

1993 Assembly Bill 905

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1993 WISCONSIN ACT 446

AN ACT *to renumber* 48.362 and 48.62 (1); *to renumber and amend* 895.485 (1); *to amend* 20.435 (3) (ho), 20.435 (3) (o), 20.435 (3) (oo), 20.435 (4) (d), 20.435 (4) (p), 20.435 (6) (cf) (title), 20.435 (7) (b), 20.435 (7) (dd), 20.435 (7) (pd), 46.03 (7m), 46.036 (1), 46.10 (14), 46.16 (2), 46.21 (2) (j), 46.26 (4) (e), 46.48 (3) (a), 46.48 (15) (a) 1 to 3 and (b), 46.49 (1), 46.51 (4), 46.56 (8) (L), 46.98 (1) (c), 46.985 (1) (f), 48.01 (1) (gg), 48.02 (6), 48.207 (1) (c), 48.207 (1) (f), 48.207 (3), 48.275 (2) (a), 48.275 (2) (b), 48.275 (2) (c), 48.275 (2) (cg) (intro.), 48.275 (2) (cg) 3, 48.275 (3) (a), 48.33 (4), 48.33 (5), 48.34 (3) (c), 48.34 (6) (a), 48.355 (2) (b) 2, 48.355 (4) (a), 48.357 (1), 48.36 (3), 48.361 (1) (b) and (c), 48.361 (2) (a) 1, 48.361 (2) (c), 48.365 (5), 48.375 (4) (a) 1, 48.375 (4) (b) 1m, 48.375 (4) (b) 3, 48.375 (7) (f), 48.38 (2) (intro.), 48.38 (4) (f) (intro.), 48.38 (5) (b), 48.38 (5) (e), 48.42 (2) (d), 48.428 (2), 48.428 (4), 48.43 (5) (b), 48.43 (5m), 48.48 (4), 48.48 (9), 48.50 (1), 48.52 (1) (b), 48.57 (1) (c), 48.57 (1) (i), 48.57 (3) (a) 4, 48.59 (1), 48.60 (2) (e), 48.61 (3), 48.61 (7), 48.615 (1) (b), subch. XIV (title) of ch. 48, 48.62 (title), 48.62 (2), 48.625 (3), 48.627 (title), 48.627 (2) (a), 48.627 (2c), 48.627 (2m), 48.627 (2s) (a), 48.627 (2s) (b), 48.627 (3) (b), 48.627 (3) (d), 48.627 (3) (e), 48.627 (3) (f), 48.627 (3) (h), 48.627 (4), 48.627 (5), 48.63 (1), 48.63 (4), 48.64 (title), 48.64 (1), 48.64 (1m), 48.64 (2), 48.64 (4) (a), 48.64 (4) (c), 48.66, 48.67 (title), 48.67 (1), 48.675 (1), 48.675 (2), 48.675 (3) (intro.), 48.675 (3) (a), 48.70 (2), 48.73, 48.75 (title), 48.75 (1), 48.75 (2), 48.833, 48.837 (1), 48.975 (3) (a), 48.98 (1), 48.98 (2) (a), 48.981 (3) (d) 1., 48.981 (7) (a) 4., 48.985 (1) (c), 49.19 (1) (a) 2. b., 49.19 (4e) (a), 49.19 (10) (a), 49.19 (10) (c), 49.19 (10) (d), 49.19 (10) (e), 49.19 (12), 49.20 (2) (d), 49.45 (3) (e) 7., 49.46 (1) (a) 5., 49.46 (1) (d) 1., 49.52 (1) (d), 49.53 (2) (a), 50.01 (1) (a), 50.01 (1) (b), 59.97 (15) (intro.), 59.97 (15) (bm), 60.63 (intro.), 60.63 (3), 62.23 (7) (i) (intro.), 62.23 (7) (i) 2m, 101.26 (2) (a) 1. d., 103.10 (1) (a) (intro.), 103.10 (1) (f), 121.79 (1) (d) (intro.), 121.79 (1) (d) 1., 121.79 (1) (d) 2., 146.0255 (2), 167.10 (7), 343.15 (1), 343.15 (4) (c), 619.01 (1) (a), 619.01 (1) (c) 1., 619.01 (9), 767.24 (3) (c), 786.37, 808.075 (4) (a) 7., 809.105 (13), 895.485 (title), 895.485 (2) (intro.), 895.485 (2) (a), 895.485 (2) (b), 895.485 (3), 895.485 (4) (intro.), 895.485 (4) (a), 940.203 (1) (a), 940.205 (1), 940.207 (1), 943.013 (1) (a), 943.015 (1), 948.01 (3) and 949.06 (1m) (a); *to repeal and recreate* 46.49 (1) and subch. XVI (title) of ch. 48; and *to create* 46.40 (3) (b) 3., 48.02 (17q), 48.07 (4), 48.34 (6) (c), 48.362, 48.62 (1) (b), 49.01 (5g), 49.01 (8m), 619.01 (1) (c) 4m, 619.01 (9m), 895.485 (1) (b) and 895.485 (1) (c) of the statutes, **relating to:** foster homes and treatment foster homes, juvenile court dispositions, payment of mental health and developmental disability services for children, the liability of guardians and legal custodians to pay for court-ordered services provided for a child, providing an exemption from and extending the time limit for emergency rule procedures, the expenditure of federal foster care reimbursements and making appropriations.

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

SECTION 1. 20.435 (3) (ho) of the statutes is amended to read:

20.435 (3) (ho) *Juvenile residential aftercare.* Under s. 46.26 (4) (e), the amounts in the schedule for providing foster care, treatment foster care, group home care and institutional child care to delinquent children under ss. 48.48 (4) and (14), 48.52 and 49.19 (10) (d). All moneys

received in payment for providing foster care, treatment foster care, group home care and institutional child care to delinquent children under ss. 48.48 (4) and (14), 48.52 and 49.19 (10) (d) shall be credited to this appropriation. If moneys generated by the monthly rate exceed actual fiscal year foster care, treatment foster care, group home care and institutional child care costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year. Each county shall receive a proportionate share of the remittance depending on the total number of days of placement in foster care, treatment foster care, group home care or institutional child care.

SECTION 2. 20.435 (3) (o) of the statutes is amended to read:

20.435 (3) (o) (title) *Federal aid; foster care and treatment foster care.* All federal moneys received for meeting the costs of providing foster care, treatment foster care and institutional child care to delinquent children under ss. 48.48 (4) and (14) and 48.52, and for the cost of care for children under s. 49.19 (10) (d). All moneys received under this paragraph shall be deposited in the general fund as a nonappropriated receipt.

SECTION 3. 20.435 (3) (oo) of the statutes is amended to read:

20.435 (3) (oo) *Federal aid; community youth and family aids.* All federal moneys received as child welfare funds under 42 USC 620 to 626 as limited under s. 48.985 and all federal moneys received relating to providing care in foster homes, treatment foster homes, group homes or child caring institutions for the purposes of s. 46.26, and all other federal moneys received for meeting costs under s. 46.26.

SECTION 4. 20.435 (4) (d) of the statutes is amended to read:

20.435 (4) (d) *Income maintenance payments to individuals.* A sum sufficient to provide state aid for county administered public assistance programs under s. 49.52, and for the cost of foster care and treatment foster care provided by nonlegally responsible relatives under state or county administered programs, if the relatives are licensed to operate foster homes or treatment foster homes under s. 48.62 ~~to 48.64~~. Disbursements for public assistance may be made directly from this appropriation including the state and county share under s. 46.03 (20) (a). Refunds received relating to payments made under s. 46.03 (20) (a) shall be returned to this appropriation. The receipt of the counties' payments for their share under s. 46.03 (20) shall be returned to this appropriation.

SECTION 5. 20.435 (4) (p) of the statutes is amended to read:

20.435 (4) (p) *Federal aid; income maintenance payments.* All federal moneys received for meeting costs of county administered public assistance programs under s. 49.52, the cost of foster care and treatment foster care provided by nonlegally responsible relatives under state

or county administered programs, the costs of the child and spousal support and establishment of paternity program under s. 46.25 and the cost of child care and related transportation under s. 49.50 (7) (e). Disbursements under s. 46.03 (20) may be made from this appropriation. Any disbursement made under this appropriation to carry out a contract under ss. 46.25 (7) and 59.07 (97) shall be in accordance with the formula established by the department of health and social services under s. 46.25 (7).

SECTION 6. 20.435 (6) (cf) (title) of the statutes is amended to read:

20.435 (6) (cf) (title) *Foster, treatment foster and family-operated group home parent insurance and liability.*

SECTION 7m. 20.435 (7) (b) of the statutes, as affected by 1993 Wisconsin Act 16, section 434, is amended to read:

20.435 (7) (b) *Community aids.* The amounts in the schedule for human services under s. 46.40, for reimbursement to counties having a population of less than 500,000 for the cost of court attached intake services under s. 48.06 (4), for shelter care under ss. 48.22 and 48.58 and for foster care and treatment foster care under s. 49.19 (10). Social services disbursements under s. 46.03 (20) (b) may be made from this appropriation. Refunds received relating to payments made under s. 46.03 (20) (b) for the provision of services for which moneys are appropriated under this paragraph shall be returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of health and social services may transfer funds between fiscal years under this paragraph. The department shall deposit into this appropriation funds it recovers under ss. 49.52 (2) (b) and 51.423 (15) from prior year audit adjustments including those resulting from audits of services under s. 46.26 or 46.27. Except for amounts authorized to be carried forward under s. 46.45, all funds recovered under ss. 49.52 (2) (b) and 51.423 (15) and all funds allocated under s. 46.40 and not spent or encumbered by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless carried forward to the next calendar year by the joint committee on finance.

SECTION 8. 20.435 (7) (dd) of the statutes is amended to read:

20.435 (7) (dd) *State foster care and adoption services.* The amounts in the schedule for foster care, treatment foster care, institutional child care and subsidized adoptions under ss. 48.48 (4), (12) and (14) and 48.52, for the cost of care for children under s. 49.19 (10) (d) and for the cost of the foster care monitoring system.

SECTION 9. 20.435 (7) (pd) of the statutes is amended to read:

20.435 (7) (pd) *Federal aid; state foster care and adoption services.* All federal moneys received for meeting the costs of providing foster care, treatment foster care and institutional child care under ss. 48.48 (4) and

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(14) and 48.52, and for the cost of care for children under s. 49.19 (10) (d). Disbursements for foster care under s. 46.03 (20) and for the purposes described under s. 48.627 may be made from this appropriation.

SECTION 10m. 46.03 (7m) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

46.03 (7m) FOSTER CARE. For the federal fiscal years commencing October 1, 1994, and October 1, 1995, ensure that there are no more than 2,200 children in foster care and treatment foster care placements for more than 24 months, consistent with the best interests of each child. Services provided in connection with this requirement shall comply with the requirements under P.L. 96-272.

SECTION 11. 46.036 (1) of the statutes is amended to read:

46.036 (1) All care and services purchased by the department or by a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437 shall be authorized and contracted for under the standards established under this section. For purchases of \$10,000 or less the requirement for a written contract may be waived by the department. No contract is required for care provided by foster homes or treatment foster homes that are required to be licensed under s. 48.62. When the department directly contracts for services, it shall follow the procedures in this section in addition to meeting purchasing requirements established in s. 16.75.

