



2017 SENATE BILL 653

December 21, 2017 - Introduced by Senators DARLING, BEWLEY, OLSEN, L. TAYLOR and VINEHOUT, cosponsored by Representatives PRONSCHINSKE, DOYLE, NEYLON, MEYERS, SNYDER, SUBECK, KATZMA, KITCHENS, NOVAK, RODRIGUEZ, BALLWEG, BILLINGS, ANDERSON, E. BROOKS, R. BROOKS, FELZKOWSKI, KNODL, KRUG, KULP, LOUDENBECK, MURSAU, PETERSEN, PETRYK, ROHRKASTE, SARGENT, SINICKI, SPREITZER, STEINEKE, SUMMERFIELD, SWEARINGEN, TITTL, TRANEL, VANDERMEER, VRUWINK and ZEPNICK. Referred to Committee on Public Benefits, Licensing and State-Federal Relations.

- 1 **AN ACT to amend** 48.75 (1d), 48.75 (1g) (b), 48.75 (1g) (c) (intro.) and 48.78 (2)
2 (a); and **to create** 48.66 (6) of the statutes; **relating to:** foster home licensing.

Analysis by the Legislative Reference Bureau

This bill provides for the continuity of foster care when the license of a child welfare agency to license foster homes is revoked, suspended, or surrendered or when a contract under which a child welfare agency provides foster home licensing services is terminated. This bill also changes the standard for when a foster home license may be revoked, and modifies the conditions under which a foster home license may be issued by an out-of-county public licensing agency.

Under current law, subject to certain exceptions, no person may provide care and maintenance for children unless the person obtains a license to operate a foster home from the Department of Children and Families or a county department of human services or social services (county department) or from a child welfare agency, if that agency is licensed by DCF to license foster homes. Current law also permits DCF to enter into contracts with nonprofit or proprietary agencies, including child welfare agencies, for the purchase of services. Currently, a child welfare or public licensing agency may revoke a foster home license if the licensee has substantially and intentionally violated any provision of the Children's Code or rules promulgated by DCF. This bill provides that a child welfare or public licensing agency may revoke a foster home license if the licensee has violated any provision of the Children's Code or rules promulgated by DCF.

This bill provides that if DCF informs a child welfare agency of its intent to revoke or suspend the agency's license to license foster homes or to terminate a

SENATE BILL 653

contract under which a child welfare agency provides foster home licensing services for DCF or if a child welfare agency informs DCF of its intent to surrender such a license or to terminate such a contract, DCF may do any of the following:

1. Require the child welfare agency to provide DCF with complete copies of the child welfare agency's financial, child placement, and foster care licensing records.
2. Transfer any child placement or foster care licensing records obtained from a child welfare agency to any county department or child welfare agency to which a foster home license issued by the child welfare agency is transferred under the bill or to any public licensing agency or child welfare agency that relicenses a foster home licensed by the child welfare agency as provided in the bill.
3. Prohibit the child welfare agency from accepting new placements or issuing new foster care licenses.

Also under the bill, if DCF revokes or suspends a child welfare agency's license to license foster homes or terminates a contract under which a child welfare agency provides foster home licensing services for DCF, or if a child welfare agency surrenders such a license or terminates such a contract, DCF may transfer each foster home license issued by the child welfare agency to a county department, DCF, or another child welfare agency that consents to the transfer. A license so transferred remains valid until it expires or 180 days after the date of the transfer, whichever is later.

Under current law, a public licensing agency may license a foster home only in the county in which it is located, subject to certain exceptions. The exceptions include if the licensee is a foster parent who has moved to another county with a child who has been placed in the foster parent's home and the license will allow the foster parent to continue to care for that child, or if the foster home is located in an adjacent county. Currently, a license that is issued from an out-of-county public licensing agency is child-specific, meaning that the license is valid only as to certain children who are identified on the license, and terminates immediately upon the removal of all of those children from the foster home. Under current law, a license issued under these two exceptions may be issued only if the public licensing agency of the county where the foster home is located enters into an agreement with the public licensing agency issuing the license.

