



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-2708/1  
EHS/PJH/TJD:all:cs

## 2015 ASSEMBLY BILL 440

October 22, 2015 – Introduced by Representatives NEYLON, A. OTT, BALLWEG and RODRIGUEZ, cosponsored by Senators PETROWSKI, DARLING and OLSEN. Referred to Committee on Children and Families.

1     **AN ACT** *to repeal* 20.437 (1) (d), 20.437 (1) (da), 20.437 (1) (me), 20.437 (2) (kp),  
2           20.437 (2) (pz), 46.46, 48.563 (14m), 48.565 (2) (am), 48.565 (2) (c), 48.567 and  
3           48.983 (6) (d) 2.; *to renumber and amend* 48.565 (intro.) (except 48.565  
4           (title)), 48.565 (3) and 48.565 (6); *to consolidate, renumber and amend*  
5           48.983 (6) (d) (title) and 1.; *to amend* 20.435 (8) (mb), 20.435 (8) (mm), 20.437  
6           (1) (b), 20.437 (1) (km), 20.437 (1) (m), 20.437 (1) (ma), 20.437 (1) (mc), 20.437  
7           (1) (md), 20.437 (1) (n), 20.437 (1) (na), 20.437 (2) (dz), 20.437 (2) (ja), 20.437 (2)  
8           (md), 20.437 (3) (kp), 20.437 (3) (mm), 48.07 (3), 48.207 (2) (a), 48.207 (2) (b),  
9           48.21 (3) (f), 48.21 (5) (b) 1. d., 48.21 (5) (b) 1m., 48.21 (5) (b) 2m., 48.21 (5) (b)  
10          3., 48.21 (5) (e) 2. (intro.), 48.24 (5), 48.275 (2) (d) 1., 48.275 (2) (d) 2., 48.295 (1),  
11          48.30 (6) (c), 48.31 (7) (c), 48.32 (1) (b) 1. b., 48.32 (1) (b) 1. d., 48.32 (1) (b) 1m.,  
12          48.32 (1) (b) 2., 48.33 (4) (c), 48.33 (4) (d) 1., 48.335 (3g) (b), 48.335 (6), 48.345  
13          (4) (b), 48.345 (4) (bm), 48.345 (12) (b), 48.345 (12) (c), 48.345 (13) (a), 48.345 (13)  
14          (b), 48.345 (14) (a), 48.347 (5) (a), 48.347 (5) (b), 48.347 (6) (a), 48.355 (2) (b) 4m.,

**ASSEMBLY BILL 440**

1 48.355 (2) (b) 6., 48.355 (2) (b) 6g., 48.355 (2) (b) 6p., 48.355 (2) (b) 6r., 48.355  
2 (2) (c), 48.355 (2) (cm) 1., 48.355 (2b) (b), 48.355 (2c) (a) (intro.), 48.355 (2c) (b),  
3 48.355 (2d) (b) (intro.), 48.357 (1) (c) 2m., 48.357 (2m) (bm), 48.357 (2v) (a) 1m.,  
4 48.357 (2v) (a) 2m., 48.357 (2v) (d) 1., 48.357 (5m) (b), 48.36 (2), 48.363 (1) (d),  
5 48.38 (5) (am), 48.428 (2) (a), 48.428 (2) (b), 48.545 (2) (a) (intro.), 48.563 (1) (b),  
6 48.563 (2) (title), 48.563 (4), 48.565 (2) (a), 48.565 (2) (b), 48.569 (1) (d), 48.57  
7 (1) (e), 48.57 (1) (hm), 48.57 (2m), 48.57 (3m) (am) (intro.), 48.57 (3m) (ap) 1.,  
8 48.57 (3m) (ap) 3., 48.57 (3m) (b) 1., 48.57 (3m) (c), 48.57 (3m) (d), 48.57 (3m)  
9 (g) 2. (intro.), 48.57 (3m) (h), 48.57 (3n) (am) (intro.), 48.57 (3n) (ap) 1., 48.57 (3n)  
10 (ap) 3., 48.57 (3n) (ar) (intro.), 48.57 (3n) (b) 1., 48.57 (3n) (c), 48.57 (3n) (d),  
11 48.57 (3n) (g) 2. (intro.), 48.57 (3n) (h), 48.57 (3p) (b) 1., 48.57 (3p) (b) 2., 48.57  
12 (3p) (b) 3., 48.57 (3p) (c) 1., 48.57 (3p) (c) 2., 48.57 (3p) (c) 2m., 48.57 (3p) (c) 3.,  
13 48.57 (3p) (d), 48.57 (3p) (e) (intro.), 48.57 (3p) (fm) 1., 48.57 (3p) (fm) 1m., 48.57  
14 (3p) (fm) 2., 48.57 (3p) (fm) 2m., 48.57 (3p) (g) (intro.), 48.57 (3p) (g) 3., 48.57 (3p)  
15 (h) 2., 48.57 (3p) (h) 3. (intro.), 48.57 (3p) (h) 4., 48.57 (3p) (hm), 48.57 (3p) (i),  
16 48.57 (3p) (j), 48.58 (intro.), 48.59 (1), 48.651 (1) (intro.), 48.651 (2), 48.651 (2c)  
17 (a), 48.651 (2m), 48.651 (3) (a), 48.651 (3) (b), 48.658 (4) (a), 48.685 (4m) (a)  
18 (intro.), 48.685 (4m) (ad), 48.685 (5) (a), 48.685 (5m), 48.685 (6) (a), 48.75 (1b),  
19 48.75 (1g) (a) 4., 48.831 (4) (c), 48.839 (4) (b), 48.88 (2) (c), 48.981 (1) (ag), 48.981  
20 (3) (a) 1., 48.981 (3) (a) 2. (intro.), 48.981 (3) (a) 2d., 48.981 (3) (c) 2. a., 48.981  
21 (3) (c) 2m. a., 48.981 (3) (c) 3., 48.981 (3) (c) 4., 48.981 (3) (c) 5m., 48.981 (3) (c)  
22 5r., 48.981 (3) (c) 7., 48.981 (3) (cm), 48.981 (3) (d) 1., 48.981 (3) (d) 2., 48.981  
23 (3m) (b) (intro.), 48.981 (5), 48.981 (7) (a) 5., 48.981 (7) (a) 6., 48.981 (7) (a) 6m.,  
24 48.981 (7) (a) 15., 48.981 (7) (cr) 3. a., 48.981 (8) (a), 48.981 (8) (c), 48.982 (6)  
25 (am), 48.983 (1) (b) 1. c., 48.983 (2) (a), 48.983 (2) (b), 48.983 (2) (c), 48.983 (3),

**ASSEMBLY BILL 440**

1 48.983 (4) (am), 48.983 (4) (b) 1., 48.983 (4) (b) 3., 48.983 (5), 48.983 (6) (intro.),  
2 48.983 (6) (a) (intro.), 48.983 (6) (a) 3., 48.983 (6) (a) 5., 48.983 (6) (b) 4., 48.983  
3 (6) (g), 48.983 (6g) (b), 48.983 (7) (ag), 48.983 (7) (ar), 48.983 (7) (c) (intro.),  
4 48.983 (8), 49.143 (6), 49.155 (3g) (intro.), 49.175 (1) (u), 49.195 (4) (b) 2., 49.34  
5 (5m) (em), 49.343 (5) (intro.), 49.45 (25) (b), 49.71 (2), 49.72 (2), 49.826 (1) (a),  
6 49.84 (7) (c) 3., 49.855 (4m) (c), 253.15 (4) (b), 767.41 (3) (a), 767.75 (1f), 767.75  
7 (3m), 971.37 (title) and 971.37 (1m) (c) 1. (intro.); and **to create** 48.565 (8) of the  
8 statutes; **relating to:** child support income withholding orders, deferred  
9 prosecution agreements, determining the amount of a home visitation program  
10 grant, modifications to the references to Milwaukee County by population,  
11 modifications to certain appropriations, and making an appropriation.

---

***Analysis by the Legislative Reference Bureau*****COURTS AND PROCEDURE****DOMESTIC RELATIONS**

Under current law, a court order for child or family support or maintenance generally sets forth a dollar amount that the payer is obligated to pay. However, under current law, the parties may stipulate that a child or family support or maintenance obligation may be calculated as a percentage of the payer's income.

Under the bill, regardless of whether the parties have stipulated that the child or family support or maintenance obligation may be calculated as a percentage of the payer's income, an order that assigns the payer's income, including certain benefits he or she receives, to satisfy the support obligation must set forth a dollar amount that is assigned.

**OTHER COURTS AND PROCEDURE**

Current law allows a district attorney to enter into a deferred prosecution agreement with a defendant who is charged, or who may be charged, with certain crimes related to domestic abuse or to child sexual abuse against a child who is related to or who lived with the person, or over whom the person had guardianship, custody, power, or authority. Generally, in a deferred prosecution agreement, the district attorney agrees to dismiss a charge or not file a charge if the defendant complies with specified conditions, such as paying restitution to the victim or completing counseling or treatment.

Current law allows a deferred prosecution agreement to include, as a condition of the agreement, that the person pay a domestic abuse surcharge and, under certain

**ASSEMBLY BILL 440**

circumstances, a global positioning surcharge, if he or she faces charges of child sexual abuse and he or she is either a close relative of the alleged victim or is a guardian or legal custodian of the alleged victim.

Under this bill, a deferred prosecution agreement may include, as a condition of the agreement, that the person pay the domestic abuse surcharge and, if applicable, a global positioning surcharge, if he or she is an adult who faces charges of any of the crimes related to domestic abuse against an adult that may be subject to a deferred prosecution agreement.

**HEALTH AND HUMAN SERVICES****CHILDREN**

Under current law, if, after distributing money to counties for children and family services, there is an amount allocated for that purpose that is left over and that is in excess of the amount received by the federal government for foster care and transitional independent living programs and adoption assistance for children with special needs, the Department of Children and Families (DCF) must carry forward and distribute not less than 50 percent of that excess amount. DCF must distribute this excess amount to counties other than Milwaukee County that are making good faith efforts to implement the statewide automated child welfare information system for services and projects to assist children and families. Current law also generally requires counties to use not less than 50 percent of these moneys for services for children who are at risk of abuse or neglect to prevent the need for child abuse and neglect intervention services. This bill eliminates the requirement that DCF carry forward and distribute excess federal money.

Under current law, a county must match funds received from DCF for children and family services, in an amount specified annually by DCF, using county tax levies, federal and state revenue sharing funds, or private donations to the county that meet certain requirements. Current law prohibits a county from using private donations to make up more than 25 percent of the total county match. This bill removes the restriction on using private donations in the total county match.

Current law requires each county department of social services or human services (county department) to submit its final budget to DCF for services directly provided by or purchased from DCF (DCF service budget) by December 31 each year. Current law also requires DCF, under certain circumstances, to distribute, allocate, and carry forward funds for children and family services to county departments and tribal governing bodies. Current law requires each county department and tribal governing body to submit to DCF a proposed budget for the expenditure of these funds (children and family aids budget) before December 1 of each year. This bill eliminates the requirement to submit a children and family aids budget, but does not eliminate the requirement to submit a DCF service budget.

Current law requires DCF, at the request of a county, tribal governing body, or private nonprofit organization, to carry forward up to 3 percent of the total amount allocated to the county, tribal governing body, or private nonprofit organization for children and family services for a calendar year. This bill eliminates the authority of DCF to carry forward amounts allocated to a tribal governing body or private nonprofit organization for children and family services for a calendar year.

**ASSEMBLY BILL 440**

Current law allows DCF to carry forward up to 10 percent of allocated children and family services funds, less any amount carried forward as requested, for emergencies, justifiable costs above planned levels, and increased costs due to population shifts. This bill instead requires DCF, at a county's request, to carry forward up to 10 percent of those funds for emergencies or other circumstances that DCF agrees were unforeseen when the original allocation to the county was made. In addition, this bill requires any children and family services funds carried forward from one calendar year to the next to be used for children and family services and not general county administrative costs. The bill also prohibits any amount of funds carried forward from affecting the determination of a county's share of the children and family services funding allocated for a calendar year.

Under current law, DCF provides grants to certain counties, private agencies, and Indian tribes to fund home visitation programs. In a home visitation program, pregnant women who are eligible for Medical Assistance (MA) are offered an opportunity to undergo a risk assessment to determine whether they present risk factors for poor birth outcomes or for perpetrating child abuse or neglect. A person who is assessed to be at risk of poor birth outcomes or of abusing or neglecting his or her child is offered home visitation program services that begin during the prenatal period and may continue up until the child reaches five years of age. This bill allows DCF to provide these grants to cities as well.

Also under current law, DCF determines the amount of a home visitation program grant awarded to a county, private agency, or Indian tribe based on a formula that determines need based on the number of births that are funded by MA in the county, service area of the private agency, or reservation of the tribe and on the rate of poor birth outcomes, including infant mortality, premature births, low birth weights, and racial or ethnic disproportionality in the rates of those outcomes in that county, service area, or reservation. This bill changes how DCF determines the amount of a home visitation program grant by requiring the amount to be based on the need of the county, city, private agency, or Indian tribe and its capacity to participate in the home visitation program.

Various statutes are limited in application to Milwaukee County by references to "a county that has a population of 500,000 or more." Because of population increases in the state, this bill changes certain of those references that relate to children or DCF or Department of Health Services (DHS) responsibilities to "a county that has a population of 750,000 or more" so that those statutes continue to apply only to Milwaukee County.

**MEDICAL ASSISTANCE**

Under current law, certain federal MA moneys that are received in reimbursement of the cost of providing targeted case management services to children whose care is not eligible for reimbursement under Title IV-E of the federal Social Security Act (Title IV-E) are appropriated to DHS, transferred to DCF, and used to support the costs of augmenting the amount of moneys received under Title IV-E and of implementing the statewide automated child welfare information system and to provide services to children and families. This bill eliminates the transfer of MA moneys from DHS to DCF for these purposes and eliminates the

**ASSEMBLY BILL 440**

requirement that DCF support the costs of augmenting the moneys received under Title IV-E.

**OTHER HEALTH AND HUMAN SERVICES**

Under current law, the state receives federal moneys as a result of a contract in conjunction with the federal Medicare and Medicaid programs (income augmentation funds). DHS is required to distribute a certain portion of these income augmentation funds to certain counties receiving community aids for providing community social, mental health, developmental disabilities, and alcohol and other drug abuse services. This bill eliminates the statutory requirements on spending income augmentation funds by DHS.

For further information see the *state* 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:***

1           **SECTION 1.** 20.435 (8) (mb) of the statutes is amended to read:

2           20.435 (8) (mb) *Income augmentation services receipts.* All moneys that are  
3 received under 42 USC 1395 to 1395ddd and 42 USC 1396 to 1396v as the result of  
4 income augmentation activities for which the state has contracted, to be used as  
5 provided in s. 46.46; and all moneys that are received under 42 USC 1396 to 1396v  
6 in reimbursement of the cost of providing targeted case management services to  
7 children whose care is not eligible for reimbursement under 42 USC 670 to 679a, to  
8 be transferred to the appropriation account under s. 20.437 (3) (kp), 2013 stats. All  
9 moneys received under this paragraph in excess of the moneys necessary to support  
10 the costs specified in ss. s. 46.46 and 48.567, 2013 stats., shall be deposited in the  
11 general fund as a nonappropriated receipt.

12           **SECTION 2.** 20.435 (8) (mm) of the statutes is amended to read:

13           20.435 (8) (mm) *Reimbursements from federal government.* All moneys  
14 received from the federal government, other than moneys described under ss. s.  
15 46.46, 2013 stats., and ss. 49.45 (6u), and 49.49, that are intended to reimburse the

**ASSEMBLY BILL 440**

1 state for expenditures in previous fiscal years from general purpose revenue  
2 appropriations whose purpose includes a requirement to match or secure federal  
3 funds and that exceeded in those fiscal years the estimates reflected in the intentions  
4 of the legislature and governor, as expressed by them in the budget determinations,  
5 and the joint committee on finance, as expressed by the committee in any  
6 determinations, and the estimates approved for expenditure by the secretary of  
7 administration under s. 16.50 (2), for the purpose of paying federal disallowances,  
8 federal sanctions or penalties and the costs of any corrective action affecting the  
9 department of health services. Notwithstanding s. 20.001 (3) (c), at the end of each  
10 fiscal year, the amount determined by the department of administration under s.  
11 16.54 (12) (d) shall lapse to the general fund.