SECTION 12. 46.10 (14) of the statutes is amended to read:

46.10 (14) Liability of a person specified in sub. (2) or s. 46.03 (18) for inpatient care and maintenance of persons under 18 years of age at community mental health centers, a county mental health complex under s. 51.08, the centers for the developmentally disabled, Mendota mental health institute and Winnebago mental health institute or care and maintenance of persons under 18 years of age in residential, nonmedical facilities such as group homes and foster care, child care, foster homes, treatment foster homes, child caring institutions and juvenile correctional institutions is determined in accordance with the cost-based fee established under s. 46.03 (18). The department shall bill the liable person up to any amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other 3rd party benefits, subject to rules which include formulas governing ability to pay promulgated by the department under s. 46.03 (18). Any liability of the patient not payable by any other person terminates when the patient reaches age 18, unless the liable person has prevented payment by any act or omission.

SECTION 13. 46.16 (2) of the statutes is amended to read:

46.16 (2) (title) CHILD WELFARE AGENCIES; FOSTER HOMES; TREATMENT FOSTER HOMES; CHILD CARE CENTERS; DAY NURSERIES; NURSERY SCHOOLS. It may license and revoke licenses of and exercise supervision over all child

welfare agencies and the placement of children in foster homes and treatment foster homes, and grant permits to foster homes, treatment foster homes, child care centers, day nurseries and nursery schools. In the discharge of this duty it may inspect the records of child welfare agencies, child care centers, day nurseries, nursery schools and visit all institutions conducted by them and all foster homes and treatment foster homes in which children are placed.

SECTION 14. 46.21 (2) (j) of the statutes is amended to read:

46.21 (2) (j) May exercise approval or disapproval power over contracts and purchases of the director that are for \$50,000 or more, except that the county board of supervisors may not exercise approval or disapproval power over any personal service contract or over any contract or purchase of the director which relates to community living arrangements or adult family homes, foster homes or treatment foster homes and which was entered into pursuant to a contract under s. 46.031 (2g), regardless of whether the contract mentions the provider, except as provided in par. (m). This paragraph does not preclude the county board of supervisors from creating a central purchasing department for all county purchases.

SECTION 16. 46.26 (4) (e) of the statutes is amended to read:

46.26 (4) (e) For foster care, treatment foster care, group home care and institutional child care to delinquent children under ss. 48.48 (4) and (14), 48.52 and 49.19 (10) (d) all payments and deductions made under this subsection and uniform fee collections under s. 46.03 (18) shall be deposited in the appropriation under s. 20.435 (3) (ho).

SECTION 18m. 46.40 (3) (b) 3. of the statutes is created to read:

46.40 (3) (b) 3. Notwithstanding s. 46.49, if the department receives any federal moneys under 42 USC 670 to 679a in reimbursement of moneys allocated under sub. (1) for the provision of foster care, the department shall distribute those federal moneys for services and projects to assist children and families.

SECTION 20m. 46.48 (3) (a) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

46.48 (3) (a) The department shall distribute \$497,200 in each fiscal year 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), or a treatment foster home, as defined in s. 48.02 (17q), for at least 2 years immediately prior to attaining age 18 and, for at least 2 years, received exceptional foster care or treatment 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

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replace funds previously used by the county for this purpose.

SECTION 21g. 46.48 (15) (a) 1. to 3. and (b) of the statutes, as created by 1993 Wisconsin Act 16, are amended to read:

46.48 (15) (a) 1. For recruiting, training and licensing new foster parents and treatment foster parents for children in Milwaukee county and for providing ongoing family reunification services for children and families in Milwaukee county, \$750,000 in each fiscal year.

2. For purchasing foster parent and treatment foster parent training from a private or educational agency, \$150,000 in each fiscal year.

3. For enhancing Milwaukee county's capacity to assess the needs of children who are in long-term foster or treatment foster care and children who are new to foster or treatment foster care, for recruiting and investigating proposed adoptive parents and for prosecuting adoption petitions, \$130,000 in each fiscal year.

(b) In addition to the amounts distributed under par. (a), if the department receives any federal moneys under 42 USC 670 to 679a in reimbursement of the amounts distributed under par. (a), the department, notwithstanding s. 46.49 (1), shall distribute those moneys to Milwaukee county for the purposes specified in par. (a).

SECTION 21m. 46.49 (1) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

46.49 (1) If Subject to s. 46.48 (15) (b), if the department receives unanticipated federal alcohol, drug abuse and mental health block grant funds under 42 USC 300x to 300x-9, federal child care grant funds under 42 USC 603 (n), foster care and adoption assistance payments under 42 USC 670 to ~~676~~ 679a or child care and development block grant funds under 42 USC 9858 and it proposes to allocate the unanticipated funds so that an allocation limit in s. 46.40 is exceeded, the department shall submit a plan for the proposed allocation to the secretary of administration. If the secretary of administration approves the plan, he or she shall submit it to the joint committee on finance. If the cochairpersons of the committee do not notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the plan within 14 working days after the date of his or her submittal, the department may implement the plan, notwithstanding any allocation limits under s. 46.40. If within 14 working days after the date of the submittal by the secretary of administration the cochairpersons of the committee notify him or her that the committee has scheduled a meeting for the purpose of reviewing the plan, the department may implement the plan, notwithstanding s. 46.40, only with the approval of the committee.

SECTION 21n. 46.49 (1) of the statutes, as affected by 1993 Wisconsin Act (this act), is repealed and recreated to read:

46.49 (1) Subject to ss. 46.40 (3) (b) 3. and 46.48 (15) (b), if the department receives unanticipated federal alcohol, drug abuse and mental health block grant funds under 42 USC 300x to 300x-9, federal child care grant funds under 42 USC 603 (n), foster care and adoption assistance payments under 42 USC 670 to 679a or child care and development block grant funds under 42 USC 9858 and it proposes to allocate the unanticipated funds so that an allocation limit in s. 46.40 is exceeded, the department shall submit a plan for the proposed allocation to the secretary of administration. If the secretary of administration approves the plan, he or she shall submit it to the joint committee on finance. If the cochairpersons of the committee do not notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the plan within 14 working days after the date of his or her submittal, the department may implement the plan, notwithstanding any allocation limits under s. 46.40. If within 14 working days after the date of the submittal by the secretary of administration the cochairpersons of the committee notify him or her that the committee has scheduled a meeting for the purpose of reviewing the plan, the department may implement the plan, notwithstanding s. 46.40, only with the approval of the committee.

SECTION 21r. 46.51 (4) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

46.51 (4) A county may use the funds distributed under this section to fund additional foster parents and treatment foster parents to care for abused and neglected children and to fund additional staff positions to provide services related to child abuse and neglect.

SECTION 22. 46.56 (8) (L) of the statutes is amended to read:

46.56 (8) (L) In providing integrated services under this section, the service coordination agency and the designated service providers shall include in the integrated service plan all individuals who are active in the care of the child with severe disabilities, including members of the child's family, foster parents, treatment foster parents and other individuals who by close and continued association with the child have come to occupy significant roles in the care and treatment of the child with severe disabilities.

SECTION 23. 46.98 (1) (c) of the statutes is amended to read:

46.98 (1) (c) "Parent" means a parent, guardian, foster parent, treatment foster parent, legal custodian or a person acting in the place of a parent.

SECTION 24. 46.985 (1) (f) of the statutes is amended to read:

46.985 (1) (f) "Parent" means a parent, guardian, legal custodian or a person acting in the place of a parent, but does not include a foster parent, treatment foster parent or any other paid care provider.

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SECTION 25. 48.01 (1) (gg) of the statutes is amended to read:

48.01 (1) (gg) To promote the adoption of children into stable families rather than allowing children to remain in the impermanence of foster or treatment foster care.

SECTION 26. 48.02 (6) of the statutes is amended to read:

48.02 (6) "Foster home" means any facility that is operated by a person required to be licensed by s. 48.62 (1) (a) and that provides care and maintenance for no more than 4 children unless all of the children are siblings.

SECTION 27. 48.02 (17q) of the statutes is created to read:

48.02 (17q) "Treatment foster home" means any facility that is operated by a person required to be licensed under s. 48.62 (1) (b), that is operated under the supervision of the department, a county department or a licensed child welfare agency, and that provides to no more than 4 children care, maintenance and structured, professional treatment by trained individuals, including the treatment foster parents.

SECTION 28. 48.07 (4) of the statutes is created to read:

48.07 (4) COUNTY DEPARTMENTS THAT PROVIDE DEVELOPMENTAL DISABILITIES, MENTAL HEALTH OR ALCOHOL AND OTHER DRUG ABUSE SERVICES. Within the limits of available state and federal funds and of county funds appropriated to match state funds, the court may order county departments established under s. 51.42 or 51.437 to provide special treatment or care to a child if special treatment or care has been ordered under s. 48.34 (6) and if s. 48.362 (4) applies.

SECTION 29. 48.207 (1) (c) of the statutes is amended to read:

48.207 (1) (c) A licensed foster home or a licensed treatment foster home provided the placement does not violate the conditions of the license.

SECTION 30. 48.207 (1) (f) of the statutes is amended to read:

48.207 (1) (f) The home of a person not a relative, if the placement does not exceed 30 days, though the placement may be extended for an additional 30 days for cause by the court, and if the person has not had a foster home or treatment foster home license refused, revoked or suspended within the last 2 years.

SECTION 31. 48.207 (3) of the statutes is amended to read:

48.207 (3) A child taken into custody under s. 48.981 may be held in a hospital, foster home, treatment foster home, relative's home or other appropriate medical or child welfare facility which is not used primarily for the detention of delinquent children.

SECTION 32m. 48.275 (2) (a) of the statutes, as affected by 1993 Wisconsin Act 98, is amended to read:

48.275 (2) (a) If this state or a county provides legal counsel to a child subject to a proceeding under s. 48.12 or 48.13, the court shall order the ~~parents or guardian~~ child's parent to provide a statement of income, assets and living expenses to the county department and shall order the ~~parents or guardian of the child~~ that parent to reimburse the state or county in accordance with par. (b) or (c). The court may not order reimbursement if a parent ~~or guardian~~ is the complaining or petitioning party or if the court finds that the interests of the parent ~~or guardian~~ and the interests of the child in the proceeding are substantially and directly adverse and that reimbursement would be unfair to the parent ~~or guardian~~. The court may not order reimbursement until the completion of the proceeding or until the state or county is no longer providing the child with legal counsel in the proceeding.

SECTION 33. 48.275 (2) (b) of the statutes is amended to read:

48.275 (2) (b) If this state provides the child with legal counsel and the court orders reimbursement under par. (a), the county department shall determine whether the parent ~~or guardian~~ is indigent as provided under s. 977.07 and shall determine the amount of reimbursement. If the parent ~~or guardian~~ is found not to be indigent, the amount of reimbursement shall be the maximum amount established by the public defender board. If the parent ~~or guardian~~ is found to be indigent in part, the amount of reimbursement shall be the amount of partial payment determined in accordance with the rules of the public defender board under s. 977.02 (3).

