

State of Wisconsin



2009 Senate Bill 361

Date of enactment: **November 12, 2009**
Date of publication*: **November 25, 2009**

2009 WISCONSIN ACT 71

AN ACT *to amend* 20.410 (3) (ho), 48.57 (3m) (am) (intro.), 48.57 (3m) (am) 1., 48.57 (3m) (f), 48.57 (3n) (am) (intro.), 48.57 (3n) (am) 1., 48.62 (4), 48.62 (8) (b), 48.75 (1g) (c) (intro.), 48.75 (1g) (d), 49.343 (1g), 49.343 (1g), 49.343 (2) (a) and 49.343 (2) (a); *to repeal and recreate* 20.410 (3) (ho), 48.57 (3m) (am) (intro.), 49.343 (1g) and 49.343 (2) (a); *to create* 48.48 (17) (a) 10m., 48.57 (3m) (ap), 48.57 (3n) (ap) and 48.75 (1g) (cm) of the statutes; and *to affect* 2009 Wisconsin Act 28, section 9408 (6); **relating to:** the monthly rates that are paid for foster care; the levels of care that a foster home may provide; licensing of kinship care relatives to operate foster homes and, subject to certain exceptions, time limits on the receipt of kinship care payments; and licensing of foster homes across county lines.

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

SECTION 1. 20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Act 28, sections 315, 316 and 317, is repealed and recreated to read:

20.410 (3) (ho) *Juvenile residential aftercare.* The amounts in the schedule for providing foster care, treatment foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care, treatment foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation account. If moneys generated by the daily 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 or transferred to the appropri-

ation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in foster care, treatment foster care, group home care, or institutional child care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

SECTION 2. 20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Act (this act), is amended to read:

20.410 (3) (ho) *Juvenile residential aftercare.* The amounts in the schedule for providing foster care, ~~treatment foster care~~, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care, ~~treatment foster care~~, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation account. If moneys

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

generated by the daily 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 or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in foster care, ~~treatment foster care~~, group home care, or institutional child care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

SECTION 3. 48.48 (17) (a) 10m. of the statutes is created to read:

48.48 (17) (a) 10m. Administer kinship care and long-term kinship care as provided in s. 48.57 (3m), (3n), and (3p).

SECTION 4. 48.57 (3m) (am) (intro.) of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

48.57 (3m) (am) (intro.) From the appropriation under s. 20.437 (2) (md), the department shall reimburse counties having populations of less than 500,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 500,000 or more. ~~A. Subject to par. (ap), a county department and, in a county having a population of 500,000 or more, the department shall make payments in the amount of \$215 per month to a kinship care relative who is providing care and maintenance for a child if all of the following conditions are met:~~

SECTION 5. 48.57 (3m) (am) (intro.) of the statutes, as affected by 2009 Wisconsin Act ... (this act), is repealed and recreated to read:

48.57 (3m) (am) (intro.) From the appropriation under s. 20.437 (2) (md), the department shall reimburse counties having populations of less than 500,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 500,000 or more. Subject to par. (ap), a county department and, in a county having a population of 500,000 or more, the department shall make payments in the amount of \$220 per month to a kinship care relative who is providing care and maintenance for a child if all of the following conditions are met:

SECTION 6. 48.57 (3m) (am) 1. of the statutes is amended to read:

48.57 (3m) (am) 1. The kinship care relative applies to the county department or department for payments under this subsection and ~~the, if the child is placed in the home of the kinship care relative under a court order, for a license to operate a foster home.~~

1m. The county department or department determines that there is a need for the child to be placed with

the kinship care relative and that the placement with the kinship care relative is in the best interests of the child.

SECTION 7. 48.57 (3m) (ap) of the statutes is created to read:

48.57 (3m) (ap) 1. Subject to subds. 2. and 3., the county department or, in a county having a population of 500,000 or more, the department may make payments under par. (am) to a kinship care relative who is providing care and maintenance for a child who is placed in the home of the kinship care relative under a court order for no more than 60 days after the date on which the county department or department received under par. (am) 1. the completed application of the kinship care relative for a license to operate a foster home or, if the application is approved or denied or the kinship care relative is otherwise determined to be ineligible for licensure within those 60 days, until the date on which the application is approved or denied or the kinship care relative is otherwise determined to be ineligible for licensure.

