



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0407/P3
GMM:cjs&kjf:jf

DOA:.....Major, BB0104 – Juvenile justice structure

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

Current law requires DOC to supervise the administration of juvenile delinquency-related services, to allocate to counties various state and federal moneys to pay for those services (commonly referred to as “youth aids”), to develop standards for the development and delivery of those services, and to provide consultation and technical assistance to counties in the implementation and delivery of those services. Current law also requires each county annually to submit its final budget for those services to DOC and to enter into a contract with DOC for the allocation of youth aids moneys. In addition, current law requires all juvenile delinquency-related services purchased by a county to meet standards established by DOC and requires contracts for the purchase of those services to be written in accordance with rules and procedures established by DOC. Finally, current law defines “department,” for purposes of administration of the Juvenile Justice Code, to mean DOC.

This bill sets the amounts of youth aids to be allocated to counties in the 2015-17 fiscal biennium. The bill also, effective on January 1, 2016, transfers from DOC to DCF the responsibility for allocating youth aids to counties and for supervising the administration of community-based juvenile delinquency-related services, which the bill defines as juvenile delinquency-related services other than

juvenile correctional services provided for juveniles who are being held in a juvenile detention facility or who have been adjudged delinquent, placed under the supervision of DOC, and placed in a juvenile correctional facility, the Serious Juvenile Offender Program, or on aftercare supervision administered by DOC. As such, the bill transfers from DOC to DCF the responsibility for developing standards for the development and delivery of community-based juvenile delinquency-related services and for providing consultation and technical assistance to counties in the implementation and delivery of those services. In addition, the bill requires each county annually to submit its final budget for community-based juvenile delinquency-related services to DCF and to enter into a contract with DCF for the allocation of youth aids moneys, requires all community-based juvenile delinquency-related services purchased by a county to meet standards established by DCF, and requires contracts for the purchase of those services to be written in accordance with rules and procedures established by DCF. Finally, the bill redefines "department," for purposes of administration of the Juvenile Justice Code, to mean DCF, except with respect to juvenile correctional services provided by DOC.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 20.410 (3) (cd) of the statutes is renumbered 20.437 (1) (cj) and amended to read:

20.437 (1) (cj) *Community youth and family aids.* The amounts in the schedule plus the amounts transferred from the appropriation account under par. (cg) for the improvement and provision of community-based juvenile delinquency-related services under s. 48.526 and juvenile correctional services under s. 301.26 and for reimbursement to counties having a population of less than ~~500,000~~ 750,000 for the cost of court attached intake services as provided in s. 938.06 (4). Disbursements may be made from this appropriation account under s. ~~301.085~~ 49.32 (2). Refunds received relating to payments made under s. ~~301.085~~ 49.32 (2) shall be returned to this appropriation account. All moneys transferred from the appropriation account under par. (cg) shall be credited to this appropriation account. Notwithstanding ss.

20.001 (3) (a) and 20.002 (1), the department of ~~corrections~~ children and families may transfer moneys under this paragraph between fiscal years. Except for moneys authorized for transfer under s. ~~301.26~~ 48.526 (3), all moneys from this paragraph allocated under s. ~~301.26~~ 48.526 (3) and not spent or encumbered by counties by December 31 of each year shall lapse into the general fund on the succeeding January 1. The joint committee on finance may transfer additional moneys to the next calendar year.

SECTION 2. 20.410 (3) (f) of the statutes is renumbered 20.437 (1) (cm) and amended to read:

20.437 (1) (cm) *Community intervention program.* The amounts in the schedule for the community intervention program under s. ~~301.263~~ 48.528.

SECTION 3. 20.410 (3) (ko) of the statutes is repealed.

SECTION 4. 20.410 (3) (kp) of the statutes is renumbered 20.437 (1) (kp) and amended to read:

20.437 (1) (kp) *Indian juvenile Interagency and intra-agency aids; tribal delinquency placements.* The amounts in the schedule to be used for unexpected or unusually high-cost out-of-home care placements of Indian juveniles who have been adjudicated delinquent by tribal courts. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 21d. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 5. 20.437 (1) (kz) of the statutes is amended to read:

20.437 (1) (kz) *Interagency and intra-agency aids; tribal placements and guardianships.* The amounts in the schedule to be used for unexpected or unusually

high-cost out-of-home care placements of Indian children by tribal courts, other than placements to which par. (kp) applies, and for subsidized guardianship payments under s. 48.623 (1) or (6) for guardianships of Indian children ordered by tribal courts. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 21. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under section 20.505 (8) (hm).

SECTION 6. 20.437 (1) (o) of the statutes, as affected by 2015 Wisconsin Act ... (this act), is amended to read:

20.437 (1) (o) *Federal aid; children, youth, and family aids.* All federal moneys received in amounts pursuant to allocation plans developed by the department for the provision or purchase of services authorized under ~~par.~~ pars. (b) and (c) and all federal moneys received as child welfare funds under [42 USC 620 to 626](#) for the provision or purchase of child welfare projects and services. Disbursements from this appropriation may be made directly to counties for services to children and families under s. 49.32 (2) (b) or 49.325 or directly to counties in accordance with federal requirements for the disbursement of federal funds.

****NOTE: This is reconciled s. 20.437 (1) (o). This SECTION has been affected by drafts with the following LRB numbers: LRB-0306/P2 and LRB-0407/P2.

SECTION 7. 20.505 (8) (hm) 21d. of the statutes is amended to read:

20.505 (8) (hm) 21d. The amount transferred to s. ~~20.410 (3)~~ 20.437 (1) (kp) shall be the amount in the schedule under s. ~~20.410 (3)~~ 20.437 (1) (kp).

SECTION 8. 46.011 (1) of the statutes is renumbered 46.011 (1e).

SECTION 9. 46.011 (1c) of the statutes is created to read:

46.011 (1c) “Community-based juvenile delinquency-related services” means juvenile delinquency-related services provided under ch. 938 other than juvenile correctional services.

SECTION 10. 46.011 (1p) of the statutes is created to read:

46.011 (1p) “Juvenile correctional services” means services provided for a juvenile who is being held in a juvenile detention facility or who is under the supervision of the department of corrections under s. 938.183, 938.34 (4h), (4m), or (4n) (a), or 938.357 (4).

SECTION 11. 46.03 (18) (a) of the statutes is amended to read:

46.03 (18) (a) Except as provided in s. 46.10 (14) (b) and (c), the department shall establish a uniform system of fees for services provided or purchased by the department, or a county department under s. 46.215, 46.22, 51.42, or 51.437, except for services provided under ch. 48 and subch. III of ch. 49; community-based juvenile delinquency-related services; juvenile correctional services; services provided to courts; and outreach, information, and referral services; or when, as determined by the department, a fee is administratively unfeasible or would significantly prevent accomplishing the purpose of the service. A county department under s. 46.215, 46.22, 51.42, or 51.437 shall apply the fees that it collects under this program to cover the cost of those services.

SECTION 12. 46.03 (20) (a) of the statutes is amended to read:

46.03 (20) (a) ~~Except for payments provided under ch. 48 or subch. III of ch. 49,~~ The department may make payments directly to recipients of public assistance or to ~~such~~ persons authorized to receive ~~such~~ those payments in accordance with law and rules of the department on behalf of the counties. ~~Except for payments provided under ch. 48 or subch. III of ch. 49, the~~ The department may charge the counties for

the cost of operating public assistance systems ~~which~~ that make ~~sueh~~ those payments.

SECTION 13. 46.206 (1) (a) of the statutes is amended to read:

46.206 (1) (a) The department shall supervise the administration of social services, except as for social services provided under ch. 48 and subch. III of ch. 49 ~~and except for, community-based juvenile delinquency-related services, and juvenile correctional services.~~ The department shall submit to the federal authorities state plans for the administration of social services, except as for social services provided under ch. 48 and subch. III of ch. 49 ~~and except for, community-based juvenile delinquency-related services, and juvenile correctional services,~~ and juvenile correctional services, in such form and containing such information as the federal authorities require, and shall comply with all requirements prescribed to ensure their correctness.

SECTION 14. 46.206 (2) of the statutes is amended to read:

46.206 (2) The county administration of all laws relating to social services, ~~except with respect to the programs under ch. 48 and subch. III of ch. 49 and to juvenile delinquency-related programs,~~ shall be vested in the officers and agencies designated in the statutes.

SECTION 15. 46.215 (1) (d) of the statutes is amended to read:

46.215 (1) (d) To make investigations that relate to services under subchs. IV and V of ch. 49 upon request by the department of health services, to make investigations that relate to juvenile ~~delinquency-related~~ correctional services at the request of the department of corrections, and to make investigations that relate to programs under ch. 48 and subch. III of ch. 49 or to community-based juvenile

delinquency-related services upon request by the department of children and families.