12 **SECTION 3.** 20.437 (1) (b) of the statutes is amended to read:

13 20.437 (1) (b) *Children and family aids payments.* The amounts in the schedule  
14 for services for children and families under s. 48.563, for reimbursement to counties  
15 having a population of less than 500,000 750,000 for the cost of court attached intake  
16 services under s. 48.06 (4), for shelter care under ss. 48.58 and 938.22, and for foster  
17 care and subsidized guardianship care under ss. 48.645 and 49.19 (10). Social  
18 services disbursements under s. 49.32 (2) (b) may be made from this appropriation.  
19 Refunds received relating to payments made under s. 49.32 (2) (b) for the provision  
20 of services for which moneys are appropriated under this paragraph shall be  
21 returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the  
22 department of children and families may transfer funds between fiscal years under  
23 this paragraph. The department shall deposit into this appropriation funds it  
24 recovers under s. 48.569 (2) (b), from prior fiscal year audit adjustments. Except for  
25 amounts authorized to be carried forward under s. 48.565, all funds recovered under

**ASSEMBLY BILL 440****SECTION 3**

1 s. 48.569 (2) (b) and all funds allocated under s. 48.563 and not spent or encumbered  
2 by December 31 of each year shall lapse to the general fund on the succeeding  
3 January 1 unless carried forward to the next calendar year by the joint committee  
4 on finance.

5 **SECTION 4.** 20.437 (1) (d) of the statutes is repealed.

6 **SECTION 5.** 20.437 (1) (da) of the statutes is repealed.

7 **SECTION 6.** 20.437 (1) (km) of the statutes is amended to read:

8 20.437 (1) (km) *Interagency and intra-agency aids; children and family aids;*  
9 *local assistance.* All moneys transferred from the appropriation accounts account  
10 under ~~sub. (2) (md)~~ and s. 20.435 (7) (o), for services for children and families under  
11 s. 48.563.

12 **SECTION 7.** 20.437 (1) (m) of the statutes is amended to read:

13 20.437 (1) (m) *Federal project operations.* All moneys received from the federal  
14 government or any of its agencies for the state administration of specific ~~limited term~~  
15 projects to be expended for the such purposes specified.

16 **SECTION 8.** 20.437 (1) (ma) of the statutes is amended to read:

17 20.437 (1) (ma) *Federal project aids.* All moneys received from the federal  
18 government or any of its agencies for specific ~~limited term~~ projects to be expended  
19 as aids to individuals or organizations for the such purposes specified.

20 **SECTION 9.** 20.437 (1) (mc) of the statutes is amended to read:

21 20.437 (1) (mc) *Federal block grant operations.* Except as provided in sub. (2)  
22 (mc) and (mg), all block grant moneys received from the federal government or any  
23 of its agencies for the state administration of federal block grants, for the such  
24 purposes specified.

25 **SECTION 10.** 20.437 (1) (md) of the statutes is amended to read:



**ASSEMBLY BILL 440**

1           20.437 (1) (md) *Federal block grant aids*. Except as provided in ~~par. (me) and~~  
2           sub. (2) (md) and (mg), all block grant moneys received from the federal government  
3           or any of its agencies to be expended as local assistance or aids to individuals or  
4           organizations, for such purposes.

5           **SECTION 11.** 20.437 (1) (me) of the statutes is repealed.

6           **SECTION 12.** 20.437 (1) (n) of the statutes is amended to read:

7           20.437 (1) (n) *Federal program operations*. ~~All~~ Except as provided in pars. (m),  
8           (mc), and (mw), all moneys received from the federal government ~~or any of its~~  
9           agencies for the state administration of ~~continuing programs to be expended~~ under  
10          this subsection, for the such purposes specified.

11          **SECTION 13.** 20.437 (1) (na) of the statutes is amended to read:

12          20.437 (1) (na) *Federal program aids*. ~~All~~ Except as provided in pars. (ma),  
13          (md), and (mx), all moneys received from the federal government or any of its  
14          agencies ~~for continuing programs~~ to be expended as aids to individuals or  
15          organizations, ~~for the~~ such purposes specified.

16          **SECTION 14.** 20.437 (2) (dz) of the statutes is amended to read:

17          20.437 (2) (dz) *Temporary Assistance for Needy Families programs;*  
18          *maintenance of effort*. The amounts in the schedule for administration and benefit  
19          payments under Wisconsin Works under ss. 49.141 to 49.161, the learnfare program  
20          under s. 49.26, and the work experience program for noncustodial parents under s.  
21          49.36; for payments to local governments, organizations, tribal governing bodies,  
22          and Wisconsin Works agencies; for kinship care and long-term kinship care  
23          assistance as specified under s. 49.175 (1) (s); for aid payments and local  
24          administration with respect to any services or program specified under s. 49.175 (1);  
25          and for emergency assistance for families with needy children under s. 49.138.

**ASSEMBLY BILL 440****SECTION 14**

1 Payments may be made from this appropriation account for any contracts under s.  
2 49.845 (4) and for any fraud investigation and error reduction activities under s.  
3 49.197 (1m). Moneys appropriated under this paragraph may be used to match  
4 federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002  
5 (1), the department may transfer funds between fiscal years under this paragraph.  
6 Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health services  
7 shall credit to this appropriation account funds for the purposes of this appropriation  
8 that the department transfers from the appropriation account under s. 20.435 (5)  
9 (bc). All funds allocated by the department but not encumbered by December 31 of  
10 each year lapse to the general fund on the next January 1 unless transferred to the  
11 next calendar year by the joint committee on finance.

12 **SECTION 15.** 20.437 (2) (ja) of the statutes is amended to read:

13 20.437 (2) (ja) *Child support state operations — fees ~~and~~, reimbursements, and*  
14 *collections.* All moneys received from fees charged under s. 49.22 (8), from fees  
15 ordered or otherwise owed under s. 767.57 (1e) (a), from fees collected under ss.  
16 49.854 (11) (b) and 767.57 (1e) (b) 1m. and (c), from reimbursements under s. 108.13  
17 (4) (f), from fees charged and incentive payments and collections retained under s.  
18 49.22 (7m), and under s. 49.855 (4) or (4m) from the department of revenue or the  
19 department of administration that were withheld by the department of revenue or  
20 the internal revenue service or the department of administration for unpaid fees  
21 ordered or otherwise owed under s. 767.57 (1e) (a), for costs associated with receiving  
22 and disbursing support and support-related payments, including any contract costs,  
23 and for administering the program under s. 49.22 and all other purposes specified  
24 in s. 49.22; and all moneys received under s. 49.855 (4m) from the department of  
25 administration that were withheld for child support, family support, maintenance,

**ASSEMBLY BILL 440**

1 medical expenses, or birth expenses, to be distributed in accordance with state law  
2 and federal regulations.

3 **SECTION 16.** 20.437 (2) (kp) of the statutes is repealed.

4 **SECTION 17.** 20.437 (2) (md) of the statutes is amended to read:

5 20.437 (2) (md) *Federal block grant aids.* The amounts in the schedule for aids  
6 to individuals or organizations and to be transferred to the appropriation accounts  
7 under ~~sub. (1) (km) and~~ ss. 20.435 (4) (kz), (6) (kx), (7) (ky), and (8) (kx) and 20.835  
8 (2) (kf). All block grant moneys received for these purposes from the federal  
9 government or any of its agencies shall be credited to this appropriation account. The  
10 department may credit to this appropriation account the amount of any returned  
11 check, or payment in other form, that is subject to expenditure in the same contract  
12 period in which the original payment attempt was made, regardless of the fiscal year  
13 in which the original payment attempt was made.

14 **SECTION 18.** 20.437 (2) (pz) of the statutes is repealed.

15 **SECTION 19.** 20.437 (3) (kp) of the statutes is amended to read:

16 20.437 (3) (kp) *Interagency and intra-agency aids; income augmentation*  
17 *services receipts.* All moneys transferred from the appropriation account under s.  
18 20.435 (8) (mb) and all moneys credited to this appropriation account under s. 48.565  
19 ~~(2) (e), 2013 stats.,~~ to be used as provided in s. 48.567, 2013 stats. All moneys received  
20 under this paragraph in excess of the moneys necessary to support the costs specified  
21 in s. 48.567, 2013 stats., shall be deposited into the general fund as a  
22 nonappropriated receipt.

23 **SECTION 20.** 20.437 (3) (mm) of the statutes is amended to read:

24 20.437 (3) (mm) *Reimbursements from federal government.* All moneys  
25 received from the federal government, ~~other than moneys described under ss. 48.565~~

**ASSEMBLY BILL 440****SECTION 20**

1     ~~(2) and 48.567~~, that are intended to reimburse the state for expenditures in previous  
2     fiscal years from general purpose revenue appropriations whose purpose includes a  
3     requirement to match or secure federal funds and that exceeded in those fiscal years  
4     the estimates reflected in the intentions of the legislature and governor, as expressed  
5     by them in the budget determinations, and the joint committee on finance, as  
6     expressed by the committee in any determinations, and the estimates approved for  
7     expenditure by the secretary of administration under s. 16.50 (2), for the purpose of  
8     paying federal disallowances, federal sanctions, or penalties and the costs of any  
9     corrective action affecting the department of children and families.  
10    Notwithstanding s. 20.001 (3) (c), at the end of each fiscal year, the amount  
11    determined by the department of administration under s. 16.54 (12) (d) shall lapse  
12    to the general fund.

13           **SECTION 21.** 46.46 of the statutes is repealed.

14           **SECTION 22.** 48.07 (3) of the statutes is amended to read:

15           **48.07 (3)** THE DEPARTMENT IN POPULOUS COUNTIES. In counties having a  
16    population of ~~500,000~~ 750,000 or more, the department may be ordered by the court  
17    to provide services for furnishing emergency shelter care to any child whose need  
18    therefor is determined by the intake worker under s. 48.205. The court may  
19    authorize the department to appoint members of the department to furnish  
20    emergency shelter care services for the child. The emergency shelter care may be  
21    provided as specified in s. 48.207.

22           **SECTION 23.** 48.207 (2) (a) of the statutes is amended to read:

23           **48.207 (2) (a)** If a facility listed in sub. (1) (b) to (k) is used to hold a child in  
24    custody, or if supervisory services of a home detention program are provided to a child  
25    held under sub. (1) (a), the authorized rate of the facility for the care of the child or

**ASSEMBLY BILL 440**

1 the authorized rate for those supervisory services shall be paid by the county in a  
2 county having a population of less than ~~500,000~~ 750,000 or by the department in a  
3 county having a population of ~~500,000~~ 750,000 or more. If no authorized rate has  
4 been established, a reasonable sum to be fixed by the court shall be paid by the county  
5 in a county having a population of less than ~~500,000~~ 750,000 or by the department  
6 in a county having a population of ~~500,000~~ 750,000 or more for the supervision or care  
7 of the child.

8 **SECTION 24.** 48.207 (2) (b) of the statutes is amended to read:

9 48.207 (2) (b) If a facility listed in sub. (1m) (b) to (e) is used to hold an expectant  
10 mother of an unborn child in custody, or if supervisory services of a home detention  
11 program are provided to an expectant mother held under sub. (1m) (a), the  
12 authorized rate of the facility for the care of the expectant mother or the authorized  
13 rate for those supervisory services shall be paid by the county in a county having a  
14 population of less than ~~500,000~~ 750,000 or by the department in a county having a  
15 population of ~~500,000~~ 750,000 or more. If no authorized rate has been established,  
16 a reasonable sum to be fixed by the court shall be paid by the county in a county  
17 having a population of less than ~~500,000~~ 750,000 or by the department in a county  
18 having a population of ~~500,000~~ 750,000 or more for the supervision or care of the  
19 expectant mother.

20 **SECTION 25.** 48.21 (3) (f) of the statutes is amended to read:

21 48.21 (3) (f) If present at the hearing, the parent shall be requested to provide  
22 the names and other identifying information of 3 relatives of the child or other  
23 individuals 18 years of age or over whose homes the parent requests the court to  
24 consider as placements for the child. If the parent does not provide that information  
25 at the hearing, the county department, the department in a county having a

**ASSEMBLY BILL 440**

1 population of ~~500,000~~ 750,000 or more, or the agency primarily responsible for  
2 providing services to the child under the custody order shall permit the parent to  
3 provide the information at a later date.

4 **SECTION 26.** 48.21 (5) (b) 1. d. of the statutes is amended to read:

5 48.21 (5) (b) 1. d. If the child is under the supervision of the county department  
6 or, in a county having a population of ~~500,000~~ 750,000 or more, the department, an  
7 order ordering the child into the placement and care responsibility of the county  
8 department or department as required under 42 USC 672 (a) (2) and assigning the  
9 county department or department primary responsibility for providing services to  
10 the child.

11 **SECTION 27.** 48.21 (5) (b) 1m. of the statutes is amended to read:

12 48.21 (5) (b) 1m. If for good cause shown sufficient information is not available  
13 for the judge or circuit court commissioner to make a finding as to whether  
14 reasonable efforts were made to prevent the removal of the child from the home,  
15 while assuring that the child's health and safety are the paramount concerns, a  
16 finding as to whether reasonable efforts were made to make it possible for the child  
17 to return safely home and an order for the county department, department, in a  
18 county having a population of ~~500,000~~ 750,000 or more, or agency primarily  
19 responsible for providing services to the child under the custody order to file with the  
20 court sufficient information for the judge or circuit court commissioner to make a  
21 finding as to whether those reasonable efforts were made to prevent the removal of  
22 the child from the home by no later than 5 days, excluding Saturdays, Sundays, and  
23 legal holidays, after the date on which the order is granted.

24 **SECTION 28.** 48.21 (5) (b) 2m. of the statutes is amended to read:

**ASSEMBLY BILL 440**

1           48.21 (5) (b) 2m. If the child has one or more siblings, as defined in s. 48.38 (4)  
2 (br) 1., who have also been removed from the home, a finding as to whether the intake  
3 worker has made reasonable efforts to place the child in a placement that enables the  
4 sibling group to remain together, unless the judge or circuit court commissioner  
5 determines that a joint placement would be contrary to the safety or well-being of  
6 the child or any of those siblings, in which case the judge or circuit court  
7 commissioner shall order the county department, department in a county having a  
8 population of ~~500,000~~ 750,000 or more, or agency primarily responsible for providing  
9 services to the child under the custody order to make reasonable efforts to provide  
10 for frequent visitation or other ongoing interaction between the child and the  
11 siblings, unless the judge or circuit court commissioner determines that such  
12 visitation or interaction would be contrary to the safety or well-being of the child or  
13 any of those siblings.

14           **SECTION 29.** 48.21 (5) (b) 3. of the statutes is amended to read:

15           48.21 (5) (b) 3. If the judge or circuit court commissioner finds that any of the  
16 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,  
17 a determination that the county department, department, in a county having a  
18 population of ~~500,000~~ 750,000 or more, or agency primarily responsible for providing  
19 services under the custody order is not required to make reasonable efforts with  
20 respect to the parent to make it possible for the child to return safely to his or her  
21 home.

22           **SECTION 30.** 48.21 (5) (e) 2. (intro.) of the statutes is amended to read:

23           48.21 (5) (e) 2. (intro.) The court shall order the county department, the  
24 department in a county having a population of ~~500,000~~ 750,000 or more, or the  
25 agency primarily responsible for providing services to the child under the custody

**ASSEMBLY BILL 440****SECTION 30**

1 order to conduct a diligent search in order to locate and provide notice of the  
2 information specified in this subdivision to all relatives of the child named under sub.  
3 (3) (f) and to all adult relatives of the child within 30 days after the child is removed  
4 from the custody of the child's parent unless the child is returned to his or her home  
5 within that period. The court may also order the county department, department,  
6 or agency to conduct a diligent search in order to locate and provide notice of the  
7 information specified in this subdivision to all other adult individuals named under  
8 sub. (3) (f) within 30 days after the child is removed from the custody of the child's  
9 parent unless the child is returned to his or her home within that period. The county  
10 department, department, or agency may not provide that notice to a person named  
11 under sub. (3) (f) or to an adult relative if the county department, department, or  
12 agency has reason to believe that it would be dangerous to the child or to the parent  
13 if the child were placed with that person or adult relative. The notice shall include  
14 all of the following:

15 **SECTION 31.** 48.24 (5) of the statutes is amended to read:

16 48.24 (5) The intake worker shall request that a petition be filed, enter into an  
17 informal disposition, or close the case within 60 days after receipt of referral  
18 information. If the referral information is a report received by a county department  
19 or, in a county having a population of ~~500,000~~ 750,000 or more, the department or  
20 a licensed child welfare agency under contract with the department under s. 48.981  
21 (3) (a) 1., 2., or 2d., that 60-day period shall begin on the day on which the report is  
22 received by the county department, department, or licensed child welfare agency. If  
23 the case is closed or an informal disposition is entered into, the district attorney,  
24 corporation counsel, or other official under s. 48.09 shall receive written notice of that  
25 action. If a law enforcement officer has made a recommendation concerning the



**ASSEMBLY BILL 440**

1 child, or the unborn child and the expectant mother of the unborn child, the intake  
2 worker shall forward this recommendation to the district attorney, corporation  
3 counsel, or other official under s. 48.09. If a petition is filed, the petition may include  
4 information received more than 60 days before filing the petition to establish a  
5 condition or pattern which, together with information received within the 60-day  
6 period, provides a basis for conferring jurisdiction on the court. The court shall grant  
7 appropriate relief as provided in s. 48.315 (3) with respect to any petition that is not  
8 referred or filed within the time periods specified in this subsection. Failure to object  
9 to the fact that a petition is not requested within the time period specified in this  
10 subsection waives any challenge to the court's competency to act on the petition.

