

1 or providers meet the conditions that the department determines are appropriate.
2 The department may delegate to county departments under ss. 51.42 and 51.437 the
3 responsibilities vested in the department under this section for collection of patient
4 fees for services provided at the state facilities if the necessary conditions are met.

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

6 46.21 (2m) (b) 1. a. The powers and duties of the county departments under ss.
7 46.215, 51.42 and 51.437, ~~including the administration of the long-term support~~
8 ~~community options program under s. 46.27, if the county department under s. 46.215~~
9 ~~is designated as the administering agency under s. 46.27 (3) (b) 1.~~

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 b. of the statutes is repealed.

11 **SECTION 444.** 46.215 (1) (m) of the statutes is repealed.

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 e. of the statutes is repealed.

13 **SECTION 446.** 46.23 (3) (bm) of the statutes is repealed.

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

15 **46.269 Determining financial eligibility for long-term care programs.**

16 To the extent approved by the federal government, the department or its designee
17 shall exclude any assets accumulated in a person's independence account, as defined
18 in s. 49.472 (1) (c), and any income or assets from retirement benefits earned or
19 accumulated from income or employer contributions while employed and receiving
20 ~~state-funded benefits under s. 46.27~~ or medical assistance under s. 49.472 in
21 determining financial eligibility and cost-sharing requirements, if any, for a
22 long-term care program under s. ~~46.27~~, 46.275, or 46.277, for the family care
23 program that provides the benefit defined in s. 46.2805 (4), for the Family Care
24 Partnership program, or for the self-directed services option, as defined in s. 46.2897
25 (1).

1 **SECTION 448.** 46.27 of the statutes is repealed.

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

3 46.271 (1) (c) The department may contract with an aging unit, as defined in
4 s. ~~46.27~~ 46.82 (1) (a), for administration of services under par. (a) if, by resolution,
5 the county board of supervisors of that county so requests the department.

6 **SECTION 450.** 46.275 (3) (e) of the statutes is repealed.

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

8 46.275 (5) (b) 7. Provide services in any community-based residential facility
9 unless the county or department uses as a service contract the approved model
10 contract developed under s. 46.27 (2) (j), 2017 stats., or a contract that includes all
11 of the provisions of the approved model contract.

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

13 46.277 (1m) (at) "Private nonprofit agency" ~~has the meaning specified in s.~~
14 46.27 (1) (bm) means a nonprofit corporation, as defined in s. 181.0103 (17), that
15 provides a program of all-inclusive care for the elderly under 42 USC 1395eee or
16 1396u-4.

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

18 46.277 (3) (a) ~~Sections 46.27 (3) (b) and Section 46.275 (3) (a) and (c) to (e) apply~~
19 applies to county participation in this program, except that services provided in the
20 program shall substitute for care provided a person in a skilled nursing facility or
21 intermediate care facility who meets the level of care requirements for medical
22 assistance reimbursement to that facility rather than for care provided at a state
23 center for the developmentally disabled. The number of persons who receive services
24 provided by the program under this paragraph may not exceed the number of

1 nursing home beds, other than beds specified in sub. (5g) (b), that are delicensed as
2 part of a plan submitted by the facility and approved by the department.

3 **SECTION 454.** 46.277 (5) (d) 2. (intro.) and b. of the statutes are consolidated,
4 renumbered 46.277 (5) (d) 2. and amended to read:

5 46.277 (5) (d) 2. No county may use funds received under this section to provide
6 residential services in any community-based residential facility, as defined in s.
7 50.01 (1g), unless ~~one of the following applies: b.~~ The department approves the
8 provision of services in a community-based residential facility that entirely consists
9 of independent apartments, each of which has an individual lockable entrance and
10 exit and individual separate kitchen, bathroom, sleeping and living areas, to
11 individuals who are eligible under this section and are physically disabled or are at
12 least 65 years of age.

13 **SECTION 455.** 46.277 (5) (d) 2. a. of the statutes is repealed.

14 **SECTION 456.** 46.277 (5) (d) 3. of the statutes is amended to read:

15 46.277 (5) (d) 3. If subd. 2. ~~a. 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 457.** 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 458.** 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 459.** 46.2803 of the statutes is repealed.

13 **SECTION 460.** 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.

17 **SECTION 461.** 46.281 (1d) of the statutes is amended to read:

18 46.281 (1d) **WAIVER REQUEST.** The department shall request from the secretary
19 of the federal department of health and human services any waivers of federal
20 medicaid laws necessary to permit the use of federal moneys to provide the family
21 care benefit and the self-directed services option to recipients of medical assistance.
22 The department shall implement any waiver that is approved and that is consistent
23 with ss. 46.2805 to 46.2895. Regardless of whether a waiver is approved, the
24 department may implement operation of resource centers, care management
25 organizations, and the family care benefit.

1 **SECTION 462.** 46.281 (1n) (d) of the statutes is repealed.

2 **SECTION 463.** 46.281 (3) of the statutes is repealed.

3 **SECTION 464.** 46.2825 of the statutes is repealed.

4 **SECTION 465.** 46.283 (3) (f) of the statutes is amended to read:

5 46.283 (3) (f) Assistance to a person who is eligible for the family care benefit
6 with respect to the person's choice of whether or not to enroll in the self-directed
7 services option, as defined in s. 46.2899 (1), a care management organization for the
8 family care benefit or the Family Care Partnership program, or the program of
9 all-inclusive care for the elderly and, if so, which available long-term care program
10 or care management organization would best meet his or her needs.

11 **SECTION 466.** 46.283 (4) (e) of the statutes is repealed.

12 **SECTION 467.** 46.283 (4) (f) of the statutes is amended to read:

13 46.283 (4) (f) Perform a functional screening and a financial and cost-sharing
14 screening for any resident, ~~as specified in par. (e),~~ who requests a screening and
15 assist any resident who is eligible and chooses to enroll in a care management
16 organization or the self-directed services option to do so.

17 **SECTION 468.** 46.283 (6) (b) 7. of the statutes is repealed.

18 **SECTION 469.** 46.283 (6) (b) 9. of the statutes is amended to read:

19 46.283 (6) (b) 9. Review the number and types of grievances and appeals
20 concerning the long-term care system in the area served by related to the resource
21 center, to determine if a need exists for system changes, and recommend system or
22 other changes if appropriate.

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

24 **SECTION 471.** 46.285 (intro.) of the statutes is renumbered 46.285 and amended
25 to read:

1 **46.285 Operation of resource center and care management**
2 **organization.** In order to meet federal requirements and assure federal financial
3 participation in funding of the family care benefit, a county, a tribe or band, a
4 long-term care district or an organization, including a private, nonprofit
5 corporation, may not directly operate both a resource center and a care management
6 organization, ~~except as follows:~~

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

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

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

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

11 46.287 (2) (a) 1. (intro.) Except as provided in subd. 2., a client may contest any
12 of the following applicable matters by filing, within 45 days of the failure of a resource
13 center or ~~care management organization~~ county to act on the contested matter
14 within the time frames specified by rule by the department or within 45 days after
15 receipt of notice of a decision in a contested matter, a written request for a hearing
16 under s. 227.44 to the division of hearings and appeals created under s. 15.103 (1):

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

18 b.

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

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

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

22 46.287 (2) (a) 1m. Except as provided in subd. 2., a client may contest any of
23 the following adverse benefit determinations by filing, within 90 days of the failure
24 of a care management organization to act on a contested adverse benefit
25 determination within the time frames specified by rule by the department or within

1 90 days after receipt of notice of a decision upholding the adverse benefit
2 determination, a written request for a hearing under s. 227.44 to the division of
3 hearings and appeals created under s. 15.103 (1):

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

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

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

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

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

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

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

24 i. Development of a plan of care that is unacceptable to the enrollee because the
25 plan of care requires the enrollee to live in a place that is unacceptable to the enrollee;

1 the plan of care does not provide sufficient care, treatment, or support to meet the
2 enrollee's needs and support the enrollee's identified outcomes; or the plan of care
3 requires the enrollee to accept care, treatment, or support that is unnecessarily
4 restrictive or unwanted by the enrollee.