This bill specifies that if a license is issued by an out-of-county public licensing agency under one of the two exceptions listed above, the license is not child-specific. However, under the bill, the agreement between the public licensing agencies as required under current law must identify the children that may be placed in the foster home and the license does not expire when the listed children are removed from the foster home. Under the bill, the license is valid only when there is an agreement in 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:

SENATE BILL 653

1 **SECTION 1.** 48.66 (6) of the statutes is created to read:

2 48.66 (6) (a) If the department notifies a child welfare agency of its intent to
3 revoke or suspend the child welfare agency's license under s. 227.51 or notifies a child
4 welfare agency of its intent to terminate a contract under which the child welfare
5 agency provides foster home licensing services for the department or if a child
6 welfare agency notifies the department of its intent to surrender or surrenders its
7 license or terminates such a contract, the department may do any of the following:

8 1. Require the child welfare agency to provide the department with complete
9 copies of the child welfare agency's financial, child placement, and foster home
10 licensing records in accordance with department requirements.

11 2. Transfer any child placement or foster home licensing records obtained
12 under par. (b) to any county department or child welfare agency to which a foster
13 home license issued by the child welfare agency is transferred under par. (a) or to any
14 public licensing agency or child welfare agency that relicenses a foster home licensed
15 by the child welfare agency.

16 3. Prohibit the child welfare agency from accepting new placements or issuing
17 new foster home licenses.

18 (b) If the department revokes or suspends a child welfare agency's license under
19 s. 227.51 or terminates a contract under which the child welfare agency provides
20 foster home licensing services for the department, or if a child welfare agency
21 surrenders its license or terminates such a contract, the department may transfer
22 each foster home license issued by the child welfare agency to a county department
23 or the department, or to another child welfare agency that consents to the transfer.
24 A license transferred under this paragraph remains valid until it expires or 180 days
25 after the date of the transfer, whichever is later.

SENATE BILL 653**SECTION 2**

1 **SECTION 2.** 48.75 (1d) of the statutes is amended to read:

2 48.75 **(1d)** Child welfare agencies, if licensed to do so by the department, and
3 public licensing agencies may license foster homes under the rules promulgated by
4 the department under s. 48.67 governing the licensing of foster homes. ~~A~~ Except
5 as provided under s. 48.66 (6), a foster home license shall be issued for a term not to
6 exceed 2 years from the date of issuance, and is not transferable, and. A foster home
7 license may be revoked by the child welfare agency or by the public licensing agency
8 because the licensee has ~~substantially and intentionally~~ violated any provision of
9 this chapter or of the rules of the department promulgated under s. 48.67 or because
10 the licensee fails to meet the minimum requirements for a license. The licensee shall
11 be given written notice of any revocation and the grounds for the revocation.

12 **SECTION 3.** 48.75 (1g) (b) of the statutes is amended to read:

13 48.75 **(1g)** (b) A license issued under ~~this subsection~~ par. (a) 1. or 4. shall
14 specifically identify each child to be placed in the foster home and shall terminate ~~on~~
15 ~~the removal of all of those children from the foster home~~ at the end of the licensing
16 period or 6 months after the child returns home or is placed elsewhere, whichever
17 occurs first.

18 **SECTION 4.** 48.75 (1g) (c) (intro.) of the statutes is amended to read:

19 48.75 **(1g)** (c) (intro.) No license may be issued under par. (a) 1., 2., or 3. unless
20 the public licensing agency issuing the license has notified the public licensing
21 agency of the county in which the foster home will be located of its intent to issue the
22 license and no license ~~may be issued under par. (a) 2. or 3.~~ is valid unless the 2 public
23 licensing agencies have entered into a written agreement under this paragraph. A
24 public licensing agency is not required to enter into any agreement under this
25 paragraph allowing the public licensing agency of another county to license a foster

SENATE BILL 653

1 home within its jurisdiction. The written agreement shall include all of the
2 following:

3 **SECTION 5.** 48.78 (2) (a) of the statutes is amended to read:

4 48.78 (2) (a) No agency may make available for inspection or disclose the
5 contents of any record kept or information received about an individual who is or was
6 in its care or legal custody, except as provided under sub. (2m) or s. 48.371, 48.38 (5)
7 (b) or (d) or (5m) (d), 48.396 (3) (bm) or (c) 1r., 48.432, 48.433, 48.48 (17) (bm), 48.57
8 (2m), 48.66 (6), 48.93, 48.981 (7), 938.396 (2m) (c) 1r., 938.51, or 938.78 or by order
9 of the court.

10 (END)