11 **SECTION 32.** 48.275 (2) (d) 1. of the statutes is amended to read:

12 48.275 (2) (d) 1. In a county having a population of less than ~~500,000~~ 750,000,  
13 reimbursement payments shall be made to the clerk of courts of the county where the  
14 proceedings took place. Each payment shall be transmitted to the county treasurer,  
15 who shall deposit 25% of the amount paid for state-provided counsel in the county  
16 treasury and transmit the remainder to the secretary of administration. Payments  
17 transmitted to the secretary of administration shall be deposited in the general fund  
18 and credited to the appropriation account under s. 20.550 (1) (L). The county  
19 treasurer shall deposit 100% of the amount paid for county-provided counsel in the  
20 county treasury.

21 **SECTION 33.** 48.275 (2) (d) 2. of the statutes is amended to read:

22 48.275 (2) (d) 2. In a county having a population of ~~500,000~~ 750,000 or more,  
23 reimbursement payments shall be made to the clerk of courts of the county where the  
24 proceedings took place. Each payment shall be transmitted to the secretary of  
25 administration, who shall deposit the amount paid in the general fund and credit

**ASSEMBLY BILL 440****SECTION 33**

1 25% of the amount paid to the appropriation account under s. 20.437 (1) (gx) and the  
2 remainder to the appropriation account under s. 20.550 (1) (L).

3 **SECTION 34.** 48.295 (1) of the statutes is amended to read:

4 48.295 (1) After the filing of a petition and upon a finding by the court that  
5 reasonable cause exists to warrant a physical, psychological, mental, or  
6 developmental examination or an alcohol and other drug abuse assessment that  
7 conforms to the criteria specified under s. 48.547 (4), the court may order any child  
8 coming within its jurisdiction to be examined as an outpatient by personnel in an  
9 approved treatment facility for alcohol and other drug abuse, by a physician,  
10 psychiatrist or licensed psychologist, or by another expert appointed by the court  
11 holding at least a master's degree in social work or another related field of child  
12 development, in order that the child's physical, psychological, alcohol or other drug  
13 dependency, mental, or developmental condition may be considered. The court may  
14 also order a physical, psychological, mental, or developmental examination or an  
15 alcohol and other drug abuse assessment that conforms to the criteria specified  
16 under s. 48.547 (4) of a parent, guardian, or legal custodian whose ability to care for  
17 a child is at issue before the court or of an expectant mother whose ability to control  
18 her use of alcohol beverages, controlled substances, or controlled substance analogs  
19 is at issue before the court. The court shall hear any objections by the child or the  
20 child's parents, guardian, or legal custodian to the request for such an examination  
21 or assessment before ordering the examination or assessment. The expenses of an  
22 examination, if approved by the court, shall be paid by the county of the court  
23 ordering the examination in a county having a population of less than 500,000  
24 750,000 or by the department in a county having a population of 500,000 750,000 or

**ASSEMBLY BILL 440**

1 more. The payment for an alcohol and other drug abuse assessment shall be in  
2 accordance with s. 48.361.

3 **SECTION 35.** 48.30 (6) (c) of the statutes is amended to read:

4 48.30 (6) (c) If the court orders the child's parent to provide a statement of  
5 income, assets, debts and living expenses to the court or if the court orders the child's  
6 parent to provide that statement to the designated agency under s. 48.33 (1) and that  
7 designated agency is not the county department or, in a county having a population  
8 of ~~500,000~~ 750,000 or more, the department, the court shall also order the child's  
9 parent to provide that statement to the county department or, in a county having a  
10 population of ~~500,000~~ 750,000 or more, the department at least 5 days before the  
11 scheduled date of the dispositional hearing or as otherwise ordered by the court. The  
12 county department or, in a county having a population of ~~500,000~~ 750,000 or more,  
13 the department shall provide, without charge, to the parent a form on which to  
14 provide that statement, and the parent shall provide that statement on that form.  
15 The county department or, in a county having a population of ~~500,000~~ 750,000 or  
16 more, the department shall use the information provided in the statement to  
17 determine whether the department may claim federal foster care and adoption  
18 assistance reimbursement under 42 USC 670 to 679a for the cost of providing care  
19 for the child.

20 **SECTION 36.** 48.31 (7) (c) of the statutes is amended to read:

21 48.31 (7) (c) If the court orders the child's parent to provide a statement of  
22 income, assets, debts and living expenses to the court or if the court orders the child's  
23 parent to provide that statement to the designated agency under s. 48.33 (1) and that  
24 designated agency is not the county department or, in a county having a population  
25 of ~~500,000~~ 750,000 or more, the department, the court shall also order the child's

**ASSEMBLY BILL 440****SECTION 36**

1 parent to provide that statement to the county department or, in a county having a  
2 population of ~~500,000~~ 750,000 or more, the department at least 5 days before the  
3 scheduled date of the dispositional hearing or as otherwise ordered by the court. The  
4 county department or, in a county having a population of ~~500,000~~ 750,000 or more,  
5 the department shall provide, without charge, to the parent a form on which to  
6 provide that statement, and the parent shall provide that statement on that form.  
7 The county department or, in a county having a population of ~~500,000~~ 750,000 or  
8 more, the department shall use the information provided in the statement to  
9 determine whether the department may claim federal foster care and adoption  
10 assistance reimbursement under 42 USC 670 to 679a for the cost of providing care  
11 for the child.

12 **SECTION 37.** 48.32 (1) (b) 1. b. of the statutes is amended to read:

13 48.32 (1) (b) 1. b. A finding as to whether the county department, the  
14 department, in a county having a population of ~~500,000~~ 750,000 or more, or the  
15 agency primarily responsible for providing services to the child has made reasonable  
16 efforts to prevent the removal of the child from the home, while assuring that the  
17 child's health and safety are the paramount concerns, unless the judge or circuit  
18 court commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b)  
19 1. to 5. applies.

20 **SECTION 38.** 48.32 (1) (b) 1. d. of the statutes is amended to read:

21 48.32 (1) (b) 1. d. If the child's placement or other living arrangement is under  
22 the supervision of the county department or, in a county having a population of  
23 ~~500,000~~ 750,000 or more, the department, an order ordering the child into the  
24 placement and care responsibility of the county department or department as

**ASSEMBLY BILL 440**

1 required under 42 USC 672 (a) (2) and assigning the county department or  
2 department primary responsibility for providing services to the child.

3 **SECTION 39.** 48.32 (1) (b) 1m. of the statutes is amended to read:

4 48.32 (1) (b) 1m. If the child has one or more siblings, as defined in s. 48.38 (4)  
5 (br) 1., who have also been removed from the home, the consent decree shall include  
6 a finding as to whether the county department, department in a county having a  
7 population of ~~500,000~~ 750,000 or more, or agency primarily responsible for providing  
8 services to the child has made reasonable efforts to place the child in a placement that  
9 enables the sibling group to remain together, unless the judge or circuit court  
10 commissioner determines that a joint placement would be contrary to the safety or  
11 well-being of the child or any of those siblings, in which case the judge or circuit court  
12 commissioner shall order the county department, department, or agency to make  
13 reasonable efforts to provide for frequent visitation or other ongoing interaction  
14 between the child and the siblings, unless the judge or circuit court commissioner  
15 determines that such visitation or interaction would be contrary to the safety or  
16 well-being of the child or any of those siblings.

17 **SECTION 40.** 48.32 (1) (b) 2. of the statutes is amended to read:

18 48.32 (1) (b) 2. If the judge or circuit court commissioner finds that any of the  
19 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,  
20 the consent decree shall include a determination that the county department,  
21 department, in a county having a population of ~~500,000~~ 750,000 or more, or agency  
22 primarily responsible for providing services under the consent decree is not required  
23 to make reasonable efforts with respect to the parent to make it possible for the child  
24 to return safely to his or her home.

25 **SECTION 41.** 48.33 (4) (c) of the statutes is amended to read:

**ASSEMBLY BILL 440****SECTION 41**

1           48.33 (4) (c) Specific information showing that continued placement of the child  
2           in his or her home would be contrary to the welfare of the child, specific information  
3           showing that the county department, the department, in a county having a  
4           population of ~~500,000~~ 750,000 or more, or the agency primarily responsible for  
5           providing services to the child has made reasonable efforts to prevent the removal  
6           of the child from the home, while assuring that the child's health and safety are the  
7           paramount concerns, unless any of the circumstances specified in s. 48.355 (2d) (b)  
8           1. to 5. applies, and, if a permanency plan has previously been prepared for the child,  
9           specific information showing that the county department, department, or agency has  
10          made reasonable efforts to achieve the permanency goal of the child's permanency  
11          plan, including, if appropriate, through an out-of-state placement.

12           **SECTION 42.** 48.33 (4) (d) 1. of the statutes is amended to read:

13           48.33 (4) (d) 1. If the child has one or more siblings, as defined in s. 48.38 (4)  
14          (br) 1., who have been removed from the home or for whom an out-of-home  
15          placement is recommended, specific information showing that the county  
16          department, department in a county having a population of ~~500,000~~ 750,000 or more,  
17          or agency primarily responsible for providing services to the child has made  
18          reasonable efforts to place the child in a placement that enables the sibling group to  
19          remain together, unless the county department, department, or agency recommends  
20          that the child and his or her siblings not be placed in a joint placement, in which case  
21          the report shall include specific information showing that a joint placement would  
22          be contrary to the safety or well-being of the child or any of those siblings and the  
23          specific information required under subd. 2.

24           **SECTION 43.** 48.335 (3g) (b) of the statutes is amended to read:

**ASSEMBLY BILL 440**

1           48.335 **(3g)** (b) That the county department, the department, in a county  
2           having a population of ~~500,000~~ 750,000 or more, or the agency primarily responsible  
3           for providing services to the child has made reasonable efforts to prevent the removal  
4           of the child from the home, while assuring that the child's health and safety are the  
5           paramount concerns, unless any of the circumstances specified in s. 48.355 (2d) (b)  
6           1. to 5. applies.

7           **SECTION 44.** 48.335 (6) of the statutes is amended to read:

8           48.335 **(6)** If the dispositional order places the child outside the home, the  
9           parent, if present at the hearing, shall be requested to provide the names and other  
10          identifying information of 3 relatives of the child or other individuals 18 years of age  
11          or over whose homes the parent requests the court to consider as placements for the  
12          child, unless that information has previously been provided under s. 48.21 (3) (f). If  
13          the parent does not provide that information at the hearing, the county department,  
14          the department in a county having a population of ~~500,000~~ 750,000 or more, or the  
15          agency primarily responsible for providing services to the child under the  
16          dispositional order shall permit the parent to provide the information at a later date.

17          **SECTION 45.** 48.345 (4) (b) of the statutes is amended to read:

18          48.345 **(4)** (b) The county department in a county having a population of less  
19          than ~~500,000~~ 750,000.

20          **SECTION 46.** 48.345 (4) (bm) of the statutes is amended to read:

21          48.345 **(4)** (bm) The department in a county having a population of ~~500,000~~  
22          750,000 or more.

23          **SECTION 47.** 48.345 (12) (b) of the statutes is amended to read:

24          48.345 **(12)** (b) The judge shall order the school board to disclose the child's  
25          pupil records, as defined under s. 118.125 (1) (d), to the county department,

**ASSEMBLY BILL 440****SECTION 47**

1 department, in a county having a population of ~~500,000~~ 750,000 or more, or licensed  
2 child welfare agency responsible for supervising the child, as necessary to determine  
3 the child's compliance with the order under par. (a).

4 **SECTION 48.** 48.345 (12) (c) of the statutes is amended to read:

5 48.345 (12) (c) The judge shall order the county department, department, in  
6 a county having a population of ~~500,000~~ 750,000 or more, or licensed child welfare  
7 agency responsible for supervising the child to disclose to the school board, technical  
8 college district board, tribal school, or private, nonprofit, nonsectarian agency which  
9 is providing an educational program under par. (a) 3. records or information about  
10 the child, as necessary to assure the provision of appropriate educational services  
11 under par. (a).

12 **SECTION 49.** 48.345 (13) (a) of the statutes is amended to read:

13 48.345 (13) (a) If the report prepared under s. 48.33 (1) recommends that the  
14 child is in need of treatment for the use or abuse of alcohol beverages, controlled  
15 substances or controlled substance analogs and its medical, personal, family or social  
16 effects, the court may order the child to enter an outpatient alcohol and other drug  
17 abuse treatment program at an approved treatment facility. The approved  
18 treatment facility shall, under the terms of a service agreement between the  
19 approved treatment facility and the county in a county having a population of less  
20 than ~~500,000~~ 750,000 or the department in a county having a population of ~~500,000~~  
21 750,000 or more, or with the written informed consent of the child or the child's  
22 parent if the child has not attained the age of 12, report to the agency primarily  
23 responsible for providing services to the child as to whether the child is cooperating  
24 with the treatment and whether the treatment appears to be effective.

25 **SECTION 50.** 48.345 (13) (b) of the statutes is amended to read:



**ASSEMBLY BILL 440**

1           48.345 (13) (b) If the report prepared under s. 48.33 (1) recommends that the  
2 child is in need of education relating to the use of alcohol beverages, controlled  
3 substances or controlled substance analogs, the court may order the child to  
4 participate in an alcohol or other drug abuse education program approved by the  
5 court. The person or agency that provides the education program shall, under the  
6 terms of a service agreement between the education program and the county in a  
7 county having a population of less than ~~500,000~~ 750,000 or the department in a  
8 county having a population of ~~500,000~~ 750,000 or more, or with the written informed  
9 consent of the child or the child's parent if the child has not attained the age of 12,  
10 report to the agency primarily responsible for providing services to the child about  
11 the child's attendance at the program.

12           **SECTION 51.** 48.345 (14) (a) of the statutes is amended to read:

13           48.345 (14) (a) If, based on an evaluation under s. 48.295 and the report under  
14 s. 48.33, the judge finds that the child expectant mother of an unborn child in need  
15 of protection or services is in need of inpatient treatment for her habitual lack of  
16 self-control in the use of alcohol, controlled substances or controlled substance  
17 analogs, exhibited to a severe degree, that inpatient treatment is appropriate for the  
18 child expectant mother's needs and that inpatient treatment is the least restrictive  
19 treatment consistent with the child expectant mother's needs, the judge may order  
20 the child expectant mother to enter an inpatient alcohol or other drug abuse  
21 treatment program at an inpatient facility, as defined in s. 51.01 (10). The inpatient  
22 facility shall, under the terms of a service agreement between the inpatient facility  
23 and the county in a county having a population of less than ~~500,000~~ 750,000 or the  
24 department in a county having a population of ~~500,000~~ 750,000 or more, or with the  
25 written and informed consent of the child expectant mother or the child expectant

**ASSEMBLY BILL 440****SECTION 51**

1 mother's parent if the child expectant mother has not attained the age of 12, report  
2 to the agency primarily responsible for providing services to the child expectant  
3 mother as to whether the child expectant mother is cooperating with the treatment  
4 and whether the treatment appears to be effective.