SECTION 16. 46.215 (2) (a) 1. of the statutes is amended to read:

46.215 (2) (a) 1. In order to ensure the availability of a full range of care and services, the county department of social services may contract, either directly or through the department of health services, with public or voluntary agencies or others to purchase, in full or in part, care and services, except as provided under subch. III of ch. 49 and s. 301.08 (2), ~~which~~ and except for community-based juvenile delinquency-related services, ~~that~~ the county department of social services is authorized by any statute to furnish in any manner. ~~This~~ That care and ~~these~~ those services may be purchased from the department of health services if the department of health services has staff to furnish ~~the~~ that care and those services. If the county department of social services has adequate staff, it may sell ~~the~~ that care and those services directly to another county or state agency.

SECTION 17. 46.215 (2) (a) 2. of the statutes is amended to read:

46.215 (2) (a) 2. In order to ensure the availability of a full range of care and services, the county department of social services may contract, either directly or through the department of children and families, with public or voluntary agencies, or others to purchase, in full or in part, care and services under ch. 48 and subch. III of ch. 49 ~~which~~ and community-based juvenile delinquency-related services that the county department of social services is authorized to furnish. ~~This~~ That care and ~~these~~ those services may be purchased from the department of children and families if the department of children and families has staff to furnish ~~the~~ that care and those services. If the county department of social services has adequate staff, it may sell ~~the~~ that care and those services directly to another county or state agency.

SECTION 18. 46.215 (2) (a) 3. of the statutes is amended to read:

46.215 (2) (a) 3. In order to ensure the availability of a full range of care and services, the county department of social services may contract, either directly or through the department of corrections, with public or voluntary agencies, or others to purchase, in full or in part, ~~juvenile delinquency-related care and services which~~ correctional services that the county department of social services is authorized by any statute to furnish in any manner. ~~Such~~ That care and those services may be purchased from the department of corrections if the department of corrections has staff to furnish ~~the~~ that care and those services. If the county department of social services has adequate staff, it may sell ~~the~~ that care and those services directly to another county or state agency.

SECTION 19. 46.215 (2) (c) 1. of the statutes is amended to read:

46.215 (2) (c) 1. A county department of social services shall develop, under the requirements of s. 46.036, plans and contracts for the purchase of care and services ~~to be purchased~~, except for care and services under subch. III of ch. 49 or s. 301.08 (2) and community-based juvenile delinquency-related services. The department of health services may review the contracts and approve them if they are consistent with s. 46.036 and if state or federal funds are available for such ~~such~~ those purposes. The joint committee on finance may require the department of health services to submit the contracts to the committee for review and approval. The department of health services may not make any payments to a county for programs included in a contract under review by the committee. The department of health services shall reimburse each county for the contracts from the appropriations under s. 20.435 (7) (b) and (o), as appropriate, under s. 46.495.

SECTION 20. 46.215 (2) (c) 2. of the statutes is amended to read:

46.215 (2) (c) 2. A county department of social services shall develop, under the requirements of s. 49.34, plans and contracts for the purchase of care and services to be purchased under ch. 48 and subch. III of ch. 49 and of community-based juvenile delinquency-related services. The department of children and families may review the contracts and approve them if they are consistent with s. 49.34 and if state or federal funds are available for such those purposes. The joint committee on finance may require the department of children and families to submit the contracts to the committee for review and approval. The department of children and families may not make any payments to a county for programs included in a contract under review by the committee.

SECTION 21. 46.215 (2) (c) 3. of the statutes is amended to read:

46.215 (2) (c) 3. A county department of social services shall develop, under the requirements of s. 301.08 (2), plans and contracts for juvenile delinquency-related care and services to be purchased the purchase of juvenile correctional services. The department of corrections may review the contracts and approve them if they are consistent with s. 301.08 (2) and if state or federal funds are available for such purposes. The joint committee on finance may require the department of corrections to submit the contracts to the committee for review and approval. The department of ~~corrections~~ children and families may not make any payments under s. 48.526 to a county for programs included in a contract under review by the committee. The department of ~~corrections~~ children and families shall reimburse each county for the contracts from the appropriations under s. ~~20.410 (3) (cd) and (ke)~~ 20.437 (1) (cj) and (o) as appropriate.

SECTION 22. 46.22 (1) (b) 1. b. of the statutes is amended to read:

46.22 (1) (b) 1. b. To make investigations ~~which~~ that relate to welfare services, except as for welfare services provided under ch. 48 and subch. III of ch. 49, community-based juvenile delinquency-related services, and juvenile correctional services, upon request by the department of health services.

SECTION 23. 46.22 (1) (b) 2. a. of the statutes is created to read:

46.22 (1) (b) 2. a. To administer community-based juvenile delinquency-related services under s. 48.526.

SECTION 24. 46.22 (1) (b) 2. c. of the statutes is amended to read:

46.22 (1) (b) 2. c. To make investigations as provided under ch. 48 and subch. III of ch. 49 and investigations relating to community-based juvenile delinquency-related services upon request by the department of children and families.

SECTION 25. 46.22 (1) (b) 5m. a. of the statutes is amended to read:

46.22 (1) (b) 5m. a. To administer juvenile ~~delinquency-related~~ correctional services under s. 301.26.

SECTION 26. 46.22 (1) (b) 5m. c. of the statutes is amended to read:

46.22 (1) (b) 5m. c. To make investigations relating to juvenile delinquency-related correctional services upon request by the department of corrections.

SECTION 27. 46.22 (1) (e) 3. a. of the statutes is amended to read:

46.22 (1) (e) 3. a. A county department of social services shall develop, under the requirements of s. 46.036, plans and contracts for the purchase of care and services, except for care and services provided under ch. 48, subch. III of ch. 49, and s. 301.08 (2), ~~to be purchased~~ and community-based juvenile delinquency-related services. The department of health services may review the contracts and approve

them if they are consistent with s. 46.036 and to the extent that state or federal funds are available for such those purposes. The joint committee on finance may require the department of health services to submit the contracts to the committee for review and approval. The department of health services may not make any payments to a county for programs included in the contract that is under review by the committee. The department of health services shall reimburse each county for the contracts from the appropriations under s. 20.435 (7) (b) and (o) according to s. 46.495.

SECTION 28. 46.22 (1) (e) 3. b. of the statutes is amended to read:

46.22 (1) (e) 3. b. A county department of social services shall develop, under the requirements of s. 49.34, plans and contracts for the purchase of care and services under ch. 48 and subch. III of ch. 49 to be purchased and of community-based juvenile delinquency-related services. The department of children and families may review the contracts and approve them if they are consistent with s. 49.34 and to the extent that state or federal funds are available for such purposes. The joint committee on finance may require the department of children and families to submit the contracts to the committee for review and approval. The department of children and families may not make any payments to a county for programs included in the contract that is under review by the committee.

SECTION 29. 46.22 (1) (e) 3. c. of the statutes is amended to read:

46.22 (1) (e) 3. c. A county department of social services shall develop, under the requirements of s. 301.08 (2), plans and contracts for the purchase of juvenile delinquency-related care and services to be purchased correctional services. The department of corrections may review the contracts and approve them if they are consistent with s. 301.08 (2) and to the extent that state or federal funds are available for such those purposes. The joint committee on finance may require the department

of corrections to submit the contracts to the committee for review and approval. The department of ~~corrections~~ children and families may not make any payments under s. 48.526 to a county for programs included in the contract that is under review by the committee. The department of ~~corrections~~ children and families shall reimburse each county for the contracts from the appropriations under s. ~~20.410 (3) (ed) and (ko)~~ 20.437 (1) (cj) and (o) as appropriate.

SECTION 30. 46.22 (2g) (d) of the statutes is renumbered 46.22 (2g) (d) (intro.) and amended to read:

46.22 **(2g)** (d) (intro.) Prepare, with the assistance of the county social services director under sub. (3m) (b) 5., ~~a~~ all of the following:

1. A proposed budget for submission to the county executive or county administrator, ~~a~~

2. A final budget for submission to the department of health services in accordance with s. 46.031 (1) for authorized services, except services under ch. 48, subch. III of ch. 49, or s. 301.08 (2), ~~a~~ and authorized community-based juvenile delinquency-related services.

3. A final budget for submission to the department of children and families in accordance with s. 49.325 for authorized services under ch. 48 and subch. III of ch. 49, ~~and a~~ and authorized community-based juvenile delinquency-related services.

4. A final budget for submission to the department of corrections in accordance with s. 301.031 (1) for authorized juvenile ~~delinquency-related~~ correctional services.