2. If the application specified in subd. 1. is not approved or denied or the kinship care relative is not otherwise determined to be ineligible for licensure within 60 days after the date on which the county department or department received the completed application for any reason other than an act or omission of the kinship care relative, the county department or department may make payments under par. (am) for 4 months after the date on which the county department or department received the completed application or, if the application is approved or denied or the kinship care relative is otherwise determined to be ineligible for licensure within those 4 months, until the date on which the application is approved or denied or the kinship care relative is otherwise determined to be ineligible for licensure.

3. Notwithstanding that an application of a kinship care relative specified in subd. 1. is denied or the kinship care relative is otherwise determined to be ineligible for licensure, the county department or, in a county having a population of 500,000 or more, the department may make payments under par. (am) to the kinship care relative for as long as the conditions specified in par. (am) 1. to 6. continue to apply if the county department or department submits to the court information relating to the background investigation specified in par. (am) 4., an assessment of the safety of the kinship care relative's home and the ability of the kinship care relative to care for the child, and a recommendation that the child remain in the home of the kinship care relative and the court, after considering that information, assessment, and recommendation, orders the child to remain in the kinship care relative's home. If the court does not order the child to remain in the kinship care relative's home, the court shall order the county department or department to request a change in placement under s. 48.357 (1) (am) or 938.357 (1) (am). Any person specified in s. 48.357 (2m) (a) or 938.357 (2m) (a) may also request a change in placement.

SECTION 8. 48.57 (3m) (f) of the statutes is amended to read:

48.57 (3m) (f) Any person whose application for payments under par. (am) is not acted on promptly or is denied on the grounds that a condition specified in par. (am) 1., 1m., 2., 5., or 6. has not been met and any person whose payments under par. (am) are discontinued under par. (d) may petition the department under par. (g) for a review of that action or failure to act. Review is unavailable if the action or failure to act arose more than 45 days before submission of the petition for review.

SECTION 9. 48.57 (3n) (am) (intro.) of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

48.57 (3n) (am) (intro.) From the appropriation under s. 20.437 (2) (md), the department shall reimburse counties having populations of less than 500,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 500,000 or more. ~~A Subject to par. (ap), a county department and, in a county having a population of 500,000 or more, the department shall make monthly payments for each child in the amount specified in sub. (3m) (am) (intro.) to a long-term kinship care relative who is providing care and maintenance for that child if all of the following conditions are met:~~

SECTION 10d. 48.57 (3n) (am) 1. of the statutes is amended to read:

48.57 (3n) (am) 1. The long-term kinship care relative applies to the county department or department for payments under this subsection ~~and, provides proof that he or she has been appointed as the guardian of the child under s. 48.977 (2), and, if the child is placed in the home of the long-term kinship care relative under a court order, applies to the county department or department for a license to operate a foster home.~~

SECTION 11. 48.57 (3n) (ap) of the statutes is created to read:

48.57 (3n) (ap) 1. Subject to subds. 2. and 3., the county department or, in a county having a population of 500,000 or more, the department may make payments under par. (am) to a long-term kinship care relative who is providing care and maintenance for a child who is placed in the home of the long-term kinship care relative for no more than 60 days after the date on which the county department or department received under par. (am) 1. the completed application of the long-term kinship care relative for a license to operate a foster home or, if the application is approved or denied or the long-term kinship care relative is otherwise determined to be ineligible for licensure within those 60 days, until the date on which the application is approved or denied or the long-term kinship care relative is otherwise determined to be ineligible for licensure.

2. If the application specified in subd. 1. is not approved or denied or the long-term kinship care relative is not otherwise determined to be ineligible for licensure

within 60 days after the date on which the county department or department received the completed application for any reason other than an act or omission of the long-term kinship care relative, the county department or department may make payments under par. (am) for 4 months after the date on which the county department or department received the completed application or, if the application is approved or denied or the long-term kinship care relative is otherwise determined to be ineligible for licensure within those 4 months, until the date on which the application is approved or denied or the long-term kinship care relative is otherwise determined to be ineligible for licensure.