5 **SECTION 52.** 48.347 (5) (a) of the statutes is amended to read:

6 48.347 (5) (a) If the report prepared under s. 48.33 (1) recommends that the  
7 adult expectant mother is in need of treatment for the use or abuse of alcohol  
8 beverages, controlled substances or controlled substance analogs and its medical,  
9 personal, family or social effects, the court may order the adult expectant mother to  
10 enter an outpatient alcohol and other drug abuse treatment program at an approved  
11 treatment facility. The approved treatment facility shall, under the terms of a service  
12 agreement between the approved treatment facility and the county in a county  
13 having a population of less than ~~500,000~~ 750,000 or the department in a county  
14 having a population of ~~500,000~~ 750,000 or more, or with the written informed consent  
15 of the adult expectant mother, report to the agency primarily responsible for  
16 providing services to the adult expectant mother as to whether the adult expectant  
17 mother is cooperating with the treatment and whether the treatment appears to be  
18 effective.

19 **SECTION 53.** 48.347 (5) (b) of the statutes is amended to read:

20 48.347 (5) (b) If the report prepared under s. 48.33 (1) recommends that the  
21 adult expectant mother is in need of education relating to the use of alcohol  
22 beverages, controlled substances or controlled substance analogs, the court may  
23 order the adult expectant mother to participate in an alcohol or other drug abuse  
24 education program approved by the court. The person or agency that provides the  
25 education program shall, under the terms of a service agreement between the

**ASSEMBLY BILL 440**

1 education program and the county in a county having a population of less than  
2 500,000 750,000 or the department in a county having a population of 500,000  
3 750,000 or more, or with the written informed consent of the adult expectant mother,  
4 report to the agency primarily responsible for providing services to the adult  
5 expectant mother about the adult expectant mother's attendance at the program.

6 **SECTION 54.** 48.347 (6) (a) of the statutes is amended to read:

7 48.347 (6) (a) If, based on an evaluation under s. 48.295 and the report under  
8 s. 48.33, the judge finds that the adult expectant mother is in need of inpatient  
9 treatment for her habitual lack of self-control in the use of alcohol, controlled  
10 substances or controlled substance analogs, exhibited to a severe degree, that  
11 inpatient treatment is appropriate for the adult expectant mother's needs and that  
12 inpatient treatment is the least restrictive treatment consistent with the adult  
13 expectant mother's needs, the judge may order the adult expectant mother to enter  
14 an inpatient alcohol or other drug abuse treatment program at an inpatient facility,  
15 as defined in s. 51.01 (10). The inpatient facility shall, under the terms of a service  
16 agreement between the inpatient facility and the county in a county having a  
17 population of less than 500,000 750,000 or the department in a county having a  
18 population of 500,000 750,000 or more, or with the written and informed consent of  
19 the adult expectant mother, report to the agency primarily responsible for providing  
20 services to the adult expectant mother as to whether the adult expectant mother is  
21 cooperating with the treatment and whether the treatment appears to be effective.

22 **SECTION 55.** 48.355 (2) (b) 4m. of the statutes is amended to read:

23 48.355 (2) (b) 4m. If the child is placed outside the home and if the child's parent  
24 has not already provided a statement of income, assets, debts and living expenses to  
25 the county department or, in a county having a population of 500,000 750,000 or

**ASSEMBLY BILL 440****SECTION 55**

1 more, the department under s. 48.30 (6) (b) or (c) or 48.31 (7) (b) or (c), an order for  
2 the parent to provide that statement to the county department or, in a county having  
3 a population of ~~500,000~~ 750,000 or more, the department by a date specified by the  
4 court. The county department or, in a county having a population of ~~500,000~~ 750,000  
5 or more, the department shall provide, without charge, to the parent a form on which  
6 to provide that statement, and the parent shall provide that statement on that form.  
7 The county department or, in a county having a population of ~~500,000~~ 750,000 or  
8 more, the department shall use the information provided in the statement to  
9 determine whether the department may claim federal foster care and adoption  
10 assistance reimbursement under 42 USC 670 to 679a for the cost of providing care  
11 for the child.

12 **SECTION 56.** 48.355 (2) (b) 6. of the statutes is amended to read:

13 48.355 (2) (b) 6. If the child is placed outside the home, a finding that continued  
14 placement of the child in his or her home would be contrary to the welfare of the child,  
15 a finding as to whether the county department, the department, in a county having  
16 a population of ~~500,000~~ 750,000 or more, or the agency primarily responsible for  
17 providing services under a court order has made reasonable efforts to prevent the  
18 removal of the child from the home, while assuring that the child's health and safety  
19 are the paramount concerns, unless the court finds that any of the circumstances  
20 specified in sub. (2d) (b) 1. to 5. applies, and, if a permanency plan has previously  
21 been prepared for the child, a finding as to whether the county department,  
22 department, or agency has made reasonable efforts to achieve the permanency goal  
23 of the child's permanency plan, including, if appropriate, through an out-of-state  
24 placement. The court shall make the findings specified in this subdivision on a  
25 case-by-case basis based on circumstances specific to the child and shall document

**ASSEMBLY BILL 440**

1 or reference the specific information on which those findings are based in the court  
2 order. A court order that merely references this subdivision without documenting  
3 or referencing that specific information in the court order or an amended court order  
4 that retroactively corrects an earlier court order that does not comply with this  
5 subdivision is not sufficient to comply with this subdivision.

6 **SECTION 57.** 48.355 (2) (b) 6g. of the statutes is amended to read:

7 48.355 (2) (b) 6g. If the child is placed outside the home under the supervision  
8 of the county department or, in a county having a population of ~~500,000~~ 750,000 or  
9 more, the department, an order ordering the child into the placement and care  
10 responsibility of the county department or department as required under 42 USC  
11 672 (a) (2) and assigning the county department or department primary  
12 responsibility for providing services to the child.

13 **SECTION 58.** 48.355 (2) (b) 6p. of the statutes is amended to read:

14 48.355 (2) (b) 6p. If the child is placed outside the home and if the child has one  
15 or more siblings, as defined in s. 48.38 (4) (br) 1., who have also been placed outside  
16 the home, a finding as to whether the county department, the department in a county  
17 having a population of ~~500,000~~ 750,000 or more, or the agency primarily responsible  
18 for providing services under a court order has made reasonable efforts to place the  
19 child in a placement that enables the sibling group to remain together, unless the  
20 court determines that a joint placement would be contrary to the safety or well-being  
21 of the child or any of those siblings, in which case the court shall order the county  
22 department, department, or agency to make reasonable efforts to provide for  
23 frequent visitation or other ongoing interaction between the child and the siblings,  
24 unless the court determines that such visitation or interaction would be contrary to  
25 the safety or well-being of the child or any of those siblings.

**ASSEMBLY BILL 440****SECTION 59**

1           **SECTION 59.** 48.355 (2) (b) 6r. of the statutes is amended to read:

2           48.355 (2) (b) 6r. If the court finds that any of the circumstances specified in  
3 sub. (2d) (b) 1. to 5. applies with respect to a parent, a determination that the county  
4 department, department, in a county having a population of 500,000 750,000 or  
5 more, or agency primarily responsible for providing services under the court order  
6 is not required to make reasonable efforts with respect to the parent to make it  
7 possible for the child to return safely to his or her home.

8           **SECTION 60.** 48.355 (2) (c) of the statutes is amended to read:

9           48.355 (2) (c) If school attendance is a condition of an order under par. (b) 7.,  
10 the order shall specify what constitutes a violation of the condition and shall direct  
11 the school board of the school district in which the child is enrolled or the governing  
12 body of the private school, as defined in s. 115.001 (3d), in which the child is enrolled,  
13 or shall request the governing body of the tribal school in which the child is enrolled,  
14 to notify the county department that is responsible for supervising the child or, in a  
15 county having a population of 500,000 750,000 or more, the department within 5  
16 days after any violation of the condition by the child.

17           **SECTION 61.** 48.355 (2) (cm) 1. of the statutes is amended to read:

18           48.355 (2) (cm) 1. Subject to subd. 2., the court shall order the county  
19 department, the department in a county having a population of 500,000 750,000 or  
20 more, or the agency primarily responsible for providing services to the child under  
21 the dispositional order to conduct a diligent search in order to locate and provide  
22 notice of the information specified in s. 48.21 (5) (e) 2. a. to e. to all relatives of the  
23 child named under s. 48.335 (6) and to all adult relatives, as defined in s. 48.21 (5)  
24 (e) 1., of the child within 30 days after the child is removed from the custody of the  
25 child's parent unless the child is returned to his or her home within that period. The

**ASSEMBLY BILL 440**

1 court may also order the county department, department, or agency to conduct a  
2 diligent search in order to locate and provide notice of that information to all other  
3 adult individuals named under s. 48.335 (6) within 30 days after the child is removed  
4 from the custody of the child's parent unless the child is returned to his or her home  
5 within that period. The county department, department, or agency may not provide  
6 that notice to a person named under s. 48.335 (6) or to an adult relative if the county  
7 department, department, or agency has reason to believe that it would be dangerous  
8 to the child or to the parent if the child were placed with that person or adult relative.

9 **SECTION 62.** 48.355 (2b) (b) of the statutes is amended to read:

10 48.355 (2b) (b) A county department, the department, in a county having a  
11 population of ~~500,000~~ 750,000 or more, or the agency primarily responsible for  
12 providing services to a child under a court order shall determine, in accordance with  
13 standards established by the department, whether to engage in concurrent  
14 planning. If, according to those standards, concurrent planning is required, the  
15 county department, department, or agency shall engage in concurrent planning  
16 unless the court or permanency review panel determines under s. 48.38 (5) (c) 5m.  
17 that concurrent planning is inappropriate.

18 **SECTION 63.** 48.355 (2c) (a) (intro.) of the statutes is amended to read:

19 48.355 (2c) (a) (intro.) When a court makes a finding under sub. (2) (b) 6. as to  
20 whether the county department, the department, in a county having a population of  
21 ~~500,000~~ 750,000 or more, or the agency primarily responsible for providing services  
22 to the child under a court order has made reasonable efforts to prevent the removal  
23 of the child from his or her home, while assuring that the child's health and safety  
24 are the paramount concerns, the court's consideration of reasonable efforts shall  
25 include, but not be limited to, whether:

**ASSEMBLY BILL 440****SECTION 64**

1           **SECTION 64.** 48.355 (2c) (b) of the statutes is amended to read:

2           48.355 **(2c)** (b) When a court makes a finding under sub. (2) (b) 6. as to whether  
3 the county department, department, in a county having a population of 500,000  
4 750,000 or more, or agency primarily responsible for providing services to the child  
5 under a court order has made reasonable efforts to achieve the permanency goal of  
6 the permanency plan, the court's consideration of reasonable efforts shall include the  
7 considerations listed under par. (a) 1. to 5. and whether visitation schedules between  
8 the child and his or her parents were implemented, unless visitation was denied or  
9 limited by the court.

10           **SECTION 65.** 48.355 (2d) (b) (intro.) of the statutes is amended to read:

11           48.355 **(2d)** (b) (intro.) Notwithstanding sub. (2) (b) 6., the court is not required  
12 to include in a dispositional order a finding as to whether the county department, the  
13 department, in a county having a population of 500,000 750,000 or more, or the  
14 agency primarily responsible for providing services under a court order has made  
15 reasonable efforts with respect to a parent of a child to prevent the removal of the  
16 child from the home, while assuring that the child's health and safety are the  
17 paramount concerns, or a finding as to whether the county department, department,  
18 or agency has made reasonable efforts with respect to a parent of a child to achieve  
19 the permanency goal of returning the child safely to his or her home, if the court finds  
20 any of the following:

21           **SECTION 66.** 48.357 (1) (c) 2m. of the statutes is amended to read:

22           48.357 **(1)** (c) 2m. If the court changes the child's placement from a placement  
23 in the child's home to a placement outside the child's home, the parent, if present at  
24 the hearing, shall be requested to provide the names and other identifying  
25 information of 3 relatives of the child or other individuals 18 years of age or over



**ASSEMBLY BILL 440**

1 whose homes the parent requests the court to consider as placements for the child,  
2 unless that information has previously been provided under this subdivision, sub.  
3 (2m) (bm), or s. 48.21 (3) (f) or 48.335 (6). If the parent does not provide that  
4 information at the hearing, the county department, the department in a county  
5 having a population of ~~500,000~~ 750,000 or more, or the agency primarily responsible  
6 for implementing the dispositional order shall permit the parent to provide the  
7 information at a later date.

8 **SECTION 67.** 48.357 (2m) (bm) of the statutes is amended to read:

9 48.357 (**2m**) (bm) If the court changes the child's placement from a placement  
10 in the child's home to a placement outside the child's home, the parent, if present at  
11 the hearing, shall be requested to provide the names and other identifying  
12 information of 3 relatives of the child or other individuals 18 years of age or over  
13 whose homes the parent requests the court to consider as placements for the child,  
14 unless that information has previously been provided under this paragraph, sub. (1)  
15 (c) 2m., or s. 48.21 (3) (f) or 48.335 (6). If the parent does not provide that information  
16 at the hearing, the county department, the department in a county having a  
17 population of ~~500,000~~ 750,000 or more, or the agency primarily responsible for  
18 implementing the dispositional order shall permit the parent to provide the  
19 information at a later date.

20 **SECTION 68.** 48.357 (2v) (a) 1m. of the statutes is amended to read:

21 48.357 (**2v**) (a) 1m. If the change in placement order changes the placement of  
22 a child who is under the supervision of the county department or, in a county having  
23 a population of ~~500,000~~ 750,000 or more, the department to a placement outside the  
24 child's home, whether from a placement in the home or from another placement  
25 outside the home, an order ordering the child into, or to be continued in, the

**ASSEMBLY BILL 440****SECTION 68**

1 placement and care responsibility of the county department or department as  
2 required under 42 USC 672 (a) (2) and assigning the county department or  
3 department primary responsibility, or continued primary responsibility, for  
4 providing services to the child.

5 **SECTION 69.** 48.357 (2v) (a) 2m. of the statutes is amended to read:

6 48.357 (2v) (a) 2m. If the child has one or more siblings, as defined in s. 48.38  
7 (4) (br) 1., who have been placed outside the home or for whom a change in placement  
8 to a placement outside the home is requested, a finding as to whether the county  
9 department, the department in a county having a population of ~~500,000~~ 750,000 or  
10 more, or the agency primarily responsible for implementing the dispositional order  
11 has made reasonable efforts to place the child in a placement that enables the sibling  
12 group to remain together, unless the court determines that a joint placement would  
13 be contrary to the safety or well-being of the child or any of those siblings, in which  
14 case the court shall order the county department, department, or agency to make  
15 reasonable efforts to provide for frequent visitation or other ongoing interaction  
16 between the child and the siblings, unless the court determines that such visitation  
17 or interaction would be contrary to the safety or well-being of the child or any of those  
18 siblings.

19 **SECTION 70.** 48.357 (2v) (d) 1. of the statutes is amended to read:

20 48.357 (2v) (d) 1. Subject to subd. 2., the court shall order the county  
21 department, the department in a county having a population of ~~500,000~~ 750,000 or  
22 more, or the agency primarily responsible for implementing the dispositional order  
23 to conduct a diligent search in order to locate and provide notice of the information  
24 specified in s. 48.21 (5) (e) 2. a. to e. to all relatives of the child named under sub. (1)  
25 (c) 2m. or (2m) (bm) and to all adult relatives, as defined in s. 48.21 (5) (e) 1., of the

**ASSEMBLY BILL 440**

1 child within 30 days after the child is removed from the custody of the child's parent  
2 unless the child is returned to his or her home within that period. The court may also  
3 order the county department, department, or agency to conduct a diligent search in  
4 order to locate and provide notice of that information to all other adult individuals  
5 named under sub. (1) (c) 2m. or (2m) (bm) within 30 days after the child is removed  
6 from the custody of the child's parent unless the child is returned to his or her home  
7 within that period. The county department, department, or agency may not provide  
8 that notice to a person named under sub. (1) (c) 2m. or (2m) (bm) or to an adult  
9 relative if the county department, department, or agency has reason to believe that  
10 it would be dangerous to the child or to the parent if the child were placed with that  
11 person or adult relative.