SECTION 31. 46.23 (5) (a) 1. of the statutes is amended to read:

46.23 **(5)** (a) 1. Shall determine administrative and program policies, except as provided under ch. 48 and subch. III of ch. 49 and except for policies relating to community-based juvenile delinquency-related policies, services or to juvenile

correctional services, within limits established by the department of health services. Policy decisions, except as provided under ch. 48 and subch. III of ch. 49 and except for policy decisions relating to community-based juvenile delinquency-related policies, services or to juvenile correctional services, that are not reserved by statute for the department of health services may be delegated by the secretary to the county human services board.

SECTION 32. 46.23 (5) (a) 2. of the statutes is amended to read:

46.23 (5) (a) 2. Shall determine administrative and program policies under ch. 48 and subch. III of ch. 49 and administrative and program policies relating to community-based juvenile delinquency-related services within limits established by the department of children and families. Policy decisions under ch. 48 and subch. III of ch. 49 and policy decisions relating to community-based juvenile delinquency-related services that are not reserved by statute for the department of children and families may be delegated by the secretary of children and families to the county human services board.

SECTION 33. 46.23 (5) (a) 3. of the statutes is amended to read:

46.23 (5) (a) 3. Shall determine ~~juvenile delinquency-related~~ administrative programs and policies relating to juvenile correctional services within limits established by the department of corrections. ~~Juvenile delinquency-related policy~~ Policy decisions relating to juvenile correctional services that are not reserved by statute for the department of corrections may be delegated by the secretary of corrections to the county human services board.

SECTION 34. 46.23 (5) (c) 1. of the statutes is amended to read:

46.23 (5) (c) 1. Shall determine whether state mandated services, except for services under ch. 48 and subch. III of ch. 49, community-based juvenile

~~delinquency-related services,~~ and juvenile ~~delinquency-related~~ correctional services, are provided ~~or by,~~ purchased from, or contracted for with local providers, and monitor the performance of such those contracts. Purchase of services contracts shall be subject to the conditions specified in s. 46.036.

SECTION 35. 46.23 (5) (c) 2. of the statutes is amended to read:

46.23 (5) (c) 2. Shall determine whether state mandated services under ch. 48 and subch. III of ch. 49 and state-mandated community-based juvenile delinquency-related services are provided ~~or by,~~ purchased from, or contracted for with local providers, and monitor the performance of such those contracts. Purchase of services contracts shall be subject to the conditions specified in s. 49.34.

SECTION 36. 46.23 (5) (c) 3. of the statutes is amended to read:

46.23 (5) (c) 3. Shall determine whether state mandated juvenile ~~delinquency-related~~ correctional services are provided ~~or by,~~ purchased from, or contracted for with local providers, and monitor the performance of such those contracts. Purchase of service contracts shall be subject to the conditions specified in s. 301.031.

SECTION 37. 46.23 (5) (n) 1. of the statutes is amended to read:

46.23 (5) (n) 1. Shall submit a final budget in accordance with s. 46.031 (1) for authorized services, except for services under ch. 48 and subch. III of ch. 49, community-based juvenile delinquency-related services, and juvenile ~~delinquency-related~~ correctional services. Notwithstanding the categorization of or limits specified for funds allocated under s. 46.495 or 51.423 (2), with the approval of the department of health services the county human services board may expend these those funds consistent with any service provided under s. 46.495 or 51.42.

SECTION 38. 46.23 (5) (n) 2. of the statutes is amended to read:

46.23 (5) (n) 2. Shall submit a final budget in accordance with s. 49.325 (1) for authorized services under ch. 48 and subch. III of ch. 49 and for authorized community-based juvenile delinquency-related services. Notwithstanding the categorization of or limits specified for funds allocated under s. 48.569, with the approval of the department of children and families the county human services board may expend these those funds consistent with any service provided under s. 48.569.

SECTION 39. 46.23 (5) (n) 3. of the statutes is amended to read:

46.23 (5) (n) 3. Shall submit a final budget in accordance with s. 301.031 (1) for authorized juvenile delinquency-related correctional services.

SECTION 40. 46.23 (5m) (c) of the statutes is amended to read:

46.23 (5m) (c) Prepare, with the assistance of the county human services director under sub. (6m) (e), a proposed budget for submission to the county executive or county administrator; a final budget for submission to the department of health services in accordance with s. 46.031 (1) for authorized services, except services under ch. 48 and subch. III of ch. 49 and, community-based juvenile delinquency-related services, and juvenile correctional services; a final budget for submission to the department of children and families in accordance with s. 49.325 for authorized services under ch. 48 and subch. III of ch. 49, and for authorized community-based juvenile delinquency-related services; and a final budget for submission to the department of corrections in accordance with s. 301.031 for authorized juvenile delinquency-related correctional services.

SECTION 41. 46.23 (6) (a) (intro.) of the statutes is amended to read:

46.23 (6) (a) (intro.) A county human services director appointed under sub. (5) (f) shall have all of the administrative and executive powers and duties of managing, operating, maintaining, and improving the services and programs of the county

department of human services, Those powers and duties are subject to the rules promulgated by the department of health services for programs, except that, with respect to services or programs under ch. 48 and subch. III of ch. 49 and community-based juvenile delinquency-related services or programs, those powers and duties are subject to the rules promulgated by the department of children and families ~~for services or programs under ch. 48 and subch. III of ch. 49, and, with respect to juvenile correctional services or programs, those powers and duties are~~ subject to the rules promulgated by the department of corrections ~~for juvenile delinquency-related services or programs~~. In consultation with the county human services board under sub. (5) and subject to its approval, the county human services director shall prepare all of the following:

SECTION 42. 48.47 (10) of the statutes is created to read:

48.47 (10) DELINQUENT JUVENILES. Subject to s. 301.03 (9) and (10), execute the laws relating to the detention, reformation, and correction of delinquent juveniles and promote the enforcement of laws for the protection of those juveniles by doing all of the following:

(a) Cooperating with courts, the department of corrections, county departments, licensed child welfare agencies, and institutions in providing community-based programming, including in-home programming and intensive supervision, for delinquent juveniles.

(b) Establishing and enforcing standards for the development and delivery of services provided by the department under ch. 938 in regard to juveniles who have been adjudicated delinquent.

SECTION 43. 48.48 (1) of the statutes is amended to read:

48.48 (1) To promote the enforcement of the laws relating to nonmarital children, delinquent juveniles, children and juveniles in need of protection or services, including developmentally disabled children, and unborn children in need of protection or services and to take the initiative in all matters involving the interests of those children, juveniles, and unborn children when adequate provision for those interests is not made. This duty shall be discharged in cooperation with the courts, the department of corrections, county departments, licensed child welfare agencies ~~and with~~, parents, expectant mothers, and other individuals interested in the welfare of children, juveniles, and unborn children.

SECTION 44. 48.48 (4) of the statutes is amended to read:

48.48 (4) In order to discharge more effectively its responsibilities under this chapter and other relevant provisions of the statutes, to study causes and methods of prevention and treatment of problems among children and families, delinquency, and related social problems. The department may utilize all powers provided by the statutes, including the authority to accept grants of money or property from federal, state, or private sources, and enlist the cooperation of other appropriate agencies and state departments.

SECTION 45. 48.48 (8p) of the statutes is amended to read:

48.48 (8p) To reimburse tribes and county departments, from the appropriation under s. 20.437 (1) (kz), for unexpected or unusually high-cost out-of-home care placements of Indian children by tribal courts, other than placements to which sub. (8r) applies, and for subsidized guardianship payments under s. 48.623 (1) or (6) for guardianships of Indian children ordered by tribal courts. In this subsection, “unusually high-cost out-of-home care placements” means the amount by which the cost to a tribe or to a county department of

out-of-home care placements of Indian children by tribal courts, other than placements to which sub. (8r) applies, exceeds \$50,000 in a fiscal year.

SECTION 46. 48.526 (title) of the statutes is created to read:

48.526 (title) Community youth and family aids.

SECTION 47. 48.526 (1) of the statutes is created to read:

48.526 (1) PROCEDURES. The department shall develop procedures for the implementation of this section and standards for the development and delivery of community-based juvenile delinquency-related services, as defined in s. 46.011 (1c), and shall provide consultation and technical assistance to aid counties in the implementation and delivery of those services. The department shall establish information systems and monitoring and evaluation procedures to report periodically to the governor and legislature on the statewide impact of this section.

SECTION 48. 48.569 (2) (a) of the statutes is amended to read:

48.569 (2) (a) The county treasurer and each director of a county department shall monthly certify under oath to the department, in the manner the department prescribes, the claim of the county for state reimbursement under this section, and if the department approves the claim it shall certify to the department of administration for reimbursement to the county for amounts due under this section and payment claimed to be made to the counties monthly. ~~The department may make advance payments prior to the beginning of each month equal to one-twelfth of the contracted amount.~~

SECTION 49. 49.11 (1) of the statutes is renumbered 49.11 (1e).