SECTION 34. 48.275 (2) (c) of the statutes is amended to read:

48.275 (2) (c) If the county provides the child with legal counsel and the court orders reimbursement under par. (a), the court shall either make a determination of indigency or shall appoint the county department to make the determination. If the court or the county department finds that the parent ~~or guardian~~ is not indigent or is indigent in part, the court shall establish the amount of reimbursement and shall order the parent ~~or guardian~~ to pay it.

SECTION 35. 48.275 (2) (cg) (intro.) of the statutes is amended to read:

48.275 (2) (cg) (intro.) The court shall, upon motion by a parent ~~or guardian~~, hold a hearing to review any of the following:

SECTION 36. 48.275 (2) (cg) 3 of the statutes is amended to read:

48.275 (2) (cg) 3. The court's finding, under par. (a), that the interests of the parent ~~or guardian~~ and the child are not substantially and directly adverse and that ordering the payment of reimbursement would not be unfair to the parent ~~or guardian~~.

SECTION 37. 48.275 (3) (a) of the statutes is amended to read:

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48.275 (3) (a) The parents ~~or guardian~~ of a person who is subject to s. 48.366 with respect to the costs of the person's legal representation for a hearing under s. 48.366.

SECTION 38. 48.33 (4) of the statutes is amended to read:

48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. A report recommending placement in a foster home, treatment foster home, group home or child caring institution shall be in writing and shall include a permanency plan prepared under s. 48.38.

SECTION 39. 48.33 (5) of the statutes is amended to read:

48.33 (5) (title) IDENTITY OF FOSTER PARENT OR TREATMENT FOSTER PARENT; CONFIDENTIALITY. If the report recommends placement in a foster home or a treatment foster home, and the name of the foster parent or treatment foster parent is not available at the time the report is filed, the agency shall provide the court and the child's parent or guardian with the name and address of the foster parent or treatment foster parent within 21 days after the dispositional order is entered, except that the court may order the information withheld from the child's parent or guardian if the court finds that disclosure would result in imminent danger to the child or to the foster parent or treatment foster parent. After notifying the child's parent or guardian, the court shall hold a hearing prior to ordering the information withheld.

SECTION 40. 48.34 (3) (c) of the statutes is amended to read:

48.34 (3) (c) A foster home or treatment foster home licensed under s. 48.62 or a group home licensed under s. 48.625.

SECTION 41. 48.34 (6) (a) of the statutes is amended to read:

48.34 (6) (a) If the child is in need of special treatment or care, as identified in an evaluation under s. 48.295 and the report under s. 48.33, the judge may order the child's parent, ~~guardian or legal custodian~~ to provide such the special treatment or care. If the parent, ~~guardian or legal custodian~~ fails or is financially unable to provide the special treatment or care, the judge may order the care provided by an appropriate agency to provide the special treatment or care whether or not legal custody has been taken from the parents. If a judge orders a county department under s. 51.42 or 51.437 to provide special treatment or care under this paragraph, the provision of that special treatment or care shall be subject to conditions specified in ch. 51. An order of special treatment or care under this paragraph may not include an order for the administration of psychotropic drugs.

SECTION 42. 48.34 (6) (c) of the statutes is created to read:

48.34 (6) (c) Payment for services provided under ch. 51 that are ordered under par. (a), other than alcohol and

other drug abuse services, shall be in accordance with s. 48.362.

SECTION 43. 48.355 (2) (b) 2. of the statutes is amended to read:

48.355 (2) (b) 2. If the child is placed outside the home, the name of the place or facility, including transitional placements, where the child shall be cared for or treated, except that ~~in the case of individual if the placement is a foster home treatment where~~ or treatment foster home and the name and address of the foster parent or treatment foster parent is not available at the time of the order, the name and address of the foster parent or treatment foster parent shall be furnished to the court and the parent within 21 days of the order, ~~except that if~~. If, after a hearing on the issue with due notice to the parent or guardian, the judge finds that disclosure of the identity of the foster parent or treatment foster parent would result in imminent danger to the child ~~or~~ the foster parent or the treatment foster parent, the judge may order the name and address of the prospective foster parents or treatment foster parents withheld from the parent or guardian.

SECTION 44. 48.355 (4) (a) of the statutes is amended to read:

48.355 (4) (a) Except as provided under par. (b) or s. ~~48.362~~ 48.368, all orders under this section shall terminate at the end of one year unless the judge specifies a shorter period of time. Except if s. ~~48.362~~ 48.368 applies, extensions or revisions shall terminate at the end of one year unless the judge specifies a shorter period of time. No extension under s. 48.365 of an original dispositional order may be granted for a child whose legal custody has been transferred to the department under s. 48.34 (4m) if the child is 18 years of age or older when the original dispositional order terminates. Any order made before the child reaches the age of majority shall be effective for a time up to one year after its entry unless the judge specifies a shorter period of time.

SECTION 45. 48.357 (1) of the statutes is amended to read:

48.357 (1) The person or agency primarily responsible for implementing the dispositional order may request a change in the placement of the child, whether or not the change requested is authorized in the dispositional order and shall cause written notice to be sent to the child or the child's counsel or guardian ad litem, parent, guardian and legal custodian. The notice shall contain the name and address of the new placement, the reasons for the change in placement, a statement describing why the new placement is preferable to the present placement and a statement of how the new placement satisfies objectives of the treatment plan ordered by the court. Any party receiving the notice under this subsection or notice of the specific foster or treatment foster placement under s. 48.355 (2) (b) 2. may obtain a hearing on the matter by filing an objection with the court within 10 days of receipt of the

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notice. Placements shall not be changed until 10 days after such notice is sent to the court unless the parent, guardian or legal custodian and the child, if 12 or more years of age, sign written waivers of objection, except that placement changes which were authorized in the dispositional order may be made immediately if notice is given as required in this subsection. In addition, a hearing is not required for placement changes authorized in the dispositional order except where an objection filed by a party who received notice alleges that new information is available which affects the advisability of the court's dispositional order.

SECTION 46. 48.36 (3) of the statutes is amended to read:

48.36 (3) In determining county liability, this section does not apply to services specified in ch. 115 ~~or provided by county departments under ch. 51.~~

SECTION 47. 48.361 (1) (b) and (c) of the statutes are amended to read:

48.361 (1) (b) Any special treatment or care that relates to alcohol or other drug abuse services ordered by a court under s. 48.34 (6) ~~(b)~~ (a).

(c) Any alcohol or other drug abuse treatment or education ordered by a court under s. 48.32 (1g), 48.34 (6) ~~(b)~~ (a) or (13), 48.343 (10) or 48.344 (2g).

SECTION 48. 48.361 (2) (a) 1. of the statutes is amended to read:

48.361 (2) (a) 1. If ~~the a child's parent, guardian or legal custodian~~ is unable to provide or refuses to provide court-ordered alcohol and other drug abuse services for a the child through his or her health insurance or other 3rd-party payments, notwithstanding s. 48.36 (3) the judge may order the ~~parents~~ parent to pay for the court-ordered alcohol and drug abuse services. If the parent, ~~guardian or legal custodian~~ consents to provide court-ordered alcohol and other drug abuse services for a child through his or her health insurance or other 3rd-party payments but the health insurance provider or other 3rd-party payer refuses to provide the court-ordered alcohol and other drug abuse services the court may order the health insurance provider or 3rd-party payer to pay for the court-ordered alcohol and other drug abuse services in accordance with the terms of the parent's, ~~guardian's or legal custodian's~~ health insurance policy or other 3rd-party payment plan.

SECTION 49. 48.361 (2) (c) of the statutes is amended to read:

48.361 (2) (c) Payment for alcohol and other drug abuse services by a county department under this section does not prohibit the county department from contracting with another county department or approved treatment facility for the provision of alcohol and other drug abuse services. Payment by the county under this section shall ~~does~~ not prevent recovery of reasonable contribution toward the costs of the court-ordered alcohol and other drug abuse services from the parent, ~~guardian or legal~~

~~custodian~~ which is based upon the ability of the parent, ~~guardian or legal custodian~~ to pay. This subsection ~~shall be~~ is subject to s. 46.03 (18).

SECTION 50. 48.362 of the statutes is renumbered 48.368.

SECTION 51. 48.362 of the statutes is created to read:
48.362 Payment for certain special treatment or care services. (1) In this section, "special treatment or care" has the meaning given in s. 48.02 (17m), except that it does not include alcohol and other drug abuse services.

(2) This section applies to the payment of court-ordered special treatment or care under s. 48.34 (6) (a), whether or not custody has been taken from the parent.

(3) If a child's parent is unable to provide or refuses to provide court-ordered special treatment or care for the child through his or her health insurance or other 3rd-party payments, notwithstanding s. 48.36 (3), the judge may order the parent to pay for the court-ordered special treatment or care. If the parent consents to provide court-ordered special treatment or care for a child through his or her health insurance or other 3rd-party payments but the health insurance provider or other 3rd-party payer refuses to provide the court-ordered special treatment or care, the judge may order the health insurance provider or 3rd-party payer to pay for the court-ordered special treatment or care in accordance with the terms of the parent's health insurance policy or other 3rd-party payment plan.

(4) (a) If the judge finds that payment is not attainable under sub. (3), the judge may order the county department under s. 51.42 or 51.437 of the child's county of legal residence to pay the cost of any court-ordered special treatment or care that is provided by or under contract with that county department.

(b) Payment for special treatment or care by a county department under par. (a) does not prohibit the county department from contracting with another county department or approved treatment facility for the provision of special treatment or care.

(c) A county department that pays for court-ordered special treatment or care under par. (a) may recover from the parent, based on the parent's ability to pay, a reasonable contribution toward the costs of court-ordered special treatment or care. This paragraph is subject to s. 46.03 (18).

SECTION 52. 48.365 (5) of the statutes is amended to read:

48.365 (5) Except as provided in s. ~~48.362~~ 48.368, all orders shall be for a specified length of time not to exceed one year.

SECTION 53. 48.375 (4) (a) 1. of the statutes is amended to read:

48.375 (4) (a) 1. The person or the person's agent has, either directly or through a referring physician or his or her agent, received and made part of the minor's medical record the written consent of the minor and the written

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consent of one of her parents; or of the minor's guardian or legal custodian, if one has been appointed; or of an adult family member of the minor; or of one of the minor's foster parents or treatment foster parents, if the minor has been placed in a foster home or treatment foster home and the minor's parent has signed a waiver granting the department, a county department ~~or~~, the foster parent or the treatment foster parent the authority to consent to medical services or treatment on behalf of the minor.

SECTION 54. 48.375 (4) (b) 1m of the statutes is amended to read:

48.375 (4) (b) 1m. A physician who specializes in psychiatry or a licensed psychologist, as defined in s. 455.01 (4), states in writing that the physician or psychologist believes, to the best of his or her professional judgment based on the facts of the case before him or her, that the minor is likely to commit suicide rather than file a petition under s. 48.257 or approach her parent, or guardian or legal custodian, if one has been appointed, or an adult family member of the minor, or one of the minor's foster parents or treatment foster parents, if the minor has been placed in a foster home or treatment foster home and the minor's parent has signed a waiver granting the department, a county department ~~or~~, the foster parent or the treatment foster parent the authority to consent to medical services or treatment on behalf of the minor, for consent.