12 **SECTION 71.** 48.357 (5m) (b) of the statutes is amended to read:

13 48.357 (**5m**) (b) If the court orders the child's parent to provide a statement of  
14 income, assets, debts and living expenses to the court or if the court orders the child's  
15 parent to provide that statement to the person or agency primarily responsible for  
16 implementing the dispositional order and that person or agency is not the county  
17 department or, in a county having a population of ~~500,000~~ 750,000 or more, the  
18 department, the court shall also order the child's parent to provide that statement  
19 to the county department or, in a county having a population of ~~500,000~~ 750,000 or  
20 more, the department by a date specified by the court. The county department or,  
21 in a county having a population of ~~500,000~~ 750,000 or more, the department shall  
22 provide, without charge, to the parent a form on which to provide that statement, and  
23 the parent shall provide that statement on that form. The county department or, in  
24 a county having a population of ~~500,000~~ 750,000 or more, the department shall use  
25 the information provided in the statement to determine whether the department

**ASSEMBLY BILL 440****SECTION 71**

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

3 **SECTION 72.** 48.36 (2) of the statutes is amended to read:

4 48.36 (2) If an expectant mother or a child whose legal custody has not been  
5 taken from a parent or guardian is given educational and social services, or medical,  
6 psychological or psychiatric treatment by order of the court, the cost of those services  
7 or that treatment, if ordered by the court, shall be a charge upon the county in a  
8 county having a population of less than ~~500,000~~ 750,000 or the department in a  
9 county having a population of ~~500,000~~ 750,000 or more. This section does not prevent  
10 recovery of reasonable contribution toward the costs from the parent or guardian of  
11 the child or from an adult expectant mother as the court may order based on the  
12 ability of the parent, guardian or adult expectant mother to pay. This subsection  
13 shall be subject to s. 49.32 (1).

14 **SECTION 73.** 48.363 (1) (d) of the statutes is amended to read:

15 48.363 (1) (d) If the court orders the child's parent to provide a statement of  
16 income, assets, debts and living expenses to the court or if the court orders the child's  
17 parent to provide that statement to the person or agency primarily responsible for  
18 implementing the dispositional order and that person or agency is not the county  
19 department or, in a county having a population of ~~500,000~~ 750,000 or more, the  
20 department, the court shall also order the child's parent to provide that statement  
21 to the county department or, in a county having a population of ~~500,000~~ 750,000 or  
22 more, the department by a date specified by the court. The county department or,  
23 in a county having a population of ~~500,000~~ 750,000 or more, the department shall  
24 provide, without charge, to the parent a form on which to provide that statement, and  
25 the parent shall provide that statement on that form. The county department or, in

**ASSEMBLY BILL 440**

1 a county having a population of ~~500,000~~ 750,000 or more, the department shall use  
2 the information provided in the statement to determine whether the department  
3 may claim federal foster care and adoption assistance reimbursement under 42 USC  
4 670 to 679a for the cost of providing care for the child.

5 **SECTION 74.** 48.38 (5) (am) of the statutes is amended to read:

6 48.38 (5) (am) The court may appoint an independent agency to designate a  
7 panel to conduct a permanency review under par. (a). If the court in a county having  
8 a population of less than ~~500,000~~ 750,000 appoints an independent agency under this  
9 paragraph, the county department of the county of the court shall authorize and  
10 contract for the purchase of services from the independent agency. If the court in a  
11 county having a population of ~~500,000~~ 750,000 or more appoints an independent  
12 agency under this paragraph, the department shall authorize and contract for the  
13 purchase of services from the independent agency.

14 **SECTION 75.** 48.428 (2) (a) of the statutes is amended to read:

15 48.428 (2) (a) Except as provided in par. (b), when a court places a child in  
16 sustaining care after an order under s. 48.427 (4), the court shall transfer legal  
17 custody of the child to the county department, the department in a county having a  
18 population of ~~500,000~~ 750,000 or more, or a licensed child welfare agency, transfer  
19 guardianship of the child to an agency listed in s. 48.427 (3m) (a) 1. to 4. or (am), and  
20 place the child in the home of a licensed foster parent or kinship care relative with  
21 whom the child has resided for 6 months or longer. In placing an Indian child in  
22 sustaining care, the court shall comply with the order of placement preference under  
23 s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c), unless the court finds good cause,  
24 as described in s. 48.028 (7) (e), for departing from that order. Pursuant to the

**ASSEMBLY BILL 440**

1 placement, that licensed foster parent or kinship care relative shall be a sustaining  
2 parent with the powers and duties specified in sub. (3).

3 **SECTION 76.** 48.428 (2) (b) of the statutes is amended to read:

4 48.428 (2) (b) When a court places a child in sustaining care after an order  
5 under s. 48.427 (4) with a person who has been appointed as the guardian of the child  
6 under s. 48.977 (2), the court may transfer legal custody of the child to the county  
7 department, the department in a county having a population of ~~500,000~~ 750,000 or  
8 more, or a licensed child welfare agency, transfer guardianship of the child to an  
9 agency listed in s. 48.427 (3m) (a) 1. to 4. or (am), and place the child in the home of  
10 a licensed foster parent or kinship care relative with whom the child has resided for  
11 6 months or longer. In placing an Indian child in sustaining care, the court shall  
12 comply with the order of placement preference under s. 48.028 (7) (b) or, if applicable,  
13 s. 48.028 (7) (c), unless the court finds good cause, as described in s. 48.028 (7) (e),  
14 for departing from that order. Pursuant to the placement, that licensed foster parent  
15 or kinship care relative shall be a sustaining parent with the powers and duties  
16 specified in sub. (3). If the court transfers guardianship of the child to an agency  
17 listed in s. 48.427 (3m) (a) 1. to 4. or (am), the court shall terminate the guardianship  
18 under s. 48.977.

19 **SECTION 77.** 48.545 (2) (a) (intro.) of the statutes is amended to read:

20 48.545 (2) (a) (intro.) From the appropriations under s. 20.437 (1) (eg), (kb), and  
21 (nL), the department shall distribute \$2,097,700 in each fiscal year to applying  
22 nonprofit corporations and public agencies operating in a county having a population  
23 of ~~500,000~~ 750,000 or more, \$1,171,800 in each fiscal year to applying county  
24 departments under s. 46.22, 46.23, 51.42, or 51.437 operating in counties other than  
25 a county having a population of ~~500,000~~ 750,000 or more, and \$55,000 in each fiscal

**ASSEMBLY BILL 440**

1 year to Diverse and Resilient, Inc. to provide programs to accomplish all of the  
2 following:

3 **SECTION 78.** 48.563 (1) (b) of the statutes is amended to read:

4 48.563 (1) (b) Notwithstanding s. 48.568, if the department receives any  
5 federal moneys under 42 USC 670 to 679a in reimbursement of moneys allocated  
6 under par. (a) for the provision of foster care, the department shall distribute those  
7 federal moneys for services and projects to assist children and families and for the  
8 purposes specified in s. 48.567.

9 **SECTION 79.** 48.563 (2) (title) of the statutes is amended to read:

10 48.563 (2) (title) ~~BASIC COUNTY~~ COUNTY ALLOCATION.

11 **SECTION 80.** 48.563 (4) of the statutes is amended to read:

12 48.563 (4) POSTREUNIFICATION SERVICES. If a demonstration project authorized  
13 under 42 USC 1320a-9 reduces the cost of providing out-of-home care for children  
14 in a county having a population of 750,000 or more, from the appropriations under  
15 s. 20.437 (1) (cx) and ~~(e)~~ (mb) the department may distribute the amount by which  
16 that cost is reduced by that demonstration project in each fiscal year to county  
17 departments for services for children and families to prevent the reentry of children  
18 into out-of-home care.

19 **SECTION 81.** 48.563 (14m) of the statutes is repealed.

20 **SECTION 82.** 48.565 (intro.) (except 48.565 (title)) of the statutes is renumbered  
21 48.565 (1) (intro.) and amended to read:

22 48.565 (1) (intro.) Funds allocated by the department under s. 48.569 (1) (d) but  
23 not spent or encumbered by counties, governing bodies of Indian tribes, or private  
24 nonprofit organizations by December 31 of each year and funds recovered under s.  
25 48.569 (2) (b) and deposited into the appropriation account under s. 20.437 (1) (b)

**ASSEMBLY BILL 440****SECTION 82**

1 lapse to the general fund on the succeeding January 1 unless carried forward to the  
2 next calendar year under s. 20.437 (1) (b) or as follows:

3 **SECTION 83.** 48.565 (2) (a) of the statutes is amended to read:

4 48.565 (2) (a) ~~Subject to par. (am), if on December 31 of any year there remains~~  
5 ~~unspent or unencumbered in the allocation under s. 48.563 (2) an amount that~~  
6 ~~exceeds the amount received under 42 USC 670 to 679a and allocated under s. 48.563~~  
7 ~~(2) in that year, the department shall carry forward the excess moneys and distribute~~  
8 ~~not less than 50% of the excess moneys to counties having a population of less than~~  
9 ~~500,000 that are making a good faith effort, as determined by the department, to~~  
10 ~~comply with s. 46.22 (1) (c) 8. f. for services and projects to assist children and~~  
11 ~~families, notwithstanding the percentage limit specified in sub. (3). A county shall~~  
12 ~~use not less than 50% of the moneys distributed to the county under this subsection~~  
13 ~~for services for children who are at risk of abuse or neglect to prevent the need for~~  
14 ~~child abuse and neglect intervention services, except that in the calendar year in~~  
15 ~~which a county achieves compliance with s. 46.22 (1) (c) 8. f. and in the 2 calendar~~  
16 ~~years after that calendar year the county may use 100% of the moneys distributed~~  
17 ~~under this paragraph to reimburse the department for the costs of achieving that~~  
18 ~~compliance. If a county does not comply with s. 46.22 (1) (c) 8. f. before July 1, 2005,~~  
19 ~~the department may recover any amounts distributed to that county under this~~  
20 ~~paragraph after June 30, 2001, by billing the county or deducting from that county's~~  
21 ~~allocation under s. 48.563 (2). The department may bill a county or deduct from a~~  
22 ~~county's allocation under s. 48.563 (2) for the costs of implementing and operating~~  
23 ~~the statewide automated child welfare information system established under s.~~  
24 ~~48.47 (7g). All moneys received by the department under this paragraph shall be~~  
25 credited to the appropriation account under s. 20.437 (1) (j).



**ASSEMBLY BILL 440**

1           **SECTION 84.** 48.565 (2) (am) of the statutes is repealed.

2           **SECTION 85.** 48.565 (2) (b) of the statutes is amended to read:

3           48.565 (2) (b) A county may not use any moneys distributed under ~~par. (a) s.~~  
4           48.563 (2) to supplant any other moneys expended by the county for services and  
5           projects to assist children and families in a base year determined by the department.

6           **SECTION 86.** 48.565 (2) (c) of the statutes is repealed.

7           **SECTION 87.** 48.565 (3) of the statutes is renumbered 48.565 (1) (a) and  
8           amended to read:

9           48.565 (1) (a) At the request of a county, ~~tribal governing body, or private~~  
10           ~~nonprofit organization,~~ the department shall carry forward to the next calendar year  
11           up to 3 percent of the total amount allocated to the county, ~~tribal governing body, or~~  
12           ~~nonprofit organization~~ under s. 48.569 (1) (d) for a calendar year. ~~All funds carried~~  
13           ~~forward for a tribal governing body or nonprofit organization and all federal child~~  
14           ~~welfare funds under 42 USC 620 to 626 carried forward for a county shall be used~~  
15           ~~for the purpose for which the funds were originally allocated. Other funds carried~~  
16           ~~forward under this subsection may be used for any purpose under s. 20.437 (1) (b),~~  
17           ~~except that a county may not use any funds carried forward under this subsection~~  
18           ~~for administrative or staff costs. An allocation of carried-forward funding under this~~  
19           ~~subsection does not affect a county's base allocation under s. 48.563 (2).~~

20           **SECTION 88.** 48.565 (6) of the statutes is renumbered 48.565 (1) (b) and  
21           amended to read:

22           48.565 (1) (b) ~~The~~ At the request of a county, the department may shall carry  
23           forward to the next calendar year up to 10 percent of any funds specified in sub. (3)  
24           ~~that are not carried forward under sub. (3) for emergencies, for justifiable unit~~  
25           ~~services costs above planned levels, and for increased costs due to population shifts.~~

**ASSEMBLY BILL 440****SECTION 88**

1 ~~An allocation of carried-forward funding under this subsection~~ the total amount  
2 allocated to the county under s. 48.569 (1) (d) for a calendar year if the department  
3 agrees that an emergency or other circumstance that was unforeseen when the  
4 original allocation to the county was made necessitates the carryover.

5 (7) The amount of funds carried forward from the preceding calendar year at  
6 the request of a county under sub. (1) (a) or (b) does not affect ~~a~~ the determination  
7 of that county's base allocation share of the funding allocated under s. 48.563 (2) for  
8 a calendar year.

9 **SECTION 89.** 48.565 (8) of the statutes is created to read:

10 48.565 (8) A county shall use funds carried forward under this section for  
11 services provided to children and families and not for the county's general  
12 administrative costs.

13 **SECTION 90.** 48.567 of the statutes is repealed.

14 **SECTION 91.** 48.569 (1) (d) of the statutes is amended to read:

15 48.569 (1) (d) From the appropriations under s. 20.437 (1) (b), (cx), (km), and  
16 (o), the department shall distribute the funding for children and family services,  
17 including funding for foster care or subsidized guardianship care of a child on whose  
18 behalf aid is received under s. 48.645 to county departments as provided under s.  
19 48.563. County matching funds are required for the distribution under s. 48.563 (2).  
20 Each county's required match for the distribution under s. 48.563 (2) shall be  
21 specified in a schedule established annually by the department. Matching funds  
22 may be from county tax levies, federal and state revenue sharing funds, or private  
23 donations to the county that meet the requirements specified in sub. (1m). ~~Private~~  
24 ~~donations may not exceed 25 percent of the total county match.~~ If the county match  
25 is less than the amount required to generate the full amount of state and federal

**ASSEMBLY BILL 440**

1 funds distributed for this period, the decrease in the amount of state and federal  
2 funds equals the difference between the required and the actual amount of county  
3 matching funds.

4 **SECTION 92.** 48.57 (1) (e) of the statutes is amended to read:

5 48.57 (1) (e) If a county department in a county with a population of 500,000  
6 750,000 or more and if contracted to do so by the department, to place children in a  
7 county children's home in the county under policies adopted by the county board of  
8 supervisors, to accept guardianship of children when appointed by the court and to  
9 place children under its guardianship for adoption.

10 **SECTION 93.** 48.57 (1) (hm) of the statutes is amended to read:

11 48.57 (1) (hm) If a county department in a county with a population of less than  
12 ~~500,000~~ 750,000, to accept guardianship, when appointed by the court, of a child  
13 whom the county department has placed in a foster home under a court order or  
14 voluntary agreement under s. 48.63 and to place that child under its guardianship  
15 for adoption by the foster parent.

16 **SECTION 94.** 48.57 (2m) of the statutes is amended to read:

17 48.57 (2m) A county department, as soon as practicable after learning that a  
18 person who is receiving child welfare services under sub. (1) from the county  
19 department has changed his or her county of residence, shall provide notice of that  
20 change to the county department of the person's new county of residence or, if that  
21 new county of residence is a county having a population of 500,000 750,000 or more,  
22 the department. The notice shall include a brief, written description of the services  
23 offered or provided to the person by the county department and the name, telephone  
24 number, and address of a person to contact for more information.

25 **SECTION 95.** 48.57 (3m) (am) (intro.) of the statutes is amended to read:

**ASSEMBLY BILL 440****SECTION 95**

1           48.57 **(3m)** (am) (intro.) From the appropriations under s. 20.437 (2) (dz), (md),  
2 (me), and (s), the department shall reimburse counties having populations of less  
3 than ~~500,000~~ 750,000 for payments made under this subsection and shall make  
4 payments under this subsection in a county having a population of ~~500,000~~ 750,000  
5 or more. Subject to par. (ap), a county department and, in a county having a  
6 population of ~~500,000~~ 750,000 or more, the department shall make payments in the  
7 amount of \$226 per month beginning on January 1, 2014, and \$232 per month  
8 beginning on January 1, 2015, to a kinship care relative who is providing care and  
9 maintenance for a child if all of the following conditions are met:

10           **SECTION 96.** 48.57 (3m) (ap) 1. of the statutes is amended to read:

11           48.57 **(3m)** (ap) 1. Subject to subds. 2. and 3., the county department or, in a  
12 county having a population of ~~500,000~~ 750,000 or more, the department may make  
13 payments under par. (am) to a kinship care relative who is providing care and  
14 maintenance for a child who is placed in the home of the kinship care relative under  
15 a court order for no more than 60 days after the date on which the county department  
16 or department received under par. (am) 1. the completed application of the kinship  
17 care relative for a license to operate a foster home or, if the application is approved  
18 or denied or the kinship care relative is otherwise determined to be ineligible for  
19 licensure within those 60 days, until the date on which the application is approved  
20 or denied or the kinship care relative is otherwise determined to be ineligible for  
21 licensure.