5 j. Involuntary disenrollment from the care management organization.

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

7 46.287 (2) (b) An enrollee may contest a decision, omission or action of a care
8 management organization other than those specified in par. (a), ~~or may contest the~~
9 ~~choice of service provider. In these instances, the enrollee shall first send a written~~
10 ~~request for review by the unit of the department that monitors care management~~
11 ~~organization contracts. This unit shall review and attempt to resolve the dispute.~~
12 1m. by filing a grievance with the care management organization. If the dispute
13 grievance is not resolved to the satisfaction of the enrollee, he or she may request
14 a hearing under the procedures specified in par. (a) 1. (intro.) that the department
15 review the decision of the care management organization.

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

18 46.288 (2) Criteria and procedures for determining functional eligibility under
19 s. 46.286 (1) (a), financial eligibility under s. 46.286 (1) (b), and cost sharing under
20 s. 46.286 (2) (a). ~~The rules for determining functional eligibility under s. 46.286 (1)~~
21 ~~(a) 1m. shall be substantially similar to eligibility criteria for receipt of the long-term~~
22 ~~support community options program under s. 46.27. Rules under this subsection~~
23 ~~shall include definitions of the following terms applicable to s. 46.286:~~

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

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

1 46.2896 (1) (a) "Long-term care program" means the long-term care program
2 under s. ~~46.27, 46.275, 46.277, 46.278, or 46.2785~~; the family care program providing
3 the benefit under s. 46.286; the Family Care Partnership program; or the long-term
4 care program defined in s. 46.2899 (1).

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

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

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

15 **SECTION 486.** 46.854 of the statutes is created to read:

16 **46.854 Healthy aging grant program.** From the appropriation under s.
17 20.435 (1) (bk), the department shall award in each fiscal year a grant of \$250,000
18 to an entity that conducts programs in healthy aging.

19 **SECTION 487.** 46.995 (4) of the statutes is created to read:

20 46.995 (4) The department shall ensure that any child who is eligible and who
21 applies for the disabled children's long-term support program that is operating
22 under a waiver of federal law receives services under the disabled children's
23 long-term support program that is operating under a waiver of federal law.

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

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

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

7 **SECTION 489.** 48.02 (1d) of the statutes is amended to read:

8 48.02 (1d) "Adult" means a person who is 18 years of age or older, ~~except that~~
9 ~~for purposes of investigating or prosecuting a person who is alleged to have violated~~
10 ~~any state or federal criminal law or any civil law or municipal ordinance, "adult"~~
11 ~~means a person who has attained 17 years of age.~~

12 **SECTION 490.** 48.02 (2) of the statutes is amended to read:

13 48.02 (2) "Child," when used without further qualification, means a person who
14 is less than 18 years of age, ~~except that for purposes of investigating or prosecuting~~
15 ~~a person who is alleged to have violated a state or federal criminal law or any civil~~
16 ~~law or municipal ordinance, "child" does not include a person who has attained 17~~
17 ~~years of age.~~

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

19 48.02 (14m) "Qualifying residential family-based treatment facility" means a
20 certified residential family-based alcohol or drug abuse treatment facility that
21 meets all of the following criteria:

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

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

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

8 **48.13 Jurisdiction over children alleged to be in need of protection or**
9 **services.** Except as provided in s. 48.028 (3), the court has exclusive original
10 jurisdiction over a child alleged to be in need of protection or services which can be
11 ordered by the court, and if one of the following applies:

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

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

14 (2m) ~~Whose~~ The child's parent has relinquished custody of the child under s.
15 48.195 (1);.

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

18 (3m) ~~Who~~ The child is at substantial risk of becoming the victim of abuse, as
19 defined in s. 48.02 (1) (a) or (b) to (g), including injury that is self-inflicted or inflicted
20 by another, based on reliable and credible information that another child in the home
21 has been the victim of such abuse;.

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

1 (4m) ~~Whose~~ The child's guardian is unable or needs assistance to care for or
2 provide necessary special treatment or care for the child, but is unwilling or unable
3 to sign the petition requesting jurisdiction under this subsection;

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

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

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

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

15 (10m) ~~Whose~~ The child's parent, guardian or legal custodian is at substantial
16 risk of neglecting, refusing or being unable for reasons other than poverty to provide
17 necessary care, food, clothing, medical or dental care or shelter so as to endanger
18 seriously the physical health of the child, based on reliable and credible information
19 that the child's parent, guardian or legal custodian has neglected, refused or been
20 unable for reasons other than poverty to provide necessary care, food, clothing,
21 medical or dental care or shelter so as to endanger seriously the physical health of
22 another child in the home;

23 (11) ~~Who~~ The child is suffering emotional damage for which the parent,
24 guardian or legal custodian has neglected, refused or been unable and is neglecting,

1 refusing or unable, for reasons other than poverty, to obtain necessary treatment or
2 to take necessary steps to ameliorate the symptoms;

3 (11m) ~~Who~~ The child is suffering from an alcohol and other drug abuse
4 impairment, exhibited to a severe degree, for which the parent, guardian or legal
5 custodian is neglecting, refusing or unable to provide treatment; ~~or.~~

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

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

9 48.13 (14) The child's parent is residing in a qualifying residential
10 family-based treatment facility, signs the petition requesting jurisdiction under this
11 subsection, and, with the department's consent, requests that the child reside with
12 him or her at the qualifying residential family-based treatment facility.

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

14 48.207 (1) (L) With a parent in a qualifying residential family-based treatment
15 facility if the child's permanency plan includes a recommendation for such a
16 placement under s. 48.38 (4) (em) before the placement is made and the parent
17 consents to the placement.

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

19 48.345 (3) (c) A foster home licensed under s. 48.62, a group home licensed
20 under s. 48.625, a foster home, group home, or similar facility regulated in another
21 state, or in the home of a guardian under s. 48.977 (2).

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

23 48.345 (3) (cm) A group home described in s. 48.625 (1m) or a similar facility
24 regulated in another state, if the child is at least 12 years of age, is a custodial parent,

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1 as defined in s. 49.141 (1) (b), or an expectant mother, is receiving inadequate care,
2 and is in need of a safe and structured living arrangement.

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

4 48.345 (3) (d) A residential ~~treatment~~ care center for children and youth
5 operated by a child welfare agency licensed under s. 48.60, or a similar facility
6 regulated in another state.

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

8 48.345 (3) (e) With a parent in a qualifying residential family-based treatment
9 facility, or a similar facility regulated in another state, if the child's permanency plan
10 includes a recommendation for such a placement under s. 48.38 (4) (em) before the
11 placement is made.

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

13 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
14 for each child living in a foster home, group home, residential care center for children
15 and youth, juvenile detention facility, shelter care facility, qualifying residential
16 family-based treatment facility with a parent, or supervised independent living
17 arrangement, the agency that placed the child or arranged the placement or the
18 agency assigned primary responsibility for providing services to the child under s.
19 48.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following
20 conditions exists, and, for each child living in the home of a guardian or a relative
21 other than a parent, that agency shall prepare a written permanency plan, if any of
22 the conditions specified in pars. (a) to (e) exists:

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

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1 child and directing when, how, and from where funds for the maintenance or care
2 shall be paid.

3 **SECTION 505.** 48.45 (1) (am) of the statutes is amended to read:

4 48.45 (1) (am) If in the hearing of a case of an unborn child and the unborn
5 child's expectant mother alleged to be in a condition described in s. 48.133 it appears
6 that any person ~~17 years of age or over~~ adult has been guilty of contributing to,
7 encouraging, or tending to cause by any act or omission, ~~such~~ that condition of the
8 unborn child and expectant mother, the judge may make orders with respect to the
9 conduct of ~~such~~ that person in his or her relationship to the unborn child and
10 expectant mother.