3. Notwithstanding that an application of a long-term kinship care relative specified in subd. 1. is denied or the long-term kinship care relative is otherwise determined to be ineligible for licensure, the county department or, in a county having a population of 500,000 or more, the department may make payments under par. (am) to the long-term kinship care relative until an event specified in par. (am) 6. a. to f. occurs if the county department or department submits to the court information relating to the background investigation specified in par. (am) 4., an assessment of the safety of the long-term kinship care relative's home and the ability of the long-term kinship care relative to care for the child, and a recommendation that the child remain in the home of the long-term kinship care relative and the court, after considering that information, assessment, and recommendation, orders the child to remain in the long-term kinship care relative's home. If the court does not order the child to remain in the kinship care relative's home, the court shall order the county department or department to request a change in placement under s. 48.357 (1) (am) or 938.357 (1) (am) or to request a termination of the guardianship order under s. 48.977 (7). Any person specified in s. 48.357 (2m) (a) or 938.357 (2m) (a) may also request a change in placement and any person who is authorized to file a petition for the appointment of a guardian for the child may also request a termination of the guardianship order.

SECTION 12. 48.62 (4) of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

48.62 (4) Monthly payments in foster care shall be provided according to the rates specified in this subsection. Beginning on January 1, 2010, the rates are \$215 for care and maintenance provided by a relative of a child of any age for a child of any age by a foster home that is certified to provide level one care, as defined in the rules promulgated under sub. (8) (a) and, for care and maintenance provided by a nonrelative foster home that is certified to provide care at a level of care that is higher than such level one care, \$349 for a child under 5 years of age; \$381 for a child 5 to 11 years of age; \$433 for a child 12 to 14 years of age; and \$452 for a child 15 years of age or over. Beginning on January 1, 2011, the rates are \$220 for care

and maintenance provided by a relative of a child of any age for a child of any age by a foster home that is certified to provide level one care, as defined in the rules promulgated under sub. (8) (a) and, for care and maintenance provided by a nonrelative foster home that is certified to provide care at a level of care that is higher than such level one care, \$366 for a child under 5 years of age; \$400 for a child 5 to 11 years of age; \$455 for a child 12 to 14 years of age; and \$475 for a child 15 years of age or over. In addition to these grants for basic maintenance, the department, county department, or licensed child welfare agency shall make supplemental payments for foster care to a foster home that is receiving an age-related rate under this subsection that are commensurate with the level of care that the foster home is licensed certified to provide and the needs of the child who is placed in the foster home according to the rules promulgated by the department under sub. (8) (c).

SECTION 13. 48.62 (8) (b) of the statutes, as created by 2009 Wisconsin Act 28, is amended to read:

48.62 (8) (b) Rules establishing a standardized assessment tool to assess the needs of a child placed or to be placed outside the home, to determine the level of care that is required to meet those needs, and to place the child in a placement that meets those needs. A foster home that is licensed certified to provide a given level of care under par. (a) may provide foster care for any child whose needs are assessed to be at or below the level of care that the foster home is licensed certified to provide. A foster home that is certified to provide a given level of care under par. (a) may not provide foster care for any child whose needs are assessed to be above that level of care unless the department, county department, or child welfare agency issuing the foster home license determines that support or services sufficient to meet the child's needs are in place and grants an exception to that prohibition.

SECTION 14d. 48.75 (1g) (c) (intro.) of the statutes is amended to read:

48.75 (1g) (c) (intro.) No license may be issued under par. (a) 1., 2., or 3. unless the public licensing agency issuing the license has notified the public licensing agency of the county in which the foster home will be located of its intent to issue the license and no license may be issued under par. (a) 2. or 3. unless the 2 public licensing agencies have entered into a written agreement under this paragraph. A public licensing agency is not required to enter into any agreement under this paragraph allowing the public licensing agency of another county to license a foster home within its jurisdiction. The written agreement shall include all of the following:

SECTION 17g. 48.75 (1g) (cm) of the statutes is created to read:

48.75 (1g) (cm) Notwithstanding that a written agreement under par. (c) is not required for the issuance of a license under par. (a) 1., the public licensing agency issuing the license shall have the responsibilities speci-

fied in par. (c) 1., shall be responsible for the costs specified in par. (c) 2., and shall have in place the procedures specified in par. (c) 3.