SECTION 55. 48.375 (4) (b) 3. of the statutes is amended to read:

48.375 (4) (b) 3. The minor provides the person who intends to perform or induce the abortion with a written statement, signed and dated by the minor, that a parent who has legal custody of the minor, or the minor's guardian or legal custodian, if one has been appointed, or an adult family member of the minor, or a foster parent or treatment foster parent, if the minor has been placed in a foster home or treatment foster home and the minor's parent has signed a waiver granting the department, a county department ~~or~~, the foster parent or the treatment foster parent the authority to consent to medical services or treatment on behalf of the minor, has abused, as defined in s. 48.981 (1) (a), the minor. The person who intends to perform or induce the abortion shall place the statement in the minor's medical record. The person who intends to perform or induce the abortion shall report the abuse as required under s. 48.981 (2).

SECTION 56. 48.375 (7) (f) of the statutes is amended to read:

48.375 (7) (f) *Certain persons barred from proceedings.* No parent, or guardian or legal custodian, if one has been appointed, or foster parent or treatment foster parent, if the minor has been placed in a foster home or treatment foster home and the minor's parent has signed a waiver granting the department, a county department ~~or~~, the foster parent or the treatment foster parent the authority to consent to medical services or treatment on behalf

of the minor, or adult family member, of any minor who is seeking a court determination under this subsection may attend, intervene or give evidence in any proceeding under this subsection.

SECTION 57. 48.38 (2) (intro.) of the statutes is amended to read:

48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3), for each child living in a foster home, treatment foster home, group home, child-caring institution, secure detention facility or shelter care facility, the agency that placed the child or arranged the placement or the agency assigned primary responsibility for providing services to the child under s. 48.355 shall prepare a written permanency plan, if one of the following conditions exists:

SECTION 58. 48.38 (4) (f) (intro.) of the statutes is amended to read:

48.38 (4) (f) (intro.) The services that will be provided to the child, the child's family and the child's foster parent, the child's treatment foster parent or the operator of the facility where the child is living to carry out the dispositional order, including services planned to accomplish all of the following:

SECTION 59. 48.38 (5) (b) of the statutes is amended to read:

48.38 (5) (b) The court or the agency shall notify the parents of the child, the child if he or she is 12 years of age or older and the child's foster parent, the child's treatment foster parent or the operator of the facility in which the child is living of the time and place of the review and of the fact that they may participate in the review. The notice shall be provided in writing not less than 10 days before the review and a copy shall be filed in the child's case record.

SECTION 60. 48.38 (5) (e) of the statutes is amended to read:

48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of the determinations under par. (c) and shall provide a copy to the court that entered the order, the child or the child's counsel or guardian ad litem, the child's parent or guardian and the child's foster parent, the child's treatment foster parent or the operator of the facility where the child is living.

SECTION 61. 48.42 (2) (d) of the statutes is amended to read:

48.42 (2) (d) Any other person to whom notice is required to be given by ch. 822, excluding foster parents and treatment foster parents.

SECTION 62. 48.428 (2) of the statutes is amended to read:

48.428 (2) When a court places a child in sustaining care after an order under s. 48.427, the court shall transfer legal custody of the child to the county department or a licensed child welfare agency, transfer guardianship of the child to an agency listed in s. 48.427 (3) (a) 1. to 4. and place the child in the home of a licensed foster parent or

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licensed treatment foster parent with whom the child has resided for 6 months or longer. Pursuant to such a placement, this licensed foster parent or licensed treatment foster parent shall be a sustaining parent with the powers and duties specified in sub. (3).

SECTION 63. 48.428 (4) of the statutes is amended to read:

48.428 (4) Before a licensed foster parent or licensed treatment foster parent may be appointed as a sustaining parent, the foster parent or treatment foster parent shall execute a contract with the agency responsible for providing services to the child, in which the foster parent or treatment foster parent agrees to provide care for the child until the child's 18th birthday unless the placement order is changed by the court because the court finds that the sustaining parents are no longer able or willing to provide the sustaining care or the court finds that the behavior of the sustaining parents toward the child would constitute grounds for the termination of parental rights if the sustaining parent was the birth parent of the child.

SECTION 64. 48.43 (5) (b) of the statutes is amended to read:

48.43 (5) (b) The court shall hold a hearing to review the permanency plan within 30 days after receiving a report under par. (a). At least 10 days before the date of the hearing, the court shall provide notice of the time, date and purpose of the hearing to the agency that prepared the report, the child's guardian, the child, if he or she is 12 years of age or over, and the child's foster parent, the child's treatment foster parent or the operator of the facility in which the child is living.

SECTION 65. 48.43 (5m) of the statutes is amended to read:

48.43 (5m) Either the court or the agency that prepared the permanency plan shall furnish a copy of the original plan and each revised plan to the child, if he or she is 12 years of age or over, and to the child's foster parent, the child's treatment foster parent or the operator of the facility in which the child is living.

SECTION 66. 48.48 (4) of the statutes is amended to read:

48.48 (4) To provide appropriate care and training for children in its legal custody; including serving those children in their own homes, placing them in licensed foster homes or licensed treatment foster homes in accordance with s. 48.63 or licensed group homes, contracting for their care by licensed child welfare agencies or replacing them in juvenile correctional institutions in accordance with rules promulgated under ch. 227, except that the department shall not purchase the educational component of private day treatment programs for children in its custody unless the department, the school board as defined in s. 115.001 (7) and the state superintendent of public instruction all determine that an appropriate public education program is not available. Disputes between

the department and the school district shall be resolved by the state superintendent of public instruction.

SECTION 67. 48.48 (9) of the statutes is amended to read:

48.48 (9) To license foster homes or treatment foster homes as provided in s. 48.66 for its own use or for the use of licensed child welfare agencies or, if requested to do so, for the use of county departments.

SECTION 68m. 48.50 (1) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

48.50 (1) The department shall examine ~~all children~~ every child whose legal custody is transferred to it by the court to determine the type of placement best suited to the child and, in the case of ~~children~~ a child who ~~have~~ has violated a state law, to the protection of the public. This examination shall include an investigation of the personal and family history of the child and his or her environment, any physical or mental examinations considered necessary and the evaluation under s. 48.533 (1) or (2) to determine whether the child is eligible for corrective sanctions supervision. A child who is examined under this subsection shall be screened to determine whether the child is in need of special treatment or care because of alcohol or other drug abuse, mental illness or severe emotional disturbance.

SECTION 69. 48.52 (1) (b) of the statutes is amended to read:

48.52 (1) (b) Foster homes or treatment foster homes;

SECTION 70. 48.57 (1) (c) of the statutes is amended to read:

48.57 (1) (c) To provide appropriate protection and services for children in its care, including providing services for children and their families in their own homes, placing the children in licensed foster homes, licensed treatment foster homes or licensed group homes in this state or another state within a reasonable proximity to the agency with legal custody or contracting for services for them by licensed child welfare agencies, except that the county department shall not purchase the educational component of private day treatment programs unless the county department, the school board as defined in s. 115.001 (7) and the state superintendent of public instruction all determine that an appropriate public education program is not available. Disputes between the county department and the school district shall be resolved by the state superintendent of public instruction.

SECTION 71. 48.57 (1) (i) of the statutes is amended to read:

48.57 (1) (i) To license foster homes or treatment foster homes in the county in accordance with s. 48.75.

SECTION 72. 48.57 (3) (a) 4. of the statutes is amended to read:

48.57 (3) (a) 4. Is living in a foster home, treatment foster home, group home or child caring institution.

SECTION 73. 48.59 (1) of the statutes is amended to read:

48.59 (1) The county department shall investigate the personal and family history and environment of any child transferred to its legal custody and make any physical or mental examinations of the child considered necessary to determine the type of care necessary for the child. The county department shall screen a child who is examined under this subsection to determine whether the child is in need of special treatment or care because of alcohol or other drug abuse, mental illness or severe emotional disturbance. The county department shall keep a complete record of the information received from the court, the date of reception, all available data on the personal and family history of the child, the results of all tests and examinations given the child and a complete history of all placements of the child while in the legal custody of the county agency.

SECTION 74. 48.60 (2) (e) of the statutes is amended to read:

48.60 (2) (e) A licensed foster home or a licensed treatment foster home.

SECTION 75. 48.61 (3) of the statutes is amended to read:

48.61 (3) To provide appropriate care and training for children in its legal or physical custody and, if licensed to do so, to place children in licensed foster homes, licensed treatment foster homes and licensed group homes;

SECTION 76. 48.61 (7) of the statutes is amended to read:

48.61 (7) To license foster homes or treatment foster homes in accordance with s. 48.75 if licensed to do so.

SECTION 77. 48.615 (1) (b) of the statutes is amended to read:

48.615 (1) (b) Before the department may issue a license under s. 48.60 (1) to a child welfare agency that places children in licensed foster homes, licensed treatment foster homes and licensed group homes, the child welfare agency must pay to the department a biennial fee of \$200.

SECTION 78. Subchapter XIV (title) [precedes 48.62] of chapter 48 of the statutes is amended to read:

CHAPTER 48
SUBCHAPTER XIV
FOSTER HOMES AND TREATMENT
FOSTER HOMES

SECTION 79. 48.62 (title) of the statutes is amended to read:

48.62 (title) Licensing of foster homes and treatment foster homes.

SECTION 80. 48.62 (1) of the statutes is renumbered 48.62 (1) (a).

SECTION 81. 48.62 (1) (b) of the statutes is created to read:

48.62 (1) (b) Any person who receives, with or without transfer of legal custody, 4 or fewer children into a home to provide care and maintenance and structured, professional treatment for those children shall obtain a license to operate a treatment foster home from the department, a county department or a licensed child welfare agency as provided in s. 48.75.

SECTION 82. 48.62 (2) of the statutes is amended to read:

48.62 (2) A relative as defined in s. 48.02 (15) or as specified in s. 49.19 (1) (a) or a guardian of a child, who provides care and maintenance for a child, is not required to obtain the license specified in this section. The department, county department or licensed child welfare agency as provided in s. 48.75 may issue a license to operate a foster home or a treatment foster home to a relative who has no duty of support under s. 49.90 (1) (a) and who requests a license to operate a foster home or treatment foster home for a specific child who is either placed by court order or who is the subject of a voluntary placement agreement under s. 48.63. The department, a county department or a licensed child welfare agency may, at the request of a guardian appointed under ch. 880, license the guardian's home as a foster home or treatment foster home for the guardian's minor ward who is living in the home and who is placed in the home by court order. Relatives with no duty of support and guardians appointed under ch. 880 who are licensed to operate foster homes or treatment foster homes are subject to the department's licensing rules.

SECTION 83. 48.625 (3) of the statutes is amended to read:

48.625 (3) This section does not apply to a foster home licensed under s. 48.62 (1) (a) in which care and maintenance is provided for more than 4 siblings.

SECTION 84. 48.627 (title) of the statutes is amended to read:

48.627 (title) Foster, treatment foster and family-operated group home parent insurance and liability.