11 **SECTION 506.** 48.45 (3) of the statutes is amended to read:

12 48.45 (3) If it appears at a court hearing that any person ~~17 years of age or older~~
13 adult has violated s. 948.40, the judge shall refer the record to the district attorney
14 for criminal proceedings as may be warranted in the district attorney's judgment.
15 This subsection does not prevent prosecution of violations of s. 948.40 without the
16 prior reference by the judge to the district attorney, as in other criminal cases.

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

18 48.48 (17) (a) 3. Provide appropriate protection and services for children and
19 the expectant mothers of unborn children in its care, including providing services for
20 those children and their families and for those expectant mothers in their own
21 homes, placing ~~the~~ those children in licensed foster homes or group homes in this
22 state or a similar facility regulated in another state within a reasonable proximity
23 to the agency with legal custody, placing ~~the~~ those children in the homes of guardians
24 under s. 48.977 (2), placing those children in a qualifying residential family-based
25 treatment facility with a parent or in a similar facility regulated in another state, or

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

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

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

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

14 **SECTION 510.** 48.481 (4) of the statutes is created to read:

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

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

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

24 (c) The cost of motor vehicle liability insurance for the motor vehicle owned or
25 used by the individual while participating in the program and after obtaining an

1 operator's license, including any increase in the cost of motor vehicle liability
2 insurance on a motor vehicle owned by an out-of-home care provider and used by
3 the individual.

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

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

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

12 48.526 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability
13 of the appropriations under s. 20.437 (1) (cj) and (o), the department shall allocate
14 funds for community youth and family aids for the period beginning on July 1, 2015
15 2019, and ending on June 30, ~~2017~~ 2021, as provided in this subsection to county
16 departments under ss. 46.215, 46.22, and 46.23 as follows:

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

18 48.526 (7) (a) For community youth and family aids under this section,
19 amounts not to exceed \$45,572,100 for the last 6 months of ~~2015~~ 2019, \$91,150,200
20 for ~~2016~~ 2020, and \$45,578,100 for the first 6 months of ~~2017~~ 2021.

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

22 48.526 (7) (b) (intro.) Of the amounts specified in par. (a), the department shall
23 allocate \$2,000,000 for the last 6 months of ~~2015~~ 2019, \$4,000,000 for ~~2016~~ 2020, and
24 \$2,000,000 for the first 6 months of ~~2017~~ 2021 to counties based on each of the
25 following factors weighted equally:

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

2 48.526 (7) (bm) Of the amounts specified in par. (a), the department shall
3 allocate \$6,250,000 for the last 6 months of ~~2015~~ 2019, \$12,500,000 for ~~2016~~ 2020,
4 and \$6,250,000 for the first 6 months of ~~2017~~ 2021 to counties based on each county's
5 proportion of the number of juveniles statewide who are placed in a juvenile
6 correctional facility or a secured residential care center for children and youth during
7 the most recent 3-year period for which that information is available.

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

9 48.526 (7) (c) Of the amounts specified in par. (a), the department shall allocate
10 \$1,053,200 for the last 6 months of ~~2015~~ 2019, \$2,106,500 for ~~2016~~ 2020, and
11 \$1,053,300 for the first 6 months of ~~2017~~ 2021 to counties based on each of the factors
12 specified in par. (b) 1. to 3. weighted equally, except that no county may receive an
13 allocation under this paragraph that is less than 93 percent nor more than 115
14 percent of the amount that the county would have received under this paragraph if
15 the allocation had been distributed only on the basis of the factor specified in par. (b)
16 3.

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

18 48.526 (7) (e) For emergencies related to community youth and family aids
19 under this section, amounts not to exceed \$125,000 for the last 6 months of ~~2015~~
20 2019, \$250,000 for ~~2016~~ 2020, and \$125,000 for the first 6 months of ~~2017~~ 2021. A
21 county is eligible for payments under this paragraph only if it has a population of not
22 more than 45,000.

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

24 48.526 (7) (h) For counties that are purchasing community supervision
25 services under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~2017~~ 2019,

1 \$2,124,800 in 2018 2020, and \$1,062,400 in the first 6 months of 2019 2021 for the
2 provision of community supervision services for juveniles from that county. In
3 distributing funds to counties under this paragraph, the department shall distribute
4 to each county the full amount of the charges for the services purchased by that
5 county, except that if the amounts available under this paragraph are insufficient to
6 distribute that full amount, the department shall distribute those available amounts
7 to each county that purchases community supervision services based on the ratio
8 that the charges to that county for those services bear to the total charges to all
9 counties that purchase those services.

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

11 48.526 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the
12 allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last
13 6 months of 2015 2019, \$1,333,400 in 2016 2020, and \$666,700 in the first 6 months
14 of 2017 2021 for alcohol and other drug abuse treatment programs.

15 **SECTION 520.** 48.5275 of the statutes is created to read:

16 **48.5275 Seventeen-year-old juvenile justice aids.** Notwithstanding s.
17 48.526, from the appropriation under s. 20.437 (1) (cL), beginning on January 1,
18 2021, the department shall reimburse counties for the costs under s. 48.526 (2) (c)
19 associated with juveniles who were alleged to have violated a state or federal
20 criminal law or any civil law or municipal ordinance at age 17.

21 **SECTION 521.** 48.5276 of the statutes is created to read:

22 **48.5276 County facility start-up costs.** From the appropriation under s.
23 20.437 (1) (cn), the department shall reimburse counties for the one-time start-up
24 costs under s. 48.526 (2) (c) incurred by a county, either on its own or jointly with one

1 or more counties, in establishing a secured residential care center for children and
2 youth under s. 59.53 (8m).

3 SECTION 522. 48.53 of the statutes is repealed.

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

5 48.563 (2) COUNTY ALLOCATION. For children and family services under s. 48.569
6 (1) (d), the department shall distribute not more than ~~\$70,211,100~~ \$78,708,100 in
7 fiscal year ~~2017-18~~ 2019-20 and ~~\$74,308,000~~ \$90,478,400 in fiscal year ~~2018-19~~
8 2020-21.

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

10 48.57 (1) (c) To provide appropriate protection and services for children and the
11 expectant mothers of unborn children in its care, including providing services for
12 those children and their families and for those expectant mothers in their own
13 homes, placing those children in licensed foster homes or group homes in this state
14 or similar facilities regulated in another state within a reasonable proximity to the
15 agency with legal custody, placing those children in the homes of guardians under
16 s. 48.977 (2), placing those children in a qualifying residential family-based
17 treatment facility, or in a similar facility regulated in another state, or contracting
18 for services for those children by licensed child welfare agencies in this state or a
19 child welfare agency regulated in another state, except that the county department
20 may not purchase the educational component of private day treatment programs
21 unless the county department, the school board, as defined in s. 115.001 (7), and the
22 state superintendent of public instruction all determine that an appropriate public
23 education program is not available. Disputes between the county department and
24 the school district shall be resolved by the state superintendent of public instruction.

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

SECTION 525

1 48.57 (3) (a) 4. Is living in a foster home, group home, residential care center
2 for children and youth, or subsidized guardianship home, qualifying residential
3 family-based treatment facility, or a similar facility regulated in another state or in
4 a supervised independent living arrangement.

