



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-1204/P4

MDE:cdc

DOA:.....Bork, BB0239 - Social security and child welfare

FOR 2025-2027 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Benefits eligibility screening

This bill directs DCF or a county department (the department) to periodically screen each child under the placement and care of the department in out-of-home care, other than children placed with kinship care providers receiving kinship care payments, to determine if the child is eligible for federal or state benefits (benefits). If the department finds that a child is eligible for benefits, the department must do all of the following:

1. Apply for the benefits for which the child is eligible on behalf of the child.
2. Ensure that the child, the child's guardian ad litem, and the child's parent, guardian, or Indian custodian receive proper and timely notice of any application for benefits, the results of an application for benefits, and any appeal of a denial of benefits that could be or is filed on behalf of the child.
3. Provide the child with training covering financial literacy and maintaining benefit eligibility prior to the child aging out of out-of-home care.

If the department is appointed as representative payee for a child receiving benefits under the bill, the department must conserve the child's benefits in protected accounts that avoid asset limitations for federal and state programs, consistent with the best interests of the child; provide a periodic accounting to the child, the child's attorney or guardian ad litem, and the child's parent, guardian, or Indian custodian regarding the conservation and use of the child's benefits while the child is in the department's care; and work with the child and the appropriate federal agency to return remaining funds to the child or another fiduciary once the child exits the department's care.

The department may contract with a public or private agency to fulfill the requirements of the bill. The department may not use benefits received on behalf of a child to pay for the costs of caring for the child in out-of-home care, but may use the child's federal benefits for the child's unmet needs beyond what the agency is obligated to, is required to, or has agreed to provide.

The bill requires DCF to promulgate rules to implement the bill and

BILL

authorizes DCF to promulgate emergency rules for the period before permanent rules take effect.

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. 48.49 of the statutes is created to read:

48.49 Benefits eligibility screening. (1) The department and each county department shall periodically screen each child under the placement and care of the department or county department under this chapter or ch. 938, other than children placed with kinship care providers receiving payments under s. 48.57 (3m) or (3n), to determine whether the child is eligible for federal or state benefits.

(2) If a child in out-of-home care is found to be eligible for federal or state benefits under sub. (1), the department or county department shall do all the following:

(a) Apply for the benefits on behalf of the child following the procedures established by the department by rule, unless doing so would be contrary to the best interest of the child.

(b) Ensure that the child, the child's attorney or guardian ad litem, and the child's parent, guardian, or Indian custodian receive proper and timely notice of any application for benefits, the results of an application for benefits, and any appeal of a denial of benefits that could be or is filed on behalf of the child.

(c) Provide the child with training covering financial literacy and maintaining benefit eligibility prior to the child aging out of out-of-home care.

(3) If the department or county department is appointed as representative

BILL**SECTION 1**

payee for a child in out-of-home care who receives benefits under sub. (2), the department or county department shall do all the following:

(a) Consistent with the best interests of the child, conserve the child's benefits in protected accounts that avoid asset limitations for federal and state programs.

(b) Provide a periodic accounting to the child, the child's attorney or guardian ad litem, and the child's parent, guardian, or Indian custodian regarding the conservation and use of the child's benefits while the child is in the department or county department's care.

(c) Work with the child and the appropriate federal agency to return remaining funds to the child or another fiduciary once the child exits out-of-home care.

(4) The department may take any necessary steps to facilitate statewide compliance with this section.

(5) The department or a county department may contract with a public or private agency to fulfill the requirements of this section. The department may contract with a public or private agency to fulfill the requirements of this section on behalf of a county department.

(6) State or federal benefits received by the department or a county department on behalf of a child may not be used by the department or a county department to pay for the costs of caring for the child in out-of-home care. The department or a county department may use the child's federal benefits for the child's unmet needs beyond what the agency is obligated to, is required to, or has agreed to provide as permitted by rules promulgated under sub. (7).

(7) The department shall promulgate rules to implement this section.

BILL**SECTION 9106****SECTION 9106. Nonstatutory provisions; Children and Families.****(1) BENEFITS ELIGIBILITY SCREENING; EMERGENCY RULE-MAKING AUTHORITY.**

The department of children and families may use the procedure under s. 227.24 to promulgate rules under s. 48.49 for the period before the effective date of any permanent rules promulgated under s. 48.49, notwithstanding s. 227.24 (1) (c). Notwithstanding s. 227.24 (1) (a) and (3), the department of children and families is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

SECTION 9406. Effective dates; Children and Families.

(1) BENEFITS ELIGIBILITY SCREENING. The treatment of s. 48.49 takes effect on July 1, 2027.

(END)