SECTION 85. 48.627 (2) (a) of the statutes is amended to read:

48.627 (2) (a) Before the department, a county department or a licensed child welfare agency may issue or renew a foster home, treatment foster home or family-operated group home license, the licensing agency shall require the applicant to furnish proof satisfactory to the licensing agency that he or she has homeowner's or renter's liability insurance that provides coverage for negligent acts or omissions by ~~foster children or children~~ placed in a foster home, treatment foster home or family-operated group home that result in bodily injury or property damage to 3rd parties.

SECTION 86. 48.627 (2c) of the statutes is amended to read:

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48.627 (2c) The department shall determine the cost-effectiveness of purchasing private insurance ~~which that~~ would provide coverage to foster, treatment foster and family-operated group home parents for acts or omissions by or affecting a child who is placed in a foster home, a treatment foster home or a family-operated group home. If this private insurance is cost-effective and available, the department shall purchase the insurance from the appropriations under s. 20.435 (6) (cf) and (7) (pd). If the insurance is unavailable, payment of claims for acts or omissions by or affecting a child who is placed in a foster home, a treatment foster home or a family-operated group home shall be in accordance with subs. (2m) to (3).

SECTION 87. 48.627 (2m) of the statutes is amended to read:

48.627 (2m) Within the limits of the appropriations under s. 20.435 (6) (cf) and (7) (pd), the department shall pay claims to the extent not covered by any other insurance and subject to the limitations specified in sub. (3), for bodily injury or property damage sustained by a licensed foster, treatment foster or family-operated group home parent or a member of the foster, treatment foster or family-operated group home parent's family as a result of the act of a child in the foster, treatment foster or family-operated group home parent's care.

SECTION 88. 48.627 (2s) (a) of the statutes is amended to read:

48.627 (2s) (a) Acts or omissions of the foster, treatment foster or family-operated group home parent that result in bodily injury to the child who is placed in the foster home, treatment foster home or family-operated group home or that form the basis for a civil action for damages by the foster child's parent against the foster, treatment foster or family-operated group home parent.

SECTION 89. 48.627 (2s) (b) of the statutes is amended to read:

48.627 (2s) (b) Bodily injury or property damage caused by an act or omission of a child who is placed in the foster, treatment foster or family-operated group home parent's care for which the foster, treatment foster or family-operated group home parent becomes legally liable.

SECTION 90. 48.627 (3) (b) of the statutes is amended to read:

48.627 (3) (b) A claim under sub. (2m) shall be submitted to the department within 90 days after the bodily injury or property damage occurs. A claim under sub. (2s) shall be submitted within 90 days after a foster, treatment foster or family-operated group home parent learns that a legal action has been commenced against ~~him or her~~ that parent. No claim may be paid under this subsection unless it is submitted within the time limits specified in this paragraph.

SECTION 91. 48.627 (3) (d) of the statutes is amended to read:

48.627 (3) (d) No claim may be approved in an amount exceeding the total amount available for paying claims under this subsection in the fiscal year during which the claim is submitted. No claim for property damage sustained by a foster, treatment foster or family-operated group home parent or a member of a foster, treatment foster or family-operated group home parent's family may be approved in an amount exceeding \$250,000.

SECTION 92. 48.627 (3) (e) of the statutes is amended to read:

48.627 (3) (e) The department may not approve a claim unless the foster, treatment foster or family-operated group home parent submits with the claim evidence that is satisfactory to the department of the cause and value of the claim and evidence that insurance coverage is unavailable or inadequate to cover the claim. If insurance is available but inadequate, the department may approve a claim only for the amount of the value of the claim that it determines is in excess of the amount covered by insurance.

SECTION 93. 48.627 (3) (f) of the statutes is amended to read:

48.627 (3) (f) If the total amount of the claims approved during any calendar quarter exceeds 25% of the total funds available during the fiscal year for purposes of this subsection plus any unencumbered funds remaining from the previous quarter, the department shall prorate the available funds among the claimants with approved claims. The department shall also prorate any unencumbered funds remaining in the appropriation under s. 20.435 (6) (cf) at the end of each fiscal year among the claimants whose claims were prorated during the fiscal year. Payment of a prorated amount from unencumbered funds remaining at the end of the fiscal year constitutes a complete payment of the claim for purposes of this program, but does not prohibit a foster parent or treatment foster parent from submitting a claim under s. 16.007 for the unpaid portion.

SECTION 94. 48.627 (3) (h) of the statutes is amended to read:

48.627 (3) (h) If a claim by a foster, treatment foster or family-operated group home parent or a member of the foster, treatment foster or family-operated group home parent's family is approved, the department shall deduct from the amount approved \$200 less any amount deducted by an insurance company from a payment for the same claim, except that a foster, treatment foster or family-operated group home parent and his or her family are subject to only one deductible for all claims filed in a fiscal year.

SECTION 95. 48.627 (4) of the statutes is amended to read:

48.627 (4) Except as provided in s. 895.485, the department is not liable for any act or omission by or affecting a ~~foster child or~~ a child who is placed in a foster

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home, treatment foster home or family-operated group home, but shall, as provided in this section, pay claims described under sub. (2m) and may pay claims described under sub. (2s) or may purchase insurance to cover such claims as provided for under sub. (2c), within the limits of the appropriations under s. 20.435 (6) (cf) and (7) (pd).

SECTION 96. 48.627 (5) of the statutes is amended to read:

48.627 (5) The attorney general may represent a foster, treatment foster or family-operated group home parent in any civil action arising out of an act or omission of the foster, treatment foster or family-operated group home parent while acting in his or her capacity as a foster, treatment foster or family-operated group home parent.

SECTION 97. 48.63 (1) of the statutes is amended to read:

48.63 (1) Acting pursuant to court order or voluntary agreement, the child's parent or guardian or the department, a county department or a child welfare agency licensed to place children in foster homes or treatment foster homes may place a child or negotiate or act as intermediary for the placement of a child in a foster home, treatment foster home or group home. Voluntary agreements under this subsection may not be used for placements in facilities other than foster, treatment foster or group homes and may not be extended. A foster home or treatment foster home placement under a voluntary agreement may not exceed 6 months. A group home placement under a voluntary agreement may not exceed 15 days. These time limitations do not apply to placements made under ss. 48.34 and 48.345. Voluntary agreements may be made only under this subsection and shall be in writing and shall specifically state that the agreement ~~can~~ may be terminated at any time by the parent or by the child if the child's consent to the agreement is required. The child's consent to the agreement is required whenever the child is 12 years of age or older.

SECTION 98. 48.63 (4) of the statutes is amended to read:

48.63 (4) A permanency plan under s. 48.38 is required for each child placed in a foster home or treatment foster home under sub. (1). If the child is living in a foster home or treatment foster home under a voluntary agreement, the agency that negotiated or acted as intermediary for the placement shall prepare the permanency plan within 60 days after the placement. A copy of each plan shall be provided to the child if he or she is 12 years of age or over and to the child's parent or guardian. If the agency which arranged the voluntary placement intends to seek a court order to place the child outside of his or her home at the expiration of the voluntary placement, ~~it~~ the agency shall prepare a revised permanency plan and file ~~it~~ that revised plan with the court prior to the date of the hearing on the proposed placement.

SECTION 99. 48.64 (title) of the statutes is amended to read:

48.64 (title) Placement of children in foster homes, treatment foster homes and group homes.

SECTION 100. 48.64 (1) of the statutes is amended to read:

48.64 (1) DEFINITION. In this section, "agency" means the department, a county department or a licensed child welfare agency authorized to place children in foster homes or treatment foster homes.

SECTION 101. 48.64 (1m) of the statutes is amended to read:

48.64 (1m) (title) FOSTER HOME, TREATMENT FOSTER HOME AND GROUP HOME AGREEMENTS. If an agency places a child in a foster home or treatment foster home under a court order or voluntary agreement under s. 48.63, ~~it~~ the agency shall enter into a written agreement with the head of the home. The agreement shall provide that the agency shall have access at all times to the child and the home, and that the child will be released to the agency whenever, in the opinion of the agency placing the child or the department, the best interests of the child require it. If a child has been in a foster home, treatment foster home or group home for 6 months or more, the agency shall give the head of the home written notice of intent to remove the child, stating the reasons for the removal. The child shall not be removed before completion of the hearing under sub. (4) (a) or (c), if requested, or 30 days ~~from~~ after the receipt of the notice, whichever is later, unless the safety of the child requires it. If the safety of the child requires earlier removal, s. 48.19 shall apply. If an agency removes a child from an adoptive placement, the head of the home shall have no claim against the placing agency for the expense of care, clothing or medical treatment.

SECTION 102. 48.64 (2) of the statutes is amended to read:

48.64 (2) (title) SUPERVISION OF FOSTER HOME, TREATMENT FOSTER HOME AND GROUP HOME PLACEMENTS. Every child in a foster home, treatment foster home or group home shall be under the supervision of an agency.

SECTION 103. 48.64 (4) (a) of the statutes is amended to read:

48.64 (4) (a) Any decision or order issued by an agency that affects the head of a foster, treatment foster or group home or the children involved may be appealed to the department under fair hearing procedures established under department rules. The department shall, upon receipt of ~~such petition~~ an appeal, give the head of the home reasonable notice and opportunity for a fair hearing. The department may make such additional investigation as ~~it deems~~ the department considers necessary. ~~Notice~~ The department shall give notice of the hearing ~~shall be given~~ to the head of the home and to the departmental subunit, county department or child welfare agency that issued the decision or order. Each person receiving notice is entitled to be represented at the hearing. At all hearings conducted under this subsection, the

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head of the home, or a representative of the head of the home, shall have an adequate opportunity, notwithstanding s. 48.78 (2) (a), to examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing, to bring witnesses, to establish all pertinent facts and circumstances, and to question or refute any testimony or evidence, including opportunity to confront and cross-examine adverse witnesses. ~~A The department shall grant a continuance for a reasonable period of time shall be granted~~ when an issue is raised for the first time during a hearing. This requirement may be waived with the consent of the parties. The decision of the department shall be based exclusively on evidence introduced at the hearing. A transcript of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceeding, and the findings of the hearing examiner shall constitute the exclusive record for decision by the department. The department shall make the record available at any reasonable time and at an accessible place to the head of the home or his or her representative. Decisions by the department shall specify the reasons for the decision and identify the supporting evidence. No person participating in an agency action being appealed shall may participate in the final administrative decision on such that action. The department shall render its decision as soon as possible after the hearing and shall send a certified copy of its decision to the head of the home and to the departmental subunit, county department or child welfare agency that issued the decision or order. The decision shall be binding on all parties concerned.

SECTION 104. 48.64 (4) (c) of the statutes is amended to read:

48.64 (4) (c) The circuit court for the county where the child is placed has jurisdiction upon petition of any interested party over a child who is placed in a foster home, treatment foster home or group home. The circuit court may call a hearing, at which the head of the home and the supervising agency under sub. (2) shall be present, for the purpose of reviewing any decision or order of said that agency involving the placement and care of the child. The court shall determine the case so as to promote the best interests of the child.