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

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

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

16 48.57 (3n) (am) (intro.) From the appropriations under s. 20.437 (2) (dz), (md),
17 (me), and (s), the department shall reimburse counties having populations of less
18 than 750,000 for payments made under this subsection and shall make payments
19 under this subsection in a county having a population of 750,000 or more. Subject
20 to par. (ap), a county department and, in a county having a population of 750,000 or
21 more, the department shall make monthly payments for each child in the amount of
22 \$238 \$249 per month beginning on January 1, ~~2018~~ 2020, and \$244 \$254 per month
23 beginning on January 1, ~~2019~~ 2021, to a long-term kinship care relative who is
24 providing care and maintenance for that child if all of the following conditions are
25 met:

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

2 48.62 (4) Monthly payments in foster care shall be provided according to the
3 rates specified in this subsection. Beginning on January 1, ~~2018~~ 2020, the rates are
4 ~~\$238~~ \$249 for care and maintenance provided for a child of any age by a foster home
5 that is certified to provide level one care, as defined in the rules promulgated under
6 sub. (8) (a) and, for care and maintenance provided by a foster home that is certified
7 to provide care at a level of care that is higher than level one care, ~~\$394~~ \$412 for a
8 child under 5 years of age; ~~\$431~~ \$451 for a child 5 to 11 years of age; ~~\$490~~ \$512 for
9 a child 12 to 14 years of age; and ~~\$511~~ \$534 for a child 15 years of age or over.
10 Beginning on January 1, ~~2019~~ 2021, the rates are ~~\$244~~ \$254 for care and
11 maintenance provided for a child of any age by a foster home that is certified to
12 provide level one care, as defined in the rules promulgated under sub. (8) (a) and, for
13 care and maintenance provided by a foster home that is certified to provide care at
14 a level of care that is higher than level one care, ~~\$404~~ \$420 for a child under 5 years
15 of age; ~~\$442~~ \$460 for a child 5 to 11 years of age; ~~\$502~~ \$522 for a child 12 to 14 years
16 of age; and ~~\$524~~ \$545 for a child 15 years of age or over. In addition to these grants
17 for basic maintenance, the department, county department, or licensed child welfare
18 agency shall make supplemental payments for foster care to a foster home that is
19 receiving an age-related rate under this subsection that are commensurate with the
20 level of care that the foster home is certified to provide and the needs of the child who
21 is placed in the foster home according to the rules promulgated by the department
22 under sub. (8) (c).

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

24 48.623 (3) (a) Except as provided in this paragraph, the county department
25 shall provide the monthly payments under sub. (1) or (6). The county department

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

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

7 48.63 (1) (bm) Acting under a voluntary agreement, a child's parent, the
8 department, or a county department may place the child in a qualifying residential
9 family-based treatment facility with a parent, if such a placement is recommended
10 in the child's permanency plan under s. 48.38. A placement under this paragraph
11 may not exceed 180 days from the date on which the child was removed from the
12 home under the voluntary agreement.

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

14 48.63 (1) (c) Voluntary agreements may be made only under par. (a) ~~or~~, (b), or
15 (bm) or sub. (5) (b), shall be in writing, shall state whether the child has been adopted,
16 and shall specifically state that the agreement may be terminated at any time by the
17 parent, guardian, or Indian custodian or by the child if the child's consent to the
18 agreement is required. In the case of an Indian child who is placed under par. (a) ~~or~~,
19 (b), or (bm) by the voluntary agreement of the Indian child's parent or Indian
20 custodian, the voluntary consent of the parent or Indian custodian to the placement
21 shall be given as provided in s. 48.028 (5) (a). The child's consent to an agreement
22 under par. (a) ~~or~~, (b), or (bm) is required whenever the child is 12 years of age or older.

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

24 48.645 (1) (a) The child is living in a foster home licensed under s. 48.62 if a
25 license is required under that section, in a foster home located within the boundaries

1 of a reservation in this state and licensed by the tribal governing body of the
2 reservation, in a group home licensed under s. 48.625, in a subsidized guardianship
3 home under s. 48.623, in a residential care center for children and youth licensed
4 under s. 48.60, with a parent in a qualifying residential family-based treatment
5 facility, or in a supervised independent living arrangement and has been placed in
6 that home, center, or arrangement by a county department under s. 46.215, 46.22,
7 or 46.23, by the department, or by a governing body of an Indian tribe in this state
8 under an agreement with a county department under s. 46.215, 46.22, or 46.23.

9 **SECTION 533.** 48.645 (2) (a) 5. of the statutes is created to read:

10 48.645 (2) (a) 5. A qualifying residential family-based treatment facility when
11 the child is residing there with a parent under a voluntary agreement under s. 48.63
12 (1) (bm) or when the child is placed there with a parent by an order of the court.

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

14 48.651 (3) (a) ~~If a child care provider certified under sub. (1) is convicted of a~~
15 ~~serious crime, as defined in s. 48.686 (1) (c), or if a caregiver specified in s. 48.686 (1)~~
16 ~~(ag) 1. or a nonclient resident, as defined in s. 48.686 (1) (bm), of the person subject~~
17 ~~to a background check under s. 48.686 (2) who operates, works at, or resides at a child~~
18 ~~care provider certified under sub. (1) is convicted or adjudicated delinquent for~~
19 ~~committing a serious crime, as defined in s. 48.686 (1) (c), on or after his or her 10th~~
20 ~~birthday, or if the department provides written notice of a decision under s. 48.686~~
21 ~~(4p) that the child care provider, caregiver, or nonclient resident person is ineligible~~
22 ~~for certification, employment, or residence to operate, work at, or reside at the child~~
23 ~~care provider, the department in a county having a population of 750,000 or more,~~
24 ~~a county department, or an agency contracted with under sub. (2) shall revoke the~~
25 ~~certification of the child care provider immediately upon providing written notice of~~

1 revocation and the grounds for revocation and an explanation of the process for
2 appealing the revocation.

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

4 48.651 (3) (b) ~~If a child care provider certified under sub. (1) is the subject of~~
5 ~~a pending criminal charge alleging that the person has committed a serious crime,~~
6 ~~as defined in s. 48.686 (1) (c), or if a caregiver specified in s. 48.686 (1) (ag) 1. or a~~
7 ~~nonclient resident, as defined in s. 48.686 (1) (bm), of the person subject to a~~
8 background check under s. 48.686 (2) who operates, works at, or resides at a child
9 care provider certified under sub. (1) is the subject of a pending criminal charge or
10 delinquency petition alleging that the person has committed a serious crime on or
11 after his or her 10th birthday, the department in a county having a population of
12 750,000 or more, a county department, or an agency contracted with under sub. (2)
13 shall immediately suspend the certification of the child care provider until the
14 department, county department, or agency obtains information regarding the final
15 disposition of the charge or delinquency petition indicating that the person is not
16 ineligible to be certified under sub. (1) operate, work at, or reside at the child care
17 provider.

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

19 48.685 (1) (ao) "Congregate care facility" means a group home, shelter care
20 facility, or residential care center for children and youth.

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

22 48.685 (1) (ap) "Congregate care worker" means an adult who works in a
23 congregare care facility. "Congregate care worker" includes a person who has or is
24 seeking a license to operate a congregare care facility and does not include an unpaid
25 volunteer.

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

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

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

8 48.685 (2) (am) 5. Information maintained by the department of health services
9 under this section and under ss. 48.623 (6) (am) 2. and (bm) 5., 48.75 (1m), and 48.979
10 (1) (b) regarding any denial to the person of a license, or continuation or renewal of
11 a license to operate an entity, or of payments under s. 48.623 (6) for operating an
12 entity, for a reason specified in sub. (4m) (a) 1. to 5. and regarding any denial to the
13 person of employment at, a contract with, or permission to reside at an entity or of
14 permission to reside with a caregiver specified in sub. (1) (ag) 1. am. for a reason
15 specified in sub. (4m) (b) 1. to 5. If the information obtained under this subdivision
16 indicates that the person has been denied a license, or continuation or renewal of a
17 license, payments, employment, a contract, or permission to reside as described in
18 this subdivision, the department, a county department, or a child welfare agency
19 need not obtain the information specified in subds. 1. to 4., and the department need
20 not obtain a fingerprint-based background check under par. (ba).

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

22 48.685 (2) (b) (intro.) Every entity shall obtain all of the following with respect
23 to a caregiver specified in sub. (1) (ag) 1. a. or am. of the entity and, with respect to
24 a nonclient resident of a caregiver specified in sub. (1) (ag) 1. am., and with respect

1 to a congregate care worker, except a caregiver specified in sub. (1) (ag) 1. b., of the
2 entity:

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

4 48.685 (2) (ba) If the person who is the subject of the search under par. (am)
5 or (b) is a congregate care worker, the department shall obtain a fingerprint-based
6 check of the national crime information databases, as defined in 28 USC 534 (f) (3)
7 (A), unless the search has been terminated under par. (am) 5. or (b) 5m.