SECTION 18d. 48.75 (1g) (d) of the statutes is amended to read:

48.75 (1g) (d) If the public licensing agency issuing a license under par. (a) 1., 2. or 3. violates the agreement under par. (c), the public licensing agency of the county in which the foster home is located may terminate the agreement and, subject to ss. 48.357 and 48.64, require the public licensing agency that issued the license to remove the child from the foster home within 30 days after receipt, by the public licensing agency that issued the license, of notification of the termination of the agreement.

SECTION 19. 49.343 (1g) of the statutes, as affected by 2009 Wisconsin Act 28, sections 1275, 1276m, and 1277, is repealed and recreated to read:

49.343 (1g) ESTABLISHMENT OF RATES. Subject to sub. (1m), each residential care center for children and youth and each group home shall establish a per client rate for its services and each child welfare agency shall establish a per client administrative rate for the administrative portion of its treatment foster care services. A residential care center for children and youth and a group home shall charge all purchasers the same rate for the same services and a child welfare agency shall charge all purchasers the same administrative rate for the same treatment foster care services. The department shall determine the levels of care created under the rules promulgated under s. 48.62 (8) to which this section applies.

SECTION 20. 49.343 (1g) of the statutes, as affected by 2009 Wisconsin Act (this act), section 19, is amended to read:

49.343 (1g) ESTABLISHMENT OF RATES. ~~Subject to sub. (1m), each~~ For services provided beginning on January 1, 2011, the department shall establish the per client rate that a residential care center for children and youth and each or a group home shall establish a per client rate may charge for its services and each child welfare agency shall establish a, and the per client administrative rate that a child welfare agency may charge for the administrative portion of its treatment foster care services, as provided in this section. In establishing rates for a placement specified in s. 938.357 (4) (c) 1. or 2., the department shall consult with the department of corrections. A residential care center for children and youth and a group home shall charge all purchasers the same rate for the same services and a child welfare agency shall charge all purchasers the same administrative rate for the same treatment foster care services. The department shall determine the levels of care created under the rules promulgated under s. 48.62 (8) to which this section applies.

SECTION 21. 49.343 (1g) of the statutes, as affected by 2009 Wisconsin Act (this act), section 20, is amended to read:

49.343 (1g) ESTABLISHMENT OF RATES. For services provided beginning on January 1, 2011, the department shall establish the per client rate that a residential care center for children and youth or a group home may charge for its services, and the per client administrative rate that a child welfare agency may charge for the administrative portion of its ~~treatment~~ foster care services, as provided in this section. In establishing rates for a placement specified in s. 938.357 (4) (c) 1. or 2., the department shall consult with the department of corrections. A residential care center for children and youth and a group home shall charge all purchasers the same rate for the same services and a child welfare agency shall charge all purchasers the same administrative rate for the same ~~treatment~~ foster care services. The department shall determine the levels of care created under the rules promulgated under s. 48.62 (8) to which this section applies.

SECTION 22. 49.343 (2) (a) of the statutes, as affected by 2009 Wisconsin Act 28, sections 1281 and 1282, is repealed and recreated to read:

49.343 (2) (a) By October 1, 2010, and annually after that, a residential care center for children and youth or a group home shall submit to the department the per client rate that it proposes to charge for services provided in the next year and a child welfare agency shall submit to the department the proposed per client administrative rate that it proposes to charge for treatment foster care services provided in the next year. The department shall provide forms and instructions for the submission of proposed rates under this paragraph and a residential care center for children and youth, group home, or child welfare agency that is required to submit a proposed rate under this paragraph shall submit that proposed rate using those forms and instructions.

SECTION 23. 49.343 (2) (a) of the statutes, as affected by 2009 Wisconsin Act (this act), section 22, is amended to read:

49.343 (2) (a) By October 1, ~~2010, and annually after that,~~ annually, a residential care center for children and youth or a group home shall submit to the department the per client rate that it proposes to charge for services provided in the next year and a child welfare agency shall submit to the department the proposed per client administrative rate that it proposes to charge for treatment foster care services provided in the next year. The department shall provide forms and instructions for the submission of proposed rates under this paragraph and a residential care center for children and youth, group home, or child welfare agency that is required to submit a proposed rate under this paragraph shall submit that proposed rate using those forms and instructions.