SECTION 105. Subchapter XVI (title) [precedes 48.66] of chapter 48 of the statutes is repealed and recreated to read:

CHAPTER 48
SUBCHAPTER XVI
LICENSING PROCEDURES AND
REQUIREMENTS FOR CHILD WELFARE
 AGENCIES, FOSTER HOMES,
 TREATMENT FOSTER HOMES,
 GROUP HOMES, DAY CARE
 CENTERS AND COUNTY DEPARTMENTS

SECTION 106. 48.66 of the statutes is amended to read:

48.66 Licensing duties of the department. The department shall license and supervise child welfare agencies, as required by s. 48.60, group homes, as required by s. 48.625, shelter care facilities, as required by s. 48.48 and day care centers, as required by s. 48.65. The department may license foster homes or treatment foster homes, as provided by s. 48.62, and may license and supervise county departments in accordance with the procedures specified in ss. 48.67 to 48.74.

SECTION 107. 48.67 (title) of the statutes is amended to read:

48.67 (title) Rules governing child welfare agencies, day care centers, foster homes, treatment foster homes, group homes, shelter care facilities and county departments.

SECTION 108. 48.67 (1) of the statutes is amended to read:

48.67 (1) The department shall ~~prescribe~~ promulgate rules establishing minimum requirements for the issuance of licenses to, and establishing standards for the operation of, child welfare agencies, day care centers, foster homes, treatment foster homes, group homes, shelter care facilities and county departments. These rules shall be designed to protect and promote the health, safety and welfare of the children in the care of all licensees. The department shall consult with the department of industry, labor and human relations and the department of public instruction before ~~prescribing~~ promulgating these rules.

SECTION 109. 48.675 (1) of the statutes is amended to read:

48.675 (1) DEVELOPMENT OF PROGRAM. The department shall develop a foster care education program to provide specialized training for persons operating family foster homes or treatment foster homes. Participation in the program shall be voluntary and shall be limited to persons operating foster homes or treatment foster homes licensed under s. 48.62 and caring for children with special treatment needs.

SECTION 110. 48.675 (2) of the statutes is amended to read:

48.675 (2) APPROVAL OF PROGRAMS. The department shall promulgate rules for approval of programs to meet the requirements of this section. Such programs may include, but need not be limited to: in-service training; workshops and seminars developed by the department or by county departments; seminars and courses offered through public or private education agencies; and workshops, seminars and courses pertaining to behavioral and developmental disabilities and to the development of mutual support services for foster parents and treatment foster parents. The department may approve programs under this subsection only after consideration of relevant

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factors including level of education, useful or necessary skills, location and other criteria as determined by the department.

SECTION 111. 48.675 (3) (intro.) of the statutes is amended to read:

48.675 (3) SUPPORT SERVICES. (intro.) The department shall provide funds from the appropriations under s. 20.435 (3) (ho) and (6) (a) to enable foster parents and treatment foster parents to attend education programs approved under sub. (2) and shall promulgate rules concerning disbursement of the funds. Moneys disbursed under this subsection may be used for the following purposes:

SECTION 112. 48.675 (3) (a) of the statutes is amended to read:

48.675 (3) (a) Care of residents of the foster home or treatment foster home during the time of participation in an education program.

SECTION 113. 48.70 (2) of the statutes is amended to read:

48.70 (2) SPECIAL PROVISIONS FOR CHILD WELFARE AGENCY LICENSES. Licenses A license to a child welfare agency agency shall also specify the kind of child welfare work the agency is authorized to undertake, whether it the agency may accept guardianship of children, whether it the agency may place children in foster homes or treatment foster homes, and if so, the area it the agency is equipped to serve.

SECTION 114. 48.73 of the statutes is amended to read:

48.73 Inspection of licensees. The department may visit and inspect each child welfare agency, foster home, treatment foster home, group home and day care center licensed by it, and for such purpose shall be given unrestricted access to the premises described in the license.

SECTION 115. 48.75 (title) of the statutes is amended to read:

48.75 (title) Foster homes and treatment foster homes licensed by county departments and by child welfare agencies.

SECTION 116. 48.75 (1) of the statutes is amended to read:

48.75 (1) Child welfare agencies, if licensed to do so by the department, and county departments may license foster homes and treatment foster homes under the rules promulgated by the department under s. 48.67 governing the licensing of foster homes and treatment foster homes. A foster home or treatment foster home license shall be issued for a term not to exceed ~~two~~ 2 years from the date of issuance, is not transferable and may be revoked by the child welfare agency or by the county department because the licensee has substantially and intentionally violated any provision of this chapter or of the rules of the department promulgated pursuant to s. 48.67 or because the licensee fails to meet the minimum requirements for

a license. The licensee shall be given written notice of any revocation and the grounds therefor.

SECTION 117. 48.75 (2) of the statutes is amended to read:

48.75 (2) Any foster home or treatment foster home applicant or licensee of a county department or a child welfare agency may, if aggrieved by the failure to issue or renew its license or by revocation of its license, appeal as provided in s. 48.72.

SECTION 118. 48.833 of the statutes is amended to read:

48.833 Placement of children for adoption by the department, county departments and child welfare agencies. The department, a county department under s. 48.57 (1) (e) or (hm) or a child welfare agency licensed under s. 48.60 may place a child for adoption in a licensed foster home or a licensed treatment foster home without a court order if the department, county department under s. 48.57 (1) (e) or (hm) or the child welfare agency is the guardian of the child or makes the placement at the request of another agency which is the guardian of the child. When a child is placed under this section in a licensed foster home or a licensed treatment foster home for adoption, the department, county department or child welfare agency making the placement shall enter into a written agreement with the adoptive parent, which shall state the date on which the child is placed in the licensed foster home or licensed treatment foster home for adoption by the adoptive parent.

SECTION 119. 48.837 (1) of the statutes is amended to read:

48.837 (1) ADOPTIVE PLACEMENT. A parent having custody of a child and the proposed adoptive parent or parents of the child may petition the court for placement of the child for adoption in the home of a person who is not a relative of the child if the home is licensed as a foster home or treatment foster home under s. 48.62.

SECTION 120. 48.975 (3) (a) of the statutes is amended to read:

48.975 (3) (a) *Maintenance.* For support of a child who was in foster care or treatment foster care immediately prior to adoption, the adoption assistance for maintenance shall be equivalent to the amount of that child's foster care or treatment foster care payment. For support of a child not in foster care or treatment foster care immediately prior to placement with a subsidy, the adoption assistance for maintenance shall be equivalent to the uniform foster care rate.

SECTION 121. 48.98 (1) of the statutes is amended to read:

48.98 (1) No person may bring a child into this state or send a child out of this state for the purpose of placing the child in foster care or treatment foster care or for the purpose of adoption without a certificate from the department that the home is suitable for the child.

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SECTION 122. 48.98 (2) (a) of the statutes is amended to read:

48.98 (2) (a) Any person, except a county department or licensed child welfare agency, who brings a child into this state for the purpose of placing the child in a foster home or treatment foster home shall, before the child's arrival in this state, file with the department a \$1,000 non-cancelable bond in favor of this state, furnished by a surety company licensed to do business in this state. The condition of the bond shall be that the child will not become dependent on public funds for his or her primary support before the child reaches age 18 or is adopted.

SECTION 123. 48.981 (3) (d) 1. of the statutes is amended to read:

48.981 (3) (d) 1. In this paragraph, "agent" includes, but is not limited to, a foster parent, treatment foster parent or other person given custody of a child or a human services professional employed by a county department under s. 51.42 or 51.437 who is working with the child under contract with or under the supervision of the county department under s. 46.215 or 46.22.

SECTION 124. 48.981 (7) (a) 4. of the statutes is amended to read:

48.981 (7) (a) 4. A child's foster parent, treatment foster parent or other person having custody of the child, except that the person or agency maintaining the record or report may not disclose any information that would identify the reporter.

SECTION 125. 48.985 (1) (c) of the statutes is amended to read:

48.985 (1) (c) For innovative child welfare projects and services provided or purchased by the department, including training for foster parents and treatment foster parents and training for employes of county departments conducting investigations and providing services under s. 48.981, not more than \$185,000 in each fiscal year.

SECTION 126. 49.01 (5g) of the statutes is created to read:

49.01 (5g) "Foster home" has the meaning given in s. 48.02 (6).

SECTION 127. 49.01 (8m) of the statutes is created to read:

49.01 (8m) "Treatment foster home" has the meaning given in s. 48.02 (17q).

SECTION 128. 49.19 (1) (a) 2. b. of the statutes is amended to read:

49.19 (1) (a) 2. b. Is living in a foster home or treatment foster home licensed under s. 48.62 if a license is required under that section, in a foster home or treatment foster home located within the boundaries of a federally recognized American Indian reservation in this state and licensed by the tribal governing body of the reservation, in a group home licensed under s. 48.625 or in a child-caring institution licensed under s. 48.60, and has been placed in the foster home, treatment foster home, group home or institution by a county department under s.

46.215, 46.22 or 46.23, by the department or by a federally recognized American Indian tribal governing body in this state under an agreement with a county department.

SECTION 129. 49.19 (4e) (a) of the statutes is amended to read:

49.19 (4e) (a) Except as provided in par. (b), if a person applying for aid is under 18 years of age, has never married and is pregnant or has a dependent child in his or her care, the person is not eligible for aid unless he or she lives in a place maintained by his or her parent, legal guardian or other adult relative as the parent's, guardian's or other adult relative's own home or lives in a foster home, treatment foster home, maternity home or other supportive living arrangement supervised by an adult.

SECTION 130. 49.19 (10) (a) of the statutes is amended to read:

49.19 (10) (a) Aid under this section may also be granted to a nonrelative who cares for a child dependent upon the public for proper support in a foster home or treatment foster home having a license under s. 48.62, in a foster home or treatment foster home located within the boundaries of a federally recognized American Indian reservation in this state and licensed by the tribal governing body of the reservation or in a group home licensed under s. 48.625, regardless of the cause or prospective period of dependency. The state shall reimburse counties pursuant to the procedure and the percentage rate of participation set forth in s. 49.52 for aid granted under this subsection except that if the child does not have legal settlement in the granting county, state reimbursement shall be at 100%. The county department under s. 46.215 or 46.22 shall determine the legal settlement of the child. A child under one year of age shall be eligible for aid under this subsection irrespective of any other residence requirement for eligibility within this section.

SECTION 131. 49.19 (10) (c) of the statutes is amended to read:

49.19 (10) (c) Reimbursement under par. (a) may also be paid to the county when the child is placed in a licensed foster home, treatment foster home, group home or child-caring institution by a licensed child welfare agency or by a federally recognized American Indian tribal governing body in this state or by its designee, if the child is in the legal custody of the county department under s. 46.215, 46.22 or 46.23 or if the child was removed from the home of a relative specified in sub. (1) (a) as a result of a judicial determination that continuance in the home of the relative would be contrary to the child's welfare for any reason and the placement is made pursuant to an agreement with the county department.