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

9 48.685 (2) (bb) If information obtained under par. (am) ~~or~~, (b), or (ba) indicates
10 a charge of a serious crime, but does not completely and clearly indicate the final
11 disposition of the charge, the department, county department, child welfare agency,
12 or entity shall make every reasonable effort to contact the clerk of courts to determine
13 the final disposition of the charge. If a background information form under sub. (6)
14 (a) or (am) indicates a charge or a conviction of a serious crime, but information
15 obtained under par. (am) ~~or~~, (b), or (ba) does not indicate such a charge or conviction,
16 the department, county department, child welfare agency, or entity shall make every
17 reasonable effort to contact the clerk of courts to obtain a copy of the criminal
18 complaint and the final disposition of the complaint. If information obtained under
19 par. (am) ~~or~~, (b), or (ba), a background information form under sub. (6) (a) or (am),
20 or any other information indicates a conviction of a violation of s. 940.19 (1), 940.195,
21 940.20, 941.30, 942.08, 947.01 (1), or 947.013 obtained not more than 5 years before
22 the date on which that information was obtained, the department, county
23 department, child welfare agency, or entity shall make every reasonable effort to
24 contact the clerk of courts to obtain a copy of the criminal complaint and judgment
25 of conviction relating to that violation.

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

2 48.685 (2) (bg) If an entity employs or contracts with a caregiver or congregate
3 care worker for whom, within the last year, the information required under par. (b)
4 1m. to 3m. and 5m. has already been obtained by another entity, the entity may
5 obtain that information from that other entity, which shall provide the information,
6 if possible, to the requesting entity. If an entity cannot obtain the information
7 required under par. (b) 1m. to 3m. and 5m. from another entity or if an entity has
8 reasonable grounds to believe that any information obtained from another entity is
9 no longer accurate, the entity shall obtain that information from the sources
10 specified in par. (b) 1m. to 3m. and 5m.

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

12 48.685 (2) (bm) If the person who is the subject of the search under par. (am)
13 or (b) is not a resident of this state, or if at any time within the 5 years preceding the
14 date of the search that person has not been a resident of this state, or if the
15 department, county department, child welfare agency, or entity determines that the
16 person's employment, licensing, or state court records provide a reasonable basis for
17 further investigation, the department, county department, child welfare agency, or
18 entity shall make a good faith effort to obtain from any state or other United States
19 jurisdiction in which the person is a resident or was a resident within the 5 years
20 preceding the date of the search information that is equivalent to the information
21 specified in par. (am) 1. or (b) 1m. The department, county department, child welfare
22 agency, or entity may require the person to be fingerprinted on 2 fingerprint cards,
23 each bearing a complete set of the person's fingerprints, or by other technologies
24 approved by law enforcement agencies. The department of justice may provide for
25 the submission of the fingerprint cards or fingerprints by other technologies to the

1 federal bureau of investigation for the purposes of verifying the identity of the person
2 fingerprinted and obtaining records of his or her criminal arrests and convictions.
3 The department, county department, or child welfare agency may release any
4 information obtained under this paragraph only as permitted under 32 USC 20962
5 (e).

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

7 48.685 (2) (c) 1. If the person who is the subject of the search under par. (am)
8 is seeking an initial license to operate a foster home or is seeking relicensure after
9 a break in licensure, the department, county department, or child welfare agency
10 shall request under ~~42 USC 16962~~ 34 USC 20962 (b) a fingerprint-based check of the
11 national crime information databases, as defined in 28 USC 534 (f) (3) (A). If that
12 person is seeking subsidized guardianship payments under s. 48.623 (6), the
13 department in a county having a population of 750,000 or more or county department
14 shall request that fingerprint-based check. The department, county department, or
15 child welfare agency may release any information obtained under this subdivision
16 only as permitted under ~~42 USC 16962~~ 34 USC 20962 (e).

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

18 48.685 (2) (d) Every entity shall maintain, or shall contract with another
19 person to maintain, the most recent background information obtained on a caregiver
20 or congregate care worker under par. (b). The information shall be made available
21 for inspection by authorized persons, as defined by the department by rule.

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

23 48.685 (3) (b) Every 4 years or at any time within that period that an entity
24 considers appropriate, the entity shall request the information specified in sub. (2)
25 (b) 1m. to 5m. for all persons who are caregivers specified in sub. (1) (ag) 1. a. or am.

1 of the entity and for all nonclient residents of a caregiver specified in sub. (1) (ag) 1.
2 ~~am. of the entity subject to sub. (2) (b).~~

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

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

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

8 48.685 (4m) (a) 1. That the person has been convicted of a serious crime or
9 adjudicated delinquent ~~on or after his or her 10th birthday~~ for committing a serious
10 crime or that the person is the subject of a pending criminal charge or delinquency
11 petition alleging that the person has committed a serious crime ~~on or after his or her~~
12 ~~10th birthday.~~

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

14 48.685 (4m) (b) (intro.) Notwithstanding s. 111.335, and except as provided in
15 sub. (5), an entity may not employ or contract with a caregiver specified in sub. (1)
16 (ag) 1. a. or am. or a congregate care worker or permit a nonclient resident to reside
17 at the entity or with a caregiver specified in sub. (1) (ag) 1. am. of the entity if the
18 entity knows or should have known any of the following:

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

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

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

1 48.685 (4m) (c) If the background information form completed by a person
2 under sub. (6) (am) indicates that the person is not ineligible to be employed or
3 contracted with for a reason specified in par. (b) 1. to 5., an entity may employ or
4 contract with the person for not more than 45 days pending the receipt of the
5 information sought under sub. (2) (am) or (b) and (ba). If the background information
6 form completed by a person under sub. (6) (am) indicates that the person is not
7 ineligible to be permitted to reside at an entity or with a caregiver specified in sub.
8 (1) (ag) 1. am. for a reason specified in par. (b) 1. to 5. and if an entity otherwise has
9 no reason to believe that the person is ineligible to be permitted to reside at an entity
10 or with that caregiver for any of those reasons, the entity may permit the person to
11 reside at the entity or with the caregiver for not more than 45 days pending receipt
12 of the information sought under sub. (2) (am) or (b) and (ba). An entity shall provide
13 supervision for a person who is employed, contracted with, or permitted to reside as
14 permitted under this paragraph.

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

16 48.685 (4m) (d) If the department learns that a caregiver, congregate care
17 worker, or nonclient resident is the subject of a pending investigation for a crime or
18 offense that, under this subsection or sub. (5), could result in a bar to employment
19 as a caregiver or residence being a caregiver, working, or residing at an entity, the
20 department may notify the entity of the pending investigation.

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

22 48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license
23 a person to operate an entity, a county department or a child welfare agency may
24 refuse to license a foster home under s. 48.62, the department in a county having a
25 population of 750,000 or more or a county department may refuse to provide

1 subsidized guardianship payments to a person under s. 48.623 (6), and an entity may
2 refuse to employ or contract with a caregiver or congregate care worker or permit a
3 nonclient resident to reside at the entity or with a caregiver specified in sub. (1) (ag)
4 1. am. of the entity if the person has been convicted of an offense that is not a serious
5 crime, but that is, in the estimation of the department, county department, child
6 welfare agency, or entity, substantially related to the care of a client.

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

8 48.685 (6) (am) Every 4 years an entity shall require all of its caregivers ~~and~~
9 ~~all, nonclient residents of the entity or of a caregiver specified in sub. (1) (ag) 1. am.~~
10 ~~of the entity, congregate care workers, and nonclient residents of a caregiver~~
11 ~~specified in sub. (1) (ag) 1. am.~~ to complete a background information form that is
12 provided to the entity by the department.

