ss.  
17 46.215, 51.42 and 51.437, ~~including the administration of the long-term support~~  
18 ~~community options program under s. 46.27, if the county department under s. 46.215~~  
19 ~~is designated as the administering agency under s. 46.27 (3) (b) 1.~~

20 **SECTION 443.** 46.21 (2m) (b) 1. b. of the statutes is repealed.

21 **SECTION 444.** 46.215 (1) (m) of the statutes is repealed.

22 **SECTION 445.** 46.22 (1) (b) 1. e. of the statutes is repealed.

23 **SECTION 446.** 46.23 (3) (bm) of the statutes is repealed.

24 **SECTION 447.** 46.269 of the statutes is amended to read:



1           **46.269 Determining financial eligibility for long-term care programs.**

2           To the extent approved by the federal government, the department or its designee  
3           shall exclude any assets accumulated in a person's independence account, as defined  
4           in s. 49.472 (1) (c), and any income or assets from retirement benefits earned or  
5           accumulated from income or employer contributions while employed and receiving  
6           ~~state-funded benefits under s. 46.27~~ or medical assistance under s. 49.472 in  
7           determining financial eligibility and cost-sharing requirements, if any, for a  
8           long-term care program under s. ~~46.27~~, 46.275, or 46.277, for the family care  
9           program that provides the benefit defined in s. 46.2805 (4), for the Family Care  
10          Partnership program, or for the self-directed services option, as defined in s. 46.2897  
11          (1).

12          **SECTION 448.** 46.27 of the statutes is repealed.

13          **SECTION 449.** 46.271 (1) (c) of the statutes is amended to read:

14          46.271 (1) (c) The department may contract with an aging unit, as defined in  
15          s. ~~46.27~~ 46.82 (1) (a), for administration of services under par. (a) if, by resolution,  
16          the county board of supervisors of that county so requests the department.

17          **SECTION 450.** 46.275 (3) (e) of the statutes is repealed.

18          **SECTION 451.** 46.275 (5) (b) 7. of the statutes is amended to read:

19          46.275 (5) (b) 7. Provide services in any community-based residential facility  
20          unless the county or department uses as a service contract the approved model  
21          contract developed under s. 46.27 (2) (j), 2017 stats., or a contract that includes all  
22          of the provisions of the approved model contract.

23          **SECTION 452.** 46.277 (1m) (at) of the statutes is amended to read:

24          46.277 (1m) (at) "Private nonprofit agency" ~~has the meaning specified in s.~~  
25          ~~46.27 (1) (bm)~~ means a nonprofit corporation, as defined in s. 181.0103 (17), that

1 provides a program of all-inclusive care for the elderly under 42 USC 1395eee or  
2 1396u-4.

3 **SECTION 453.** 46.277 (3) (a) of the statutes is amended to read:

4 46.277 (3) (a) ~~Sections 46.27 (3) (b) and Section 46.275 (3) (a) and (c) to (e) apply~~  
5 applies to county participation in this program, except that services provided in the  
6 program shall substitute for care provided a person in a skilled nursing facility or  
7 intermediate care facility who meets the level of care requirements for medical  
8 assistance reimbursement to that facility rather than for care provided at a state  
9 center for the developmentally disabled. The number of persons who receive services  
10 provided by the program under this paragraph may not exceed the number of  
11 nursing home beds, other than beds specified in sub. (5g) (b), that are delicensed as  
12 part of a plan submitted by the facility and approved by the department.

13 **SECTION 454.** 46.277 (5) (d) 2. a. of the statutes is repealed.

14 **SECTION 455.** 46.277 (5) (d) 3. of the statutes is amended to read:

15 46.277 (5) (d) 3. If subd. 2. a. <sup>Strike</sup> ~~or b.~~ applies, no county may use funds received  
16 under this section to pay for services provided to a person who resides or intends to  
17 reside in a community-based residential facility and who is initially applying for the  
18 services, if the projected cost of services for the person, plus the cost of services for  
19 existing participants, would cause the county to exceed the limitation under sub. (3)  
20 (c). The department may grant an exception to the requirement under this  
21 subdivision, under the conditions specified by rule, to avoid hardship to the person.

22 **SECTION 456.** 46.277 (5) (f) of the statutes is amended to read:

23 46.277 (5) (f) No county or private nonprofit agency may use funds received  
24 under this subsection to provide services in any community-based residential  
25 facility unless the county or agency uses as a service contract the approved model

1 contract developed under s. 46.27 (2) (j), 2017 stats., or a contract that includes all  
2 of the provisions of the approved model contract.

3 **SECTION 457.** 46.278 (4) (a) of the statutes is amended to read:

4 46.278 (4) (a) ~~Sections 46.27 (3) (b) and Section 46.275 (3) (a) and (c) to (e) apply~~  
5 applies to county participation in a program, except that services provided in the  
6 program shall substitute for care provided a person in an intermediate care facility  
7 for persons with an intellectual disability or in a brain injury rehabilitation facility  
8 who meets the intermediate care facility for persons with an intellectual disability  
9 or brain injury rehabilitation facility level of care requirements for medical  
10 assistance reimbursement to that facility rather than for care provided at a state  
11 center for the developmentally disabled.

12 **SECTION 458.** 46.2803 of the statutes is repealed.

13 **SECTION 459.** 46.2805 (1) (b) of the statutes is amended to read:

14 46.2805 (1) (b) A demonstration program known as the ~~Wisconsin partnership~~  
15 Family Care Partnership program under a federal waiver authorized under 42 USC  
16 ~~1315~~ 1396n.

← Insert 161-17-TD

17 **SECTION 460.** 46.281 (1n) (d) of the statutes is repealed.

18 **SECTION 461.** 46.281 (3) of the statutes is repealed.

19 **SECTION 462.** 46.2825 of the statutes is repealed.

20 **SECTION 463.** 46.283 (3) (f) of the statutes is amended to read:

21 46.283 (3) (f) Assistance to a person ~~who is eligible for the family care benefit~~  
22 with respect to the person's choice of whether or not to enroll in the self-directed  
23 services option, as defined in s. 46.2899 (1), a care management organization for the  
24 family care benefit or the Family Care Partnership program, or the program of

1 all-inclusive care for the elderly and, if so, which available long-term care program  
2 or care management organization would best meet his or her needs.

3 SECTION 464. 46.283 (4) (e) of the statutes is repealed.

4 SECTION 465. 46.283 (4) (f) of the statutes is amended to read:

5 46.283 (4) (f) Perform a functional screening and a financial and cost-sharing  
6 screening for any resident, ~~as specified in par. (e)~~, who requests a screening and  
7 assist any resident who is eligible and chooses to enroll in a care management  
8 organization or the self-directed services option to do so.