SECTION 24. 49.343 (2) (a) of the statutes, as affected by 2009 Wisconsin Act (this act), section 23, is amended to read:

49.343 (2) (a) By October 1, annually, a residential care center for children and youth or a group home shall

submit to the department the per client rate that it proposes to charge for services provided in the next year and a child welfare agency shall submit to the department the proposed per client administrative rate that it proposes to charge for ~~treatment~~ foster care services provided in the next year. The department shall provide forms and instructions for the submission of proposed rates under this paragraph and a residential care center for children and youth, group home, or child welfare agency that is required to submit a proposed rate under this paragraph shall submit that proposed rate using those forms and instructions.

SECTION 25. 2009 Wisconsin Act 28, section 9408 (6) is amended to read:

[2009 Wisconsin Act 28] Section 9408 (6) FOSTER CARE LEVELS OF CARE. The repeal of sections 48.02 (17q), 48.48 (17) (a) 10., 48.62 (1) (b), 49.001 (7), 619.01 (1) (c) 4m., 619.01 (9m), 895.485 (1) (c), and 938.02 (17q) of the statutes, the renumbering of section 48.62 (1) (a) of the statutes, the amendment of sections 20.410 (3) (ho) (by SECTION 316), 20.437 (1) (b), 20.437 (1) (cf), 20.437 (1) (dd) (by SECTION 474), 20.437 (1) (jm), 20.437 (1) (pd) (by SECTION 480), 46.10 (14) (a), 46.10 (14) (b), 46.21 (2) (j), 46.56 (8) (L), 46.56 (15) (b) 4., 46.985 (1) (f), 48.01 (1) (gg), 48.02 (6), 48.195 (2) (d) 5., 48.207 (1) (c), 48.207 (1) (f), 48.207 (3), 48.21 (5) (d) 2., 48.21 (5) (d) 3., 48.27 (3) (a) 1., 48.27 (3) (a) 1m., 48.27 (3) (a) 2., 48.27 (6), 48.299 (1) (ag), 48.299 (1) (ar), 48.32 (1) (c) 2., 48.32 (1) (c) 3., 48.33 (4) (intro.), 48.33 (5), 48.335 (3g) (intro.), 48.345 (3) (c), 48.355 (2) (b) 2., 48.355 (2d) (c) 2., 48.355 (2d) (c) 3., 48.355 (4), 48.357 (1) (am) 1., 48.357 (2m) (b), 48.357 (2r), 48.357 (2v) (c) 2., 48.357 (2v) (c) 3., 48.363 (1) (b), 48.363 (1m), 48.365 (2), 48.365 (2m) (ad) 2., 48.365 (2m) (ag), 48.371 (1) (intro.), 48.371 (1) (a), 48.371 (3) (intro.), 48.371 (3) (d), 48.371 (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 (2) (g), 48.38 (4) (d) (intro.), 48.38 (4) (f) (intro.), 48.38 (5) (b), 48.38 (5) (e), 48.38 (5m) (b), 48.38 (5m) (c), 48.38 (5m) (e), 48.42 (2) (d), 48.42 (2g) (a), 48.42 (2g) (am), 48.42 (2g) (b), 48.427 (1m), ~~48.427 (3m) (a) 5.,~~ 48.427 (3m) (am), 48.428 (2) (a), 48.428 (2) (b), 48.428 (4), 48.43 (5) (b), 48.43 (5m), 48.48 (9), 48.48 (17) (a) 3., 48.48 (17) (a) 8., 48.48 (17) (c) 4. (by SECTION 985), 48.481 (1) (a), 48.52 (1) (a), 48.52 (1) (b), 48.52 (1) (c), 48.569 (1) (d), 48.57 (1) (c), 48.57 (1) (hm), 48.57 (1) (i), 48.57 (3) (a) 4., 48.60 (2) (e), 48.61 (3), 48.61 (7), 48.615 (1) (b), subchapter XIV (title) of chapter 48 [precedes 48.619], 48.619, 48.62 (title), 48.62 (2), 48.62 (3), 48.62 (5) (a) (intro.), 48.62 (5) (d) (by SECTION 1018), 48.62 (6), 48.62 (7), 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 (3) (b) 2., 48.63 (4), 48.64 (title), 48.64 (1), 48.64 (1m), 48.64 (1r), 48.64 (2), 48.64 (4) (a), 48.64 (4) (c), 48.645 (1) (a),