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

14 48.685 (8) The department, the department of health services, a county
15 department, or a child welfare agency may charge a fee for obtaining the information
16 required under sub. (2) (am) or (3) (a), for providing information to an entity to enable
17 the entity to comply with sub. (2) (b) or (3) (b), or for obtaining and submitting
18 fingerprints under sub. (2) (ba) or (bm) or (3) (c). The fee may not exceed the
19 reasonable cost of obtaining the information or of obtaining and submitting
20 fingerprints. No fee may be charged to a nurse aide, as defined in s. 146.40 (1) (d),
21 for obtaining or maintaining information or for obtaining and submitting
22 fingerprints if to do so would be inconsistent with federal law.

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

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

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

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

7 48.686 (1) (ag) 1. An employee or ~~independent~~ contractor of a child care
8 program who is involved in the care or supervision of clients.

9 **SECTION 560.** 48.686 (1) (ag) 1. b. of the statutes is renumbered 48.686 (1) (ag)
10 1m. and amended to read:

11 48.686 (1) (ag) 1m. ~~Involved in the care or supervision of clients of a child care~~
12 ~~program or~~ A person who has direct contact and unsupervised access to clients of a
13 child care program.

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

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

16 48.686 (1) (bm) ~~"Nonclient resident"~~ "Household member" means a person who
17 is age 10 or older, who resides, or is expected to reside, at a child care program, and
18 who is not a client of the child care program or caregiver.

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

20 48.686 (1) (bo) "Licensing entity" means all of the following:

- 21 1. The department when licensing a child care center under s. 48.65.
22 2. The department in a county with a population of 750,000 or more, a county
23 department, or an agency or Indian tribe contracted with under s. 48.651 (2) when
24 certifying a child care provider under s. 48.651.

1 3. A school board when contracting with a child care provider under s. 120.13
2 (14).

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

4 48.686 (1) (bp) "Noncaregiver employee" means a person who provides services
5 to a child care program as an employee or a contractor and is not a caregiver, but
6 whose work at the child care program provides the ability to move freely throughout
7 the premises and opportunities for interactions with clients of the child care
8 program.

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

10 48.686 (1) (c) 5. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.21,
11 940.225 (1), (2), or (3), 940.23, 940.305, 940.31, 941.20 (2) or (3), 941.21, 943.02,
12 943.03, 943.04, 943.10 (2), 943.32 (2), or 948.081, 948.21 (1) (a), 948.215, or 948.53
13 (2) (b) 1.

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

15 48.686 (1) (c) 9. A violation of s. 125.075 (1), 125.085 (3) (a) 2., 125.105 (2) (b),
16 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (4), (5), or (6), 940.20, 940.203, 940.205,
17 940.207, 940.25, or 943.23 (1g), ~~a violation of s. 948.51 (2) that is a felony under s.~~
18 ~~948.51 (3) (b) or (e),~~ a violation of s. 346.63 (1), (2), (5), or (6) that is a felony under
19 s. 346.65 (2) (am) 4, 5., 6., or 7. or (f), (2j) (d), or (3m), or an offense under ch. 961 that
20 is a felony, ~~if the person completed his or her sentence, including any probation,~~
21 ~~parole, or extended supervision, or was discharged by the department of corrections,~~
22 ~~less than 5 years before the date of the investigation under sub. (2) (am).~~

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

24 48.686 (1) (c) 10. A violation of s. 948.22 (2), ~~if the person completed his or her~~
25 ~~sentence, including any probation, parole, or extended supervision, or was~~

1 discharged by the department of corrections, less than 5 years before the date of the
2 investigation under sub. (2) (am), unless the person has paid all arrearages due and
3 is meeting his or her current support obligations.

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

5 48.686 (2) (a) ~~The department~~ A licensing entity shall require any person who
6 applies for issuance of an initial license approval to operate a child care center under
7 s. 48.65, a school board shall require any person who proposes an initial contract with
8 the school board under s. 120.13 (14), and the department in a county having a
9 population of 750,000 or more, a county department, or an agency contracted with
10 under s. 48.651 (2) shall require any child care provider who applies for initial
11 certification under s. 48.651 program to submit the information required for a
12 background check request under par. (ag). ~~A~~ If the licensing entity is a school board,
13 county department, or contracted agency or tribe, the licensing entity shall submit
14 the completed background information request to the department.

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

16 48.686 (2) (ab) Each child care program shall submit a request to the
17 department for a ~~criminal~~ background check for each potential caregiver,
18 noncaregiver employee, and ~~potential nonclient resident~~ household member prior to
19 the date on which an individual becomes a caregiver, noncaregiver employee, or
20 ~~nonclient resident~~ household member, and at least once during every 5-year period
21 for each existing caregiver, noncaregiver employee, or ~~nonclient resident~~ household
22 member, except if all of the following apply to the individual:

23 1. The ~~caregiver, potential caregiver, nonclient resident, or potential nonclient~~
24 resident individual has received a background check as described in par. (am) while

1 employed working or seeking employment by work with another child care program
2 within the state within the last 5 years.

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

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

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

11 48.686 (2) (ag) 1. b. Any additional information that the department deems
12 necessary to perform the ~~eriminal~~ background check.

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

14 48.686 (2) (ag) 2. A request for a ~~eriminal~~ background check is considered
15 submitted on the day that the department receives all of the information required
16 under subd. 1.

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

18 48.686 (2) (ag) 3. The requester of a background check under this paragraph
19 shall submit all fees required by the department pursuant to the instructions
20 provided by the department, not to exceed the actual cost of conducting the ~~eriminal~~
21 background check.

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

23 48.686 (2) (am) (intro.) Upon receipt of a request submitted under par. (a) or
24 (ab), the department shall obtain all of the following with respect to ~~a caregiver or~~

1 ~~a nonclient resident who is not under 10 years of age the individual who is the subject~~
2 ~~of the request:~~

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

4 48.686 (2) (am) 1. A fingerprint-based or name-based criminal history search
5 from the records maintained by the department of justice.

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

7 48.686 (2) (am) 10. A search of the department's ~~criminal~~ background check
8 records.

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

10 48.686 (2) (ar) After receiving a request under par. (a) or (ab), the department
11 shall conduct the ~~criminal~~ background check as expeditiously as possible and shall
12 make a good faith effort to complete all components of the ~~criminal~~ background check
13 no later than 45 days after the date on which the request was submitted.

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

15 48.686 (2) (bd) Notwithstanding par. (am), the department is not required to
16 obtain the information specified in par. (am) 1. to 10., with respect to a ~~person~~
17 household member under 18 years of age whose background check request under par.
18 (ag) indicates that the ~~person~~ household member is not ineligible to be permitted to
19 reside at a child care program for a reason specified in sub. (4m) (a) 1. to 8. and with
20 respect to whom the department otherwise has no reason to believe that the person
21 is ineligible to be permitted to reside at the child care program for any of those
22 reasons. This paragraph does not preclude the department from obtaining, at its
23 discretion, the information specified in par. (am) 1. to 10. with respect to a ~~person~~
24 household member described in this paragraph ~~who is a nonclient resident or a~~
25 ~~potential nonclient resident of a child care program.~~

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

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

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

11 48.686 (4m) (a) (intro.) Notwithstanding s. 111.335, and except as provided in
12 par. (ad) and sub. (5), the department a licensing entity may not license, or continue
13 or renew the license of, a person to operate a child care center under s. 48.65, the
14 department in a county having a population of 750,000 or more, a county
15 department, or an agency contracted with under s. 48.651 (2) may not certify a child
16 care provider under s. 48.651, a school board may not contract with a person under
17 s. 120.13 (14) issue an approval to operate a child care program to a person, and a
18 child care program may not employ or contract with a caregiver specified in sub. (1)
19 (ag) 1. or noncaregiver employee or permit a household member to reside at the child
20 care program if the department, county department, contracted agency, school
21 board, licensing entity or child care program knows or should have known any of the
22 following:

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

24 48.686 (4m) (a) 1. That the person has been convicted of a serious crime or
25 adjudicated delinquent ~~on or after his or her 10th birthday~~ for committing a serious

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1 crime or that the person is the subject of a pending criminal charge or delinquency
2 petition alleging that the person has committed a serious crime ~~on or after his or her~~
3 ~~10th birthday.~~

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

5 48.686 (4m) (a) 2. That the person is registered or is required to be registered
6 on a state sex offender registry or repository or the national sex offender registry.