SECTION 50. 49.11 (1c) of the statutes is created to read:

49.11 (1c) “Community-based juvenile delinquency-related services” means juvenile delinquency-related services provided under ch. 938 other than services

provided for a juvenile who is being held in a juvenile detention facility or who is under the supervision of the department of corrections under s. 938.183, 938.34 (4h), (4m), or (4n) (a), or 938.357 (4).

SECTION 51. 49.275 of the statutes is amended to read:

49.275 Cooperation with federal government. The department may cooperate with the federal government in carrying out federal acts concerning public assistance under this subchapter and, child welfare under ch. 48, and community-based juvenile delinquency-related services under ch. 938 and in other matters of mutual concern ~~under this subchapter~~ pertaining to public welfare ~~and under ch. 48 pertaining to, child welfare, and juvenile delinquency under this subchapter and chs. 48 and 938.~~

SECTION 52. 49.32 (1) (a) of the statutes is amended to read:

49.32 (1) (a) Except as provided in s. 49.345 (14) (b) and (c), the department shall establish a uniform system of fees for services ~~provided or purchased~~ under this subchapter and ch. 48, and community-based juvenile delinquency-related services under ch. 938, purchased or provided by the department, or by a county department under s. 46.215, 46.22, or 46.23, except as provided in s. 49.22 (6) and except when, as determined by the department, a fee is administratively unfeasible or would significantly prevent accomplishing the purpose of the service. A county department under s. 46.215, 46.22, or 46.23 shall apply the fees that it collects under this program to cover the cost of those services. The department shall report to the joint committee on finance no later than March 1 of each year on the number of children placed for adoption by the department during the previous year and the costs to the state for services relating to such adoptions.

SECTION 53. 49.32 (1) (b) of the statutes is amended to read:

49.32 (1) (b) Except as provided in s. 49.345 (14) (b) and (c), any person receiving services purchased or provided ~~or purchased~~ under par. (a) or the spouse of the person and, in the case of a minor, the parents of the person, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a foreign court who brought the child into this state for the purpose of adoption, shall be liable for the services in the amount of the fee established under par. (a).

SECTION 54. 49.32 (2) (b) of the statutes is amended to read:

49.32 (2) (b) The department may make social services payments and payments for community-based juvenile delinquency-related services directly to recipients, vendors, or providers in accordance with law and rules of the department on behalf of the counties ~~which~~ that have contracts to have ~~such~~ those payments made on their behalf.

SECTION 55. 49.325 (1) (a) of the statutes is amended to read:

49.325 (1) (a) Each county department under s. 46.215, 46.22, or 46.23 shall submit its final budget for services purchased or directly provided ~~or purchased~~ under this subchapter or ch. 48 and for community-based juvenile delinquency-related services purchased or directly provided under ch. 938 to the department by December 31 annually.

SECTION 56. 49.325 (2) of the statutes is amended to read:

49.325 (2) ASSESSMENT OF NEEDS. Before developing and submitting a proposed budget for services purchased or directly provided ~~or purchased~~ under this subchapter or ch. 48 and for community-based juvenile delinquency-related services purchased or directly provided under ch. 938 to the county executive or

county administrator or the county board, the county departments listed in sub. (1) shall assess needs and inventory resources and services, using an open public participation process.

SECTION 57. 49.325 (2g) (a) of the statutes is amended to read:

49.325 (2g) (a) The department shall annually submit to the county board of supervisors in a county with a single-county department or the county boards of supervisors in counties with a multicounty department a proposed written contract containing the allocation of funds for services purchased or directly provided or purchased under this subchapter or ch. 48, for community-based juvenile delinquency-related services purchased or directly provided under ch. 938, and for such administrative requirements as necessary. The contract as approved may contain conditions of participation consistent with federal and state law. The contract may also include provisions necessary to ensure uniform cost accounting of services. Any changes to the proposed contract shall be mutually agreed upon. The county board of supervisors in a county with a single-county department or the county boards of supervisors in counties with a multicounty department shall approve the contract before January 1 of the year in which it takes effect unless the department grants an extension. The county board of supervisors in a county with a single-county department or the county boards of supervisors in counties with a multicounty department may designate an agent to approve addenda to any contract after the contract has been approved.

SECTION 58. 49.325 (2g) (b) of the statutes is amended to read:

49.325 (2g) (b) The department may not approve contracts for amounts in excess of available revenues. The county board of supervisors in a county with a single-county department or the county boards of supervisors in counties with a

multicounty department may appropriate funds for community-based juvenile delinquency-related services. Actual expenditure of county funds shall be reported in compliance with procedures developed by the department.

SECTION 59. 49.325 (2g) (c) of the statutes is amended to read:

49.325 (2g) (c) The joint committee on finance may require the department to submit contracts between county departments under ss. 46.215, 46.22, and 46.23 and providers of services under this subchapter or ch. 48 or of community-based juvenile delinquency-related services under ch. 938 to the committee for review and approval.

SECTION 60. 49.325 (2r) (a) 1. of the statutes is amended to read:

49.325 (2r) (a) 1. For services under this subchapter or ch. 48 or community-based juvenile delinquency-related services under ch. 938 that duplicate or are inconsistent with services being purchased or provided ~~or purchased~~ by the department or other county departments receiving grants-in-aid or reimbursement from the department.

SECTION 61. 49.325 (2r) (a) 2. of the statutes is amended to read:

49.325 (2r) (a) 2. Inconsistent with state or federal statutes, rules, or regulations, in which case the department may also arrange for the provision of services under this subchapter or ch. 48 or community-based juvenile delinquency-related services under ch. 938 by an alternate agency. The department may not arrange for the provision of those services by an alternate agency unless the joint committee on finance or a review body designated by the committee reviews and approves the department's determination.

SECTION 62. 49.34 (1) of the statutes is amended to read:

49.34 (1) All services under this subchapter and ch. 48 and all community-based juvenile delinquency-related services under ch. 938 purchased by the department or by a county department under s. 46.215, 46.22, or 46.23 shall be authorized and contracted for under the standards established under this section. The department may require the county departments to submit the contracts to the department for review and approval. 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 that are required to be licensed under s. 48.62. When the department directly contracts for services, it the department shall follow the procedures in this section in addition to meeting purchasing requirements established in s. 16.75.

SECTION 63. 49.34 (2) of the statutes is amended to read:

49.34 (2) All services purchased under this subchapter and ch. 48 and all community-based juvenile delinquency-related services purchased under ch. 938 shall meet standards established by the department and other requirements specified by the purchaser in the contract. Based on these standards the department shall establish standards for cost accounting and management information systems that shall monitor the utilization of the services, and document the specific services in meeting the service plan for the client and the objective of the service.

SECTION 64. 49.34 (3) (f) of the statutes is repealed.

SECTION 65. 49.345 (1) of the statutes is amended to read:

49.345 (1) Liability and the collection and enforcement of such liability for the care, maintenance, services, and supplies specified in this section are governed exclusively by this section, except in cases of child support ordered by a court under

s. 48.355 (2) (b) 4., 48.357 (5m) (a), ~~or 48.363 (2), 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a), or 938.363 (2)~~ or ch. 767.

SECTION 66. 49.345 (2) of the statutes is amended to read:

49.345 (2) Except as provided in sub. (14) (b) and (c), any person, including but not limited to a person placed under s. 48.345 (3) ~~or~~, 48.357 (1) or (2m), 938.183, 938.34 (3) or (4d), or 938.357 (1), (2m), (4), or (5) (e), receiving care, maintenance, services, and supplies provided by any institution in this state, in which the state is chargeable with all or part of the person's care, maintenance, services, and supplies, and the person's property and estate, including the homestead, and the spouse of the person, and the spouse's property and estate, including the homestead, and, in the case of a minor child, the parents of the person, and their property and estates, including their homestead, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a foreign court who brought the child into this state for the purpose of adoption, and his or her property and estate, including his or her homestead, shall be liable for the cost of the care, maintenance, services, and supplies in accordance with the fee schedule established by the department under s. 49.32 (1). If a spouse, widow, or minor, or an incapacitated person may be lawfully dependent upon the property for his or her support, the court shall release all or such part of the property and estate from the charges that may be necessary to provide for the person. The department shall make every reasonable effort to notify the liable persons as soon as possible after the beginning of the maintenance, but the notice or the receipt thereof of the notice is not a condition of liability.

SECTION 67. 49.345 (8) (g) of the statutes is amended to read:

49.345 (8) (g) Pay quarterly from the appropriation under s. 20.437 (1) (gg) the collection moneys due county departments under ss. 46.215, 46.22, and 46.23. Payments shall be made as soon after the close of each quarter as is practicable.