48.645 (2) (a) 1., 48.645 (2) (a) 3., 48.645 (2) (a) 4., 48.645 (2) (b), subchapter X of chapter 48 [precedes 48.66], 48.66 (1) (a), 48.66 (1) (c), 48.67 (intro.), 48.67 (4), 48.675 (1), 48.675 (2), 48.675 (3) (intro.), 48.675 (3) (a), 48.685 (1) (b), 48.685 (2) (c) 1., 48.685 (2) (c) 2., 48.685 (4m) (a) (intro.) (by SECTION 1072d), 48.685 (4m) (ad) (by SECTION 1074d), 48.685 (5) (bm) (intro.), 48.685 (5m) (by SECTION 1078d), 48.685 (6) (a) (by SECTION 1080d), 48.70 (2), 48.73, 48.75 (title), 48.75 (1d), 48.75 (2), 48.833 (1), 48.833 (2), 48.837 (1), 48.837 (1r) (b), 48.88 (2) (am) 1., 48.88 (2) (am) 2., 48.975 (3) (a) 1., 48.975 (3) (a) 2., 48.98 (1), 48.98 (2) (a), 48.981 (3) (d) 1., 48.981 (7) (a) 4., 48.986 (4), 49.136 (1) (m), 49.155 (1) (c), ~~49.155 (1m) (a) (intro.)~~, 49.155 (1m) (a) 1m. b., 49.155 (1m) (bm), ~~49.175 (1) (s)~~, 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), 49.32 (9) (a), 49.34 (1), 49.343 (1d) (a) and (b), (1g) (by SECTION 1276m), (1m) (by SECTION 1278g), ~~and (2) (a), (b), and (c)~~, 49.345 (14) (a), 49.345 (14) (b), 49.45 (3) (e) 7., 49.46 (1) (a) 5., 49.46 (1) (d) 1., 49.471 (4) (a) 5., 50.01 (1) (a) 1., 50.01 (1) (a) 2., 59.69 (15) (intro.) (by SECTION 1451), 59.69 (15) (bm), 60.63 (intro.) (by SECTION 1454), 60.63 (3), 62.23 (7) (i) (intro.) (by SECTION 1458), 62.23 (7) (i) 2m., 103.10 (1) (a) (intro.), 103.10 (1) (f) (by SECTION 2173), 121.79 (1) (d) (intro.), 121.79 (1) (d) 2., 121.79 (1) (d) 3., 146.82 (2) (a) 18m., 167.10 (7), 252.15 (5) (a) 19., 253.10 (3) (c) 2. c., 301.12 (14) (a), 301.12 (14) (b), 301.26 (4) (d) 2. (by SECTION 2676), 301.26 (4) (d) 3. (by SECTION 2678), 301.26 (4) (e), 301.26 (4) (ed), 301.46 (4) (a) 6., 343.15 (4) (a) 3., 619.01 (1) (a), 619.01 (1) (c) 1., 619.01 (9), 767.41 (3) (c), 786.37 (3), 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), 938.02 (6), 938.207 (1) (c), 938.207 (1) (f), 938.21 (5) (d) 2., 938.21 (5) (d) 3., 938.27 (3) (a) 1., 938.27 (3) (a) 1m., 938.27 (3) (a) 2., 938.27 (6), 938.299 (1) (ag), 938.32 (1) (d) 2., 938.32 (1) (d) 3., 938.33 (4) (intro.), 938.33 (5), 938.335 (3g) (intro.), 938.34 (3) (c), 938.355 (2) (b) 2., 938.355 (2d) (c) 2., 938.355 (2d) (c) 3., 938.355 (4) (a), 938.357 (1) (am) 1., 938.357 (1) (am) 2., 938.357 (2m) (b), 938.357 (2r), 938.357 (2v) (c) 2., 938.357 (2v) (c) 3., 938.357 (6), 938.363 (1) (b), 938.363 (1m), 938.365 (2), 938.365 (2m) (ad) 2., 938.365 (2m) (ag), 938.365 (5), 938.371 (1) (intro.), 938.371 (1) (a), 938.371 (3) (intro.), 938.371 (3) (d), 938.38 (2) (intro.), 938.38 (4) (f) (intro.), 938.38 (5) (b), 938.38 (5) (e), 938.38 (5m) (b), 938.38 (5m) (c), 938.38 (5m) (e), 938.48 (4), 938.52 (1) (b), 938.538 (3) (a) 1p., 938.57 (1) (c), 938.57 (3) (a) 4., 940.201 (1) (a), 940.203 (1) (a), 940.205 (1), 940.207 (1), 940.43 (1), 940.45 (1), 943.011 (1) (a), 943.013 (1) (a), 943.015 (1), 943.017 (2m) (a) 1., 948.01 (3), 948.085 (1), 949.06 (1m) (a) (by SECTION 3359), and 973.017 (6) (a) of the statutes, and the creation of section 48.62 (8) of the statutes and SECTION 9108 (3) (a) of this act take effect on the date stated in the notice provided by the secretary of children