SECTION 132. 49.19 (10) (d) of the statutes is amended to read:

49.19 (10) (d) Aid may also be paid under this section to a foster home or treatment foster home, to a group home licensed under s. 48.625 or to a child-caring insti-

tution by the state when the child is in the custody or guardianship of the state, when the child is a ward of an American Indian tribal court in this state and the placement is made under an agreement between the department and the tribal governing body or when the child was part of the state's direct service case load and was removed from the home of a relative specified in sub. (1) (a) as a result of a judicial determination that continuance in the home of a relative would be contrary to the child's welfare for any reason and the child is placed by the department.

SECTION 133. 49.19 (10) (e) of the statutes is amended to read:

49.19 (10) (e) Notwithstanding pars. (a), (c) and (d), aid under this section may not be granted for placement of a child in a foster home or treatment foster home licensed by a federally recognized American Indian tribal governing body, for placement of a child in a foster home, treatment foster home or child-caring institution by a tribal governing body or its designee, for the placement of a child who is a ward of a tribal court if the tribal governing body is receiving or is eligible to receive funds from the federal government for that type of placement or for placement of a child in a group home licensed under s. 48.625.

SECTION 134m. 49.19 (12) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

49.19 (12) Monthly payments in foster care shall be provided according to the age-related rates specified in this subsection. Beginning January 1, 1993, the age-related rates are: \$240 for children aged 4 and under; \$267 for children aged 5 to 11; \$327 for children aged 12 to 14 and \$337 for children aged 15 to 17. Beginning January 1, 1994, the age-related rates are: \$276 for children aged 4 and under; \$301 for children aged 5 to 11; \$344 for children aged 12 to 14; and \$361 for children aged 15 to 17. Beginning January 1, 1995, the age-related rates are: \$282 for children aged 4 and under; \$307 for children aged 5 to 11; \$349 for children aged 12 to 14; and \$365 for children aged 15 to 17. In addition to these grants for basic maintenance, the department shall make supplemental payments for special needs, care in a treatment foster home and initial clothing allowances according to rules ~~that promulgated by~~ the department shall promulgate.

SECTION 135. 49.20 (2) (d) of the statutes is amended to read:

49.20 (2) (d) Is living in a home situation specified in s. 49.19 (1) (a), but not including a foster home or treatment foster home.

SECTION 136. 49.45 (3) (e) 7. of the statutes is amended to read:

49.45 (3) (e) 7. The daily reimbursement or payment rate to a hospital for services provided to medical assistance recipients awaiting admission to a skilled nursing home, intermediate care facility, community-based resi-

dential facility, group home, foster home, treatment foster home or other custodial living arrangement may not exceed the maximum reimbursement or payment rate based on the average adjusted state skilled nursing facility rate, created under sub. (6m). This limited reimbursement or payment rate to a hospital commences on the date the department, through its own data or information provided by hospitals, determines that continued hospitalization is no longer medically necessary or appropriate during a period where the recipient awaits placement in an alternate custodial living arrangement. The department may contract with a peer review organization, established under 42 USC 1320c to 1320c-10, to determine that continued hospitalization of a recipient is no longer necessary and that admission to an alternate custodial living arrangement is more appropriate for the continued care of the recipient. In addition, the department may contract with a peer review organization to determine the medical necessity or appropriateness of physician services or other services provided during the period when a hospital patient awaits placement in an alternate custodial living arrangement.

SECTION 137. 49.46 (1) (a) 5. of the statutes is amended to read:

49.46 (1) (a) 5. Any child in an adoption assistance ~~or~~ foster care or treatment foster care placement under ch. 48, as determined by the department.

SECTION 138. 49.46 (1) (d) 1. of the statutes is amended to read:

49.46 (1) (d) 1. Children who are placed in licensed foster homes or licensed treatment foster homes by the department and ~~which children who~~ would be eligible for payment of aid to families with dependent children in foster homes or treatment foster homes except that ~~such~~ their placement is not made by a county department under s. 46.215, 46.22 or 46.23 will be considered as recipients of aid to families with dependent children.

SECTION 139m. 49.52 (1) (d) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

49.52 (1) (d) From the appropriations under s. 20.435 (7) (b) and (o), the department shall distribute the funding for social services, including funding for foster care or treatment foster care of a child receiving aid under s. 49.19, to county departments under ss. 46.215, 46.22 and 46.23 as provided under s. 46.40. County matching funds are required for the distributions under s. 46.40 (2), (3), (3m), (4), (8), (9), (11) and (12). Each county's required match for a year equals 9.89% of the total of the county's distributions for that year for which matching funds are required plus the amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile delinquency-related services from its distribution for 1987. Matching funds may be from county tax levies, federal and state revenue sharing funds or private donations to the county that meet the requirements specified in s. 51.423 (5). Private donations may not exceed 25% of the

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total county match. If the county match is less than the amount required to generate the full amount of state and federal funds distributed for this period, the decrease in the amount of state and federal funds equals the difference between the required and the actual amount of county matching funds.

SECTION 140. 49.53 (2) (a) of the statutes is amended to read:

49.53 (2) (a) Each county department under s. 46.215 or 46.22 administering aid to families with dependent children and each official or agency administering general relief shall maintain a monthly report at its office showing the names and addresses of all persons receiving such aids together with the amount paid during the preceding month. Nothing in this paragraph shall be construed to authorize or require the disclosure in the report of any information (names, addresses, amounts of aid or otherwise) pertaining to adoptions, or aid furnished for the care of children in foster homes or treatment foster homes under s. 49.19 (10).

SECTION 141. 50.01 (1) (a) of the statutes is amended to read:

50.01 (1) (a) Care and maintenance above the level of room and board but not including nursing care are provided in the private residence by the care provider whose primary domicile is this residence for 3 or 4 adults, or more adults if all of the adults are siblings, each of whom has a developmental disability, as defined in s. 51.01 (5), or, if the residence is licensed as a foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than 4, or more adults or children if all of the adults or all of the children are siblings, or, if the residence is licensed as a treatment foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than 4.

SECTION 142. 50.01 (1) (b) of the statutes is amended to read:

50.01 (1) (b) The private residence was licensed under s. 48.62 as a foster home or treatment foster home for the care of the adults specified in par. (a) at least 12 months before any of the adults attained 18 years of age.

SECTION 143. 59.97 (15) (intro.) of the statutes is amended to read:

59.97 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS. (intro.) For purposes of this section, the location of a community living arrangement, as defined in s. 46.03 (22), a foster family home, as defined in s. 48.02 (6), a treatment foster home, as defined in s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1), in any city, village or town, shall be subject to the following criteria:

SECTION 144. 59.97 (15) (bm) of the statutes is amended to read:

59.97 (15) (bm) A foster family home which or a treatment foster home that is the primary domicile of a foster parent or treatment foster parent and which that is

licensed under s. 48.62 or an adult family home certified under s. 50.032 (1) (b) shall be a permitted use in all residential areas and is not subject to pars. (a) and (b) except that foster homes and treatment foster homes operated by corporations, child welfare agencies, churches, associations or public agencies shall be subject to pars. (a) and (b).

SECTION 145. 60.63 (intro.) of the statutes is amended to read:

60.63 Community and other living arrangements. (intro.) For purposes of s. 60.61, the location of a community living arrangement, as defined in s. 46.03 (22), a foster family home, as defined in s. 48.02 (6), a treatment foster home, as defined in s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1), in any town shall be subject to the following criteria:

SECTION 146. 60.63 (3) of the statutes is amended to read:

60.63 (3) A foster family home which or a treatment foster home that is the primary domicile of a foster parent or treatment foster parent and which that is licensed under s. 48.62 or an adult family home certified under s. 50.032 (1) (b) shall be a permitted use in all residential areas and is not subject to subs. (1) and (2) except that foster homes and treatment foster homes operated by corporations, child welfare agencies, churches, associations or public agencies shall be subject to subs. (1) and (2).

SECTION 147. 62.23 (7) (i) (intro.) of the statutes is amended to read:

62.23 (7) (i) *Community and other living arrangements.* (intro.) For purposes of this section, the location of a community living arrangement, as defined in s. 46.03 (22), a foster family home, as defined in s. 48.02 (6), a treatment foster home, as defined in s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1), in any city shall be subject to the following criteria:

SECTION 148. 62.23 (7) (i) 2m of the statutes is amended to read:

62.23 (7) (i) 2m. A foster family home which or treatment foster home that is the primary domicile of a foster parent or treatment foster parent and which that is licensed under s. 48.62 or an adult family home certified under s. 50.032 (1) (b) shall be a permitted use in all residential areas and is not subject to subs. 1 and 2 except that foster homes and treatment foster homes operated by corporations, child welfare agencies, churches, associations or public agencies shall be subject to subs. 1 and 2.

SECTION 149. 101.26 (2) (a) 1. d. of the statutes is amended to read:

101.26 (2) (a) 1. d. The individual is a foster child or treatment foster child on behalf of whom state or local government payments are made.

SECTION 150. 103.10 (1) (a) (intro.) of the statutes is amended to read:

103.10 (1) (a) (intro.) “Child” means a natural, adopted ~~or~~, foster or treatment foster child, a stepchild or a legal ward to whom any of the following applies:

SECTION 151. 103.10 (1) (f) of the statutes is amended to read:

103.10 (1) (f) “Parent” means a natural parent, foster parent, treatment foster parent, adoptive parent, stepparent or legal guardian of an employe or an employe’s spouse.

SECTION 152. 121.79 (1) (d) (intro.) of the statutes is amended to read:

121.79 (1) (d) (intro.) For pupils in foster homes, ~~and beginning in the 1978–79 fiscal year, for claims incurred in the 1977–78 school year and thereafter, for pupils in~~ treatment foster homes or group homes, if:

SECTION 153. 121.79 (1) (d) 1. of the statutes is amended to read:

121.79 (1) (d) 1. The foster, treatment foster or group home is located outside the school district in which the pupil’s parent or guardian resides; and

SECTION 154. 121.79 (1) (d) 2. of the statutes is amended to read:

121.79 (1) (d) 2. The foster, treatment foster or group home is exempted under s. 70.11.

SECTION 155. 146.0255 (2) of the statutes is amended to read:

146.0255 (2) TESTING. Any hospital employe who provides health care, social worker or foster care or treatment foster care intake worker may refer an infant to a physician for testing of the infant’s bodily fluids for controlled substances if the hospital employe who provides health care, social worker or foster care or treatment foster care intake worker suspects that the infant has controlled substances in the infant’s bodily fluids because of the mother’s ingestion of controlled substances while she was pregnant with the infant. The physician may test the infant to ascertain whether or not the infant has controlled substances in the infant’s bodily fluids, if the parent or guardian consents to the testing and if the physician determines that there is a serious risk that there are controlled substances in the infant’s bodily fluids because of the mother’s ingestion of controlled substances while she was pregnant with the infant. If the results of the test indicate that the infant does have controlled substances in the infant’s bodily fluids, the physician shall make a report under s. 46.238.

SECTION 156. 167.10 (7) of the statutes is amended to read:

167.10 (7) PARENTAL LIABILITY. A parent, foster ~~or parent~~, treatment foster parent, family-operated group home parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor’s use of the fireworks.