SECTION 68. 49.345 (14) (b) of the statutes is amended to read:

49.345 (14) (b) Except as provided in par. (c), and subject to par. (cm), liability of a parent specified in sub. (2) or s. 49.32 (1) for the care and maintenance of the parent's minor child who has been placed by a court order under s. 48.355 ~~or~~, 48.357, 938.183, 938.355, or 938.357 in a residential, nonmedical facility such as a group home, foster home, subsidized guardianship home, or residential care center for children and youth shall be determined by the court by using the percentage standard established by the department under s. 49.22 (9) and by applying the percentage standard in the manner established by the department under par. (g).

SECTION 69. 49.345 (14) (e) 1. of the statutes, as affected by 2015 Wisconsin Act (this act), is amended to read:

49.345 (14) (e) 1. An order issued under s. 48.355 (2) (b) 4., 48.357 (5m) (a), ~~or~~ 48.363 (2), 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a), or 938.363 (2) for support determined under this subsection constitutes an assignment of all commissions, earnings, salaries, wages, pension benefits, income continuation insurance benefits under s. 40.62, duty disability benefits under s. 40.65, benefits under ch. 102 or 108, and other money due or to be due in the future to the county department under s. 46.215, 46.22, or 46.23 in the county where the order was entered or to the department, depending upon the placement of the child as specified by rules promulgated under subd. 5. The assignment shall be for an amount sufficient to ensure payment under the order.

***NOTE: This is reconciled s. 49.345 (14) (e) 1. This SECTION has been affected by drafts with the following LRB numbers: LRB-0347/P1 and LRB-0407/P2.

SECTION 70. 49.345 (14) (g) of the statutes is amended to read:

49.345 (14) (g) For purposes of determining child support under par. (b), the department shall promulgate rules related to the application of the standard established by the department under s. 49.22 (9) to a child support obligation for the care and maintenance of a child who is placed by a court order under s. 48.355 or, 48.357, 938.183, 938.355, or 938.357 in a residential, nonmedical facility. The rules shall take into account the needs of any person, including dependent children other than the child, whom either parent is legally obligated to support.

SECTION 71. 49.345 (16) of the statutes is amended to read:

49.345 (16) The department shall delegate to county departments under ss. 46.215, 46.22, and 46.23 or the local providers of care and services meeting the standards established by the department under s. 49.34 the responsibilities vested in the department under this section for collection of fees for services other than those provided at state facilities, if the county departments or providers meet the conditions that the department determines are appropriate. The department may delegate to county departments under ss. 46.215, 46.22, and 46.23 the responsibilities vested in the department under this section for collection of fees for services provided at the state facilities if the necessary conditions are met.

SECTION 72. 49.35 (1) (a) of the statutes is amended to read:

49.35 (1) (a) The department shall supervise the administration of programs under this subchapter and ch. 48 and of community-based juvenile delinquency-related programs under ch. 938. The department shall submit to the federal authorities state plans for the administration of programs under this

subchapter and ch. 48 and of community-based juvenile delinquency-related programs under ch. 938 in such form and containing such information as the federal authorities require, and shall comply with all requirements prescribed to ensure their correctness.

SECTION 73. 49.35 (1) (b) of the statutes is amended to read:

49.35 (1) (b) All records of the department and all county records relating to programs under this subchapter and ch. 48, community-based juvenile delinquency-related programs under ch. 938, and aid under s. 49.18, 1971 stats., s. 49.20, 1971 stats., and s. 49.61, 1971 stats., as affected by [chapter 90, laws of 1973](#), shall be open to inspection at all reasonable hours by authorized representatives of the federal government. Notwithstanding ss. 48.396 (2) and 938.396 (2), all county records relating to the administration of the services and public assistance specified in this paragraph shall be open to inspection at all reasonable hours by authorized representatives of the department.

SECTION 74. 49.35 (2) of the statutes is amended to read:

49.35 (2) The county administration of all laws relating to programs under this subchapter and ch. 48 and to community-based juvenile delinquency-related programs under ch. 938 shall be vested in the officers and agencies designated in the statutes.

SECTION 75. 49.45 (6m) (br) 1. of the statutes is amended to read:

49.45 (6m) (br) 1. Notwithstanding s. ~~20.410 (3) (ed)~~, 20.435 or (7) (b) or 20.437 (1) (cj) or (2) (dz), the department shall reduce allocations of funds to counties in the amount of the disallowance from the appropriation account under s. 20.435 (7) (b), or the department shall direct the department of children and families to reduce allocations of funds to counties or Wisconsin Works agencies in the amount of the

~~disallowance from the appropriation account under s. 20.437 (1) (cj) or (2) (dz) or direct the department of corrections to reduce allocations of funds to counties in the amount of the disallowance from the appropriation account under s. 20.410 (3) (cd), in accordance with s. 16.544 to the extent applicable.~~

SECTION 76. 301.01 (1n) of the statutes is created to read:

301.01 **(1n)** “Juvenile correctional services” means services provided for a juvenile who is being held in a juvenile detention facility or who is under the supervision of the department under s. 938.183, 938.34 (4h), (4m), or (4n) (a), or 938.357 (4).

SECTION 77. 301.025 of the statutes is amended to read:

301.025 Division of juvenile corrections. The division of juvenile corrections shall exercise the powers and perform the duties of the department that relate to juvenile correctional services and institutions, juvenile offender review, aftercare, corrective sanctions, and the serious juvenile offender program under s. 938.538, and youth aids.

SECTION 78. 301.03 (9) of the statutes is amended to read:

301.03 **(9)** Supervise all persons placed under s. 938.183 in a state prison, all persons placed under s. 938.34 (4h) in the serious juvenile offender program, all persons placed in a juvenile correctional facility or a secured residential treatment center for children and youth under s. 938.34 (4m) or 938.357 (4), and all persons placed on departmental aftercare under s. 938.34 (4n) (a) or 938.357 (4).

SECTION 79. 301.03 (9r) of the statutes is repealed.

SECTION 80. 301.03 (10) (a) of the statutes is amended to read:

301.03 **(10)** (a) Execute the laws relating to the detention, reformation, and correction of delinquents delinquent juveniles placed under its jurisdiction.

SECTION 81. 301.03 (10) (c) of the statutes is amended to read:

301.03 (10) (c) Promote the enforcement of laws for the protection of delinquent ~~children~~ juveniles under its jurisdiction. To this end, the department shall cooperate with courts assigned to exercise jurisdiction under chs. 48 and 938, the department of children and families, county departments under ss. 46.215, 46.22, and 46.23 and, licensed child welfare agencies, and institutions in providing community-based programming, including in-home programming and intensive supervision, for delinquent ~~children~~ juveniles under its jurisdiction. The department shall also establish and enforce standards for the development and delivery of services provided by the department under ch. 938 in regard to juveniles who have been adjudicated delinquent and placed under the jurisdiction of the department.

SECTION 82. 301.03 (18) (a) of the statutes is amended to read:

301.03 (18) (a) Except as provided in s. 301.12 (14) (b) and (c), establish a uniform system of fees for juvenile ~~delinquency-related services provided or purchased~~ correctional services purchased or provided by the department or a county department under s. 46.215, 46.22, or 46.23, except for services provided to courts; outreach, information and referral services; or when, as determined by the department, a fee is administratively unfeasible or would significantly prevent accomplishing the purpose of the service. A county department under s. 46.215, 46.22, or 46.23 shall apply the fees that it collects under this program to cover the cost of those services.

SECTION 83. 301.03 (18) (am) of the statutes is renumbered 49.32 (1) (ap).

SECTION 84. 301.03 (18) (b) of the statutes is amended to read:

301.03 (18) (b) Except as provided in s. 301.12 (14) (b) and (c), hold liable for the services purchased or provided ~~or purchased~~ under par. (a) in the amount of the

fee established under par. (a) any person receiving those services or the spouse of the person and, in the case of a minor, the parents of the person, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a foreign court who brought the child into this state for the purpose of adoption.

SECTION 85. 301.031 (1) (a) of the statutes is amended to read:

301.031 (1) (a) Each county department under s. 46.215, 46.22, or 46.23 shall submit to the department by December 31 annually its final budget for juvenile correctional services purchased or directly provided or purchased.

SECTION 86. 301.031 (2) of the statutes is amended to read:

301.031 (2) ASSESSMENT OF NEEDS. Before developing and submitting a proposed budget for juvenile correctional services to the county executive or county administrator or the county board, the county departments listed in sub. (1) shall assess needs and inventory resources and services, using an open public participation process.

SECTION 87. 301.031 (2g) (a) of the statutes is amended to read:

301.031 (2g) (a) The department shall annually submit to the county board of supervisors in a county with a single-county department or the county boards of supervisors in counties with a multicounty department a proposed written contract containing the allocation of funds for juvenile correctional services and such administrative requirements as necessary. The contract as approved may contain conditions of participation consistent with federal and state law. The contract may also include provisions necessary to ensure uniform cost accounting of services. Any changes to the proposed contract shall be mutually agreed upon. The county board

of supervisors in a county with a single-county department or the county boards of supervisors in counties with a multicounty department shall approve the contract before January 1 of the year in which it takes effect unless the department grants an extension. The county board of supervisors in a county with a single-county department or the county boards of supervisors in counties with a multicounty department may designate an agent to approve addenda to any contract after the contract has been approved.