and families and published in the Wisconsin Administrative Register under section 48.62 (9) of the statutes, as created by this act.

SECTION 26. Nonstatutory provisions.

(1) TRANSITION OF KINSHIP CARE AND LONG-TERM KINSHIP CARE PROVIDERS TO FOSTER CARE PROVIDERS.

(a) *Foster home license required.* By no later than 6 months after the date of the first review under section 48.57 (3m) (d) or (3n) (d) of the statutes occurring after the effective date of this subsection of the placement of a child who on the day before the effective date of this subsection was placed in the home of a kinship care relative, as defined in section 48.57 (3m) (a) 2. of the statutes, or a long-term kinship care relative, as defined in section 48.57 (3n) (a) 2. of the statutes, under an order of the court assigned to exercise jurisdiction under chapters 48 and 938 of the statutes, the kinship care relative or long-term kinship care relative shall obtain a license to operate a foster home under section 48.62 (1) of the statutes.

(b) *Exception.* If the kinship care relative or long-term kinship care relative refuses to obtain a license to operate a foster home as required under paragraph (a) or is unable to meet the minimum requirements for the issuance of such a license, at the first permanency plan review under section 48.38 (5) or 938.38 (5) of the statutes or permanency plan hearing under section 48.38 (5m) or 938.38 (5m) of the statutes occurring after the date by which the kinship care relative or long-term kinship care relative is required under paragraph (a) to obtain the license, the agency, as defined in section 48.38 (1) (a) or 938.38 (1) (a) of the statutes, that prepared the child's permanency plan shall make a recommendation, and the court or panel conducting the review or hearing shall make a determination under section 48.38 (5) (c) 1. or 938.38 (5) (c) 1. of the statutes, regarding the continuing necessity for and safety and appropriateness of the placement. If the court or panel determines that the placement continues to be necessary, safe, and appropriate, the child may remain in the placement and the kinship care relative or long-term kinship care relative may continue to receive payments under section 48.57 (3m) (am) or (3n) (am) of the statutes.

SECTION 27. Effective dates. This act takes effect on January 1, 2010, or on the day after publication, whichever is later, except as follows:

(1) JUVENILE RESIDENTIAL AFTERCARE. The repeal and recreation of section 20.410 (3) (ho) of the statutes takes effect on July 1, 2010, or on the day after publication, whichever is later.

(2) ESTABLISHMENT OF RATES. The amendment of section 49.343 (1g) (by SECTION 20) and (2) (a) (by SECTION 23) of the statutes and the repeal and recreation of section 48.57 (3m) (am) (intro.) of the statutes take effect on January 1, 2011.

(3) TREATMENT FOSTER HOMES. The treatment of section 48.48 (17) (a) 10m. of the statutes and the amend-

2009 Senate Bill 361

2009 Wisconsin Act 71

ment of sections 20.410 (3) (ho) and 49.343 (1g) (by SECTION 21) and (2) (a) (by SECTION 24) of the statutes take effect on the date stated in the notice provided by the sec-

retary of children and families and published in the Wisconsin Administrative Register under section 48.62 (9) of the statutes.