22           **SECTION 97.** 48.57 (3m) (ap) 3. of the statutes is amended to read:

23           48.57 **(3m)** (ap) 3. Notwithstanding that an application of a kinship care  
24 relative specified in subd. 1. is denied or the kinship care relative is otherwise  
25 determined to be ineligible for licensure, the county department or, in a county

**ASSEMBLY BILL 440**

1 having a population of ~~500,000~~ 750,000 or more, the department may make  
2 payments under par. (am) to the kinship care relative for as long as the conditions  
3 specified in par. (am) 1. to 6. continue to apply if the county department or  
4 department submits to the court information relating to the background  
5 investigation specified in par. (am) 4., an assessment of the safety of the kinship care  
6 relative's home and the ability of the kinship care relative to care for the child, and  
7 a recommendation that the child remain in the home of the kinship care relative and  
8 the court, after considering that information, assessment, and recommendation,  
9 orders the child to remain in the kinship care relative's home. If the court does not  
10 order the child to remain in the kinship care relative's home, the court shall order  
11 the county department or department to request a change in placement under s.  
12 48.357 (1) (am) or 938.357 (1) (am). Any person specified in s. 48.357 (2m) (a) or  
13 938.357 (2m) (a) may also request a change in placement.

14 **SECTION 98.** 48.57 (3m) (b) 1. of the statutes is amended to read:

15 48.57 (3m) (b) 1. The county department or, in a county having a population  
16 of ~~500,000~~ 750,000 or more, the department shall refer to the attorney responsible  
17 for support enforcement under s. 59.53 (6) (a) the name of the parent or parents of  
18 a child for whom a payment is made under par. (am).

19 **SECTION 99.** 48.57 (3m) (c) of the statutes is amended to read:

20 48.57 (3m) (c) The county department or, in a county having a population of  
21 ~~500,000~~ 750,000 or more, the department shall require the parent or parents of a  
22 child for whom a payment is made under par. (am) to initiate or continue health care  
23 insurance coverage for the child.

24 **SECTION 100.** 48.57 (3m) (d) of the statutes is amended to read:

**ASSEMBLY BILL 440**

1           48.57 (3m) (d) A county department or, in a county having a population of  
2           500,000 750,000 or more, the department shall review a placement of a child for  
3           which the county department or department makes payments under par. (am) not  
4           less than every 12 months after the county department or department begins making  
5           those payments to determine whether the conditions specified in par. (am) continue  
6           to exist. If those conditions do not continue to exist, the county department or  
7           department shall discontinue making those payments.

8           **SECTION 101.** 48.57 (3m) (g) 2. (intro.) of the statutes is amended to read:

9           48.57 (3m) (g) 2. (intro.) If a recipient requests a hearing within 10 days after  
10          the date of notice that his or her payments under par. (am) are being discontinued,  
11          those payments may not be discontinued until a decision is rendered after the  
12          hearing but payments made pending the hearing decision may be recovered by the  
13          department if the contested action or failure to act is upheld. The department shall  
14          promptly notify the county department of the county in which the recipient resides  
15          or, if the recipient resides in a county having a population of 500,000 750,000 or more,  
16          the subunit of the department administering of the kinship care program in that  
17          county that the recipient has requested a hearing. Payments under par. (am) shall  
18          be discontinued if any of the following applies:

19          **SECTION 102.** 48.57 (3m) (h) of the statutes is amended to read:

20          48.57 (3m) (h) A county department or, in a county having a population of  
21          500,000 750,000 or more, the department may recover an overpayment made under  
22          par. (am) from a kinship care relative who continues to receive payments under par.  
23          (am) by reducing the amount of the kinship care relative's monthly payment. The  
24          department may by rule specify other methods for recovering overpayments made  
25          under par. (am). A county department that recovers an overpayment under this

**ASSEMBLY BILL 440**

1 paragraph due to the efforts of its officers and employees may retain a portion of the  
2 amount recovered, as provided by the department by rule.

3 **SECTION 103.** 48.57 (3n) (am) (intro.) of the statutes is amended to read:

4 48.57 **(3n)** (am) (intro.) From the appropriations under s. 20.437 (2) (dz), (md),  
5 (me), and (s), the department shall reimburse counties having populations of less  
6 than ~~500,000~~ 750,000 for payments made under this subsection and shall make  
7 payments under this subsection in a county having a population of ~~500,000~~ 750,000  
8 or more. Subject to par. (ap), a county department and, in a county having a  
9 population of ~~500,000~~ 750,000 or more, the department shall make monthly  
10 payments for each child in the amount of \$226 per month beginning on January 1,  
11 2014, and \$232 per month beginning on January 1, 2015, to a long-term kinship care  
12 relative who is providing care and maintenance for that child if all of the following  
13 conditions are met:

14 **SECTION 104.** 48.57 (3n) (ap) 1. of the statutes is amended to read:

15 48.57 **(3n)** (ap) 1. Subject to subds. 2. and 3., the county department or, in a  
16 county having a population of ~~500,000~~ 750,000 or more, the department may make  
17 payments under par. (am) to a long-term kinship care relative who is providing care  
18 and maintenance for a child who is placed in the home of the long-term kinship care  
19 relative for no more than 60 days after the date on which the county department or  
20 department received under par. (am) 1. the completed application of the long-term  
21 kinship care relative for a license to operate a foster home or, if the application is  
22 approved or denied or the long-term kinship care relative is otherwise determined  
23 to be ineligible for licensure within those 60 days, until the date on which the  
24 application is approved or denied or the long-term kinship care relative is otherwise  
25 determined to be ineligible for licensure.

**ASSEMBLY BILL 440****SECTION 105**

1           **SECTION 105.** 48.57 (3n) (ap) 3. of the statutes is amended to read:

2           48.57 **(3n)** (ap) 3. Notwithstanding that an application of a long-term kinship  
3 care relative specified in subd. 1. is denied or the long-term kinship care relative is  
4 otherwise determined to be ineligible for licensure, the county department or, in a  
5 county having a population of ~~500,000~~ 750,000 or more, the department may make  
6 payments under par. (am) to the long-term kinship care relative until an event  
7 specified in par. (am) 6. a. to f. occurs if the county department or department submits  
8 to the court information relating to the background investigation specified in par.  
9 (am) 4., an assessment of the safety of the long-term kinship care relative's home and  
10 the ability of the long-term kinship care relative to care for the child, and a  
11 recommendation that the child remain in the home of the long-term kinship care  
12 relative and the court, after considering that information, assessment, and  
13 recommendation, orders the child to remain in the long-term kinship care relative's  
14 home. If the court does not order the child to remain in the kinship care relative's  
15 home, the court shall order the county department or department to request a change  
16 in placement under s. 48.357 (1) (am) or 938.357 (1) (am) or to request a termination  
17 of the guardianship order under s. 48.977 (7). Any person specified in s. 48.357 (2m)  
18 (a) or 938.357 (2m) (a) may also request a change in placement and any person who  
19 is authorized to file a petition for the appointment of a guardian for the child may also  
20 request a termination of the guardianship order.

21           **SECTION 106.** 48.57 (3n) (ar) (intro.) of the statutes is amended to read:

22           48.57 **(3n)** (ar) (intro.) Subject to sub. (3p) (fm) 1m. and (hm), a county  
23 department or, in a county having a population of ~~500,000~~ 750,000 or more, the  
24 department shall enter into an agreement under par. (am) 6. if all of the following  
25 conditions are met:



**ASSEMBLY BILL 440**

1           **SECTION 107.** 48.57 (3n) (b) 1. of the statutes is amended to read:

2           48.57 **(3n)** (b) 1. The county department or, in a county having a population of  
3           ~~500,000~~ 750,000 or more, the department shall refer to the attorney responsible for  
4           support enforcement under s. 59.53 (6) (a) the name of the parent or parents of a child  
5           for whom a payment is made under par. (am).

6           **SECTION 108.** 48.57 (3n) (c) of the statutes is amended to read:

7           48.57 **(3n)** (c) The county department or, in a county having a population of  
8           ~~500,000~~ 750,000 or more, the department shall require the parent or parents of a  
9           child for whom a payment is made under par. (am) to initiate or continue health care  
10          insurance coverage for the child.

11          **SECTION 109.** 48.57 (3n) (d) of the statutes is amended to read:

12          48.57 **(3n)** (d) The county department or, in a county having a population of  
13          ~~500,000~~ 750,000 or more, the department shall, at least once every 12 months after  
14          the county department or department begins making payments under this  
15          subsection, determine whether any of the events specified in par. (am) 6. a. to f. have  
16          occurred. If any such events have occurred, the county department or department  
17          shall discontinue making those payments.

18          **SECTION 110.** 48.57 (3n) (g) 2. (intro.) of the statutes is amended to read:

19          48.57 **(3n)** (g) 2. (intro.) If a recipient requests a hearing within 10 days after  
20          the date of notice that his or her payments under par. (am) are being discontinued,  
21          those payments may not be discontinued until a decision is rendered after the  
22          hearing but payments made pending the hearing decision may be recovered by the  
23          department if the contested action or failure to act is upheld. The department shall  
24          promptly notify the county department of the county in which the recipient resides  
25          or, if the recipient resides in a county having a population of ~~500,000~~ 750,000 or more,

**ASSEMBLY BILL 440****SECTION 110**

1 the subunit of the department administering of the long-term kinship care program  
2 in that county that the recipient has requested a hearing. Payments under par. (am)  
3 shall be discontinued if any of the following applies:

4 **SECTION 111.** 48.57 (3n) (h) of the statutes is amended to read:

5 48.57 **(3n)** (h) A county department or, in a county having a population of  
6 ~~500,000~~ 750,000 or more, the department may recover an overpayment made under  
7 par. (am) from a long-term kinship care relative who continues to receive payments  
8 under par. (am) by reducing the amount of the long-term kinship care relative's  
9 monthly payment. The department may by rule specify other methods for recovering  
10 overpayments made under par. (am). A county department that recovers an  
11 overpayment under this paragraph due to the efforts of its officers and employees  
12 may retain a portion of the amount recovered, as provided by the department by rule.

13 **SECTION 112.** 48.57 (3p) (b) 1. of the statutes is amended to read:

14 48.57 **(3p)** (b) 1. After receipt of an application for payments under sub. (3m)  
15 or (3n), the county department or, in a county having a population of ~~500,000~~ 750,000  
16 or more, the department, with the assistance of the department of justice, shall  
17 conduct a background investigation of the applicant.

18 **SECTION 113.** 48.57 (3p) (b) 2. of the statutes is amended to read:

19 48.57 **(3p)** (b) 2. The county department or, in a county having a population of  
20 ~~500,000~~ 750,000 or more, the department, with the assistance of the department of  
21 justice, may conduct a background investigation of any person who is receiving  
22 payments under sub. (3m) at the time of review under sub. (3m) (d) or at any other  
23 time that the county department or department considers to be appropriate.

24 **SECTION 114.** 48.57 (3p) (b) 3. of the statutes is amended to read:

**ASSEMBLY BILL 440**

1           48.57 (3p) (b) 3. The county department or, in a county having a population of  
2           500,000 750,000 or more, the department, with the assistance of the department of  
3           justice, may conduct a background investigation of any person who is receiving  
4           payments under sub. (3n) at any time that the county department or department  
5           considers to be appropriate.

6           **SECTION 115.** 48.57 (3p) (c) 1. of the statutes is amended to read:

7           48.57 (3p) (c) 1. After receipt of an application for payments under sub. (3m)  
8           or (3n), the county department or, in a county having a population of 500,000 750,000  
9           or more, the department, with the assistance of the department of justice, shall, in  
10          addition to the investigation under par. (b) 1., conduct a background investigation  
11          of all employees and prospective employees of the applicant who have or would have  
12          regular contact with the child for whom those payments are being made and of each  
13          adult resident.

14          **SECTION 116.** 48.57 (3p) (c) 2. of the statutes is amended to read:

15          48.57 (3p) (c) 2. The county department or, in a county having a population of  
16          500,000 750,000 or more, the department, with the assistance of the department of  
17          justice, may conduct a background investigation of any of the employees or  
18          prospective employees of any person who is receiving payments under sub. (3m) who  
19          have or would have regular contact with the child for whom those payments are being  
20          made and of each adult resident at the time of review under sub. (3m) (d) or at any  
21          other time that the county department or department considers to be appropriate.

22          **SECTION 117.** 48.57 (3p) (c) 2m. of the statutes is amended to read:

23          48.57 (3p) (c) 2m. The county department or, in a county having a population  
24          of 500,000 750,000 or more, the department, with the assistance of the department  
25          of justice, may conduct a background investigation of any of the employees or

**ASSEMBLY BILL 440****SECTION 117**

1 prospective employees of any person who is receiving payments under sub. (3n) who  
2 have or would have regular contact with the child for whom payments are being  
3 made and of each adult resident at any time that the county department or  
4 department considers to be appropriate.

5 **SECTION 118.** 48.57 (3p) (c) 3. of the statutes is amended to read:

6 48.57 **(3p)** (c) 3. Before a person who is receiving payments under sub. (3m) or  
7 (3n) may employ any person in a position in which that person would have regular  
8 contact with the child for whom those payments are being made or permit any person  
9 to be an adult resident, the county department or, in a county having a population  
10 of ~~500,000~~ 750,000 or more, the department, with the assistance of the department  
11 of justice, shall conduct a background investigation of the prospective employee or  
12 prospective adult resident unless that person has already been investigated under  
13 subd. 1., 2. or 2m.

14 **SECTION 119.** 48.57 (3p) (d) of the statutes is amended to read:

15 48.57 **(3p)** (d) If the person being investigated under par. (b) or (c) is a  
16 nonresident, or at any time within the 5 years preceding the date of the application  
17 has been a nonresident, or if the county department or, in a county having a  
18 population of ~~500,000~~ 750,000 or more, the department determines that the person's  
19 employment, licensing or state court records provide a reasonable basis for further  
20 investigation, the county department or department shall require the person to be  
21 fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's  
22 fingerprints, or by other technologies approved by law enforcement agencies. The  
23 department of justice may provide for the submission of the fingerprint cards or  
24 fingerprints by other technologies to the federal bureau of investigation for the

**ASSEMBLY BILL 440**

1 purposes of verifying the identity of the person fingerprinted and obtaining records  
2 of his or her criminal arrest and conviction.

3 **SECTION 120.** 48.57 (3p) (e) (intro.) of the statutes is amended to read:

4 48.57 **(3p)** (e) (intro.) Upon request, a person being investigated under par. (b)  
5 or (c) shall provide the county department or, in a county having a population of  
6 ~~500,000~~ 750,000 or more, the department with all of the following information:

7 **SECTION 121.** 48.57 (3p) (fm) 1. of the statutes is amended to read:

8 48.57 **(3p)** (fm) 1. The county department or, in a county having a population  
9 of ~~500,000~~ 750,000 or more, the department may provisionally approve the making  
10 of payments under sub. (3m) based on the applicant's statement under sub. (3m) (am)  
11 4m. The county department or department may not finally approve the making of  
12 payments under sub. (3m) unless the county department or department receives  
13 information from the department of justice indicating that the conviction record of  
14 the applicant under the law of this state is satisfactory according to the criteria  
15 specified in par. (g) 1. to 3. or payment is approved under par. (h) 4. The county  
16 department or department may make payments under sub. (3m) conditioned on the  
17 receipt of information from the federal bureau of investigation indicating that the  
18 person's conviction record under the law of any other state or under federal law is  
19 satisfactory according to the criteria specified in par. (g) 1. to 3.

20 **SECTION 122.** 48.57 (3p) (fm) 1m. of the statutes is amended to read:

21 48.57 **(3p)** (fm) 1m. The county department or, in a county having a population  
22 of ~~500,000~~ 750,000 or more, the department may not enter into the agreement under  
23 sub. (3n) (am) 6. unless the county department or department receives information  
24 from the department of justice relating to the conviction record of the applicant under  
25 the law of this state and that record indicates either that the applicant has not been

**ASSEMBLY BILL 440**

1 arrested or convicted or that the applicant has been arrested or convicted but the  
2 director of the county department or, in a county having a population of 500,000  
3 750,000 or more, the person designated by the secretary to review conviction records  
4 under this subdivision determines that the conviction record is satisfactory because  
5 it does not include any arrest or conviction that the director or person designated by  
6 the secretary determines is likely to adversely affect the child or the applicant's  
7 ability to care for the child. The county department or, in a county having a  
8 population of 500,000 750,000 or more, the department may make payments under  
9 sub. (3n) conditioned on the receipt of information from the federal bureau of  
10 investigation indicating that the person's conviction record under the law of any  
11 other state or under federal law is satisfactory because the conviction record does not  
12 include any arrest or conviction that the director of the county department or, in a  
13 county having a population of 500,000 750,000 or more, the person designated by the  
14 secretary to review conviction records under this subdivision determines is likely to  
15 adversely affect the child or the applicant's ability to care for the child.

