

1987 Assembly Bill 1027

Date of enactment: **May 27, 1988**

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1987 Wisconsin Act 405

AN ACT to amend 46.45 (3) (a); and to create 46.40 (15) of the statutes, relating to keeping certain individuals in family or group home situations and making an appropriation.

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

SECTION 1. 46.40 (15) of the statutes is created to read:

46.40 (15) FOSTER CARE PLACEMENT CONTINUATION.
(a) The department shall allocate \$497,200 in fiscal year 1988-89 to counties for the purpose of supplementing payments for the care of an individual who attains age 18 after 1986 and who resided in a foster home, as defined in s. 48.02 (6), for at least 2 years immediately prior to attaining age 18 and, for at least 2 years, received exceptional foster care payments in order to avoid institutionalization, as provided under rules promulgated by the department, so that the individual may live in a family home or other noninstitutional situation after attaining age 18. No county may use funds provided under this paragraph to replace funds previously used by the county for this purpose. The department shall provide funding to counties under this paragraph beginning in the 2nd month beginning after the effective date of this paragraph [revisor inserts date].

(b) A county shall evaluate the proposed living arrangement of an individual under par. (a) to determine whether that living arrangement is cost-effective compared to other care reasonably available to the county including other community care as well as institutional care. If the proposed living arrangement is not cost-effective, the county may not use funds provided under par. (a) for the care of that individual in the proposed living arrangement. A county shall evaluate the cost-effectiveness of the living arrangement of an individual for whom funds are provided under par. (a) at least once every 5 years.

SECTION 2. 46.45 (3) (a) of the statutes, as affected by 1987 Wisconsin Acts 27 and 399, is amended to read:

46.45 (3) (a) Except as provided in par. (b) at the request of a county, tribal governing body or private nonprofit organization, the department shall carry forward up to 3% of the total amount allocated to the county, tribal governing body or nonprofit organization for a calendar year, except for funds allocated for day care under ss. 46.98 (2) (a) 2 and 49.52 (1) (d) and funds allocated under s. 46.40 (11) or (15), for use by the county, tribal governing body or nonprofit organization in the following calendar year. The department may not carry forward more than 25% of the amount allocated to a county, tribal governing body or nonprofit organization under s. 46.40 (2), (3), (5) to (10) or (12). All funds carried forward for a tribal governing body or nonprofit organization and all federal child welfare funds, under 42 USC 620 to 626, and federal alcohol, drug abuse and mental health block grant funds, under 42 USC 300x to 300x-9, carried forward for a county shall be used for the purpose for which the funds were originally allocated. Except as provided under par. (am), other funds carried forward may be used for any purpose under s. 20.435 (4) (b). If a county match was required by s. 49.52 (1) (d) or 51.423 (2) when funds carried forward were originally allocated, the county match requirement applies to the funds in the following calendar year.

SECTION 3. **Appropriation changes; health and social services.** The appropriation to the department of health and social services under section 20.435 (4) (b) of the statutes, as affected by the acts of 1987, is increased by \$497,200 for fiscal year 1988-89 to provide funding for individuals who received exceptional foster care payments prior to reaching age 18 under section 46.40 (15) of the statutes, as created by this act.