9 SECTION 466. 46.283 (6) (b) 7. of the statutes is repealed.

10 SECTION 467. 46.283 (6) (b) 9. of the statutes is amended to read:

11 46.283 (6) (b) 9. Review the number and types of grievances and appeals  
12 concerning the long-term care system in the area served by related to the resource  
13 center, to determine if a need exists for system changes, and recommend system or  
14 other changes if appropriate.

15 SECTION 468. 46.283 (6) (b) 10. of the statutes is repealed.

16 SECTION 469. 46.285 (intro.) of the statutes is renumbered 46.285 and amended  
17 to read:

18 **46.285 Operation of resource center and care management**  
19 **organization.** In order to meet federal requirements and assure federal financial  
20 participation in funding of the family care benefit, a county, a tribe or band, a  
21 long-term care district or an organization, including a private, nonprofit  
22 corporation, may not directly operate both a resource center and a care management  
23 organization, ~~except as follows:~~

24 SECTION 470. 46.285 (1) of the statutes is repealed.

25 SECTION 471. 46.285 (2) of the statutes is repealed.

1           **SECTION 472.** 46.286 (3) (b) 2. a. of the statutes is repealed.

2           **SECTION 473.** 46.287 (2) (a) 1. (intro.) of the statutes is amended to read:

3           46.287 (2) (a) 1. (intro.) Except as provided in subd. 2., a client may contest any  
4 of the following applicable matters by filing, within 45 days of the failure of a resource  
5 center or care management organization county to act on the contested matter  
6 within the time frames specified by rule by the department or within 45 days after  
7 receipt of notice of a decision in a contested matter, a written request for a hearing  
8 under s. 227.44 to the division of hearings and appeals created under s. 15.103 (1):

9           **SECTION 474.** 46.287 (2) (a) 1. d. of the statutes is renumbered 46.287 (2) (a) 1m.

10          b.

11          **SECTION 475.** 46.287 (2) (a) 1. e. of the statutes is repealed.

12          **SECTION 476.** 46.287 (2) (a) 1. f. of the statutes is repealed.

13          **SECTION 477.** 46.287 (2) (a) 1m. of the statutes is created to read:

14          46.287 (2) (a) 1m. Except as provided in subd. 2., a client may contest any of  
15 the following adverse benefit determinations by filing, within 90 days of the failure  
16 of a care management organization to act on a contested adverse benefit  
17 determination within the time frames specified by rule by the department or within  
18 90 days after receipt of notice of a decision upholding the adverse benefit  
19 determination, a written request for a hearing under s. 227.44 to the division of  
20 hearings and appeals created under s. 15.103 (1):

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

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

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

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

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

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

17 i. Development of a plan of care that is unacceptable to the enrollee because the  
18 plan of care requires the enrollee to live in a place that is unacceptable to the enrollee;  
19 the plan of care does not provide sufficient care, treatment, or support to meet the  
20 enrollee's needs and support the enrollee's identified outcomes; or the plan of care  
21 requires the enrollee to accept care, treatment, or support that is unnecessarily  
22 restrictive or unwanted by the enrollee.

23 j. Involuntary disenrollment from the care management organization.

24 **SECTION 478.** 46.287 (2) (b) of the statutes is amended to read:

1           46.287 (2) (b) An enrollee may contest a decision, omission or action of a care  
2 management organization other than those specified in par. (a), ~~or may contest the~~  
3 ~~choice of service provider. In these instances, the enrollee shall first send a written~~  
4 ~~request for review by the unit of the department that monitors care management~~  
5 ~~organization contracts. This unit shall review and attempt to resolve the dispute.~~  
6 1m. by filing a grievance with the care management organization. If the dispute  
7 grievance is not resolved to the satisfaction of the enrollee, he or she may request  
8 a hearing under the procedures specified in par. (a) 1. (intro.) that the department  
9 review the decision of the care management organization.

10           **SECTION 479.** 46.288 (2) (intro.) of the statutes is renumbered 46.288 (2) and  
11 amended to read:

12           46.288 (2) Criteria and procedures for determining functional eligibility under  
13 s. 46.286 (1) (a), financial eligibility under s. 46.286 (1) (b), and cost sharing under  
14 s. 46.286 (2) (a). ~~The rules for determining functional eligibility under s. 46.286 (1)~~  
15 ~~(a) 1m. shall be substantially similar to eligibility criteria for receipt of the long-term~~  
16 ~~support community options program under s. 46.27. Rules under this subsection~~  
17 ~~shall include definitions of the following terms applicable to s. 46.286:~~

18           **SECTION 480.** 46.288 (2) (d) to (j) of the statutes are repealed.

19           **SECTION 481.** 46.2896 (1) (a) of the statutes is amended to read:

20           46.2896 (1) (a) “Long-term care program” means the long-term care program  
21 under s. 46.27, 46.275, 46.277, 46.278, or 46.2785; the family care program providing  
22 the benefit under s. 46.286; the Family Care Partnership program; or the long-term  
23 care program defined in s. 46.2899 (1).

24           **SECTION 482.** 46.536 of the statutes is amended to read:

1           **46.536 Mobile crisis team Crisis program enhancement grants.** From  
2 the appropriation under s. 20.435 (5) (cf), the department shall award grants in the  
3 total amount of \$250,000 in each fiscal biennium to counties or regions comprised of  
4 multiple counties to establish certified or enhance crisis programs ~~that create mental~~  
5 ~~health mobile crisis teams~~ to serve individuals having mental health crises in rural  
6 areas. The department shall award a grant under this section in an amount equal  
7 to one-half the amount of money the county or region provides to establish certified  
8 or enhance crisis programs ~~that create mobile crisis teams~~.

9           **SECTION 483.** 46.82 (3) (a) 13. of the statutes is repealed.

10          **SECTION 484.** 46.854 of the statutes is created to read:

11          **46.854 Healthy aging grant program.** From the appropriation under s.  
12 20.435 (1) (bk), the department shall award in each fiscal year a grant of \$250,000  
13 to an entity that conducts programs in healthy aging.

14          **SECTION 485.** 46.995 (4) of the statutes is created to read:

15          **46.995 (4)** The department shall ensure that any child who is eligible and who  
16 applies for the disabled children's long-term support program that is operating  
17 under a waiver of federal law receives services under the disabled children's  
18 long-term support program that is operating under a waiver of federal law.