SECTION 157. 343.15 (1) of the statutes is amended to read:

343.15 (1) Except as provided in sub. (4), the application of any person under 18 years of age for a license shall be signed and verified by either of the applicant’s parents, or if neither parent has custody, then by the person or guardian having such custody or by the applicant’s foster parent or treatment foster parent or by the applicant’s employer. The application shall be signed and verified before a traffic officer, a duly authorized agent of the department or a person duly authorized to administer oaths.

SECTION 158. 343.15 (4) (c) of the statutes is amended to read:

343.15 (4) (c) A person who is a ward of the state, county or court and who has been placed in a foster home or a treatment foster home or in the care of a religious welfare service.

SECTION 159. 619.01 (1) (a) of the statutes is amended to read:

619.01 (1) (a) *Establishment of plans.* If the commissioner finds after a hearing that in any part of this state automobile insurance, property insurance, health care liability insurance, liability insurance but not to include coverage for risks which are determined to be uninsurable, worker’s compensation insurance, insurance coverage for foster homes or treatment foster homes or insurance coverage for group homes is not readily available in the voluntary market, and that the public interest requires such availability, the commissioner may by rule either promulgate plans to provide such insurance coverages for any risks in this state which are equitably entitled to but otherwise unable to obtain such coverage, or may call upon the insurance industry to prepare plans for the commissioner’s approval.

SECTION 160. 619.01 (1) (c) 1. of the statutes is amended to read:

619.01 (1) (c) 1. Each plan, except a health care liability insurance plan ~~or~~, a foster home protection insurance plan, a treatment foster home protection insurance plan or a group home protection insurance plan, shall require participation by all insurers doing any business in this state of the types covered by the specific plan and all agents licensed to represent such insurers in this state for the specified types of business, except that the commissioner may exclude classes of persons for administrative convenience or because it is not equitable or practicable to require them to participate in the plan.

SECTION 161. 619.01 (1) (c) 4m of the statutes is created to read:

619.01 (1) (c) 4m. A treatment foster home protection insurance plan shall require participation by all insurers insuring persons in this state under policies described in subchs. I or III of ch. 632 and all agents licensed to represent such insurers in this state except that the commissioner may exclude classes of persons for

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administrative convenience or because it is not equitable or practicable to require them to participate in the plan.

SECTION 162. 619.01 (9) of the statutes is amended to read:

619.01 (9) FOSTER HOME PROTECTION INSURANCE. In this section “foster home protection insurance” means insurance coverage to protect persons who receive a license to operate a foster home under s. 48.62 (1) (a) against the unique risks, determined by the commissioner, to which such persons are exposed. If the persons have insurance which covers any of these risks, the foster home protection insurance may insure against any or all of the other risks, and may provide additional or excess limits coverage for any or all of these risks.

SECTION 163. 619.01 (9m) of the statutes is created to read:

619.01 (9m) TREATMENT FOSTER HOME PROTECTION INSURANCE. In this section “treatment foster home protection insurance” means insurance coverage to protect persons who receive a license to operate a treatment foster home under s. 48.62 (1) (b) against the unique risks, determined by the commissioner, to which such persons are exposed. If the persons have insurance that covers any of these risks, the treatment foster home protection insurance may insure against any or all of the other risks, and may provide additional or excess limits coverage for any or all of these risks.

SECTION 164. 767.24 (3) (c) of the statutes is amended to read:

767.24 (3) (c) The court shall hold a hearing to review the permanency plan within 30 days after receiving a report under par. (b). At least 10 days before the date of the hearing, the court shall provide notice of the time, date and purpose of the hearing to the agency that prepared the report, the child’s parents, the child, if he or she is 12 years of age or over, and the child’s foster parent, treatment foster parent or the operator of the facility in which the child is living.

SECTION 165. 786.37 of the statutes is amended to read:

786.37 Change of name, notice of application. Before applying to the court for changing or establishing a name, the applicant shall publish a class 3 notice under ch. 985 stating the nature of the application and when and where the application will be made. This section does not apply to the name change of a minor if parental rights to the minor have been terminated and guardianship and legal custody transferred under subch. VIII of ch. 48, and the minor has been placed in a permanent foster home or a permanent treatment foster home, where the guardian and legal custodian have petitioned to change the minor’s name to the name or names of the minor’s foster parents or treatment foster parents.

SECTION 166. 808.075 (4) (a) 7. of the statutes is amended to read:

808.075 (4) (a) 7. Extension of dispositional order under s. 48.365, unless s. ~~48.362~~ 48.368 applies.

SECTION 167. 809.105 (13) of the statutes is amended to read:

809.105 (13) CERTAIN PERSONS BARRED FROM PROCEEDINGS. No parent, or guardian or legal custodian, if one has been appointed, or foster parent or treatment foster parent, if the minor has been placed in a foster home or treatment foster home, and the minor’s parent has signed a waiver granting the department of health and social services, a county department under s. 46.215, 46.22 or 46.23 ~~or~~, the foster parent or the treatment foster parent the authority to consent to medical services or treatment on behalf of the minor, or adult family member, as defined in s. 48.375 (2) (b), of any minor who has initiated an appeal under this section may attend or intervene in any proceeding under this section.

SECTION 168. 895.485 (title) of the statutes is amended to read:

895.485 (title) Civil liability exemption; agencies, foster parents, treatment foster parents and family-operated group home parents.

SECTION 169. 895.485 (1) of the statutes is renumbered 895.485 (1) (intro.) and amended to read:

895.485 (1) (intro.) In this section, ~~“family-operated:~~

(a) ~~“Family-operated group home”~~ has the meaning given in s. 48.627 (1).

SECTION 170. 895.485 (1) (b) of the statutes is created to read:

895.485 (1) (b) “Foster home” has the meaning given in s. 48.02 (6).

SECTION 171. 895.485 (1) (c) of the statutes is created to read:

895.485 (1) (c) “Treatment foster home” has the meaning given in s. 48.02 (17q).

SECTION 172. 895.485 (2) (intro.) of the statutes is amended to read:

895.485 (2) (intro.) Except as provided in ss. 167.10 (7) and 343.15 (2), any foster, treatment foster or family-operated group home parent licensed under s. 48.62 or 48.625 is immune from civil liability for any of the following:

SECTION 173. 895.485 (2) (a) of the statutes is amended to read:

895.485 (2) (a) An act or omission of the foster, treatment foster or family-operated group home parent while ~~he or she~~ that parent is acting in his or her capacity as a foster, treatment foster or family-operated group home parent.

SECTION 174. 895.485 (2) (b) of the statutes is amended to read:

895.485 (2) (b) An act or omission of a child who is placed in a foster home, treatment foster home or family-operated group home while ~~he or she~~ the child is in the

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foster, treatment foster or family–operated group home parent’s care.

SECTION 175. 895.485 (3) of the statutes is amended to read:

895.485 (3) The immunity specified in sub. (2) does not apply if the act or omission of a foster, treatment foster or family–operated group home parent was not done in good faith or was not in compliance with any written instructions, received from the agency that placed the child, regarding specific care and supervision of the child. The good faith of a foster, treatment foster or family–operated group home parent and the compliance of the foster, treatment foster or family–operated group home parent with any written instructions received from the agency that placed the child are presumed in a civil action. Any person who asserts that a foster, treatment foster or family–operated group home parent did not act in good faith, or did not comply with written instructions received from the agency that placed the child, has the burden of proving that assertion.

SECTION 176. 895.485 (4) (intro.) of the statutes is amended to read:

895.485 (4) (intro.) Any agency that acts in good faith in placing a child with a foster, treatment foster or family–operated group home parent is immune from civil liability for any act or omission of the agency, the foster, treatment foster or family–operated group home parent or the child unless all of the following occur:

SECTION 177. 895.485 (4) (a) of the statutes is amended to read:

895.485 (4) (a) The agency has failed to provide the foster, treatment foster or family–operated group home parent with any information relating to a medical, physical, mental or emotional condition of the child that it is required to disclose under this paragraph. The department of health and social services shall promulgate rules specifying the kind of information that an agency shall disclose to a foster, treatment foster or family–operated group home parent which relates to a medical, physical, mental or emotional condition of the child.

SECTION 177r. 940.203 (1) (a) of the statutes, as created by 1993 Wisconsin Act 50, is amended to read:

940.203 (1) (a) “Family member” means a parent, spouse, sibling, child, stepchild or foster child or treatment foster child.

SECTION 178. 940.205 (1) of the statutes is amended to read:

940.205 (1) In this section, “family member” means a parent, spouse, sibling, child, stepchild or foster child or treatment foster child.

SECTION 178g. 940.207 (1) of the statutes, as created by 1993 Wisconsin Act 86, is amended to read:

940.207 (1) In this section, “family member” means a parent, spouse, sibling, child, stepchild or foster child or treatment foster child.

SECTION 178r. 943.013 (1) (a) of the statutes, as created by 1993 Wisconsin Act 50, is amended to read:

943.013 (1) (a) “Family member” means a parent, spouse, sibling, child, stepchild or foster child or treatment foster child.

SECTION 179. 943.015 (1) of the statutes is amended to read:

943.015 (1) In this section, “family member” means a parent, spouse, sibling, child, stepchild or foster child or treatment foster child.

SECTION 180. 948.01 (3) of the statutes is amended to read:

948.01 (3) “Person responsible for the child’s welfare” includes the child’s parent; guardian; foster parent; treatment foster parent; an employe of a public or private residential home, institution or agency; other person legally responsible for the child’s welfare in a residential setting; or a person employed by one legally responsible for the child’s welfare to exercise temporary control or care for the child.

SECTION 181. 949.06 (1m) (a) of the statutes is amended to read:

949.06 (1m) (a) In this subsection, “family member” means any spouse, parent, grandparent, stepparent, child, stepchild, adopted child, grandchild, foster child, treatment foster child, brother, sister, half brother, half sister, aunt, uncle, nephew, niece, or parent or sibling of spouse.

SECTION 182. Nonstatutory provisions; rules; rates. (1) ADMINISTRATIVE RULES. Using the procedure under section 227.24 of the statutes, the department of health and social services shall promulgate rules under section 48.67 (1) of the statutes, as affected by this act, regarding treatment foster homes to take effect by the first day of the 4th month beginning after the effective date of this subsection. Notwithstanding section 227.24 (1) and (3) of the statutes, the department is not required to make a finding of emergency. Notwithstanding section 227.24 (1) (c) of the statutes, a rule promulgated under this subsection remains in effect until the permanent rule takes effect. The department of health and social services shall submit the permanent rules no later than the first day of the 6th month beginning after the effective date of this subsection.

(2) TREATMENT FOSTER RATES. The department of health and social services shall study reimbursement rates and procedures for treatment foster homes, as defined in section 48.02 (17q) of the statutes, as created by this act, and shall submit its findings and recommendations to the appropriate standing committees in the manner provided under section 13.172 (3) of the statutes and to the governor no later than the first day of the 12th month beginning after the effective date of this subsection.

SECTION 183m. Effective dates. This act takes effect on the day after publication, except as follows:

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(1) EXPENDITURE OF FEDERAL FOSTER CARE REIM-
BURSEMENTS. The treatment of section 46.40 (3) (b) 3. of

the statutes and the repeal and recreation of section 46.49
(1) of the statutes take effect on July 1, 1995.