SECTION 88. 301.031 (2g) (b) of the statutes is amended to read:

301.031 **(2g)** (b) The department may not approve contracts for amounts in excess of available revenues. The county board of supervisors in a county with a single-county department or the county boards of supervisors in counties with a multicounty department may appropriate funds for juvenile delinquency-related correctional services. Actual expenditure of county funds shall be reported in compliance with procedures developed by the department, and shall comply with standards guaranteeing quality of care comparable to similar facilities.

SECTION 89. 301.031 (2g) (c) of the statutes is amended to read:

301.031 **(2g)** (c) The joint committee on finance may require the department to submit contracts between county departments under ss. 46.215, 46.22, and 46.23 and providers of ~~service~~ juvenile correctional services to the committee for review and approval.

SECTION 90. 301.031 (2r) (a) 1. of the statutes is amended to read:

301.031 **(2r)** (a) 1. Is for juvenile correctional services ~~which~~ that duplicate or are inconsistent with services being purchased or provided ~~or purchased~~ by the department or other county departments receiving grants-in-aid or reimbursement from the department.

SECTION 91. 301.031 (2r) (a) 2. of the statutes is amended to read:

301.031 **(2r)** (a) 2. Is inconsistent with state or federal statutes, rules, or regulations, in which case the department may also arrange for provision of juvenile correctional services by an alternate agency. The department may not arrange for the provision of those services by an alternate agency unless the joint committee on finance or a review body designated by the committee reviews and approves the department's determination.

SECTION 92. 301.032 (title) of the statutes is amended to read:

301.032 (title) Juvenile ~~delinquency-related~~ correctional services; supervisory functions of state department.

SECTION 93. 301.032 (1) (a) of the statutes is amended to read:

301.032 **(1)** (a) The department shall supervise the administration of juvenile ~~delinquency-related~~ correctional services. The department shall submit to the federal authorities state plans for the administration of juvenile ~~delinquency-related~~ correctional services in such form and containing such information as the federal authorities require, and shall comply with all requirements prescribed to ensure their correctness.

SECTION 94. 301.032 (1) (b) of the statutes is amended to read:

301.032 **(1)** (b) All records of the department and all county records relating to juvenile ~~delinquency-related~~ correctional services shall be open to inspection at all reasonable hours by authorized representatives of the federal government. Notwithstanding ss. 48.396 (2) and 938.396 (2), all county records relating to the administration of those services shall be open to inspection at all reasonable hours by authorized representatives of the department.

SECTION 95. 301.032 (1) (c) of the statutes is amended to read:

301.032 (1) (c) The department may at any time audit all county records relating to the administration of juvenile delinquency-related correctional services and may at any time conduct administrative reviews of county departments under ss. 46.215, 46.22, and 46.23. If the department conducts such an audit or administrative review in a county, the department shall furnish a copy of the audit or administrative review report to the chairperson of the county board of supervisors and the county clerk in a county with a single-county department or to the county boards of supervisors and the county clerks in counties with a multicounty department, and to the director of the county department under s. 46.21, 46.22, or 46.23.

SECTION 96. 301.032 (2) of the statutes is amended to read:

301.032 (2) The county administration of all laws relating to juvenile delinquency-related correctional services shall be vested in the officers and agencies designated in the statutes.

SECTION 97. 301.07 of the statutes is amended to read:

301.07 Cooperation and contracts with federal government. The department may cooperate with the federal government in carrying out federal acts concerning adult corrections and youth-corrections juvenile correctional services and may enter into contracts with the federal government under [18 USC 5003](#).

SECTION 98. 301.08 (2) (a) of the statutes is amended to read:

301.08 (2) (a) All care and services purchased by the department and all care and services relating to juvenile delinquency juvenile correctional services purchased by a county department under s. 46.215, 46.22, or 46.23 shall be authorized and contracted for under the standards established under this subsection. 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 required to be licensed under s. 48.62. If the department directly contracts for services, it shall follow the procedures in this subsection in addition to meeting purchasing requirements established in s. 16.75.

SECTION 99. 301.085 (2) of the statutes is amended to read:

301.085 (2) The department may make payments for juvenile delinquency-related payments correctional services directly to recipients, vendors, or providers in accordance with law and rules of the department on behalf of the counties which have contracts to have such those payments made on their behalf.

SECTION 100. 301.26 (title) of the statutes is amended to read:

301.26 (title) ~~Community youth and family aids~~ Juvenile correctional services; state services.

SECTION 101. 301.26 (1) of the statutes is amended to read:

301.26 (1) PROCEDURES. The department shall develop procedures for the implementation of this section and standards for the development and delivery of juvenile delinquency-related services under ch. 938 correctional services, and shall provide consultation and technical assistance to aid counties in the implementation and service delivery of those services. The department shall establish information systems, and monitoring and evaluation procedures to report periodically to the governor and legislature on the state statewide impact of this section.

SECTION 102. 301.26 (2) of the statutes is renumbered 48.526 (2) and amended to read:

48.526 (2) RECEIPT OF FUNDS. (a) All funds to counties under this section shall be allocated to county departments under ss. ~~46.21, 46.215, 46.22 and 46.23~~ subject to ss. ~~46.495 (2) and 301.031, except that monthly advance payments to the counties~~

may be less than one-twelfth of the contracted amounts 48.569 (2) and 49.325. No reimbursement may be made to any multicounty department until the counties ~~which~~ that established the department have drawn up a detailed contractual agreement, approved by the secretary, setting forth the plans for joint sponsorship.

(b) Uniform fees collected or received by counties under s. ~~301.03 (18)~~ 49.32 (1) for services provided under this section shall be applied to cover the cost of the services.

(c) All funds to counties under this section shall be used to purchase or provide community-based juvenile delinquency-related services under ch. 938, as defined in s. 46.011 (1c), and juvenile correctional services, as defined in s. 46.011 (1p), except that no funds to counties under this section may be used for purposes of land purchase, building construction, or maintenance of buildings under s. 46.17, 46.175, or 301.37, for reimbursement of costs under s. 938.209, for city lockups, or for reimbursement of care costs in temporary shelter care under s. 938.22. Funds to counties under this section may be used for reimbursement of costs of program services, other than basic care and supervision costs, in juvenile detention facilities.

SECTION 103. 301.26 (2m) of the statutes is renumbered 48.526 (2m) and amended to read:

48.526 **(2m)** PUBLIC PARTICIPATION PROCESS. In determining the use of funds under this section, county departments under ss. ~~46.21, 46.215~~, 46.22 and 46.23 shall assess needs using an open public participation process ~~which~~ that involves representatives of those receiving services.

SECTION 104. 301.26 (3) (title) of the statutes is renumbered 48.526 (3) (title).

SECTION 105. 301.26 (3) (a) of the statutes is renumbered 48.526 (3) (a) and amended to read:

48.526 (3) (a) Receipt of funds under this subsection is contingent upon use of ~~a~~ the public participation process required under sub. (2m).

SECTION 106. 301.26 (3) (c) of the statutes is renumbered 48.526 (3) (c) and amended to read:

48.526 (3) (c) Within the limits of the appropriations under s. ~~20.410 (3) (ed)~~ and ~~(ke)~~ 20.437 (1) (cj) and (o), the department shall allocate funds to each county for services under this section.

SECTION 107. 301.26 (3) (dm) of the statutes is renumbered 48.526 (3) (dm).

SECTION 108. 301.26 (3) (e) of the statutes is renumbered 48.526 (3) (e) and amended to read:

48.526 (3) (e) The department may carry forward \$500,000 or 10% of its funds allocated under this subsection and not encumbered or carried forward under par. (dm) by counties by December 31, whichever is greater, to the next 2 calendar years. The department may transfer moneys from or within s. ~~20.410 (3) (ed)~~ 20.437 (1) (cj) to accomplish this purpose. The department may allocate these transferred moneys to counties with persistently high rates of juvenile arrests for serious offenses during the next 2 calendar years to improve community-based juvenile delinquency-related services, as defined in s. 46.011 (1c). The allocation does not affect a county's base allocation.

SECTION 109. 301.26 (3) (em) of the statutes is renumbered 48.526 (3) (em) and amended to read:

48.526 (3) (em) The department may carry forward any emergency funds allocated under sub. (7) (e) and not encumbered or carried forward under par. (dm) by December 31 to the next 2 calendar years. The department may transfer moneys from or within s. ~~20.410 (3) (ed)~~ 20.437 (1) (cj) to accomplish this purpose. The

department may allocate these transferred moneys to counties that are eligible for emergency payments under sub. (7) (e). The allocation does not affect a county's base allocation.