19          **SECTION 486.** 47.07 of the statutes is created to read:

20          **47.07 Project SEARCH. (1)** The department shall allocate for each fiscal  
21 year at least \$250,000 from the appropriation under s. 20.445 (1) (b) for contracts  
22 entered into under this section.

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



1           **SECTION 487.** 48.02 (1d) of the statutes is amended to read:

2           48.02 (1d) "Adult" means a person who is 18 years of age or older, ~~except that~~  
3 ~~for purposes of investigating or prosecuting a person who is alleged to have violated~~  
4 ~~any state or federal criminal law or any civil law or municipal ordinance, "adult"~~  
5 ~~means a person who has attained 17 years of age.~~

6           **SECTION 488.** 48.02 (2) of the statutes is amended to read:

7           48.02 (2) "Child," when used without further qualification, means a person who  
8 is less than 18 years of age, ~~except that for purposes of investigating or prosecuting~~  
9 ~~a person who is alleged to have violated a state or federal criminal law or any civil~~  
10 ~~law or municipal ordinance, "child" does not include a person who has attained 17~~  
11 ~~years of age.~~

12           **SECTION 489.** 48.02 (14m) of the statutes is created to read:

13           48.02 (14m) "Qualifying residential family-based treatment facility" means a  
14 certified residential family-based alcohol or drug abuse treatment facility that  
15 meets all of the following criteria:

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

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

25           **SECTION 490.** 48.13 of the statutes is amended to read:

1           **48.13 Jurisdiction over children alleged to be in need of protection or**  
2 **services.** Except as provided in s. 48.028 (3), the court has exclusive original  
3 jurisdiction over a child alleged to be in need of protection or services which can be  
4 ordered by the court, and if one of the following applies:

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

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

7           (2m) ~~Whose~~ The child's parent has relinquished custody of the child under s.  
8 48.195 (1);.

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

11           (3m) ~~Who~~ The child is at substantial risk of becoming the victim of abuse, as  
12 defined in s. 48.02 (1) (a) or (b) to (g), including injury that is self-inflicted or inflicted  
13 by another, based on reliable and credible information that another child in the home  
14 has been the victim of such abuse;.

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

18           (4m) ~~Whose~~ The child's guardian is unable or needs assistance to care for or  
19 provide necessary special treatment or care for the child, but is unwilling or unable  
20 to sign the petition requesting jurisdiction under this subsection;.

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

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

24           (9) ~~Who~~ The child is at least age 12, signs the petition requesting jurisdiction  
25 under this subsection and is in need of special treatment or care which the parent,

1 guardian or legal custodian is unwilling, neglecting, unable or needs assistance to  
2 provide;

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

7 (10m) ~~Whose~~ The child's parent, guardian or legal custodian is at substantial  
8 risk of neglecting, refusing or being unable for reasons other than poverty to provide  
9 necessary care, food, clothing, medical or dental care or shelter so as to endanger  
10 seriously the physical health of the child, based on reliable and credible information  
11 that the child's parent, guardian or legal custodian has neglected, refused or been  
12 unable for reasons other than poverty to provide necessary care, food, clothing,  
13 medical or dental care or shelter so as to endanger seriously the physical health of  
14 another child in the home;

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

19 (11m) ~~Who~~ The child is suffering from an alcohol and other drug abuse  
20 impairment, exhibited to a severe degree, for which the parent, guardian or legal  
21 custodian is neglecting, refusing or unable to provide treatment; ~~or.~~

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

24 SECTION 491. 48.13 (14) of the statutes is created to read:

1       48.13 (14) The child's parent is residing in a qualifying residential  
2 family-based treatment facility, signs the petition requesting jurisdiction under this  
3 subsection, and, with the department's consent, requests that the child reside with  
4 him or her at the qualifying residential family-based treatment facility.

5       **SECTION 492.** 48.207 (1) (L) of the statutes is created to read:

6       48.207 (1) (L) With a parent in a qualifying residential family-based treatment  
7 facility if the child's permanency plan includes a recommendation for such a  
8 placement under s. 48.38 (4) (em) before the placement is made and the parent  
9 consents to the placement.

10       **SECTION 493.** 48.345 (3) (c) of the statutes is amended to read:

11       48.345 (3) (c) A foster home licensed under s. 48.62, a group home licensed  
12 under s. 48.625, a foster home, group home, or similar facility regulated in another  
13 state, or in the home of a guardian under s. 48.977 (2).

14       **SECTION 494.** 48.345 (3) (cm) of the statutes is amended to read:

15       48.345 (3) (cm) A group home described in s. 48.625 (1m) or a similar facility  
16 regulated in another state, if the child is at least 12 years of age, is a custodial parent,  
17 as defined in s. 49.141 (1) (b), or an expectant mother, is receiving inadequate care,  
18 and is in need of a safe and structured living arrangement.

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

20       48.345 (3) (d) A residential ~~treatment~~ care center for children and youth  
21 operated by a child welfare agency licensed under s. 48.60, or a similar facility  
22 regulated in another state.

23       **SECTION 496.** 48.345 (3) (e) of the statutes is created to read:

24       48.345 (3) (e) With a parent in a qualifying residential family-based treatment  
25 facility, or a similar facility regulated in another state, if the child's permanency plan

1 includes a recommendation for such a placement under s. 48.38 (4) (em) before the  
2 placement is made.

3 **SECTION 497.** 48.38 (2) (intro.) of the statutes is amended to read:

4 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),  
5 for each child living in a foster home, group home, residential care center for children  
6 and youth, juvenile detention facility, shelter care facility, qualifying residential  
7 family-based treatment facility with a parent, or supervised independent living  
8 arrangement, the agency that placed the child or arranged the placement or the  
9 agency assigned primary responsibility for providing services to the child under s.  
10 48.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following  
11 conditions exists, and, for each child living in the home of a guardian or a relative  
12 other than a parent, that agency shall prepare a written permanency plan, if any of  
13 the conditions specified in pars. (a) to (e) exists:

14 **SECTION 498.** 48.38 (2) (d) of the statutes is amended to read:

15 48.38 (2) (d) The child was placed under a voluntary agreement between the  
16 agency and the child's parent under s. 48.63 (1) (a) or (bm) or (5) (b) or under a  
17 voluntary transition-to-independent-living agreement under s. 48.366 (3).

18 **SECTION 499.** 48.38 (4) (em) of the statutes is created to read:

19 48.38 (4) (em) A recommendation regarding placement with a parent in a  
20 qualifying residential family-based treatment facility.