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

8 48.686 (4m) (a) 5. That the department has determined the person ineligible
9 to be licensed receive an approval to operate a child care center under s. 48.65, to be
10 certified to operate a child care provider under s. 48.651, to contract with a school
11 board under s. 120.13 (14) program, to be employed as a caregiver at by a child care
12 program, or to be a ~~nonclient resident at~~ household member of a child care program.

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

14 48.686 (4m) (a) 6. That the person has refused to provide information under
15 sub. (2) (ag), or that the person refused to participate in, cooperate with, or submit
16 required information for the ~~eriminal~~ background check described in sub. (2) (am),
17 including fingerprints.

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

19 48.686 (4m) (a) 7. That the person knowingly made a materially false
20 statement in connection with the person's ~~eriminal~~ background check described in
21 sub. (2).

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

23 48.686 (4m) (a) 8. That the person knowingly omitted material information
24 requested in connection with the person's ~~eriminal~~ background check conducted
25 under sub. (2).

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

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

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

11 48.686 (4m) (c) A child care program may employ or contract with a potential
12 caregiver or noncaregiver employee or permit a potential ~~nonclient resident~~
13 household member to reside at the child care program for up to 45 days from the date
14 a background check request is submitted to the department pending the completion
15 of the department's report under sub. (4p) (a) if the department provides a
16 preliminary report under sub. (4p) (c) to the child care program indicating that the
17 ~~potential caregiver or nonclient resident~~ individual is not ineligible to work or reside
18 at a child care program. At all times that ~~children in care~~ clients of a child care
19 program are present, an individual who received a qualifying result on a background
20 check described in sub. (2) (am) within the past 5 years must supervise a potential
21 employee caregiver, noncaregiver employee, or ~~nonclient resident~~ household
22 member permitted to work or reside at the child care program under this paragraph.

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

24 48.686 (4p) (a) The department shall provide the results of the ~~eriminal~~
25 background check to the child care program in a written report that indicates only

1 that the individual on whom the background check was conducted is eligible or
2 ineligible for employment or to reside at the child care program, without revealing
3 any disqualifying ~~crime~~ offense or other information regarding the individual.

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

5 48.686 (4p) (b) The department shall provide the results of the ~~criminal~~
6 background check to the individual on whom the background check was conducted
7 in a written report that indicates whether the individual is eligible or ineligible for
8 employment or to reside at the child care program. If the individual is ineligible for
9 employment or to reside at the child care program, the department's report shall
10 include information on each disqualifying ~~crime~~ offense and information on the right
11 to appeal.

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

13 48.686 (4p) (c) Before the department completes its report under par. (a), a
14 caregiver under sub. (1) (ag) 2. may submit a written request to the department for
15 a preliminary report indicating whether a potential caregiver, noncaregiver
16 employee, or ~~nonclient resident~~ household member is eligible to work or reside at a
17 child care program under sub. (4m) (c). If the department receives such a request,
18 it shall provide a written preliminary report to that caregiver indicating whether the
19 individual is barred from ~~employment as a caregiver~~ working or ~~residence as a~~
20 ~~nonclient resident~~ residing at a child care program on the basis of a background
21 check under sub. (2) (am) 1. or 7. If the individual is ineligible for ~~employment or~~
22 ~~residence to work or reside~~ at a child care program based on the results of the
23 preliminary report, the department shall also provide a preliminary report to the
24 individual containing information related to each disqualifying ~~crime~~ offense.

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

1 48.686 (4p) (d) The results of a report under par. (c) may not be appealed by
2 the individual until receipt of the department's report under par. (b) following
3 completion of all components of the ~~eriminal~~ background check.

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

5 48.686 (4s) (a) An individual who is the subject of the department's report on
6 the results of a ~~eriminal~~ background check may appeal the department's decision.
7 Only the person who is the subject of the department's report may appeal the
8 department's decision. Neither the child care program nor any other person may
9 appeal the department's decision.

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

11 48.686 (4s) (b) An appeal request shall be submitted to the department at the
12 address, e-mail address, or fax number identified in the statement of appeal rights
13 no later than ~~60~~ 10 days after the date of the department's decision, unless the
14 appellant requests, and the department grants, an extension for a specific amount
15 of time prior to expiration of the ~~60~~ 10 day appeal period. Extensions may be granted
16 for good cause shown.

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

18 48.686 (4s) (f) The department shall sustain the results of its ~~eriminal~~
19 background check report if supported by a preponderance of the available evidence.

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

21 48.686 (4s) (m) Notwithstanding s. 19.35, the department may not publicly
22 release or disclose the results of any ~~eriminal~~ individual background report it issues,
23 except that the department may release aggregated data by crime as listed in sub.
24 (1) (c) from ~~eriminal~~ background check results so long as the data does not contain
25 personally identifiable information. The department may disclose and use

1 information obtained in conducting ~~criminal~~ background checks as necessary during
2 an appeal or reconsideration under this subsection or for another lawful purpose.

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

4 48.686 (5) (a) A person may have the opportunity to demonstrate his or her
5 rehabilitation to the department or to a tribe authorized to conduct a rehabilitation
6 review under sub. (5d) if any of the following apply:

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

9 2. An investigation under sub. (2) (am) indicates that the person has been
10 convicted or adjudicated delinquent of a serious crime as specified under sub. (1) (c)
11 9. or for a violation of the law of any other state or United States jurisdiction that
12 would be a violation listed in sub. (1) (c) 9. if committed in this state, and the person
13 completed his or her sentence, including any probation, parole, or extended
14 supervision, or was discharged by the department of corrections, more than 5 years
15 before the date of the investigation under sub. (2) (am).

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

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

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

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

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

24 48.686 (5g) On January 1 of each year, the department shall submit a report
25 to the legislature under s. 13.172 (2) that specifies the number of persons in the

1 previous year who have requested to demonstrate that they have been rehabilitated
2 under sub. (5) (a), the number of persons who successfully demonstrated that they
3 have been rehabilitated under sub. (5) (a), and the reasons for the success or failure
4 of a person who has attempted to demonstrate that he or she has been rehabilitated.

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

6 48.686 (5m) Notwithstanding s. 111.335, ~~the department~~ a licensing entity
7 may refuse to license a person issue an approval to operate a child care center, the
8 ~~department in a county having a population of 750,000 or more, a county~~
9 ~~department, or an agency contracted with under s. 48.651 (2)~~ may refuse to certify
10 a child care provider under s. 48.651, a school board may refuse to contract with a
11 person under s. 120.13 (14) program to a person, and a child care program may refuse
12 to employ or contract with a caregiver or noncaregiver employee or permit a
13 nonclient resident household member to reside at the child care program if the
14 person has been convicted of or adjudicated delinquent ~~on or after his or her 10th~~
15 ~~birthday~~ for an offense that is not a serious crime, but that is, in the estimation of
16 the department, substantially related to the care of a client. The department shall
17 notify the provider and the individual of the results of a substantially related
18 determination pursuant to the process set forth in sub. (4p) for ~~criminal~~ background
19 check determinations. The individual shall have the same appeal rights as set forth
20 in sub. (4s), and the same appeal procedures apply.

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

22 48.686 (7) The department shall conduct throughout the state periodic training
23 sessions that cover procedures and uses of ~~criminal~~ background investigations;
24 reporting and investigating misappropriation of property or abuse or neglect of a

1 client; and any other material that will better enable entities to comply with the
2 requirements of this section.