SECTION 110. 301.26 (4) (a) of the statutes is amended to read:

301.26 (4) (a) Except as provided in pars. (c) and (cm), the department of corrections shall bill counties, or the department of children and families shall deduct from the allocations under s. ~~20.410 (3) (ed)~~ 20.437 (1) (cj), for the costs of care, services, and supplies purchased or provided by the department of corrections for each person receiving services under s. 938.183 or 938.34 or the department of health services for each person receiving services under s. 46.057 or 51.35 (3). The department of corrections may not bill a county ~~for or~~, and the department of children and families may not deduct from a county's allocation, for the cost of care, services, and supplies provided to a person subject to an order under s. 938.183 after the person reaches 18 years of age. Payment shall be due within 60 days after the billing date. If any payment has not been received within those 60 days, the department of ~~corrections~~ children and families may withhold aid payments in the amount due from the appropriation under s. ~~20.410 (3) (ed)~~ 20.437 (1) (cj).

SECTION 111. 301.26 (4) (b) of the statutes is amended to read:

301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on the basis of the per person per day cost estimate specified in par. (d) 2., 3., and 4. Except as provided in pars. (bm), (c), and (cm), liability shall apply to county departments under s. ~~46.21~~, 46.215, 46.22, or 46.23 in the county of the court exercising jurisdiction under ch. 938 for each person receiving services from the department of corrections under s. 938.183 or 938.34 or the department of health services under s. 46.057 or 51.35 (3). Except as provided in pars. (bm), (c), and (cm),

in multicounty court jurisdictions, the county of residency within the jurisdiction shall be liable for costs under this subsection. Assessment of costs under par. (a) shall also be made according to the general placement type or level of care provided, as defined by the department, and prorated according to the ratio of the amount designated under ~~sub. s. 48.526~~ (3) (c) to the total applicable estimated costs of care, services, and supplies provided by the department of corrections under ss. 938.183 and 938.34 and the department of health services under s. 46.057 or 51.35 (3).

SECTION 112. 301.26 (4) (bm) of the statutes is amended to read:

301.26 (4) (bm) Notwithstanding par. (b), the county department under s. ~~46.21~~, 46.215, ~~46.22~~, or 46.23 of the county of residency of a juvenile who has been adjudicated delinquent by a court of another county or by a court of another multicounty jurisdiction may voluntarily assume liability for the costs payable under par. (a). A county department may assume liability under this paragraph by a written agreement signed by the director of the county department that assumes liability under this paragraph and the director of the county department that is otherwise liable under par. (b).

SECTION 113. 301.26 (6) (title) of the statutes is renumbered 48.526 (6) (title).

SECTION 114. 301.26 (6) (a) of the statutes is renumbered 48.526 (6) (a) and amended to read:

48.526 (6) (a) ~~The intent of this subsection is to~~ department shall develop criteria as provided in par. (b) to assist the legislature in allocating funding, excluding funding for base allocations, from the appropriations under s. ~~20.410 (3) (ed) and (ke)~~ 20.437 (1) (cj) and (o) for purposes described in this section.

SECTION 115. 301.26 (6) (b) of the statutes is renumbered 48.526 (6) (b) and amended to read:

48.526 (6) (b) ~~The department shall submit recommendations to the joint committee on finance regarding criteria developed under par. (a) shall include performance standards criteria to be used to determine whether counties are successfully diverting juveniles from juvenile correctional institutions and into facilities to less restrictive community programs and are successfully rehabilitating children juveniles who are adjudged delinquent on or before December 31, 1987. Beginning on January 1, 1988, counties. Counties shall provide information requested by the department in order to apply the criteria and assess their performances.~~

SECTION 116. 301.26 (7) (intro.) of the statutes is amended to read:

301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability of the appropriations under s. 20.410 (3) (cd) and (ko), the department shall allocate funds for community youth and family aids for the period beginning on July 1, 2013 2015, and ending on June 30, 2015 2017, as provided in this subsection to county departments under ss. 46.215, 46.22, and 46.23 as follows:

SECTION 117. 301.26 (7) (intro.) of the statutes, as affected by 2015 Wisconsin Act (this act), is renumbered 48.526 (7) (intro.) and amended to read:

48.526 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability of the appropriations under s. ~~20.410 (3) (cd) and (ko)~~ 20.437 (1) (cj) and (o), the department shall allocate funds for community youth and family aids for the period beginning on July 1, 2015, and ending on June 30, 2017, as provided in this subsection to county departments under ss. 46.215, 46.22, and 46.23 as follows:

SECTION 118. 301.26 (7) (a) of the statutes is amended to read:

301.26 (7) (a) For community youth and family aids under this section, amounts not to exceed ~~\$45,478,000~~ \$45,572,100 for the last 6 months of 2013,

~~\$90,956,100~~ 2015, ~~\$91,150,200~~ for ~~2014~~ 2016, and ~~\$45,478,100~~ \$45,578,100 for the first 6 months of ~~2015~~ 2017.

SECTION 119. 301.26 (7) (a) of the statutes, as affected by 2015 Wisconsin Act (this act), is renumbered 48.526 (7) (a).

SECTION 120. 301.26 (7) (b) (intro.) of the statutes is amended to read:

301.26 (7) (b) (intro.) Of the amounts specified in par. (a), the department shall allocate \$2,000,000 for the last 6 months of ~~2013~~ 2015, \$4,000,000 for ~~2014~~ 2016, and \$2,000,000 for the first 6 months of ~~2015~~ 2017 to counties based on each of the following factors weighted equally:

SECTION 121. 301.26 (7) (b) of the statutes, as affected by 2015 Wisconsin Act (this act), is renumbered 48.526 (7) (b).

SECTION 122. 301.26 (7) (bm) of the statutes is amended to read:

301.26 (7) (bm) Of the amounts specified in par. (a), the department shall allocate \$6,250,000 for the last 6 months of ~~2013~~ 2015, \$12,500,000 for ~~2014~~ 2016, and \$6,250,000 for the first 6 months of ~~2015~~ 2017 to counties based on each county's proportion of the number of juveniles statewide who are placed in a juvenile correctional facility during the most recent 3-year period for which that information is available.

SECTION 123. 301.26 (7) (bm) of the statutes, as affected by 2015 Wisconsin Act (this act), is renumbered 48.526 (7) (bm).

SECTION 124. 301.26 (7) (c) of the statutes is amended to read:

301.26 (7) (c) Of the amounts specified in par. (a), the department shall allocate \$1,053,200 for the last 6 months of ~~2013~~ 2015, \$2,106,500 for ~~2014~~ 2016, and \$1,053,300 for the first 6 months of ~~2015~~ 2017 to counties based on each of the factors specified in par. (b) 1. to 3. weighted equally, except that no county may receive an

allocation under this paragraph that is less than 93% nor more than 115% of the amount that the county would have received under this paragraph if the allocation had been distributed only on the basis of the factor specified in par. (b) 3.

SECTION 125. 301.26 (7) (c) of the statutes, as affected by 2015 Wisconsin Act ... (this act), is renumbered 48.526 (7) (c).

SECTION 126. 301.26 (7) (e) of the statutes is amended to read:

301.26 (7) (e) For emergencies related to community youth and family aids under this section, amounts not to exceed \$125,000 for the last 6 months of ~~2013~~ 2015, \$250,000 for ~~2014~~ 2016, and \$125,000 for the first 6 months of ~~2015~~ 2017. A county is eligible for payments under this paragraph only if it has a population of not more than 45,000.

SECTION 127. 301.26 (7) (e) of the statutes, as affected by 2015 Wisconsin Act ... (this act), is renumbered 48.526 (7) (e).

SECTION 128. 301.26 (7) (h) of the statutes is amended to read:

301.26 (7) (h) For counties that are participating in the corrective sanctions program under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~2013~~ 2015, \$2,124,800 in ~~2014~~ 2016, and \$1,062,400 in the first 6 months of ~~2015~~ 2017 for the provision of corrective sanctions services for juveniles from that county. In distributing funds to counties under this paragraph, the department shall determine a county's distribution by dividing the amount allocated under this paragraph by the number of slots authorized for the program under s. 938.533 (2) and multiplying the quotient by the number of slots allocated to that county by agreement between the department and the county. The department may transfer funds among counties as necessary to distribute funds based on the number of slots allocated to each county.

SECTION 129. 301.26 (7) (h) of the statutes, as affected by 2015 Wisconsin Act ... (this act), is renumbered 48.526 (7) (h).