21 **SECTION 500.** Subchapter IX (title) of chapter 48 [precedes 48.44] of the  
22 statutes is amended to read:

23 **CHAPTER 48**

## 1 SUBCHAPTER IX

## 2 JURISDICTION OVER PERSON 17

3 OR OLDER ADULTS

4 SECTION 501. 48.44 of the statutes is amended to read:

5 **48.44 Jurisdiction over persons 17 or older adults.** The court has  
6 jurisdiction over persons 17 years of age or older adults as provided under ss. 48.133,  
7 48.355 (4), 48.357 (6), 48.365 (5), and 48.45 and as otherwise specifically provided in  
8 this chapter.

9 SECTION 502. 48.45 (1) (a) of the statutes is amended to read:

10 48.45 (1) (a) If in the hearing of a case of a child alleged to be in a condition  
11 described in s. 48.13 it appears that any ~~person 17 years of age or older~~ adult has been  
12 guilty of contributing to, encouraging, or tending to cause by any act or omission,  
13 ~~such that~~ that condition of the child, the judge may make orders with respect to the  
14 conduct of ~~such that~~ that person in his or her relationship to the child, including orders  
15 determining the ability of the person to provide for the maintenance or care of the  
16 child and directing when, how, and from where funds for the maintenance or care  
17 shall be paid.

18 SECTION 503. 48.45 (1) (am) of the statutes is amended to read:

19 48.45 (1) (am) If in the hearing of a case of an unborn child and the unborn  
20 child's expectant mother alleged to be in a condition described in s. 48.133 it appears  
21 that any ~~person 17 years of age or over~~ adult has been guilty of contributing to,  
22 encouraging, or tending to cause by any act or omission, ~~such that~~ that condition of the  
23 unborn child and expectant mother, the judge may make orders with respect to the  
24 conduct of ~~such that~~ that person in his or her relationship to the unborn child and  
25 expectant mother.

1           **SECTION 504.** 48.45 (3) of the statutes is amended to read:

2           48.45 (3) If it appears at a court hearing that any ~~person 17 years of age or older~~  
3 adult has violated s. 948.40, the judge shall refer the record to the district attorney  
4 for criminal proceedings as may be warranted in the district attorney's judgment.  
5 This subsection does not prevent prosecution of violations of s. 948.40 without the  
6 prior reference by the judge to the district attorney, as in other criminal cases.

7           **SECTION 505.** 48.48 (17) (a) 3. of the statutes is amended to read:

8           48.48 (17) (a) 3. Provide appropriate protection and services for children and  
9 the expectant mothers of unborn children in its care, including providing services for  
10 those children and their families and for those expectant mothers in their own  
11 homes, placing the those children in licensed foster homes or group homes in this  
12 state or a similar facility regulated in another state within a reasonable proximity  
13 to the agency with legal custody, placing the those children in the homes of guardians  
14 under s. 48.977 (2), placing those children in a qualifying residential family-based  
15 treatment facility with a parent or in a similar facility regulated in another state, or  
16 contracting for services for those children by licensed child welfare agencies in this  
17 state or a similar child welfare agency regulated in another state, except that the  
18 department may not purchase the educational component of private day treatment  
19 programs unless the department, the school board, as defined in s. 115.001 (7), and  
20 the state superintendent of public instruction all determine that an appropriate  
21 public education program is not available. Disputes between the department and the  
22 school district shall be resolved by the state superintendent of public instruction.

23           **SECTION 506.** 48.48 (17) (c) 4. of the statutes is amended to read:

24           48.48 (17) (c) 4. Is living in a foster home, group home, ~~or~~ residential care center  
25 for children and youth, qualifying residential family-based treatment facility, or a

1 similar facility regulated in another state or in a supervised independent living  
2 arrangement.

3 **SECTION 507.** 48.481 (3) of the statutes is repealed.

4 **SECTION 508.** 48.481 (4) of the statutes is created to read:

5 48.481 (4) DRIVER EDUCATION PROGRAM. The department shall establish or  
6 contract for a driver education program for individuals who are 15 years of age or  
7 older and in out-of-home care. The program shall provide assistance with  
8 identifying and enrolling in an appropriate driver education course, obtaining an  
9 operator's license, and obtaining motor vehicle liability insurance. From the  
10 appropriation under s. 20.437 (1) (a), the department may pay all of the following  
11 expenses that apply to an individual in the program:

12 (a) Fees required to enroll in a driver education course.

13 (b) Fees required to obtain an operator's license under ch. 343.

14 (c) The cost of motor vehicle liability insurance for the motor vehicle owned or  
15 used by the individual while participating in the program and after obtaining an  
16 operator's license, including any increase in the cost of motor vehicle liability  
17 insurance on a motor vehicle owned by an out-of-home care provider and used by  
18 the individual.

19 **SECTION 509.** 48.487 (1m) of the statutes is amended to read:

20 48.487 (1m) TRIBAL FAMILY SERVICES GRANTS. From the appropriation account  
21 under s. 20.437 (1) (bd) (js), the department may distribute tribal family services  
22 grants to the elected governing bodies of the Indian tribes in this state. An elected  
23 governing body that receives a grant under this subsection may expend the grant  
24 moneys received for any of the purposes specified in subs. (2), (3) (b), (4m) (b), (5) (b),  
25 (6), and (7) as determined by that body.



1           **SECTION 510.** 48.526 (7) (intro.) of the statutes is amended to read:

2           48.526 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability  
3 of the appropriations under s. 20.437 (1) (cj) and (o), the department shall allocate  
4 funds for community youth and family aids for the period beginning on July 1, ~~2015~~  
5 2019, and ending on June 30, ~~2017~~ 2021, as provided in this subsection to county  
6 departments under ss. 46.215, 46.22, and 46.23 as follows:

7           **SECTION 511.** 48.526 (7) (a) of the statutes is amended to read:

8           48.526 (7) (a) For community youth and family aids under this section,  
9 amounts not to exceed \$45,572,100 for the last 6 months of ~~2015~~ 2019, \$91,150,200  
10 for ~~2016~~ 2020, and \$45,578,100 for the first 6 months of ~~2017~~ 2021.