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

4 48.715 (4g) (a) If a person ~~who has been issued a license under s. 48.66 (1) (a)~~
5 ~~or a probationary license under s. 48.69 to operate a child care center is convicted of~~
6 ~~a serious crime, as defined in s. 48.686 (1) (e), 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 subject to a~~
8 ~~background check under s. 48.686 (2) who operates, works at, or resides at a child~~
9 ~~care center is convicted or adjudicated delinquent for committing a serious crime ~~on~~~~
10 ~~or after his or her 10th birthday, or if the results of a criminal background check~~
11 ~~conducted under s. 48.686 indicate that the person, caregiver, or nonclient resident~~
12 ~~household member, or noncaregiver employee is not eligible to be licensed, certified,~~
13 ~~or employed, or permitted to reside at a child care program, the department shall~~
14 ~~revoke the license of the child care center immediately upon providing written notice~~
15 ~~of revocation and the grounds for revocation and an explanation of the process for~~
16 ~~appealing the revocation.~~

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

18 48.715 (4g) (b) If a person ~~who has been issued a license under s. 48.66 (1) (a)~~
19 ~~or a probationary license under s. 48.69 to operate a child care center is the subject~~
20 ~~of a pending criminal charge alleging that the person has committed a serious crime,~~
21 ~~as defined in s. 48.686 (1) (e), or if a caregiver specified in s. 48.686 (1) (ag) 1. or a~~
22 ~~nonclient resident, as defined in s. 48.686 (1) (bm), of the subject to a background~~
23 ~~check under s. 48.686 (2) who operates, works at, or resides at a child care center is~~
24 ~~the subject of a pending criminal charge or delinquency petition alleging that the~~
25 ~~person has committed a serious crime ~~on~~ or after his or her 10th birthday, the~~

1 department shall immediately suspend the license of the child care center until the
2 department obtains information regarding the final disposition of the charge or
3 delinquency petition indicating that the person is not ineligible to be licensed to
4 operate, work at, or reside at a child care center.

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

6 48.981 (7) (a) 4p. A public or private agency in this state or any other state that
7 is investigating a person for purposes of licensing the person to operate a foster home
8 or placing a child for adoption in the home of the person or for the purposes of
9 conducting a background investigation under s. 48.685 of an adult congregate care
10 worker, as defined in s. 48.685 (1) (ap).

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

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

13 **49.1385 Grants for services for homeless and runaway youth.** The
14 department may award not more than \$100,000 \$400,000 in each fiscal year in
15 grants to support programs that provide services for homeless and runaway youth.

16 **SECTION 608.** 49.141 (1) (n) of the statutes is renumbered 49.141 (1) (Lm) and
17 amended to read:

18 49.141 (1) (Lm) ~~“Trial employment match program job~~ “Subsidized
19 employment placement” means a work component of Wisconsin Works administered
20 under s. 49.147 (3).

21 **SECTION 609.** 49.143 (2r) of the statutes is amended to read:

22 49.143 (2r) **JOB PROGRAMS.** A Wisconsin Works agency shall collaborate with
23 the local workforce development board to connect individuals seeking employment
24 with employment opportunities, including ~~the trial employment match program~~
25 subsidized employment placement under s. 49.147 (3).

SECTION 610

1 **SECTION 610.** 49.145 (2) (n) 1. (intro.) of the statutes is amended to read:

2 49.145 (2) (n) 1. (intro.) Except as provided in subd. 4., beginning on the date
3 on which the individual has attained the age of 18, the total number of months in
4 which the individual or any adult member of the individual's Wisconsin Works group
5 has participated in, or has received benefits under, any of the following or any
6 combination of the following does not exceed ~~48~~ 60 months, whether or not
7 consecutive:

8 **SECTION 611.** 49.145 (2) (n) 1. a. of the statutes is amended to read:

9 49.145 (2) (n) 1. a. The job opportunities and basic skills program under s.
10 49.193, 1997 stats. Active participation on or after October 1, 1996, in the job
11 opportunities and basic skills program counts toward the ~~48~~ 60-month limit.

12 **SECTION 612.** 49.147 (1m) (b) of the statutes is amended to read:

13 49.147 (1m) (b) If the Wisconsin Works agency determines that the appropriate
14 placement for an individual is in unsubsidized employment or a ~~trial employment~~
15 ~~match program job~~ subsidized employment placement and that the individual needs
16 and wishes to pursue basic education, including a course of study meeting the
17 standards established under s. 115.29 (4) (a) for the granting of a declaration of
18 equivalency of high school graduation, the Wisconsin Works agency shall pay for the
19 basic education services identified in the employability plan developed for the
20 individual.

21 **SECTION 613.** 49.147 (2) (am) 2. of the statutes is amended to read:

22 49.147 (2) (am) 2. A Wisconsin Works agency shall, every 30 days, review the
23 provision of case management services to an individual under this paragraph, if the
24 individual is not successful in obtaining unsubsidized employment after legitimate
25 efforts to secure employment, to determine whether the individual should be placed

1 in a ~~trial employment match program job~~ subsidized employment placement,
2 community service job, or transitional placement. The department shall promulgate
3 rules that specify the criteria for the review process under this subdivision.

4 **SECTION 614.** 49.147 (3) (title) of the statutes is amended to read:

5 49.147 (3) (title) ~~TRIAL~~ SUBSIDIZED EMPLOYMENT MATCH PROGRAM PLACEMENT.

6 **SECTION 615.** 49.147 (3) (a) of the statutes is amended to read:

7 49.147 (3) (a) *Administration.* A Wisconsin Works agency shall administer a
8 ~~trial employment match program~~ subsidized employment placement as part of its
9 administration of the Wisconsin Works program to improve the employability of
10 individuals who otherwise are not able to obtain unsubsidized employment, as
11 determined by the Wisconsin Works agency, by providing work experience and
12 training to assist them to move promptly into unsubsidized employment. In
13 determining an appropriate placement for a participant, a Wisconsin Works agency
14 shall give priority to placement under this subsection over placements under subs.
15 (4) and (5).

16 **SECTION 616.** 49.147 (3) (ac) (intro.) of the statutes is amended to read:

17 ~~49.147 (3) (ac) *Employer subsidies and reimbursements.* (intro.)~~ The
18 Wisconsin Works agency shall pay to an employer that employs a participant under
19 this subsection a wage subsidy in an amount that is negotiated between the
20 Wisconsin Works agency and the employer but that is not more than the state or
21 federal minimum wage that applies to the participant. The wage subsidy shall be
22 paid for each hour that the participant actually works, up to a maximum of 40 hours
23 number of hours per week, as negotiated between the Wisconsin Works agency and
24 the employer. The employer shall pay the participant any difference between the
25 wage subsidy amount and the participant's wage and must pay the participant at

1 least minimum wage. In addition to paying the wage subsidy, the Wisconsin Works
2 agency may, as negotiated between the Wisconsin Works agency and the employer,
3 reimburse the employer for all or a portion of other costs that are attributable to the
4 employment of the participant, including any of the following:

5 **SECTION 617.** 49.147 (3) (am) of the statutes is amended to read:

6 49.147 (3) (am) *Education or training activities.* A ~~trial-employment match~~
7 ~~program job~~ subsidized employment placement includes education and training
8 activities, as prescribed by the employer as an integral part of work performed in
9 ~~trial-employment match program~~ the subsidized employment placement.

10 **SECTION 618.** 49.147 (3) (c) of the statutes is amended to read:

11 49.147 (3) (c) *Time-limited participation.* A participant under this subsection
12 may participate in a ~~trial-employment match program job~~ subsidized employment
13 placement for a maximum of 6 months, with an opportunity for a 3-month extension
14 under circumstances determined by the Wisconsin Works agency. A participant may
15 participate in more than one ~~trial-employment match program job~~ subsidized
16 employment placement, ~~but may not exceed a total of 24 months of participation~~
17 ~~under this subsection. The months need not be consecutive. The department or, with~~
18 ~~the approval of the department, the Wisconsin Works agency may grant an extension~~
19 ~~of the 24-month limit on a case-by-case basis if the participant has made all~~
20 ~~appropriate efforts to find unsubsidized employment and has been unable to find~~
21 ~~unsubsidized employment because local labor market conditions preclude a~~
22 ~~reasonable job opportunity for that participant, as determined by a Wisconsin Works~~
23 ~~agency and approved by the department.~~

24 **SECTION 619.** 49.147 (4) (a) of the statutes is amended to read: