



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4801/1
DAK/GMM/PJK:cjs&kg:jf

1999 SENATE BILL 504

March 23, 2000 – Introduced by LAW REVISION COMMITTEE. Referred to Committee on Human Services and Aging.

1 **AN ACT** *to repeal* 46.036 (5m) (b) 3., 46.70 (3) and 46.717; *to renumber* 48.357
2 (5m) and 938.357 (5m); *to renumber and amend* 48.30 (6), 48.31 (7), 48.363
3 (1), 938.30 (6), 938.31 (7) and 938.363 (1); *to consolidate, renumber and*
4 ***amend*** 46.70 (1) and (2); *to amend* 20.435 (3) (o), 20.435 (7) (o), 46.036 (5m)
5 (b) 1., 46.036 (5m) (b) 2., 46.10 (1), 46.10 (14) (e) 1., 48.363 (1m), 48.363 (2), 48.57
6 (3m) (am) 5., 48.57 (3n) (am) 5., 49.45 (3) (e) 4., 50.035 (3) (a), 50.04 (6) (c), 50.04
7 (6) (d), 50.04 (6) (e), 50.053, 252.17 (3) (b), 252.17 (4) (a), 301.12 (1), 301.12 (14)
8 (e) 1., 767.02 (1) (m), 767.30 (1), 767.305, 767.32 (1) (a), 767.32 (2r), 780.01 (5),
9 938.363 (1m) and 938.363 (2); and *to create* 48.30 (6) (c), 48.31 (7) (c), 48.355
10 (2) (b) 4m., 48.357 (5m) (b), 48.363 (1) (d), 48.75 (1g) (a) 5., 50.02 (2) (ag), 252.17
11 (4) (d), 252.17 (6) (c), 938.30 (6) (c), 938.31 (7) (c), 938.355 (2) (b) 4m., 938.357
12 (5m) (b) and 938.363 (1) (d) of the statutes; **relating to:** increasing the family
13 income that an individual may have to be eligible for the medical leave premium
14 subsidy program; changing the term “informal conference” to “case conference”

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1 for resolution of appeals of alleged violations by certain facilities; additional
2 medical assistance payments to a hospital that qualifies as a disproportionate
3 share hospital; the amounts of revenues in excess of allowable costs that may
4 be retained by nonprofit providers of rate-based services under contracts with
5 the department of health and family services or with certain county
6 departments; requiring the presence of a manager or his or her agent at certain
7 times in specifically classified community-based residential facilities; funding
8 for fiscal year 1993–94 for pilot alcohol and other drug abuse treatment
9 program for hearing-impaired individuals; funding for social services and
10 mental hygiene services for American Indians; the provision of financial
11 information by a parent of a child who is placed in substitute care; the licensing
12 of foster homes; the conditions that must be met for a person to receive kinship
13 care or long-term kinship care payments; and granting rule-making authority
14 (suggested as remedial legislation by the department of health and family
15 services).

Analysis by the Legislative Reference Bureau

Under current law, the department of health and family services (DHFS) pays the premiums for coverage under a group health plan for an individual who has HIV infection and who is on unpaid medical leave from his or her employment because of an illness or medical condition related to HIV infection. The individual must have coverage under the group health plan through his or her employment and the individual's family income may not exceed 200% of the federal poverty line. This bill changes the level of family income that an individual who is eligible for the program may have to 300% of the federal poverty line. If the individual's family income exceeds 200% of the federal poverty line, DHFS will pay only a portion of the individual's premium for the group health plan. DHFS must, by rule, establish a schedule for the amount of the premium that the individual must pay, taking into consideration both income and family size.

Currently, DHFS may hold informal conferences, prior to contested case hearings, to resolve issues related to alleged violations of licensure and other statutory requirements by nursing homes, community-based residential facilities,

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adult family homes and residential care apartment complexes. DHFS also is authorized to revoke a nursing home's license by issuing a conditional license, if DHFS finds that certain violations continue to exist in the nursing home. A nursing home may request an informal conference prior to issuance of the conditional license. This bill changes the term "informal conference" to "case conference".

Under current state law, DHFS may reimburse hospitals prospectively or retrospectively for providing services to recipients of medical assistance. For hospitals that DHFS reimburses retrospectively, total reimbursement during a hospital's fiscal year may not exceed the lower of the hospital's charges for the services or the actual and reasonable allowable costs to the hospital of providing the services. Under current federal law, a hospital that serves a high proportion of medical assistance recipients or low-income persons may qualify for increased medical assistance reimbursement as a "disproportionate share" hospital. This bill provides for increased medical assistance reimbursement for hospitals that are paid retrospectively under the medical assistance program and that qualify under federal requirements as "disproportionate share" hospitals.

Under current law, DHFS and county departments of social services, human services, developmental disabilities services and community programs contract with nonprofit agencies to provide rate-based services (services that are reimbursed through a prospectively set rate). The nonprofit service providers are authorized to retain limited amounts of revenues in excess of allowable costs that are incurred in the contract period. Amounts of revenue in excess of the limits must be returned to the purchaser upon request. The limits are specified under a two-part test. The first test caps the amount that is authorized to be retained at 5% of the contract amount. The second test caps accumulated reserves for all years at 10% of the amount of all current contracts for the rate-based service; if a provider has been able to retain excess revenue at this amount for four consecutive contract periods, the provider must apply 50% of that accumulated amount to reducing its unit rate of service per client for that rate-based service in the next contract period. Special provisions apply for excess revenues authorized to be retained in 1995. This bill changes the basis for calculating limits on amounts of revenues in excess of allowable costs that may be retained by nonprofit providers of rate-based services under contract with DHFS and county departments. Under the bill, the first limit is changed to cap the amount that a provider may retain at 5% of the revenue received under the contract, rather than 5% of the contract amount. The second limit is changed to cap an accumulated amount that a provider may retain at 10% of the revenue received under all current contracts for that rate-based service, rather than 10% of the amount of all current contracts. In addition, the bill eliminates the special provisions for excess revenues authorized to be retained in 1995.

Under current law, a community-based residential facility is defined to be a place where five or more adults reside who are unrelated to the operator or administrator and who do not require care above intermediate level nursing care. The residents may receive care, treatment or services above the level of room and board but that include no more than three hours of nursing care per week per resident. DHFS licenses and otherwise regulates community-based residential

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facilities. As part of that regulation, unless waived by DHFS, managers of “Class C” community-based residential facilities, or their agents, must be in the facility at any time that residents are. Managers of “Class A” or “Class B” community-based residential facilities must be in the facility from 7 p.m. to 7 a.m., when residents are in the facility, and must be available to residents from 7 a.m. to 7 p.m. The statutes refer to specified Wisconsin Administrative Code (rules) provisions for the definitions of “Class A”, “Class B” and “Class C” community-based residential facilities; however, the rules specify designations only for “Class A” and “Class C” community-based residential facilities. This bill eliminates reference to “Class B” community-based residential facilities in provisions that require the manager’s or his or her agent’s presence in the facility. The bill requires that DHFS define “Class A” and “Class C” community-based residential facilities by rule.

Under current law, DHFS receives federal block grant funding for substance abuse treatment and community mental health programs. DHFS was directed to distribute \$50,000 of that money to fund start-up costs for a pilot alcohol and other drug abuse treatment program for hearing-impaired individuals in fiscal year 1993-94. This bill eliminates the provision relating to the distribution of funding for those start-up costs for fiscal year 1993-94.

Under current law, DHFS provides funding to federally recognized tribal governing bodies to facilitate the delivery of social services and mental hygiene services by county departments of social services, county departments of community programs and county departments of developmental disabilities services. Current law includes ceilings for this funding for fiscal years 1991-92 and 1992-93. The provisions relating to this funding also condition its disbursement on DHFS approval of an application submitted by the tribal governing body and on the tribal governing body complying with certain accounting and reporting requirements. Current law, however, also permits DHFS to consolidate these funds with other funding appropriated for tribes for health and social services, without directly imposing such conditions on its disbursement. Finally, DHFS funds this program exclusively through general purpose revenues, while current law indicates that DHFS may use certain money from federal grants to fund it. This bill eliminates references to funding for this program which were applicable only to fiscal years 1991-92 and 1992-93. It also eliminates procedural requirements relating to the funding while maintaining DHFS’ authority to consolidate and distribute it with other tribal health and social service funding. Finally, it eliminates cross-references between provisions relating to this program and certain appropriations provisions relating to federal grants.

Under current law, if it appears to the court assigned to exercise jurisdiction under the children’s code and juvenile justice code (juvenile court) that the juvenile court’s disposition of the case of a child or juvenile who is alleged to be in need of protection or services or of a juvenile who is alleged to be delinquent may include placement of the child or juvenile outside of his or her home, the juvenile court must order the parent of the child or juvenile to provide a statement of income, assets, debts and living expenses to the juvenile court or to the county department of human services or social services (county department), DHFS, the department of corrections

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(DOC) or the child welfare agency (collectively “agency”) designated to provide a dispositional report to the juvenile court. Similarly, if a proposed change in placement of a child or juvenile who is subject to a dispositional order would change the placement of the child or juvenile from a placement in his or her home to a placement outside of his or her home or if a proposed revision of a dispositional order would change the amount of child support to be paid by a parent, the juvenile court must order the parent of the child or juvenile to provide such a statement to the juvenile court or to the person or agency that is primarily responsible for implementing the dispositional order. This bill provides that, if the juvenile court orders the parent of a child or juvenile to provide a statement of income, assets, debts and living expenses to the juvenile court, or orders the parent to provide such a statement to the agency designated to provide a dispositional report to the juvenile court or to the agency that is primarily responsible for implementing the juvenile court’s dispositional order and that agency is not the county department or, in the case of a child in need of protection or services in Milwaukee County, DHFS, the juvenile court must also order the parent to provide such a statement to the county department or, in the case of a child in need of protection or services in Milwaukee County, DHFS. The county department or DHFS must use the information provided in the statement to determine whether DHFS or DOC may claim federal foster care and adoption assistance reimbursement under Title IV-E of the federal Social Security Act for the cost of providing care for the child.

Under current law, the county department of human services or social services or, in a county having a population of 500,000 or more, DHFS (public licensing agency) ordinarily may license a foster home only if the foster home is located in the county of the public licensing agency. A public licensing agency may, however, license a foster home located in another county if certain exceptions apply. This bill permits a public licensing agency to license a foster home located in another county on the request of the public licensing agency of the county in which the prospective foster home is located.

Under current law, certain relatives of a child who provide care and maintenance for the child are eligible for payments in the amount of \$215 per month if certain conditions are met (kinship care relatives and long-term kinship care relatives). Those conditions include the condition that the kinship care relative or long-term kinship care relative cooperate with the county department of human services or social services (county department) or, in a county having a population of 500,000 or more, DHFS in the application process, including applying for other forms of assistance for which the kinship care relative or long-term kinship care relative may be eligible. This bill changes that condition to require the kinship care relative or long-term kinship care relative to cooperate with the county department or DHFS, including applying for other forms of assistance for which the *child* may be eligible.

For further information, see the NOTE provided by the law revision committee of the joint legislative council.

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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:

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of health and family services and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

This bill makes a number of minor substantive and remedial changes in statutes within the purview of the department of health and family services (DHFS). It includes:

1. Changing the eligibility level of family income for the medical leave premium subsidy program from 200% to 300% of the federal poverty line and permitting the DHFS by rule, to establish a schedule of the amount of the premium subsidy if the individual's family income exceeds 200% of the federal poverty line.

2. Changing references to the term "informal conference" to "case conference" for appeals of alleged violations by nursing homes, community-based residential facilities, adult family homes and residential care apartment complexes.

3. Providing for increased Medical Assistance reimbursement for hospitals that are paid retrospectively under the Medical Assistance program and that qualify under federal requirements as "disproportionate share" hospitals which serve a high proportion of Medical Assistance recipients or low-income persons.

4. Changing the basis for calculating limits on the amounts of revenues that may be retained by nonprofit providers of rate-based services under contract with the DHFS and county agencies.

5. Eliminating references to Class B community-based residential facilities in provisions that require the manager or his or her agent to be present in the facility and requires that DHFS define "Class A" and "Class C" community-based residential facilities by rule.

6. Repealing a provision relating to the distribution of alcohol and drug abuse treatment program funds in fiscal year 1993-94.

7. Eliminating references to funding for social services and mental hygiene services for American Indian tribes that were applicable only for fiscal years 1991-92 and 1993-94, eliminating procedural requirements relating to the funding and eliminating cross-references between provisions relating to that program and appropriation provisions relating to federal grants.

8. Providing that where a juvenile court has ordered the parent of a child or juvenile to provide a statement of income, assets, debts and living expenses to the court or orders a parent to provide such a statement to an agency that will provide a dispositional report to a juvenile court or that is responsible for implementing the dispositional order, the court must order the parent to provide such a statement to a county department of social services or the DHFS. The DHFS or agency must use the information in the statement to determine whether the DHFS or the department of corrections may claim reimbursement under certain programs for the costs of providing care to the child.

9. Permitting a public licensing agency to license a foster home located in another county upon the request of another licensing agency of the county in which the prospective foster home is located.

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10. Changing kinship care laws to require the kinship care relative or long-term kinship care relative to cooperate with the county agency or DHFS, including applying for other forms of assistance for which a child in kinship care may be eligible.

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

2 20.435 (3) (o) *Community aids; prevention activities.* All federal moneys
3 received under 42 USC 300x-21 to 300x-35 in amounts pursuant to allocation plans
4 developed by the department of health and family services for the provision or
5 purchase of services authorized under sub. (7) (b) ~~and s. 46.70~~ for distribution under
6 s. 46.40 (2m) (a) for prevention related activities.

7 **SECTION 2.** 20.435 (7) (o) of the statutes is amended to read:

8 20.435 (7) (o) *Federal aid; community aids.* All federal moneys received in
9 amounts pursuant to allocation plans developed by the department for the provision
10 or purchase of services authorized under par. (b) ~~and s. 46.70~~; all federal moneys
11 received as child welfare funds under 42 USC 620 to 626 as limited under s. 48.985;
12 all moneys transferred under 1997 Wisconsin Act 237, section 9222 (3), from the
13 appropriation account under par. (md); and all unanticipated federal social services
14 block grant funds received under 42 USC 1397 to 1397e, in accordance with s. 46.49
15 (2), for distribution under s. 46.40. Disbursements from this appropriation may be
16 made directly to counties for social and mental hygiene services under s. 46.03 (20)
17 (b) or 46.031 or directly to counties in accordance with federal requirements for the
18 disbursal of federal funds.

19 **SECTION 3.** 46.036 (5m) (b) 1. of the statutes is amended to read:

20 46.036 (5m) (b) 1. Subject to ~~subds. 2. and 3.~~ subd. 2., if revenue under a
21 contract for the provision of a rate-based service exceeds allowable costs incurred in
22 the contract period, the provider may retain from the surplus generated by that
23 rate-based service up to 5% of the revenue received under the contract amount. A

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1 provider that retains a surplus under this subdivision shall use that retained surplus
2 to cover a deficit between revenue and allowable costs incurred in any preceding or
3 future contract period for the same rate-based service that generated the surplus or
4 to address the programmatic needs of clients served by the same rate-based service
5 that generated the surplus.

6 **SECTION 4.** 46.036 (5m) (b) 2. of the statutes is amended to read:

7 46.036 (5m) (b) 2. ~~Subject to subd. 3.,~~ a A provider may accumulate funds from
8 more than one contract period under this paragraph, except that, if at the end of a
9 contract period the amount accumulated from all contract periods for a rate-based
10 service exceeds 10% of the ~~amount of~~ revenue received under all current contracts
11 for that rate-based service, the provider shall, at the request of a purchaser, return
12 to that purchaser the purchaser's proportional share of that excess and use any of
13 that excess that is not returned to a purchaser to reduce the provider's unit rate per
14 client for that rate-based service in the next contract period. If a provider has held
15 for 4 consecutive contract periods an accumulated reserve for a rate-based service
16 that is equal to or exceeds 10% of the ~~amount of~~ revenue received under all current
17 contracts for that rate-based service, the provider shall apply 50% of that
18 accumulated amount to reducing its unit rate per client for that rate-based service
19 in the next contract period.

20 **SECTION 5.** 46.036 (5m) (b) 3. of the statutes is repealed.

21 **SECTION 6.** 46.10 (1) of the statutes is amended to read:

22 46.10 (1) Liability and the collection and enforcement of such liability for the
23 care, maintenance, services and supplies specified in this section is governed
24 exclusively by this section, except in cases of child support ordered by a court under
25 s. 48.355 (2) (b) 4., 48.357 (5m) (a) or 48.363 (2) or ch. 767.

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1 **SECTION 7.** 46.10 (14) (e) 1. of the statutes is amended to read:

2 46.10 (14) (e) 1. An order issued under s. 48.355 (2) (b) 4., 48.357 (5m) (a) or
3 48.363 (2) for support determined under this subsection constitutes an assignment
4 of all commissions, earnings, salaries, wages, pension benefits, benefits under ch.
5 102 or 108 and other money due or to be due in the future to the county department
6 under s. 46.22 or 46.23 in the county where the order was entered or to the
7 department, depending upon the placement of the child as specified by rules
8 promulgated under subd. 5. The assignment shall be for an amount sufficient to
9 ensure payment under the order.

10 **SECTION 8.** 46.70 (1) and (2) of the statutes, as affected by 1999 Wisconsin Act
11 9, are consolidated, renumbered 46.70 and amended to read:

12 **46.70 Delivery of services to American Indians.** To facilitate the delivery
13 of accessible, available and culturally appropriate social services and mental
14 hygiene services to American Indians by county departments under s. 46.215, 46.22,
15 51.42 or 51.437, the department may fund federally recognized tribal governing
16 bodies. ~~(2) From the appropriations in this state from the appropriation under s.~~
17 ~~20.435 (7) (kL) and (o), the department may make available to any of the 11 federally~~
18 ~~recognized tribal governing bodies in this state funds for the purposes stated in sub.~~
19 ~~(1). Beginning July 1, 1991, and ending September 30, 1991, the department may~~
20 ~~award to each tribal governing body up to \$6,800. Beginning October 1, 1991, and~~
21 ~~ending September 30, 1992, the department may award to each tribal governing~~
22 ~~body up to \$27,200. Beginning October 1, 1992, and ending June 30, 1993, the~~
23 ~~department may award to each tribal governing body up to \$20,400. Receipt of funds~~
24 ~~is contingent upon department approval of an application submitted by a tribal~~
25 ~~governing body. The department may partially approve any application and provide~~

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1 ~~only part of the funds requested. Each application shall contain a plan for~~
2 ~~expenditure of funds, consistent with the purposes stated in sub. (1).~~

3 **SECTION 9.** 46.70 (3) of the statutes is repealed.

4 **SECTION 10.** 46.717 of the statutes is repealed.

5 **SECTION 11.** 48.30 (6) of the statutes is renumbered 48.30 (6) (a) and amended
6 to read:

7 48.30 (6) (a) If a petition is not contested, the court shall set a date for the
8 dispositional hearing which allows reasonable time for the parties to prepare but is
9 no more than 10 days after the plea hearing for a child who is held in secure custody
10 and no more than 30 days after the plea hearing for a child or an expectant mother
11 who is not held in secure custody. If all parties consent the court may proceed
12 immediately with the dispositional hearing.

13 (b) If it appears to the court that disposition of the case may include placement
14 of the child outside the child's home, the court shall order the child's parent to provide
15 a statement of income, assets, debts and living expenses to the court or the
16 designated agency under s. 48.33 (1) at least 5 days before the scheduled date of the
17 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
18 provide, without charge, to any parent ordered to provide a statement of income,
19 assets, debts and living expenses a document setting forth the percentage standard
20 established by the department of workforce development under s. 49.22 (9) and the
21 manner of its application established by the department of health and family
22 services under s. 46.247 and listing the factors that a court may consider under s.
23 46.10 (14) (c). ~~If all parties consent the court may proceed immediately with the~~
24 ~~dispositional hearing.~~

25 **SECTION 12.** 48.30 (6) (c) of the statutes is created to read:

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1 48.30 (6) (c) If the court orders the child's parent to provide a statement of
2 income, assets, debts and living expenses to the court or if the court orders the child's
3 parent to provide that statement to the designated agency under s. 48.33 (1) and that
4 designated agency is not the county department or, in a county having a population
5 of 500,000 or more, the department, the court shall also order the child's parent to
6 provide that statement to the county department or, in a county having a population
7 of 500,000 or more, the department at least 5 days before the scheduled date of the
8 dispositional hearing or as otherwise ordered by the court. The county department
9 or, in a county having a population of 500,000 or more, the department shall provide,
10 without charge, to the parent a form on which to provide that statement, and the
11 parent shall provide that statement on that form. The county department or, in a
12 county having a population of 500,000 or more, the department shall use the
13 information provided in the statement to determine whether the department may
14 claim federal foster care and adoption assistance reimbursement under 42 USC 670
15 to 679a for the cost of providing care for the child.

16 **SECTION 13.** 48.31 (7) of the statutes is renumbered 48.31 (7) (a) and amended
17 to read:

18 48.31 (7) (a) At the close of the fact-finding hearing, the court shall set a date
19 for the dispositional hearing which allows a reasonable time for the parties to
20 prepare but is no more than 10 days after the fact-finding hearing for a child in
21 secure custody and no more than 30 days after the fact-finding hearing for a child
22 or expectant mother who is not held in secure custody. If all parties consent, the court
23 may immediately proceed with a dispositional hearing.

24 (b) If it appears to the court that disposition of the case may include placement
25 of the child outside the child's home, the court shall order the child's parent to provide

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1 a statement of income, assets, debts and living expenses to the court or the
2 designated agency under s. 48.33 (1) at least 5 days before the scheduled date of the
3 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
4 provide, without charge, to any parent ordered to provide a statement of income,
5 assets, debts and living expenses a document setting forth the percentage standard
6 established by the department of workforce development under s. 49.22 (9) and the
7 manner of its application established by the department of health and family
8 services under s. 46.247 and listing the factors that a court may consider under s.
9 46.10 (14) (c). ~~If all parties consent, the court may immediately proceed with a~~
10 ~~dispositional hearing.~~

11 **SECTION 14.** 48.31 (7) (c) of the statutes is created to read:

12 48.31 (7) (c) If the court orders the child's parent to provide a statement of
13 income, assets, debts and living expenses to the court or if the court orders the child's
14 parent to provide that statement to the designated agency under s. 48.33 (1) and that
15 designated agency is not the county department or, in a county having a population
16 of 500,000 or more, the department, the court shall also order the child's parent to
17 provide that statement to the county department or, in a county having a population
18 of 500,000 or more, the department at least 5 days before the scheduled date of the
19 dispositional hearing or as otherwise ordered by the court. The county department
20 or, in a county having a population of 500,000 or more, the department shall provide,
21 without charge, to the parent a form on which to provide that statement, and the
22 parent shall provide that statement on that form. The county department or, in a
23 county having a population of 500,000 or more, the department shall use the
24 information provided in the statement to determine whether the department may

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1 claim federal foster care and adoption assistance reimbursement under 42 USC 670
2 to 679a for the cost of providing care for the child.

3 **SECTION 15.** 48.355 (2) (b) 4m. of the statutes is created to read:

4 48.355 (2) (b) 4m. If the child is placed outside the home and if the child's parent
5 has not already provided a statement of income, assets, debts and living expenses to
6 the county department or, in a county having a population of 500,000 or more, the
7 department under s. 48.30 (6) (b) or (c) or 48.31 (7) (b) or (c), an order for the parent
8 to provide that statement to the county department or, in a county having a
9 population of 500,000 or more, department by a date specified by the court. The
10 county department or, in a county having a population of 500,000 or more, the
11 department shall provide, without charge, to the parent a form on which to provide
12 that statement, and the parent shall provide that statement on that form. The
13 county department or, in a county having a population of 500,000 or more, the
14 department shall use the information provided in the statement to determine
15 whether the department may claim federal foster care and adoption assistance
16 reimbursement under 42 USC 670 to 679a for the cost of providing care for the child.

17 **SECTION 16.** 48.357 (5m) of the statutes is renumbered 48.357 (5m) (a).

18 **SECTION 17.** 48.357 (5m) (b) of the statutes is created to read:

19 48.357 (5m) (b) If the court orders the child's parent to provide a statement of
20 income, assets, debts and living expenses to the court or if the court orders the child's
21 parent to provide that statement to the person or agency primarily responsible for
22 implementing the dispositional order and that person or agency is not the county
23 department or, in a county having a population of 500,000 or more, the department,
24 the court shall also order the child's parent to provide that statement to the county
25 department or, in a county having a population of 500,000 or more, the department

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1 by a date specified by the court. The county department or, in a county having a
2 population of 500,000 or more, the department shall provide, without charge, to the
3 parent a form on which to provide that statement, and the parent shall provide that
4 statement on that form. The county department or, in a county having a population
5 of 500,000 or more, the department shall use the information provided in the
6 statement to determine whether the department may claim federal foster care and
7 adoption assistance reimbursement under 42 USC 670 to 679a for the cost of
8 providing care for the child.

9 **SECTION 18.** 48.363 (1) of the statutes is renumbered 48.363 (1) (a) and
10 amended to read:

11 48.363 (1) (a) A child, the child's parent, guardian or legal custodian, an
12 expectant mother, an unborn child by the unborn child's guardian ad litem, any
13 person or agency bound by a dispositional order or the district attorney or
14 corporation counsel in the county in which the dispositional order was entered may
15 request a revision in the order that does not involve a change in placement, including
16 a revision with respect to the amount of child support to be paid by a parent, or the
17 court may on its own motion propose such a revision. The request or court proposal
18 shall set forth in detail the nature of the proposed revision and what new information
19 is available that affects the advisability of the court's disposition. The request or
20 court proposal shall be submitted to the court. The court shall hold a hearing on the
21 matter prior to any revision of the dispositional order if the request or court proposal
22 indicates that new information is available which affects the advisability of the
23 court's dispositional order and ~~prior to any revision of the dispositional order~~, unless
24 written waivers of objections to the revision are signed by all parties entitled to
25 receive notice and the court approves.

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1 **(b)** If a hearing is held, the court shall notify the child, the child's parent,
2 guardian and legal custodian, all parties bound by the dispositional order, the child's
3 foster parent, treatment foster parent or other physical custodian described in s.
4 48.62 (2), the district attorney or corporation counsel in the county in which the
5 dispositional order was entered, and, if the child is the expectant mother of an unborn
6 child under s. 48.133, the unborn child by the unborn child's guardian ad litem; or
7 shall notify the adult expectant mother, the unborn child through the unborn child's
8 guardian ad litem, all parties bound by the dispositional order and the district
9 attorney or corporation counsel in the county in which the dispositional order was
10 entered, at least 3 days prior to the hearing. A copy of the request or proposal shall
11 be attached to the notice. If all parties consent, the court may proceed immediately
12 with the hearing. No revision may extend the effective period of the original order.

13 **(c)** If the proposed revision is for a change in the amount of child support to be
14 paid by a parent, the court shall order the child's parent to provide a statement of
15 income, assets, debts and living expenses to the court and the person or agency
16 primarily responsible for implementing the dispositional order by a date specified by
17 the court. The clerk of court shall provide, without charge, to any parent ordered to
18 provide a statement of income, assets, debts and living expenses a document setting
19 forth the percentage standard established by the department of workforce
20 development under s. 49.22 (9) and the manner of its application established by the
21 department of health and family services under s. 46.247 and listing the factors that
22 a court may consider under s. 46.10 (14) (c). ~~If all parties consent, the court may~~
23 ~~proceed immediately with the hearing. No revision may extend the effective period~~
24 ~~of the original order.~~

25 **SECTION 19.** 48.363 (1) (d) of the statutes is created to read:

SENATE BILL 504**SECTION 19**

1 48.363 (1) (d) If the court orders the child’s parent to provide a statement of
2 income, assets, debts and living expenses to the court or if the court orders the child’s
3 parent to provide that statement to the person or agency primarily responsible for
4 implementing the dispositional order and that person or agency is not the county
5 department or, in a county having a population of 500,000 or more, the department,
6 the court shall also order the child’s parent to provide that statement to the county
7 department or, in a county having a population of 500,000 or more, the department
8 by a date specified by the court. The county department or, in a county having a
9 population of 500,000 or more, the department shall provide, without charge, to the
10 parent a form on which to provide that statement, and the parent shall provide that
11 statement on that form. The county department or, in a county having a population
12 of 500,000 or more, the department shall use the information provided in the
13 statement to determine whether the department may claim federal foster care and
14 adoption assistance reimbursement under 42 USC 670 to 679a for the cost of
15 providing care for the child.

16 **SECTION 20.** 48.363 (1m) of the statutes is amended to read:

17 48.363 (1m) If a hearing is held under sub. (1) (a), any party may present
18 evidence relevant to the issue of revision of the dispositional order. In addition, the
19 court shall give a foster parent, treatment foster parent or other physical custodian
20 described in s. 48.62 (2) of the child an opportunity to be heard at the hearing by
21 permitting the foster parent, treatment foster parent or other physical custodian to
22 make a written or oral statement during the hearing, or to submit a written
23 statement prior to the hearing, relevant to the issue of revision. Any written or oral
24 statement made under this subsection shall be made under oath or affirmation. A
25 foster parent, treatment foster parent or other physical custodian described in s.

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1 48.62 (2) who receives notice of a hearing under sub. (1) (a) and an opportunity to be
2 heard under this subsection does not become a party to the proceeding on which the
3 hearing is held solely on the basis of receiving that notice and opportunity to be
4 heard.

5 **SECTION 21.** 48.363 (2) of the statutes is amended to read:

6 48.363 (2) If the court revises a dispositional order ~~under sub. (1)~~ with respect
7 to the amount of child support to be paid by a parent for the care and maintenance
8 of the parent's minor child who has been placed by a court order under this chapter
9 in a residential, nonmedical facility, the court shall determine the liability of the
10 parent in the manner provided in s. 46.10 (14).

11 **SECTION 22.** 48.57 (3m) (am) 5. of the statutes is amended to read:

12 48.57 (3m) (am) 5. The kinship care relative cooperates with the county
13 department or department in the application process, including applying for other
14 forms of assistance for which the ~~kinship care relative~~ child may be eligible.

15 **SECTION 23.** 48.57 (3n) (am) 5. of the statutes is amended to read:

16 48.57 (3n) (am) 5. The long-term kinship care relative cooperates with the
17 county department or department in the application process, including applying for
18 other forms of assistance for which the ~~long-term kinship care relative~~ child may be
19 eligible.

20 **SECTION 24.** 48.75 (1g) (a) 5. of the statutes is created to read:

21 48.75 (1g) (a) 5. The public licensing agency of the county in which the
22 prospective foster home is located requests the public licensing agency of another
23 county to license the foster home.

24 **SECTION 25.** 49.45 (3) (e) 4. of the statutes is amended to read:

SENATE BILL 504**SECTION 25**

1 49.45 (3) (e) 4. If the department maintains a retrospective reimbursement
2 system under subd. 1. for specific provided services or commodities, total
3 reimbursement for allowable services, care or commodities provided recipients
4 during the hospital's fiscal year may not exceed the lower of the hospital's charges
5 for the services or the actual and reasonable allowable costs to the hospital of
6 providing the services, plus any disproportionate share funding that the hospital is
7 qualified to receive under 42 USC 1396r-4.

8 **SECTION 26.** 50.02 (2) (ag) of the statutes is created to read:

9 50.02 (2) (ag) The department shall, by rule, define "Class A" and "Class C"
10 community-based residential facilities for the purposes of s. 50.035 (3).

11 **SECTION 27.** 50.035 (3) (a) of the statutes is amended to read:

12 50.035 (3) (a) The person responsible for managing a Class C
13 community-based residential facility, or that person's agent, shall be present in the
14 facility at any time that residents are in the facility. The person responsible for
15 managing a Class A ~~or a Class B~~ community-based residential facility, or that
16 person's agent, shall be present in the facility from 7 p.m. to 7 a.m. when residents
17 are in the facility ~~and the person responsible for managing a Class B~~
18 ~~community-based residential facility, or that person's agent, shall be readily~~
19 ~~available to the residents of the facility from 7 a.m. to 7 p.m. In this subsection,~~
20 ~~"Class A, B and C community-based residential facilities" have the meanings~~
21 ~~provided in s. HSS 3.41 (1), Wis. adm. code.~~

22 **SECTION 28.** 50.04 (6) (c) of the statutes is amended to read:

23 50.04 (6) (c) *Notice.* Written notice of the decision to issue a conditional license
24 shall be sent to the facility together with the proposed plan of correction. The notice
25 shall inform the facility of its right to ~~an informal~~ a case conference prior to issuance

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1 of the conditional license under par. (d) and of its right to a full hearing under par.
2 (e).

3 **SECTION 29.** 50.04 (6) (d) of the statutes is amended to read:

4 50.04 (6) (d) *Informal Case conference.* If the facility desires to have an
5 ~~informal~~ a case conference it shall, within 4 working days of receipt of the notice
6 under par. (c), send a written request for ~~an informal~~ a case conference to the
7 department. The department shall, within 4 working days from the receipt of the
8 request, hold ~~an informal~~ a case conference in the county in which the facility is
9 located. Following this conference the department may affirm or overrule its
10 previous decision, or modify the terms of the conditional license and plan of
11 correction. The conditional license may be issued after the ~~informal~~ case conference,
12 or after the time for requesting an ~~informal~~ a case conference has expired, prior to
13 any further hearing.

14 **SECTION 30.** 50.04 (6) (e) of the statutes is amended to read:

15 50.04 (6) (e) *Hearing.* If after the ~~informal~~ case conference the licensee desires
16 to contest the basis for issuance of a conditional license, or the terms of the license
17 or plan of correction, the licensee shall send a written request for hearing to the
18 department within 4 working days after issuance of the conditional license. The
19 department shall hold the hearing within 30 days of receipt of such notice and shall
20 immediately notify the licensee of the date and location of the hearing.

21 **SECTION 31.** 50.053 of the statutes is amended to read:

22 **50.053 Informal Case conference.** The department may hold ~~an informal~~
23 a case conference with the parties to any contested action under this subchapter to
24 resolve any or all issues prior to formal hearing. Unless any party to the contested

SENATE BILL 504**SECTION 31**

1 case objects, the department may delay the commencement of the formal hearing in
2 order to hold the ~~informal~~ case conference.

3 **SECTION 32.** 252.17 (3) (b) of the statutes is amended to read:

4 252.17 (3) (b) Has a family income, as defined by rule under sub. (6), that does
5 not exceed ~~200%~~ 300% of the federal poverty line, as defined under 42 USC 9902 (2),
6 for a family the size of the individual's family.

7 **SECTION 33.** 252.17 (4) (a) of the statutes is amended to read:

8 252.17 (4) (a) Except as provided in pars. (b) ~~and~~, (c) and (d), if an individual
9 satisfies sub. (3), the department shall pay the amount of each premium payment for
10 coverage under the group health plan under sub. (3) (d) that is due from the
11 individual on or after the date on which the individual becomes eligible for a subsidy
12 under sub. (3). The department may not refuse to pay the full amount of the
13 individual's contribution to each premium payment because the coverage that is
14 provided to the individual who satisfies sub. (3) includes coverage of the individual's
15 spouse and dependents. Except as provided in par. (b), the department shall
16 terminate the payments under this section when the individual's unpaid medical
17 leave ends, when the individual no longer satisfies sub. (3) or upon the expiration of
18 29 months after the unpaid medical leave began, whichever occurs first.

19 **SECTION 34.** 252.17 (4) (d) of the statutes is created to read:

20 252.17 (4) (d) For an individual who satisfies sub. (3) and who has a family
21 income, as defined by rule under sub. (6) (a), that exceeds 200% but does not exceed
22 300% of the federal poverty line, as defined under 42 USC 9902 (2), for a family the
23 size of the individual's family, the department shall pay a portion of the amount of
24 each premium payment for the individual's coverage under the group health plan
25 under sub. (3) (d). The portion that the department pays shall be determined

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1 according to a schedule established by the department by rule under sub. (6) (c). The
2 department shall pay the portion of the premium determined according to the
3 schedule regardless of whether the individual's coverage under the group health
4 plan under sub. (3) (d) includes coverage of the individual's spouse and dependents.

5 **SECTION 35.** 252.17 (6) (c) of the statutes is created to read:

6 252.17 (6) (c) Establish a premium contribution schedule for individuals who
7 have a family income, as defined by rule under par. (a), that exceeds 200% but does
8 not exceed 300% of the federal poverty line, as defined under 42 USC 9902 (2), for
9 a family the size of the individual's family. In establishing the schedule under this
10 paragraph, the department shall take into consideration both income level and
11 family size.

12 **SECTION 36.** 301.12 (1) of the statutes is amended to read:

13 301.12 (1) Liability and the collection and enforcement of such liability for the
14 care, maintenance, services and supplies specified in this section is governed
15 exclusively by this section, except in cases of child support ordered by a court under
16 s. 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a) or 938.363 (2) or ch. 767.

17 **SECTION 37.** 301.12 (14) (e) 1. of the statutes is amended to read:

18 301.12 (14) (e) 1. An order issued under s. 938.183 (4), 938.355 (2) (b) 4., 938.357
19 (5m) (a) or 938.363 (2) for support determined under this subsection constitutes an
20 assignment of all commissions, earnings, salaries, wages, pension benefits, benefits
21 under ch. 102 or 108 and other money due or to be due in the future to the county
22 department under s. 46.215, 46.22 or 46.23 in the county where the order was entered
23 or to the department, depending upon the placement of the child as specified by rules
24 promulgated under subd. 5. The assignment shall be for an amount sufficient to
25 ensure payment under the order.

SENATE BILL 504**SECTION 38**

1 **SECTION 38.** 767.02 (1) (m) of the statutes is amended to read:

2 767.02 (1) (m) To enforce or revise an order for support entered under s. 48.355
3 (2) (b) 4., 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a)
4 or 938.363 (2).

5 **SECTION 39.** 767.30 (1) of the statutes is amended to read:

6 767.30 (1) If the court orders any payment for support under s. 48.355 (2) (b)
7 4., 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a) or
8 938.363 (2), support or maintenance under s. 767.08, child support, family support
9 or maintenance under s. 767.23, child support under s. 767.25, maintenance under
10 s. 767.26, family support under s. 767.261, attorney fees under s. 767.262, child
11 support or a child's health care expenses under s. 767.477, paternity obligations
12 under s. 767.458 (3), 767.51 or 767.62 (4), support arrearages under s. 767.293 or
13 child or spousal support under s. 948.22 (7), the court may provide that any payment
14 be paid in the amounts and at the times that-it considers expedient.

15 **SECTION 40.** 767.305 of the statutes is amended to read:

16 **767.305 Enforcement; contempt proceedings.** In all cases where a party
17 has incurred a financial obligation under s. 48.355 (2) (b) 4., 48.357 (5m) (a), 48.363
18 (2), 767.23, 767.25, 767.255, 767.26, 767.261, 767.262, 767.293, 767.458 (3), 767.477,
19 767.51, 767.62 (4), 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a) or 938.363 (2) and
20 has failed within a reasonable time or as ordered by the court to satisfy such
21 obligation, and where the wage assignment proceeding under s. 767.265 and the
22 account transfer under s. 767.267 are inapplicable, impractical or unfeasible, the
23 court may on its own initiative, and shall on the application of the receiving party,
24 issue an order requiring the payer to show cause at some reasonable time therein

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1 specified why he or she should not be punished for such misconduct as provided in
2 ch. 785.

3 **SECTION 41.** 767.32 (1) (a) of the statutes is amended to read:

4 767.32 (1) (a) After a judgment or order providing for child support under this
5 chapter or s. 48.355 (2) (b) 4., 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b)
6 4., 938.357 (5m) (a), 938.363 (2) or 948.22 (7), maintenance payments under s. 767.26
7 or family support payments under this chapter, or for the appointment of trustees
8 under s. 767.31, the court may, from time to time, on the petition, motion or order to
9 show cause of either of the parties, or upon the petition, motion or order to show cause
10 of the department, a county department under s. 46.215, 46.22 or 46.23 or a county
11 child support agency under s. 59.53 (5) if an assignment has been made under s.
12 46.261, 48.57 (3m) (b) 2. or (3n) (b) 2., 49.19 (4) (h) or 49.45 (19) or if either party or
13 their minor children receive aid under s. 48.57 (3m) or (3n) or ch. 49, and upon notice
14 to the family court commissioner, revise and alter such judgment or order respecting
15 the amount of such maintenance or child support and the payment thereof, and also
16 respecting the appropriation and payment of the principal and income of the
17 property so held in trust, and may make any judgment or order respecting any of the
18 matters that such court might have made in the original action, except that a
19 judgment or order that waives maintenance payments for either party shall not
20 thereafter be revised or altered in that respect nor shall the provisions of a judgment
21 or order with respect to final division of property be subject to revision or
22 modification. A revision, under this section, of a judgment or order with respect to
23 an amount of child or family support may be made only upon a finding of a
24 substantial change in circumstances. In any action under this section to revise a
25 judgment or order with respect to maintenance payments, a substantial change in

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1 the cost of living by either party or as measured by the federal bureau of labor
2 statistics may be sufficient to justify a revision of judgment or order with respect to
3 the amount of maintenance, except that a change in an obligor's cost of living is not
4 in itself sufficient if payments are expressed as a percentage of income.

5 **SECTION 42.** 767.32 (2r) of the statutes is amended to read:

6 767.32 (2r) If the court revises a judgment or order providing for child support
7 that was entered under s. 48.355 (2) (b) 4., 48.357 (5m) (a), 48.363 (2), 938.183 (4),
8 938.355 (2) (b) 4., 938.357 (5m) (a) or 938.363 (2), the court shall determine child
9 support in the manner provided in s. 46.10 (14) or 301.12 (14), whichever is
10 applicable.

11 **SECTION 43.** 780.01 (5) of the statutes is amended to read:

12 780.01 (5) For all arrearages owed by the owner in child support ordered under
13 s. 48.355 (2) (b) 4., 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4., 938.357
14 (5m) (a), 938.363 (2) or 948.22 (7) or ch. 767 or 769 or in family support ordered under
15 ch. 767.

16 **SECTION 44.** 938.30 (6) of the statutes is renumbered 938.30 (6) (a) and
17 amended to read:

18 938.30 (6) (a) If a petition is not contested, the court shall set a date for the
19 dispositional hearing which allows reasonable time for the parties to prepare but is
20 no more than 10 days from the plea hearing for a juvenile who is held in secure
21 custody and no more than 30 days from the plea hearing for a juvenile who is not held
22 in secure custody. If all parties consent the court may proceed immediately with the
23 dispositional hearing. If a citation is not contested, the court may proceed
24 immediately to enter a dispositional order.

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1 **(b)** If it appears to the court that disposition of the case may include placement
2 of the juvenile outside the juvenile's home, the court shall order the juvenile's parent
3 to provide a statement of income, assets, debts and living expenses to the court or the
4 designated agency under s. 938.33 (1) at least 5 days before the scheduled date of the
5 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
6 provide, without charge, to any parent ordered to provide a statement of income,
7 assets, debts and living expenses a document setting forth the percentage standard
8 established by the department of workforce development under s. 49.22 (9) and
9 listing the factors that a court may consider under s. 301.12 (14) (c). ~~If all parties
10 consent the court may proceed immediately with the dispositional hearing. If a
11 citation is not contested, the court may proceed immediately to enter a dispositional
12 order.~~

13 **SECTION 45.** 938.30 (6) (c) of the statutes is created to read:

14 **938.30 (6) (c)** If the court orders the juvenile's parent to provide a statement
15 of income, assets, debts and living expenses to the court or if the court orders the
16 juvenile's parent to provide that statement to the designated agency under s. 938.33
17 (1) and that designated agency is not the county department, the court shall also
18 order the child's parent to provide that statement to the county department at least
19 5 days before the scheduled date of the dispositional hearing or as otherwise ordered
20 by the court. The county department shall provide, without charge, to the parent a
21 form on which to provide that statement, and the parent shall provide that statement
22 on that form. The county department shall use the information provided in the
23 statement to determine whether the department may claim federal foster care and
24 adoption assistance reimbursement under 42 USC 670 to 679a for the cost of
25 providing care for the juvenile.

SENATE BILL 504**SECTION 46**

1 **SECTION 46.** 938.31 (7) of the statutes is renumbered 938.31 (7) (a) and
2 amended to read:

3 938.31 (7) (a) At the close of the fact-finding hearing, the court shall set a date
4 for the dispositional hearing which allows a reasonable time for the parties to
5 prepare but is no more than 10 days after the fact-finding hearing for a juvenile in
6 secure custody and no more than 30 days after the fact-finding hearing for a juvenile
7 not held in secure custody. If all parties consent, the court may immediately proceed
8 with a dispositional hearing.

9 (b) If it appears to the court that disposition of the case may include placement
10 of the juvenile outside the juvenile's home, the court shall order the juvenile's parent
11 to provide a statement of income, assets, debts and living expenses to the court or the
12 designated agency under s. 938.33 (1) at least 5 days before the scheduled date of the
13 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
14 provide, without charge, to any parent ordered to provide a statement of income,
15 assets, debts and living expenses a document setting forth the percentage standard
16 established by the department of workforce development under s. 49.22 (9) and
17 listing the factors that a court may consider under s. 301.12 (14) (c). ~~If all parties~~
18 ~~consent, the court may immediately proceed with a dispositional hearing.~~

19 **SECTION 47.** 938.31 (7) (c) of the statutes is created to read:

20 938.31 (7) (c) If the court orders the juvenile's parent to provide a statement
21 of income, assets, debts and living expenses to the court or if the court orders the
22 juvenile's parent to provide that statement to the designated agency under s. 938.33
23 (1) and that designated agency is not the county department, the court shall also
24 order the child's parent to provide that statement to the county department at least
25 5 days before the scheduled date of the dispositional hearing or as otherwise ordered

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1 by the court. The county department shall provide, without charge, to the parent a
2 form on which to provide that statement, and the parent shall provide that statement
3 on that form. The county department shall use the information provided in the
4 statement to determine whether the department may claim federal foster care and
5 adoption assistance reimbursement under 42 USC 670 to 679a for the cost of
6 providing care for the juvenile.

7 **SECTION 48.** 938.355 (2) (b) 4m. of the statutes is created to read:

8 938.355 (2) (b) 4m. If the juvenile is placed outside the home and if the
9 juvenile's parent has not already provided a statement of income, assets, debts and
10 living expenses to the county department under s. 938.30 (6) (b) or (c) or 938.31 (7)
11 (b) or (c), an order for the parent to provide that statement to the county department
12 by a date specified by the court. The county department shall provide, without
13 charge, to the parent a form on which to provide that statement, and the parent shall
14 provide that statement on that form. The county department shall use the
15 information provided in the statement to determine whether the department may
16 claim federal foster care and adoption assistance reimbursement under 42 USC 670
17 to 679a for the cost of providing care for the juvenile.

18 **SECTION 49.** 938.357 (5m) of the statutes is renumbered 938.357 (5m) (a).