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

12           48.526 (7) (b) (intro.) Of the amounts specified in par. (a), the department shall  
13 allocate \$2,000,000 for the last 6 months of ~~2015~~ 2019, \$4,000,000 for ~~2016~~ 2020, and  
14 \$2,000,000 for the first 6 months of ~~2017~~ 2021 to counties based on each of the  
15 following factors weighted equally:

16           **SECTION 513.** 48.526 (7) (bm) of the statutes is amended to read:

17           48.526 (7) (bm) Of the amounts specified in par. (a), the department shall  
18 allocate \$6,250,000 for the last 6 months of ~~2015~~ 2019, \$12,500,000 for ~~2016~~ 2020,  
19 and \$6,250,000 for the first 6 months of ~~2017~~ 2021 to counties based on each county's  
20 proportion of the number of juveniles statewide who are placed in a juvenile  
21 correctional facility or a secured residential care center for children and youth during  
22 the most recent 3-year period for which that information is available.

23           **SECTION 514.** 48.526 (7) (c) of the statutes is amended to read:

24           48.526 (7) (c) Of the amounts specified in par. (a), the department shall allocate  
25 \$1,053,200 for the last 6 months of ~~2015~~ 2019, \$2,106,500 for ~~2016~~ 2020, and

1 \$1,053,300 for the first 6 months of ~~2017~~ 2021 to counties based on each of the factors  
2 specified in par. (b) 1. to 3. weighted equally, except that no county may receive an  
3 allocation under this paragraph that is less than 93 percent nor more than 115  
4 percent of the amount that the county would have received under this paragraph if  
5 the allocation had been distributed only on the basis of the factor specified in par. (b)  
6 3.

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

8 48.526 (7) (e) For emergencies related to community youth and family aids  
9 under this section, amounts not to exceed \$125,000 for the last 6 months of ~~2015~~  
10 2019, \$250,000 for ~~2016~~ 2020, and \$125,000 for the first 6 months of ~~2017~~ 2021. A  
11 county is eligible for payments under this paragraph only if it has a population of not  
12 more than 45,000.

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

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

25 **SECTION 517.** 48.526 (8) of the statutes is amended to read:

1 48.526 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the  
2 allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last  
3 6 months of ~~2015~~ 2019, \$1,333,400 in ~~2016~~ 2020, and \$666,700 in the first 6 months  
4 of ~~2017~~ 2021 for alcohol and other drug abuse treatment programs.

5 **SECTION 518.** 48.5275 of the statutes is created to read:

6 **48.5275 Seventeen-year-old juvenile justice aids.** Notwithstanding s.  
7 48.526, from the appropriation under s. 20.437 (1) (cL), beginning on January 1,  
8 2021, the department shall reimburse counties for the costs under s. 48.526 (2) (c)  
9 associated with juveniles who were alleged to have violated a state or federal  
10 criminal law or any civil law or municipal ordinance at age 17.

11 **SECTION 519.** 48.5276 of the statutes is created to read:

12 **48.5276 County facility start-up costs.** From the appropriation under s.  
13 20.437 (1) (cn), the department shall reimburse counties for the one-time start-up  
14 costs under s. 48.526 (2) (c) incurred by a county, either on its own or jointly with one  
15 or more counties, in establishing a secured residential care center for children and  
16 youth under s. 59.53 (8m).

17 **SECTION 520.** 48.53 of the statutes is repealed.

18 **SECTION 521.** 48.563 (2) of the statutes is amended to read:

19 48.563 (2) COUNTY ALLOCATION. For children and family services under s. 48.569  
20 (1) (d), the department shall distribute not more than ~~\$70,211,100~~ \$78,708,100 in  
21 fiscal year ~~2017-18~~ 2019-20 and ~~\$74,308,000~~ \$90,478,400 in fiscal year ~~2018-19~~  
22 2020-21.

23 **SECTION 522.** 48.57 (1) (c) of the statutes is amended to read:

24 48.57 (1) (c) To provide appropriate protection and services for children and the  
25 expectant mothers of unborn children in its care, including providing services for

1 those children and their families and for those expectant mothers in their own  
2 homes, placing those children in licensed foster homes or group homes in this state  
3 or similar facilities regulated in another state within a reasonable proximity to the  
4 agency with legal custody, placing those children in the homes of guardians under  
5 s. 48.977 (2), placing those children in a qualifying residential family-based  
6 treatment facility, or in a similar facility regulated in another state, or contracting  
7 for services for those children by licensed child welfare agencies in this state or a  
8 child welfare agency regulated in another state, except that the county department  
9 may not purchase the educational component of private day treatment programs  
10 unless the county department, the school board, as defined in s. 115.001 (7), and the  
11 state superintendent of public instruction all determine that an appropriate public  
12 education program is not available. Disputes between the county department and  
13 the school district shall be resolved by the state superintendent of public instruction.

14 **SECTION 523.** 48.57 (3) (a) 4. of the statutes is amended to read:

15 48.57 (3) (a) 4. Is living in a foster home, group home, residential care center  
16 for children and youth, ~~or~~ subsidized guardianship home, qualifying residential  
17 family-based treatment facility, or a similar facility regulated in another state or in  
18 a supervised independent living arrangement.

19 **SECTION 524.** 48.57 (3m) (am) (intro.) of the statutes is amended to read:

20 48.57 (3m) (am) (intro.) From the appropriations under s. 20.437 (2) (dz), (md),  
21 (me), and (s), the department shall reimburse counties having populations of less  
22 than 750,000 for payments made under this subsection and shall make payments  
23 under this subsection in a county having a population of 750,000 or more. Subject  
24 to par. (ap), a county department and, in a county having a population of 750,000 or  
25 more, the department shall make payments in the amount of ~~\$238~~ \$249 per month

1 beginning on January 1, ~~2018~~ 2020, and ~~\$244~~ \$254 per month beginning on January  
2 1, ~~2019~~ 2021, to a kinship care relative who is providing care and maintenance for  
3 a child if all of the following conditions are met:

4 **SECTION 525.** 48.57 (3n) (am) (intro.) of the statutes is amended to read:

5 48.57 (3n) (am) (intro.) From the appropriations under s. 20.437 (2) (dz), (md),  
6 (me), and (s), the department shall reimburse counties having populations of less  
7 than 750,000 for payments made under this subsection and shall make payments  
8 under this subsection in a county having a population of 750,000 or more. Subject  
9 to par. (ap), a county department and, in a county having a population of 750,000 or  
10 more, the department shall make monthly payments for each child in the amount of  
11 ~~\$238~~ \$249 per month beginning on January 1, ~~2018~~ 2020, and ~~\$244~~ \$254 per month  
12 beginning on January 1, ~~2019~~ 2021, to a long-term kinship care relative who is  
13 providing care and maintenance for that child if all of the following conditions are  
14 met:

15 **SECTION 526.** 48.62 (4) of the statutes is amended to read:

16 48.62 (4) Monthly payments in foster care shall be provided according to the  
17 rates specified in this subsection. Beginning on January 1, ~~2018~~ 2020, the rates are  
18 ~~\$238~~ \$249 for care and maintenance provided for a child of any age by a foster home  
19 that is certified to provide level one care, as defined in the rules promulgated under  
20 sub. (8) (a) and, for care and maintenance provided by a foster home that is certified  
21 to provide care at a level of care that is higher than level one care, ~~\$394~~ \$412 for a  
22 child under 5 years of age; ~~\$431~~ \$451 for a child 5 to 11 years of age; ~~\$490~~ \$512 for  
23 a child 12 to 14 years of age; and ~~\$511~~ \$534 for a child 15 years of age or over.  
24 Beginning on January 1, ~~2019~~ 2021, the rates are ~~\$244~~ \$254 for care and  
25 maintenance provided for a child of any age by a foster home that is certified to

1 provide level one care, as defined in the rules promulgated under sub. (8) (a) and, for  
2 care and maintenance provided by a foster home that is certified to provide care at  
3 a level of care that is higher than level one care, \$404 \$420 for a child under 5 years  
4 of age; ~~\$442~~ \$460 for a child 5 to 11 years of age; ~~\$502~~ \$522 for a child 12 to 14 years  
5 of age; and ~~\$524~~ \$545 for a child 15 years of age or over. In addition to these grants  
6 for basic maintenance, the department, county department, or licensed child welfare  
7 agency shall make supplemental payments for foster care to a foster home that is  
8 receiving an age-related rate under this subsection that are commensurate with the  
9 level of care that the foster home is certified to provide and the needs of the child who  
10 is placed in the foster home according to the rules promulgated by the department  
11 under sub. (8) (c).

12 **SECTION 527.** 48.623 (3) (a) of the statutes is amended to read:

13 48.623 (3) (a) Except as provided in this paragraph, the county department  
14 shall provide the monthly payments under sub. (1) or (6). The county department  
15 shall provide those payments from moneys received under s. 48.48 (8p) or 48.569 (1)  
16 (d). In a county having a population of 750,000 or more or in the circumstances  
17 specified in s. 48.43 (7) (a) or 48.485 (1), the department shall provide the monthly  
18 payments under sub. (1) or (6). The department shall provide those payments from  
19 the appropriations under s. 20.437 (1) (~~dd~~) (cx) and (~~pd~~) (mx).

20 **SECTION 528.** 48.63 (1) (bm) of the statutes is created to read:

21 48.63 (1) (bm) Acting under a voluntary agreement, a child's parent, the  
22 department, or a county department may place the child in a qualifying residential  
23 family-based treatment facility with a parent, if such a placement is recommended  
24 in the child's permanency plan under s. 48.38. A placement under this paragraph

1 may not exceed 180 days from the date on which the child was removed from the  
2 home under the voluntary agreement.

3 **SECTION 529.** 48.63 (1) (c) of the statutes is amended to read:

4 48.63 (1) (c) Voluntary agreements may be made only under par. (a) ~~or~~, (b), or  
5 (bm) or sub. (5) (b), shall be in writing, shall state whether the child has been adopted,  
6 and shall specifically state that the agreement may be terminated at any time by the  
7 parent, guardian, or Indian custodian or by the child if the child's consent to the  
8 agreement is required. In the case of an Indian child who is placed under par. (a) ~~or~~,  
9 (b), or (bm) by the voluntary agreement of the Indian child's parent or Indian  
10 custodian, the voluntary consent of the parent or Indian custodian to the placement  
11 shall be given as provided in s. 48.028 (5) (a). The child's consent to an agreement  
12 under par. (a) ~~or~~, (b), or (bm) is required whenever the child is 12 years of age or older.

13 **SECTION 530.** 48.645 (1) (a) of the statutes is amended to read:

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

24 **SECTION 531.** 48.645 (2) (a) 5. of the statutes is created to read:

1           48.645 (2) (a) 5. A qualifying residential family-based treatment facility when  
2 the child is residing there with a parent under a voluntary agreement under s. 48.63  
3 (1) (bm) or when the child is placed there with a parent by an order of the court.

4           **SECTION 532.** 48.651 (3) (a) of the statutes is amended to read:

5           48.651 (3) (a) If a ~~child care provider certified under sub. (1) is convicted of a~~  
6 ~~serious crime, as defined in s. 48.686 (1) (c), or if a caregiver specified in s. 48.686 (1)~~  
7 ~~(ag) 1. or a nonclient resident, as defined in s. 48.686 (1) (bm), of the person subject~~  
8 ~~to a background check under s. 48.686 (2) who operates, works at, or resides at a child~~  
9 ~~care provider certified under sub. (1) is convicted or adjudicated delinquent for~~  
10 ~~committing a serious crime, as defined in s. 48.686 (1) (c), on or after his or her 10th~~  
11 ~~birthday, or if the department provides written notice of a decision under s. 48.686~~  
12 ~~(4p) that the child care provider, caregiver, or nonclient resident person is ineligible~~  
13 ~~for certification, employment, or residence to operate, work at, or reside at the child~~  
14 ~~care provider, the department in a county having a population of 750,000 or more,~~  
15 ~~a county department, or an agency contracted with under sub. (2) shall revoke the~~  
16 ~~certification of the child care provider immediately upon providing written notice of~~  
17 ~~revocation and the grounds for revocation and an explanation of the process for~~  
18 ~~appealing the revocation.~~

19           **SECTION 533.** 48.651 (3) (b) of the statutes is amended to read:

20           48.651 (3) (b) If a ~~child care provider certified under sub. (1) is the subject of~~  
21 ~~a pending criminal charge alleging that the person has committed a serious crime,~~  
22 ~~as defined in s. 48.686 (1) (c), or if a caregiver specified in s. 48.686 (1) (ag) 1. or a~~  
23 ~~nonclient resident, as defined in s. 48.686 (1) (bm), of the person subject to a~~  
24 ~~background check under s. 48.686 (2) who operates, works at, or resides at a child~~  
25 ~~care provider certified under sub. (1) is the subject of a pending criminal charge or~~



1 delinquency petition alleging that the person has committed a serious crime ~~on or~~  
2 ~~after his or her 10th birthday~~, the department in a county having a population of  
3 750,000 or more, a county department, or an agency contracted with under sub. (2)  
4 shall immediately suspend the certification of the child care provider until the  
5 department, county department, or agency obtains information regarding the final  
6 disposition of the charge or delinquency petition indicating that the person is not  
7 ineligible to be certified under sub. (1) operate, work at, or reside at the child care  
8 provider.

9 **SECTION 534.** 48.685 (1) (ao) of the statutes is created to read:

10 48.685 (1) (ao) "Congregate care facility" means a group home, shelter care  
11 facility, or residential care center for children and youth.

12 **SECTION 535.** 48.685 (1) (ap) of the statutes is created to read:

13 48.685 (1) (ap) "Congregate care worker" means an adult who works in a  
14 congregated care facility. "Congregate care worker" includes a person who has or is  
15 seeking a license to operate a congregated care facility and does not include an unpaid  
16 volunteer.

17 **SECTION 536.** 48.685 (1) (c) 2. of the statutes is amended to read:

18 48.685 (1) (c) 2. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19  
19 (2), (4), (5), or (6), 940.22 (2) or (3), 940.225 (1), (2), or (3), 940.285 (2), 940.29, 940.295,  
20 942.09 (2), 948.02 (1) or (2), 948.025, 948.03 (2) or (5) (a) 1., 2., 3., or 4., 948.05,  
21 948.051, 948.055, 948.06, 948.07, 948.08, 948.081, 948.085, 948.11 (2) (a) or (am),  
22 948.12, 948.13, 948.21 (2), 948.215, 948.30, or 948.53.

23 **SECTION 537.** 48.685 (2) (am) 5. of the statutes is amended to read:

24 48.685 (2) (am) 5. Information maintained by the department of health services  
25 under this section and under ss. 48.623 (6) (am) 2. and (bm) 5., 48.75 (1m), and 48.979

1 (1) (b) regarding any denial to the person of a license, or continuation or renewal of  
2 a license to operate an entity, or of payments under s. 48.623 (6) for operating an  
3 entity, for a reason specified in sub. (4m) (a) 1. to 5. and regarding any denial to the  
4 person of employment at, a contract with, or permission to reside at an entity or of  
5 permission to reside with a caregiver specified in sub. (1) (ag) 1. am. for a reason  
6 specified in sub. (4m) (b) 1. to 5.. If the information obtained under this subdivision  
7 indicates that the person has been denied a license, or continuation or renewal of a  
8 license, payments, employment, a contract, or permission to reside as described in  
9 this subdivision, the department, a county department, or a child welfare agency  
10 need not obtain the information specified in subs. 1. to 4., and the department need  
11 not obtain a fingerprint-based background check under par. (ba).

12 **SECTION 538.** 48.685 (2) (b) (intro.) of the statutes is amended to read:

13 48.685 (2) (b) (intro.) Every entity shall obtain all of the following with respect  
14 to a caregiver specified in sub. (1) (ag) 1. a. or am. of the entity and, with respect to  
15 a nonclient resident of a caregiver specified in sub. (1) (ag) 1. am., and with respect  
16 to a congregate care worker, except a caregiver specified in sub. (1) (ag) 1. b., of the  
17 entity:

18 **SECTION 539.** 48.685 (2) (ba) of the statutes is created to read:

19 48.685 (2) (ba) If the person who is the subject of the search under par. (am)  
20 or (b) is a congregate care worker, the department shall obtain a fingerprint-based  
21 check of the national crime information databases, as defined in 28 USC 534 (f) (3)  
22 (A), unless the search has been terminated under par. (am) 5. or (b) 5m.

23 **SECTION 540.** 48.685 (2) (bb) of the statutes is amended to read:

24 48.685 (2) (bb) If information obtained under par. (am) ~~or~~ (b), or (ba) indicates  
25 a charge of a serious crime, but does not completely and clearly indicate the final

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

16 **SECTION 541.** 48.685 (2) (bg) of the statutes is amended to read:

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

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

2           48.685 (2) (bm) If the person who is the subject of the search under par. (am)  
3 or (b) is not a resident of this state, or if at any time within the 5 years preceding the  
4 date of the search that person has not been a resident of this state, or if the  
5 department, county department, child welfare agency, or entity determines that the  
6 person's employment, licensing, or state court records provide a reasonable basis for  
7 further investigation, the department, county department, child welfare agency, or  
8 entity shall make a good faith effort to obtain from any state or other United States  
9 jurisdiction in which the person is a resident or was a resident within the 5 years  
10 preceding the date of the search information that is equivalent to the information  
11 specified in par. (am) 1. or (b) 1m. The department, county department, child welfare  
12 agency, or entity may require the person to be fingerprinted on 2 fingerprint cards,  
13 each bearing a complete set of the person's fingerprints, or by other technologies  
14 approved by law enforcement agencies. The department of justice may provide for  
15 the submission of the fingerprint cards or fingerprints by other technologies to the  
16 federal bureau of investigation for the purposes of verifying the identity of the person  
17 fingerprinted and obtaining records of his or her criminal arrests and convictions.  
18 The department, county department, or child welfare agency may release any  
19 information obtained under this paragraph only as permitted under 32 USC 20962  
20 (e).

21           **SECTION 543.** 48.685 (2) (c) 1. of the statutes is amended to read:

22           48.685 (2) (c) 1. If the person who is the subject of the search under par. (am)  
23 is seeking an initial license to operate a foster home or is seeking relicensure after  
24 a break in licensure, the department, county department, or child welfare agency  
25 shall request under 42 USC 16962 34 USC 20962 (b) a fingerprint-based check of the

1 national crime information databases, as defined in 28 USC 534 (f) (3) (A). If that  
2 person is seeking subsidized guardianship payments under s. 48.623 (6), the  
3 department in a county having a population of 750,000 or more or county department  
4 shall request that fingerprint-based check. The department, county department, or  
5 child welfare agency may release any information obtained under this subdivision  
6 only as permitted under ~~42 USC 16962~~ 34 USC 20962 (e).

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

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

12 **SECTION 545.** 48.685 (3) (b) of the statutes is amended to read:

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

18 **SECTION 546.** 48.685 (3) (c) of the statutes is created to read:

19 48.685 (3) (c) Every 4 years or at any time within that period that the  
20 department considers appropriate, the department shall obtain the information  
21 specified in sub. (2) (ba) for all persons who are congregate care workers.

22 **SECTION 547.** 48.685 (4m) (a) 1. of the statutes is amended to read:

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

1 petition alleging that the person has committed a serious crime ~~on or after his or her~~  
2 ~~10th birthday.~~

3 **SECTION 548.** 48.685 (4m) (b) (intro.) of the statutes is amended to read:

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

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

10 48.685 (4m) (b) 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 550.** 48.685 (4m) (c) of the statutes is amended to read:

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

1 reside at the entity or with the caregiver for not more than 45 days pending receipt  
2 of the information sought under sub. (2) (am) or (b) and (ba). An entity shall provide  
3 supervision for a person who is employed, contracted with, or permitted to reside as  
4 permitted under this paragraph.