16 **SECTION 123.** 48.57 (3p) (fm) 2. of the statutes is amended to read:

17 48.57 **(3p)** (fm) 2. A person receiving payments under sub. (3m) may  
18 provisionally employ a person in a position in which that person would have regular  
19 contact with the child for whom those payments are being made or provisionally  
20 permit a person to be an adult resident if the person receiving those payments states  
21 to the county department or, in a county having a population of 500,000 750,000 or  
22 more, the department that the employee or adult resident does not have any arrests  
23 or convictions that could adversely affect the child or the ability of the person  
24 receiving payments to care for the child. A person receiving payments under sub.  
25 (3m) may not finally employ a person in a position in which that person would have

**ASSEMBLY BILL 440**

1 regular contact with the child for whom those payments are being made or finally  
2 permit a person to be an adult resident until the county department or, in a county  
3 having a population of ~~500,000~~ 750,000 or more, the department receives  
4 information from the department of justice indicating that the person's conviction  
5 record under the law of this state is satisfactory according to the criteria specified in  
6 par. (g) 1. to 3. and the county department or, in a county having a population of  
7 ~~500,000~~ 750,000 or more, the department so advises the person receiving payments  
8 under sub. (3m) or until a decision is made under par. (h) 4. to permit a person who  
9 is receiving payments under sub. (3m) to employ a person in a position in which that  
10 person would have regular contact with the child for whom payments are being made  
11 or to permit a person to be an adult resident and the county department or, in a  
12 county having a population of ~~500,000~~ 750,000 or more, the department so advises  
13 the person receiving payments under sub. (3m). A person receiving payments under  
14 sub. (3m) may finally employ a person in a position in which that person would have  
15 regular contact with the child for whom those payments are being made or finally  
16 permit a person to be an adult resident conditioned on the receipt of information from  
17 the county department or, in a county having a population of ~~500,000~~ 750,000 or  
18 more, the department that the federal bureau of investigation indicates that the  
19 person's conviction record under the law of any other state or under federal law is  
20 satisfactory according to the criteria specified in par. (g) 1. to 3.

21 **SECTION 124.** 48.57 (3p) (fm) 2m. of the statutes is amended to read:

22 48.57 **(3p)** (fm) 2m. A person receiving payments under sub. (3n) may  
23 provisionally employ a person in a position in which that person would have regular  
24 contact with the child for whom those payments are being made or provisionally  
25 permit a person to be an adult resident if the person receiving those payments states

**ASSEMBLY BILL 440****SECTION 124**

1 to the county department or, in a county having a population of ~~500,000~~ 750,000 or  
2 more, the department that, to the best of his or her knowledge, the employee or adult  
3 resident does not have any arrests or convictions that could adversely affect the child  
4 or the ability of the person receiving payments to care for the child. A person  
5 receiving payment under sub. (3n) may not finally employ a person in a position in  
6 which that person would have regular contact with the child for whom those  
7 payments are being made or finally permit a person to be an adult resident until the  
8 county department or, in a county having a population of ~~500,000~~ 750,000 or more,  
9 the department receives information from the department of justice relating to the  
10 person's conviction record under the law of this state and that record indicates either  
11 that the person has not been arrested or convicted or that the person has been  
12 arrested or convicted but the director of the county department or, in a county having  
13 a population of ~~500,000~~ 750,000 or more, the person designated by the secretary to  
14 review conviction records under this subdivision determines that the conviction  
15 record is satisfactory because it does not include any arrest or conviction that is likely  
16 to adversely affect the child or the ability of the person receiving payments to care  
17 for the child and the county department or department so advises the person  
18 receiving payments under sub. (3n). A person receiving payments under sub. (3n)  
19 may finally employ a person in a position in which that person would have regular  
20 contact with the child for whom those payments are being made or finally permit a  
21 person to be an adult resident conditioned on the receipt of information from the  
22 county department or, in a county having a population of ~~500,000~~ 750,000 or more,  
23 the department that the federal bureau of investigation indicates that the person's  
24 conviction record under the law of any other state or under federal law is satisfactory  
25 because the conviction record does not include any arrest or conviction that the



**ASSEMBLY BILL 440**

1 director of the county department or, in a county having a population of 500,000  
2 750,000 or more, the person designated by the secretary to review conviction records  
3 under this subdivision determines is likely to adversely affect the child or the ability  
4 of the person receiving payments to care for the child.

5 **SECTION 125.** 48.57 (3p) (g) (intro.) of the statutes is amended to read:

6 48.57 **(3p)** (g) (intro.) Except as provided in par. (h), the county department or,  
7 in a county having a population of ~~500,000~~ 750,000 or more, the department may not  
8 make payments to a person applying for payments under sub. (3m) and a person  
9 receiving payments under sub. (3m) may not employ a person in a position in which  
10 that person would have regular contact with the child for whom those payments are  
11 being made or permit a person to be an adult resident if any of the following applies:

12 **SECTION 126.** 48.57 (3p) (g) 3. of the statutes is amended to read:

13 48.57 **(3p)** (g) 3. The person has been convicted of a violation of ch. 940, 944,  
14 or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63, or 948.70,  
15 or of a violation of the law of any other state or federal law that would be a violation  
16 of ch. 940, 944, or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45,  
17 948.63, or 948.70, if committed in this state, except that a county department or, in  
18 a county having a population of ~~500,000~~ 750,000 or more, the department may make  
19 payments to a person applying for payments under sub. (3m) and a person receiving  
20 payments under sub. (3m) may employ in a position in which the person would have  
21 regular contact with the child for whom those payments are being made or permit  
22 to be an adult resident a person who has been convicted of a violation of s. 944.30  
23 (1m), 944.31, or 944.33 or of a violation of the law of any other state or federal law  
24 that would be a violation of s. 944.30 (1m), 944.31, or 944.33 if committed in this  
25 state, if that violation occurred 20 years or more before the date of the investigation.

**ASSEMBLY BILL 440**

1           **SECTION 127.** 48.57 (3p) (h) 2. of the statutes is amended to read:

2           48.57 **(3p)** (h) 2. The request for review shall be filed with the director of the  
3 county department or, in a county having a population of ~~500,000~~ 750,000 or more,  
4 with the person designated by the secretary to receive requests for review filed under  
5 this subdivision. If the governing body of an Indian tribe has entered into an  
6 agreement under sub. (3t) to administer the program under this subsection and sub.  
7 (3m), the request for review shall be filed with the person designated by that  
8 governing body to receive requests for review filed under this subdivision.

9           **SECTION 128.** 48.57 (3p) (h) 3. (intro.) of the statutes is amended to read:

10           48.57 **(3p)** (h) 3. (intro.) The director of the county department, the person  
11 designated by the governing body of an Indian tribe or, in a county having a  
12 population of ~~500,000~~ 750,000 or more, the person designated by the secretary shall  
13 review the denial of payments or the prohibition on employment or being an adult  
14 resident to determine if the conviction record on which the denial or prohibition is  
15 based includes any arrests, convictions, or penalties that are likely to adversely  
16 affect the child or the ability of the kinship care relative to care for the child. In  
17 reviewing the denial or prohibition, the director of the county department, the person  
18 designated by the governing body of the Indian tribe or the person designated by the  
19 secretary shall consider all of the following factors:

20           **SECTION 129.** 48.57 (3p) (h) 4. of the statutes is amended to read:

21           48.57 **(3p)** (h) 4. If the director of the county department, the person designated  
22 by the governing body of the Indian tribe or, in a county having a population of  
23 ~~500,000~~ 750,000 or more, the person designated by the secretary determines that the  
24 conviction record on which the denial of payments or the prohibition on employment  
25 or being an adult resident is based does not include any arrests, convictions, or

**ASSEMBLY BILL 440**

1 penalties that are likely to adversely affect the child or the ability of the kinship care  
2 relative to care for the child, the director of the county department, the person  
3 designated by the governing body of the Indian tribe, or the person designated by the  
4 secretary may approve the making of payments under sub. (3m) or may permit a  
5 person receiving payments under sub. (3m) to employ a person in a position in which  
6 that person would have regular contact with the child for whom payments are being  
7 made or permit a person to be an adult resident.

8 **SECTION 130.** 48.57 (3p) (hm) of the statutes is amended to read:

9 48.57 (3p) (hm) A county department or, in a county having a population of  
10 ~~500,000~~ 750,000 or more, the department may not make payments to a person under  
11 sub. (3n) and a person receiving payments under sub. (3n) may not employ a person  
12 in a position in which that person would have regular contact with the child for whom  
13 payments are being made or permit a person to be an adult resident if the director  
14 of the county department or, in a county having a population of ~~500,000~~ 750,000 or  
15 more, the person designated by the secretary to review conviction records under this  
16 paragraph determines that the person has any arrest or conviction that is likely to  
17 adversely affect the child or the person's ability to care for the child.

18 **SECTION 131.** 48.57 (3p) (i) of the statutes is amended to read:

19 48.57 (3p) (i) A county department and, in a county having a population of  
20 ~~500,000~~ 750,000 or more, the department shall keep confidential all information  
21 received under this subsection from the department of justice or the federal bureau  
22 of investigation. Such information is not subject to inspection or copying under s.  
23 19.35.

24 **SECTION 132.** 48.57 (3p) (j) of the statutes is amended to read:

**ASSEMBLY BILL 440****SECTION 132**

1           48.57 **(3p)** (j) A county department or, in a county having a population of  
2           500,000 ~~750,000~~ or more, the department may charge a fee for conducting a  
3           background investigation under this subsection. The fee may not exceed the  
4           reasonable cost of conducting the investigation.

5           **SECTION 133.** 48.58 (intro.) of the statutes is amended to read:

6           **48.58 County children's home in populous counties.** (intro.) Any existing  
7           county children's home in counties with a population of 500,000 ~~750,000~~ or more may  
8           do any of the following:

9           **SECTION 134.** 48.59 (1) of the statutes is amended to read:

10          48.59 **(1)** The county department or, in a county having a population of 500,000  
11          ~~750,000~~ or more, the department or an agency under contract with the department  
12          shall investigate the personal and family history and environment of any child  
13          transferred to its legal custody or placed under its supervision under s. 48.345 and  
14          of every expectant mother of an unborn child placed under its supervision under s.  
15          48.347 and make any physical or mental examinations of the child or expectant  
16          mother considered necessary to determine the type of care necessary for the child or  
17          expectant mother. The county department, department or agency shall screen a  
18          child or expectant mother who is examined under this subsection to determine  
19          whether the child or expectant mother is in need of special treatment or care because  
20          of alcohol or other drug abuse, mental illness or severe emotional disturbance. The  
21          county department, department or agency shall keep a complete record of the  
22          information received from the court, the date of reception, all available data on the  
23          personal and family history of the child or expectant mother, the results of all tests  
24          and examinations given the child or expectant mother and a complete history of all  
25          placements of the child while in the legal custody or under the supervision of the

**ASSEMBLY BILL 440**

1 county department, department or agency or of the expectant mother while under  
2 the supervision of the county department, department or agency.

3 **SECTION 135.** 48.651 (1) (intro.) of the statutes is amended to read:

4 48.651 (1) (intro.) Except as provided in s. 49.155 (4) (c), no person, other than  
5 a child care center licensed under s. 48.65 or established or contracted for under s.  
6 120.13 (14), may receive payment for providing child care services for an individual  
7 who is determined eligible for a child care subsidy under s. 49.155 unless the person  
8 is certified, according to the standards adopted by the department under s. 49.155  
9 (1d), by the department in a county having a population of ~~500,000~~ 750,000 or more,  
10 a county department, or an agency with which the department contracts under sub.  
11 (2). To be certified under this section, a person must meet the minimum  
12 requirements for certification established by the department under s. 49.155 (1d),  
13 meet the requirements specified in s. 48.685, and pay the fee specified in sub. (2).  
14 The department in a county having a population of ~~500,000~~ 750,000 or more, a county  
15 department, or an agency contracted with under sub. (2) shall certify the following  
16 categories of child care providers:

17 **SECTION 136.** 48.651 (2) of the statutes is amended to read:

18 48.651 (2) The department in a county having a population of ~~500,000~~ 750,000  
19 or more or a county department shall certify child care providers under sub. (1) or  
20 the department may contract with a Wisconsin Works agency, as defined in s. 49.001  
21 (9), child care resource and referral agency, or other agency to certify child care  
22 providers under sub. (1) in a particular geographic area or for a particular Indian  
23 tribal unit. The department in a county having a population of ~~500,000~~ 750,000 or  
24 more or a county department that certifies child care providers under sub. (1) may  
25 charge a fee to cover the costs of certifying those providers. An agency contracted

**ASSEMBLY BILL 440**

1 with under this subsection may charge a fee specified by the department to  
2 supplement the amount provided by the department under the contract for certifying  
3 child care providers.

4 **SECTION 137.** 48.651 (2c) (a) of the statutes is amended to read:

5 48.651 **(2c)** (a) Reimburse a county having a population of ~~500,000~~ 750,000 or  
6 more for all approved, allowable certification costs, as provided in s. 49.826 (2) (c).

7 **SECTION 138.** 48.651 (2m) of the statutes is amended to read:

8 48.651 **(2m)** The department in a county having a population of ~~500,000~~  
9 750,000 or more, a county department, or an agency contracted with under sub. (2)  
10 shall provide the department of health services with information about each person  
11 who is denied certification for a reason specified in s. 48.685 (4m) (a) 1. to 5.

12 **SECTION 139.** 48.651 (3) (a) of the statutes is amended to read:

13 48.651 **(3)** (a) If a child care provider certified under sub. (1) is convicted of a  
14 serious crime, as defined in s. 48.685 (1) (c) 3m., or if a caregiver specified in s. 48.685  
15 (1) (ag) 1. a. or a nonclient resident, as defined in s. 48.685 (1) (bm), of the child care  
16 provider is convicted or adjudicated delinquent for committing a serious crime on or  
17 after his or her 12th birthday, the department in a county having a population of  
18 ~~500,000~~ 750,000 or more, a county department, or an agency contracted with under  
19 sub. (2) shall revoke the certification of the child care provider immediately upon  
20 providing written notice of revocation and the grounds for revocation and an  
21 explanation of the process for appealing the revocation.

22 **SECTION 140.** 48.651 (3) (b) of the statutes is amended to read:

23 48.651 **(3)** (b) If a child care provider certified under sub. (1) is the subject of  
24 a pending criminal charge alleging that the person has committed a serious crime,  
25 as defined in s. 48.685 (1) (c) 3m., or if a caregiver specified in s. 48.685 (1) (ag) 1. a.

**ASSEMBLY BILL 440**

1 or a nonclient resident, as defined in s. 48.685 (1) (bm), of the child care provider is  
2 the subject of a pending criminal charge or delinquency petition alleging that the  
3 person has committed a serious crime on or after his or her 12th birthday, the  
4 department in a county having a population of ~~500,000~~ 750,000 or more, a county  
5 department, or an agency contracted with under sub. (2) shall immediately suspend  
6 the certification of the child care provider until the department, county department,  
7 or agency obtains information regarding the final disposition of the charge or  
8 delinquency petition indicating that the person is not ineligible to be certified under  
9 sub. (1).

10 **SECTION 141.** 48.658 (4) (a) of the statutes is amended to read:

11 48.658 (4) (a) The department shall promulgate rules to implement this  
12 section. Those rules shall include a rule requiring the department, whenever it  
13 inspects a child care provider that is licensed under s. 48.65 (1) or established or  
14 contracted for under s. 120.13 (14), and a county department or an agency contracted  
15 with under s. 48.651 (2), whenever it inspects a child care provider that is certified  
16 under s. 48.651, to inspect the child safety alarm of each child care vehicle that is  
17 used to transport children to and from the child care provider to determine whether  
18 the child safety alarm is in good working order.