19 **SECTION 50.** 938.357 (5m) (b) of the statutes is created to read:

20 938.357 (5m) (b) If the court orders the juvenile's parent to provide a statement
21 of income, assets, debts and living expenses to the court or if the court orders the
22 juvenile's parent to provide that statement to the person or agency primarily
23 responsible for implementing the dispositional order and that person or agency is not
24 the county department, the court shall also order the juvenile's parent to provide that
25 statement to the county department by a date specified by the court. The county

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1 department shall provide, without charge, to the parent a form on which to provide
2 that statement, and the parent shall provide that statement on that form. The
3 county department shall use the information provided in the statement to determine
4 whether the department may claim federal foster care and adoption assistance
5 reimbursement under 42 USC 670 to 679a for the cost of providing care for the
6 juvenile.

7 **SECTION 51.** 938.363 (1) of the statutes is renumbered 938.363 (1) (a) and
8 amended to read:

9 938.363 (1) (a) A juvenile, the juvenile’s parent, guardian or legal custodian,
10 any person or agency bound by a dispositional order or the district attorney or
11 corporation counsel in the county in which the dispositional order was entered may
12 request a revision in the order that does not involve a change in placement, including
13 a revision with respect to the amount of child support to be paid by a parent, or the
14 court may on its own motion propose such a revision. The request or court proposal
15 shall set forth in detail the nature of the proposed revision and what new information
16 is available that affects the advisability of the court’s disposition. The request or
17 court proposal shall be submitted to the court. The court shall hold a hearing on the
18 matter prior to any revision of the dispositional order if the request or court proposal
19 indicates that new information is available ~~which~~ that affects the advisability of the
20 court’s dispositional order ~~and prior to any revision of the dispositional order~~, unless
21 written waivers of objections to the revision are signed by all parties entitled to
22 receive notice and the court approves.

23 (b) If a hearing is held, the court shall notify the juvenile, the juvenile’s parent,
24 guardian and legal custodian, all parties bound by the dispositional order, the
25 juvenile’s foster parent, treatment foster parent or other physical custodian

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1 described in s. 48.62 (2), and the district attorney or corporation counsel in the county
2 in which the dispositional order was entered at least 3 days prior to the hearing. A
3 copy of the request or proposal shall be attached to the notice. If all parties consent,
4 the court may proceed immediately with the hearing. No revision may extend the
5 effective period of the original order, or revise an original order under s. 938.34 (3)
6 (f) or (6) (am) to impose more than 30 days of detention, nonsecure custody or
7 inpatient treatment on a juvenile.

8 (c) If the proposed revision is for a change in the amount of child support to be
9 paid by a parent, the court shall order the juvenile's parent to provide a statement
10 of income, assets, debts and living expenses to the court and the person or agency
11 primarily responsible for implementing the dispositional order by a date specified by
12 the court. The clerk of court shall provide, without charge, to any parent ordered to
13 provide a statement of income, assets, debts and living expenses a document setting
14 forth the percentage standard established by the department of workforce
15 development under s. 49.22 (9) and listing the factors that a court may consider
16 under s. 46.10 (14) (c). ~~If all parties consent, the court may proceed immediately with~~
17 ~~the hearing. No revision may extend the effective period of the original order, or~~
18 ~~revise an original order under s. 938.34 (3) (f) or (6) (am) to impose more than 30 days~~
19 ~~of detention, nonsecure custody or inpatient treatment on a juvenile.~~

20 **SECTION 52.** 938.363 (1) (d) of the statutes is created to read:

21 938.363 (1) (d) If the court orders the juvenile's parent to provide a statement
22 of income, assets, debts and living expenses to the court or if the court orders the
23 juvenile's parent to provide that statement to the person or agency primarily
24 responsible for implementing the dispositional order and that person or agency is not
25 the county department, the court shall also order the juvenile's parent to provide that

SENATE BILL 504**SECTION 52**

1 statement to the county department by a date specified by the court. The county
2 department shall provide, without charge, to the parent a form on which to provide
3 that statement, and the parent shall provide that statement on that form. The
4 county department shall use the information provided in the statement to determine
5 whether the department may claim federal foster care and adoption assistance
6 reimbursement under 42 USC 670 to 679a for the cost of providing care for the
7 juvenile.

8 **SECTION 53.** 938.363 (1m) of the statutes is amended to read:

9 938.363 **(1m)** If a hearing is held under sub. (1) (a), any party may present
10 evidence relevant to the issue of revision of the dispositional order. In addition, the
11 court shall give a foster parent, treatment foster parent or other physical custodian
12 described in s. 48.62 (2) of the juvenile an opportunity to be heard at the hearing by
13 permitting the foster parent, treatment foster parent or other physical custodian to
14 make a written or oral statement during the hearing, or to submit a written
15 statement prior to the hearing, relevant to the issue of revision. Any written or oral
16 statement made under this subsection shall be made under oath or affirmation. A
17 foster parent, treatment foster parent or other physical custodian described in s.
18 48.62 (2) who receives notice of a hearing under sub. (1) (a) and an opportunity to be
19 heard under this subsection does not become a party to the proceeding on which the
20 hearing is held solely on the basis of receiving that notice and opportunity to be
21 heard.

22 **SECTION 54.** 938.363 (2) of the statutes is amended to read:

23 938.363 **(2)** If the court revises a dispositional order ~~under sub. (1)~~ with respect
24 to the amount of child support to be paid by a parent for the care and maintenance
25 of the parent's minor juvenile who has been placed by a court order under this

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1 chapter in a residential, nonmedical facility, the court shall determine the liability
2 of the parent in the manner provided in s. 46.10 (14).

3 **SECTION 9309. Initial applicability; circuit courts.**

4 (1) FINANCIAL INFORMATION REGARDING CHILD IN SUBSTITUTE CARE. The treatment
5 of sections 46.10 (1) and (14) (e) 1., 48.355 (2) (b) 4m., 48.363 (1m) and (2), 301.12 (1)
6 and (14) (e) 1., 767.02 (1) (m), 767.30 (1), 767.305, 767.32 (1) (a) and (2r), 780.01 (5),
7 938.355 (2) (b) 4m. and 938.363 (1m) and (2) of the statutes, the renumbering of
8 sections 48.357 (5m) and 938.357 (5m) of the statutes, the renumbering and
9 amendment of sections 48.30 (6), 48.31 (7), 48.363 (1), 938.30 (6), 938.31 (7) and
10 938.363 (1) of the statutes and the creation of sections 48.30 (6) (c), 48.31 (7) (c),
11 48.357 (5m) (b), 48.363 (1) (d), 938.30 (6) (c), 938.31 (7) (c), 938.357 (5m) (b) and
12 938.363 (1) (d) of the statutes first apply to orders of the juvenile court entered on the
13 effective date of this subsection.

14 **SECTION 9323. Initial applicability; health and family services.**

15 (1) This act first applies to contracts under section 46.036 of the statutes to
16 provide client services on the basis of a unit rate per client service that are initially
17 entered into or renewed on the effective date of this subsection.

18

(END)