SECTION 130. 301.26 (8) of the statutes is amended to read:

301.26 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last 6 months of ~~2013~~ 2015, \$1,333,400 in ~~2014~~ 2016, and \$666,700 in the first 6 months of ~~2015~~ 2017 for alcohol and other drug abuse treatment programs.

SECTION 131. 301.26 (8) of the statutes, as affected by 2015 Wisconsin Act ... (this act), is renumbered 48.526 (8).

SECTION 132. 301.263 (title) of the statutes is renumbered 48.528 (title).

SECTION 133. 301.263 (1) of the statutes, as affected by 2015 Wisconsin Act ... (this act), is renumbered 48.528 (1) and amended to read:

48.528 (1) In each fiscal year, the department shall distribute the amount appropriated under s. ~~20.410 (3) (f)~~ 20.437 (1) (cm) to counties for early intervention services for first offenders and for intensive community-based intervention services for seriously chronic offenders.

***NOTE: This is reconciled s. 301.263 (1). This SECTION has been affected by drafts with the following LRB numbers: LRB-0216/P2 and LRB-0407/P2.

SECTION 134. 301.263 (2) of the statutes is renumbered 48.528 (2).

SECTION 135. 301.263 (3) of the statutes is renumbered 48.528 (3).

SECTION 136. 938.02 (4) of the statutes is amended to read:

938.02 (4) "Department" means the department of children and families, except that with respect to a juvenile who is being held in a juvenile detention facility or who is under the supervision of the department of corrections under s. 938.183,

938.34 (4h), (4m), or (4n) (a), or 938.357 (4), “department” means the department of corrections.

SECTION 137. 938.06 (4) of the statutes is amended to read:

938.06 (4) STATE AID. State aid to any county for juvenile delinquency-related court services under this section shall be at the same net effective rate that each county is reimbursed for county administration under s. 48.569, except as provided in s. ~~301.26~~ 48.526. Counties having a population of less than 750,000 may use funds received under ss. 48.569 (1) (d) and ~~301.26~~ 48.526, including county or federal revenue sharing funds allocated to match funds received under s. 48.569 (1) (d), for the cost of providing court attached intake services in amounts not to exceed 50 percent of the cost of providing court attached intake services or \$30,000 per county per calendar year, whichever is less.

SECTION 138. 938.48 (1) of the statutes is amended to read:

938.48 (1) ENFORCEMENT OF LAWS. Promote the enforcement of the laws relating to delinquent juveniles ~~and juveniles in need of protection or services~~ and take the initiative in all matters involving the interests of those juveniles when adequate provision for those matters is not made. This duty shall be discharged in cooperation with the courts, the department of children and families, county departments, licensed child welfare agencies, parents, and other individuals interested in the welfare of juveniles.

SECTION 139. 938.48 (8p) of the statutes is renumbered 48.48 (8r) and amended to read:

48.48 (8r) ~~INDIAN JUVENILE PLACEMENTS. Reimburse~~ To reimburse Indian tribes and county departments, from the appropriation under s. ~~20.410 (3)~~ 20.437 (1) (kp), for unexpected or unusually high-cost out-of-home care placements of Indian

juveniles children who have been adjudicated delinquent by tribal courts. In this subsection, “unusually high-cost out-of-home care placements” means the amount by which the cost to an Indian tribe or to a county department of out-of-home care placements of Indian juveniles children who have been adjudicated delinquent by tribal courts exceeds \$50,000 in a fiscal year.

SECTION 9108. Nonstatutory provisions; Corrections.

(1) TRANSFER OF YOUTH AIDS, COMMUNITY-BASED JUVENILE DELINQUENCY-RELATED SERVICES, AND SERVICES PROVIDED FOR JUVENILES IN NEED OF PROTECTION OR SERVICES.

(a) *Definitions.* In this section:

1. “Community-based juvenile delinquency-related services” has the meaning given in section 49.11 (1c) of the statutes, as created by this act.

2. “Youth aids” means community youth and family aids allocated under section 48.526 of the statutes, as affected by this act.

(b) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of corrections that are primarily related to the allocation of youth aids, the supervision of community-based juvenile delinquency-related services, or the supervision of services provided for juveniles in need of protection or services, as determined by the secretary of administration, shall become the assets and liabilities of the department of children and families.

(c) *Positions and employees.* On the effective date of this paragraph, all positions and all incumbent employees holding those positions in the department of corrections performing duties that are primarily related to the allocation of youth aids, the supervision of community-based juvenile delinquency-related services, or the supervision of services provided for juveniles in need of protection or services, as

determined by the secretary of administration, are transferred to the department of children and families.

(d) *Employee status.* Employees transferred under paragraph (c) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of children and families that they enjoyed in the department of corrections immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(e) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of corrections that is primarily related to the allocation of youth aids, the supervision of community-based juvenile delinquency-related services, or the supervision of services provided for juveniles in need of protection or services, as determined by the secretary of administration, is transferred to the department of children and families.

(f) *Pending matters.* Any matter pending with the department of corrections on the effective date of this paragraph that is primarily related to the allocation of youth aids, the supervision of community-based juvenile delinquency-related services, or the supervision of services provided for juveniles in need of protection or services, as determined by the secretary of administration, is transferred to the department of children and families. All materials submitted to or actions taken by the department of corrections with respect to the pending matter are considered as having been submitted to or taken by the department of children and families.

(g) *Contracts.* All contracts entered into by the department of corrections in effect on the effective date of this paragraph that are primarily related to the

allocation of youth aids, the supervision of community-based juvenile delinquency-related services, or the supervision of services provided for juveniles in need of protection or services, as determined by the secretary of administration, remain in effect and are transferred to the department of children and families. The department of children and families shall carry out any obligations under those contracts unless modified or rescinded by the department of children and families to the extent allowed under the contract.

(h) *Rules and orders.* All rules promulgated by the department of corrections in effect on the effective date of this paragraph that are primarily related to the allocation of youth aids, the supervision of community-based juvenile delinquency-related services, or the supervision of services provided for juveniles in need of protection or services, as determined by the secretary of administration, remain in effect until their specified expiration dates or until amended or repealed by the department of children and families. All orders issued by the department of corrections in effect on the effective date of this paragraph that are primarily related to the allocation of youth aids, the supervision of community-based juvenile delinquency-related services, or the supervision of services provided for juveniles in need of protection or services, as determined by the secretary of administration, remain in effect until their specified expiration dates or until modified or rescinded by the department of children and families.

SECTION 9408. Effective dates; Corrections.

(1) COMMUNITY-BASED JUVENILE DELINQUENCY-RELATED SERVICES. The treatment of sections 20.410 (3) (cd), (f), (ko), and (kp), 20.437 (1) (kz) and (o) (by SECTION 6), 20.505 (8) (hm) 21d., 46.011 (1) and (1c), 46.03 (18) (a) and (20) (a), 46.206 (1) (a) and (2), 46.215 (1) (d) and (2) (a) 1., 2., and 3. and (c) 1., 2., and 3., 46.22 (1) (b) 1. b., 2.

a. and c., and 5m. a. and c. and (e) 3. a., b., and c. and (2g) (d), 46.23 (5) (a) 1., 2., and 3., (c) 1., 2., and 3., and (n) 1., 2., and 3., (5m) (c), and (6) (a) (intro.), 48.47 (10), 48.48 (1), (4), and (8p), 48.526 (title) and (1), 48.569 (2) (a), 49.11 (1), 49.275, 49.32 (1) (a) and (b) and (2) (b), 49.325 (1) (a), (2), (2g) (a), (b), and (c), and (2r) (a) 1. and 2., 49.34 (1), (2), and (3) (f), 49.345 (1), (2), (8) (g), (14) (b), (e) 1. (by SECTION 69), and (g) and (16), 49.35 (1) (a) and (b) and (2), 49.45 (6m) (br) 1., 301.025 (by SECTION 77), 301.03 (9) (by SECTION 78), (9r), (10) (a) and (c), and (18) (a), (am), and (b), 301.031 (1) (a), (2), (2g) (a), (b), and (c), and (2r) (a) 1. and 2., 301.032 (title), (1) (a), (b), and (c), and (2), 301.07, 301.08 (2) (a), 301.085 (2), 301.26 (title), (1), (2), (2m), (3) (title), (a), (c), (dm), (e), and (em), (4) (a), (b), and (bm), and (6) (title), (a), and (b), 301.263 (title), (1), (2), and (3), 938.02 (4) (by SECTION 136), 938.06 (4), and 938.48 (1) and (8p) of the statutes, the renumbering and amendment of sections 301.26 (7) (intro.) and 301.263 (1) of the statutes, the renumbering of section 301.26 (7) (a), (b), (bm), (c), (e), and (h) and (8) of the statutes, the creation of sections 46.011 (1p), 49.11 (1c), and 301.01 (1n) of the statutes, and section 9108 (1) of this act take effect on January 1, 2016.

(END)