5 **SECTION 551.** 48.685 (4m) (d) of the statutes is amended to read:

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

11 **SECTION 552.** 48.685 (5m) of the statutes is amended to read:

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

22 **SECTION 553.** 48.685 (6) (am) of the statutes is amended to read:

23 48.685 (6) (am) Every 4 years an entity shall require all of its caregivers and  
24 all, nonclient residents of the entity or of a caregiver specified in sub. (1) (ag) 1. am.  
25 of the entity, congregate care workers, and nonclient residents of a caregiver

1 specified in sub. (1) (ag) 1. am. to complete a background information form that is  
2 provided to the entity by the department.

3 **SECTION 554.** 48.685 (8) of the statutes is amended to read:

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

13 **SECTION 555.** 48.686 (1) (ac) of the statutes is created to read:

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

17 **SECTION 556.** 48.686 (1) (ag) 1. (intro.) of the statutes is repealed.

18 **SECTION 557.** 48.686 (1) (ag) 1. a. of the statutes is renumbered 48.686 (1) (ag)  
19 1. and amended to read:

20 48.686 (1) (ag) 1. An employee or independent contractor of a child care  
21 program who is involved in the care or supervision of clients.

22 **SECTION 558.** 48.686 (1) (ag) 1. b. of the statutes is renumbered 48.686 (1) (ag)  
23 1m. and amended to read:



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

4           **SECTION 559.** 48.686 (1) (ar) of the statutes is repealed.

5           **SECTION 560.** 48.686 (1) (bm) of the statutes is amended to read:

6           48.686 (1) (bm) ~~“Nonclient resident”~~ “Household member” means a person who  
7 is age 10 or older, who resides, or is expected to reside, at a child care program, and  
8 who is not a client of the child care program or caregiver.

9           **SECTION 561.** 48.686 (1) (bo) of the statutes is created to read:

10          48.686 (1) (bo) “Licensing entity” means all of the following:

11          1. The department when licensing a child care center under s. 48.65.  
12          2. The department in a county with a population of 750,000 or more, a county  
13 department, or an agency or Indian tribe contracted with under s. 48.651 (2) when  
14 certifying a child care provider under s. 48.651.

15          3. A school board when contracting with a child care provider under s. 120.13  
16 (14).

17          **SECTION 562.** 48.686 (1) (bp) of the statutes is created to read:

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

23          **SECTION 563.** 48.686 (1) (c) 5. of the statutes is amended to read:

24          48.686 (1) (c) 5. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.21,  
25 940.225 (1), (2), or (3), 940.23, 940.305, 940.31, 941.20 (2) or (3), 941.21, 943.02,

1 943.03, 943.04, 943.10 (2), 943.32 (2), or 948.081, 948.21 (1) (a), 948.215, or 948.53  
2 (2) (b) 1.

3 **SECTION 564.** 48.686 (1) (c) 9. of the statutes is amended to read:

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

12 **SECTION 565.** 48.686 (1) (c) 10. of the statutes is amended to read:

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

18 **SECTION 566.** 48.686 (2) (a) of the statutes is amended to read:

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

1 background check request under par. (ag). ~~A~~ If the licensing entity is a school board,  
2 county department, or contracted agency or tribe, the licensing entity shall submit  
3 the completed background information request to the department.

4 **SECTION 567.** 48.686 (2) (ab) of the statutes is amended to read:

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

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

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

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

23 **SECTION 568.** 48.686 (2) (ag) 1. b. of the statutes is amended to read:

24 48.686 (2) (ag) 1. b. Any additional information that the department deems  
25 necessary to perform the ~~eriminal~~ background check.

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

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

5           **SECTION 570.** 48.686 (2) (ag) 3. of the statutes is amended to read:

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

10          **SECTION 571.** 48.686 (2) (am) (intro.) of the statutes is amended to read:

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

15          **SECTION 572.** 48.686 (2) (am) 1. of the statutes is amended to read:

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

18          **SECTION 573.** 48.686 (2) (am) 10. of the statutes is amended to read:

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

21          **SECTION 574.** 48.686 (2) (ar) of the statutes is amended to read:

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

1           **SECTION 575.** 48.686 (2) (bd) of the statutes is amended to read:

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

13           **SECTION 576.** 48.686 (3) (am) of the statutes is amended to read:

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

22           **SECTION 577.** 48.686 (4m) (a) (intro.) of the statutes is amended to read:

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

1 ~~department in a county having a population of 750,000 or more, a county~~  
2 ~~department, or an agency contracted with under s. 48.651 (2) may not certify a child~~  
3 ~~care provider under s. 48.651, a school board may not contract with a person under~~  
4 ~~s. 120.13 (14) issue an approval to operate a child care program to a person, and a~~  
5 ~~child care program may not employ or contract with a caregiver specified in sub. (1)~~  
6 ~~(ag) 1. or noncaregiver employee or permit a household member to reside at the child~~  
7 ~~care program if the department, county department, contracted agency, school~~  
8 ~~board, licensing entity or child care program knows or should have known any of the~~  
9 following:

10 **SECTION 578.** 48.686 (4m) (a) 1. of the statutes is amended to read:

11 48.686 (4m) (a) 1. That the person has been convicted of a serious crime or  
12 adjudicated delinquent ~~on or after his or her 10th birthday~~ for committing a serious  
13 crime or that the person is the subject of a pending criminal charge or delinquency  
14 petition alleging that the person has committed a serious crime ~~on or after his or her~~  
15 ~~10th birthday.~~

16 **SECTION 579.** 48.686 (4m) (a) 2. of the statutes is created to read:

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

19 **SECTION 580.** 48.686 (4m) (a) 5. of the statutes is amended to read:

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

25 **SECTION 581.** 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 582.** 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 583.** 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 584.** 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 585.** 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 586.** 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 587.** 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 588.** 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 589.** 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 590.** 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 591.** 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 592.** 48.686 (4s) (f) of the statutes is amended to read:

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

8 **SECTION 593.** 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 ~~eriminal~~ individual background report it issues,  
11 except that the department may release aggregated data by crime as listed in sub.  
12 (1) (c) from ~~eriminal~~ 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 ~~eriminal~~ background checks as necessary during  
15 an appeal or reconsideration under this subsection or for another lawful purpose.

16 **SECTION 594.** 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