
Wisconsin Legislative Council

ACT MEMO



Prepared by: Melissa Schmidt, Principal Attorney

March 7, 2022

2021 Wisconsin Act 132
[2021 Senate Bill 491]

**Subsidized Guardianship
Payments**

BACKGROUND

Guardianship is one of three permanency options for a child in need of protection or services (CHIPS) who is placed in out-of-home care. The subsidized guardianship program provides monthly payments to an eligible permanent guardian. Subsidized guardianship payments may also be made to a successor guardian or interim caretaker of the child.

In general, subsidized guardianship payments are paid to eligible guardians by the county department, with the exception of Milwaukee County. In Milwaukee County, the payments are paid to eligible guardians by the Department of Children and Families (DCF) through the Division of Milwaukee Child Protective Services. Before a subsidized guardianship payment may be made, the county department, or DCF in Milwaukee County, must negotiate and enter into a written, binding subsidized guardianship agreement. The agreement must include certain terms and conditions specified under current law, such as the amount of the monthly subsidized guardianship payments and the manner in which those payments may be adjusted periodically.

Under prior law, a county department funded subsidized guardianship payments using Children and Family Aids funding and additional funding from county tax levies, federal and state revenue sharing funds, or private donations to the county.

2021 WISCONSIN ACT 132

2021 Wisconsin Act 132 requires DCF to reimburse county departments for the cost of subsidized guardianship payments, including guardianship payments of Indian children ordered by tribal courts.¹

Effective date: January 1, 2022

MS:ksm

¹ During deliberations on the 2021-23 biennial budget (2021 Wisconsin Act 58), the Joint Committee on Finance (JCF) voted to provide \$2,400,000 for fiscal year 2021-22 and \$5,200,000 for fiscal year 2022-23 in JCF's program supplemental appropriation to fund subsidized guardianship payments. DCF may request this supplemental funding from JCF under s. 13.101 (3), Stats.