19 **SECTION 142.** 48.685 (4m) (a) (intro.) of the statutes is amended to read:

20 48.685 (4m) (a) (intro.) Notwithstanding s. 111.335, and except as provided in  
21 par. (ad) and sub. (5), the department may not license, or continue or renew the  
22 license of, a person to operate an entity, the department in a county having a  
23 population of ~~500,000~~ 750,000 or more, a county department, or an agency contracted  
24 with under s. 48.651 (2) may not certify a child care provider under s. 48.651, a county  
25 department or a child welfare agency may not license, or renew the license of, a foster

**ASSEMBLY BILL 440**

1 home under s. 48.62, the department in a county having a population of 750,000 or  
2 more or a county department may not provide subsidized guardianship payments to  
3 an interim caretaker under s. 48.623 (6), and a school board may not contract with  
4 a person under s. 120.13 (14), if the department, county department, contracted  
5 agency, child welfare agency, or school board knows or should have known any of the  
6 following:

7 **SECTION 143.** 48.685 (4m) (ad) of the statutes is amended to read:

8 48.685 (4m) (ad) The department, a county department, or a child welfare  
9 agency may license a foster home under s. 48.62; the department may license a child  
10 care center under s. 48.65; the department in a county having a population of 500,000  
11 750,000 or more, a county department, or an agency contracted with under s. 48.651  
12 (2) may certify a child care provider under s. 48.651; the department in a county  
13 having a population of 750,000 or more or a county department may provide  
14 subsidized guardianship payments to an interim caretaker under s. 48.623 (6); and  
15 a school board may contract with a person under s. 120.13 (14), conditioned on the  
16 receipt of the information specified in sub. (2) (am) and (ar) indicating that the person  
17 is not ineligible to be licensed, certified, provided payments, or contracted with for  
18 a reason specified in par. (a) 1. to 5.

19 **SECTION 144.** 48.685 (5) (a) of the statutes is amended to read:

20 48.685 (5) (a) Subject to pars. (bm) and (br), the department may license to  
21 operate an entity, the department in a county having a population of 500,000 750,000  
22 or more, a county department, or an agency contracted with under s. 48.651 (2) may  
23 certify under s. 48.651, a county department or a child welfare agency may license  
24 under s. 48.62, the department in a county having a population of 750,000 or more  
25 or a county department may provide subsidized guardianship payments under s.



**ASSEMBLY BILL 440**

1 48.623 (6), and a school board may contract with under s. 120.13 (14) a person who  
2 otherwise may not be licensed, certified, or contracted with for a reason specified in  
3 sub. (4m) (a) 1. to 5., and an entity may employ, contract with, or permit to reside at  
4 the entity or permit to reside with a caregiver specified in sub. (1) (ag) 1. am. of the  
5 entity a person who otherwise may not be employed, provided payments, contracted  
6 with, or permitted to reside at the entity or with that caregiver for a reason specified  
7 in sub. (4m) (b) 1. to 5., if the person demonstrates to the department, the county  
8 department, the contracted agency, the child welfare agency, or the school board or,  
9 in the case of an entity that is located within the boundaries of a reservation, to the  
10 person or body designated by the Indian tribe under sub. (5d) (a) 3., by clear and  
11 convincing evidence and in accordance with procedures established by the  
12 department by rule or by the tribe that he or she has been rehabilitated.

13 **SECTION 145.** 48.685 (5m) of the statutes is amended to read:

14 48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license  
15 a person to operate an entity, a county department or a child welfare agency may  
16 refuse to license a foster home under s. 48.62, the department in a county having a  
17 population of 750,000 or more or a county department may refuse to provide  
18 subsidized guardianship payments to a person under s. 48.623 (6), and an entity may  
19 refuse to employ or contract with a caregiver or permit a nonclient resident to reside  
20 at the entity or with a caregiver specified in sub. (1) (ag) 1. am. of the entity if the  
21 person has been convicted of an offense that is not a serious crime, but that is, in the  
22 estimation of the department, county department, child welfare agency, or entity,  
23 substantially related to the care of a client. Notwithstanding s. 111.335, the  
24 department may refuse to license a person to operate a child care center, the  
25 department in a county having a population of ~~500,000~~ 750,000 or more, a county

**ASSEMBLY BILL 440**

1 department, or an agency contracted with under s. 48.651 (2) may refuse to certify  
2 a child care provider under s. 48.651, a school board may refuse to contract with a  
3 person under s. 120.13 (14), and a child care center that is licensed under s. 48.65 or  
4 established or contracted for under s. 120.13 (14) or a child care provider that is  
5 certified under s. 48.651 may refuse to employ or contract with a caregiver or permit  
6 a nonclient resident to reside at the child care center or child care provider if the  
7 person has been convicted of or adjudicated delinquent on or after his or her 12th  
8 birthday for an offense that is not a serious crime, but that is, in the estimation of  
9 the department, county department, contracted agency, school board, child care  
10 center, or child care provider, substantially related to the care of a client.

11 **SECTION 146.** 48.685 (6) (a) of the statutes is amended to read:

12 48.685 **(6)** (a) The department shall require any person who applies for  
13 issuance, continuation, or renewal of a license to operate an entity, the department  
14 in a county having a population of 500,000 750,000 or more, a county department,  
15 or an agency contracted with under s. 48.651 (2) shall require any child care provider  
16 who applies for initial certification under s. 48.651 or for renewal of that certification,  
17 a county department or a child welfare agency shall require any person who applies  
18 for issuance or renewal of a license to operate a foster home under s. 48.62, the  
19 department in a county having a population of 750,000 or more or a county  
20 department shall require any person who applies for subsidized guardianship  
21 payments under s. 48.623 (6), and a school board shall require any person who  
22 proposes to contract with the school board under s. 120.13 (14) or to renew a contract  
23 under that subsection, to complete a background information form that is provided  
24 by the department.

25 **SECTION 147.** 48.75 (1b) of the statutes is amended to read:

**ASSEMBLY BILL 440**

1           48.75 (1b) In this section, “public licensing agency” means a county  
2 department or, in a county having a population of ~~500,000~~ 750,000 or more, the  
3 department.

4           **SECTION 148.** 48.75 (1g) (a) 4. of the statutes is amended to read:

5           48.75 (1g) (a) 4. The county of the public licensing agency issuing the license  
6 has a population of ~~500,000~~ 750,000 or more and the placement is for adoption under  
7 s. 48.833 (1), 48.835, or 48.837.

8           **SECTION 149.** 48.831 (4) (c) of the statutes is amended to read:

9           48.831 (4) (c) If the court finds that adoption is not in the child’s best interest,  
10 the court shall order that the child be placed in the guardianship of the department  
11 and place the child in the custody of a county department or, in a county having a  
12 population of ~~500,000~~ 750,000 or more, the department or an agency under contract  
13 with the department.

14           **SECTION 150.** 48.839 (4) (b) of the statutes is amended to read:

15           48.839 (4) (b) Shall transfer legal custody of the child to the department, in a  
16 county having a population of ~~500,000~~ 750,000 or more, to a county department or  
17 to a child welfare agency licensed under s. 48.60.

18           **SECTION 151.** 48.88 (2) (c) of the statutes is amended to read:

19           48.88 (2) (c) If a stepparent has filed a petition for adoption and no agency has  
20 guardianship of the child, the court shall order the department, in a county having  
21 a population of ~~500,000~~ 750,000 or more, or a county department or, with the consent  
22 of the department in a county having a population of less than ~~500,000~~ 750,000 or  
23 a licensed child welfare agency, order the department or the child welfare agency to  
24 conduct a screening, consisting of no more than one interview with the petitioner and  
25 a check of the petitioner’s background through public records, including records

**ASSEMBLY BILL 440****SECTION 151**

1 maintained by the department or any county department under s. 48.981. The  
2 department, county department or child welfare agency that conducts the screening  
3 shall file a report of the screening with the court within 30 days. After reviewing the  
4 report, the court may proceed to act on the petition, may order the department in a  
5 county having a population of ~~500,000~~ 750,000 or more or the county department to  
6 conduct an investigation as described under par. (a) (intro.) or may order the  
7 department in a county having a population of less than ~~500,000~~ 750,000 or a  
8 licensed child welfare agency to make the investigation if the department or child  
9 welfare agency consents.

10 **SECTION 152.** 48.981 (1) (ag) of the statutes is amended to read:

11 48.981 (1) (ag) "Agency" means a county department, the department in a  
12 county having a population of ~~500,000~~ 750,000 or more or a licensed child welfare  
13 agency under contract with a county department or the department in a county  
14 having a population of ~~500,000~~ 750,000 or more to perform investigations under this  
15 section.

16 **SECTION 153.** 48.981 (3) (a) 1. of the statutes is amended to read:

17 48.981 (3) (a) 1. A person required to report under sub. (2) shall immediately  
18 inform, by telephone or personally, the county department or, in a county having a  
19 population of ~~500,000~~ 750,000 or more, the department or a licensed child welfare  
20 agency under contract with the department or the sheriff or city, village, or town  
21 police department of the facts and circumstances contributing to a suspicion of child  
22 abuse or neglect or of unborn child abuse or to a belief that abuse or neglect will occur.

23 **SECTION 154.** 48.981 (3) (a) 2. (intro.) of the statutes is amended to read:

24 48.981 (3) (a) 2. (intro.) The sheriff or police department shall within 12 hours,  
25 exclusive of Saturdays, Sundays, or legal holidays, refer to the county department

**ASSEMBLY BILL 440**

1 or, in a county having a population of ~~500,000~~ 750,000 or more, the department or  
2 a licensed child welfare agency under contract with the department all of the  
3 following types of cases reported to the sheriff or police department:

4 **SECTION 155.** 48.981 (3) (a) 2d. of the statutes is amended to read:

5 48.981 (3) (a) 2d. The sheriff or police department may refer to the county  
6 department or, in a county having a population of ~~500,000~~ 750,000 or more, the  
7 department or a licensed child welfare agency under contract with the department  
8 a case reported to the sheriff or police department in which a person who is not a  
9 caregiver is suspected of abuse or of threatened abuse of a child.

10 **SECTION 156.** 48.981 (3) (c) 2. a. of the statutes is amended to read:

11 48.981 (3) (c) 2. a. If the person making the investigation is an employee of the  
12 county department or, in a county having a population of ~~500,000~~ 750,000 or more,  
13 the department or a licensed child welfare agency under contract with the  
14 department and he or she determines that it is consistent with the child's best  
15 interest in terms of physical safety and physical health to remove the child from his  
16 or her home for immediate protection, he or she shall take the child into custody  
17 under s. 48.08 (2) or 48.19 (1) (c) and deliver the child to the intake worker under s.  
18 48.20.

19 **SECTION 157.** 48.981 (3) (c) 2m. a. of the statutes is amended to read:

20 48.981 (3) (c) 2m. a. If the person making the investigation is an employee of  
21 the county department or, in a county having a population of ~~500,000~~ 750,000 or  
22 more, the department or a licensed child welfare agency under contract with the  
23 department and he or she determines that it is consistent with the best interest of  
24 the unborn child in terms of physical safety and physical health to take the expectant  
25 mother into custody for the immediate protection of the unborn child, he or she shall

**ASSEMBLY BILL 440**

1 take the expectant mother into custody under s. 48.08 (2), 48.19 (1) (cm) or 48.193  
2 (1) (c) and deliver the expectant mother to the intake worker under s. 48.20 or 48.203.

3 **SECTION 158.** 48.981 (3) (c) 3. of the statutes is amended to read:

4 48.981 (3) (c) 3. If the county department or, in a county having a population  
5 of ~~500,000~~ 750,000 or more, the department or a licensed child welfare agency under  
6 contract with the department determines that a child, any member of the child's  
7 family or the child's guardian or legal custodian is in need of services or that the  
8 expectant mother of an unborn child is in need of services, the county department,  
9 department or licensed child welfare agency shall offer to provide appropriate  
10 services or to make arrangements for the provision of services. If the child's parent,  
11 guardian or legal custodian or the expectant mother refuses to accept the services,  
12 the county department, department or licensed child welfare agency may request  
13 that a petition be filed under s. 48.13 alleging that the child who is the subject of the  
14 report or any other child in the home is in need of protection or services or that a  
15 petition be filed under s. 48.133 alleging that the unborn child who is the subject of  
16 the report is in need of protection or services.

17 **SECTION 159.** 48.981 (3) (c) 4. of the statutes is amended to read:

18 48.981 (3) (c) 4. The county department or, in a county having a population of  
19 ~~500,000~~ 750,000 or more, the department or a licensed child welfare agency under  
20 contract with the department shall determine, within 60 days after receipt of a report  
21 that the county department, department, or licensed child welfare agency  
22 investigates under subd. 1., whether abuse or neglect has occurred or is likely to  
23 occur. The determination shall be based on a preponderance of the evidence  
24 produced by the investigation. A determination that abuse or neglect has occurred  
25 may not be based solely on the fact that the child's parent, guardian, or legal

**ASSEMBLY BILL 440**

1 custodian in good faith selects and relies on prayer or other religious means for  
2 treatment of disease or for remedial care of the child. In making a determination that  
3 emotional damage has occurred, the county department or, in a county having a  
4 population of ~~500,000~~ 750,000 or more, the department or a licensed child welfare  
5 agency under contract with the department shall give due regard to the culture of  
6 the subjects. This subdivision does not prohibit a court from ordering medical  
7 services for the child if the child's health requires it.

8 **SECTION 160.** 48.981 (3) (c) 5m. of the statutes is amended to read:

9 48.981 (3) (c) 5m. The county department or, in a county having a population  
10 of ~~500,000~~ 750,000 or more, the department or a licensed child welfare agency under  
11 contract with the department may include in a determination under subd. 4. a  
12 determination that a specific person has abused or neglected a child. If the county  
13 department, department, or licensed child welfare agency makes an initial  
14 determination that a specific person has abused or neglected a child, the county  
15 department, department, or licensed child welfare agency shall provide that person  
16 with an opportunity for a review of that initial determination in accordance with  
17 rules promulgated by the department before the county department, department, or  
18 licensed child welfare agency may make a final determination that the person has  
19 abused or neglected a child. Within 5 days after the date of a final determination that  
20 a specific person has abused or neglected a child, the county department,  
21 department, or licensed child welfare agency shall notify the person in writing of the  
22 determination, the person's right to a contested case hearing on the determination  
23 under ch. 227, and the procedures under sub. 5p. by which the person may receive  
24 that hearing.

25 **SECTION 161.** 48.981 (3) (c) 5r. of the statutes is amended to read:

**ASSEMBLY BILL 440****SECTION 161**

1           48.981 (3) (c) 5r. Within 15 days after a final determination is made under subd.  
2           5m. that a specific person has abused or neglected a child or, if a contested case  
3           hearing is held on such a determination, within 15 days after a final decision is made  
4           under subd. 5p. determining that a specific person has abused or neglected a child,  
5           the county department or, in a county having a population of ~~500,000~~ 750,000 or  
6           more, the department or a licensed child welfare agency under contract with the  
7           department shall provide the subunit of the department that administers s. 48.685  
8           with information about the person who has been determined to have abused or  
9           neglected the child.

10           **SECTION 162.** 48.981 (3) (c) 7. of the statutes is amended to read:

11           48.981 (3) (c) 7. The county department or, in a county having a population of  
12           ~~500,000~~ 750,000 or more, the department or a licensed child welfare agency under  
13           contract with the department shall cooperate with law enforcement officials, courts  
14           of competent jurisdiction, tribal governments and other human services agencies to  
15           prevent, identify and treat child abuse and neglect and unborn child abuse. The  
16           county department or, in a county having a population of ~~500,000~~ 750,000 or more,  
17           the department or a licensed child welfare agency under contract with the  
18           department shall coordinate the development and provision of services to abused  
19           and neglected children, to abused unborn children to families in which child abuse  
20           or neglect has occurred, to expectant mothers who have abused their unborn  
21           children, to children and families when circumstances justify a belief that abuse or  
22           neglect will occur and to the expectant mothers of unborn children when  
23           circumstances justify a belief that unborn child abuse will occur.

24           **SECTION 163.** 48.981 (3) (cm) of the statutes is amended to read:



**ASSEMBLY BILL 440**

1           48.981 (3) (cm) *Contract with licensed child welfare agencies.* A county  
2 department may contract with a licensed child welfare agency to fulfill the county  
3 department's duties specified under par. (c) 1., 2. b., 2m. b., 5., 5r., 6., 6m., and 8. The  
4 department may contract with a licensed child welfare agency to fulfill the  
5 department's duties specified under par. (c) 1., 2. a., 2m. b., 3., 4., 5., 5m., 5r., 6., 6m.,  
6 7., 8., and 9. in a county having a population of ~~500,000~~ 750,000 or more. The  
7 confidentiality provisions specified in sub. (7) shall apply to any licensed child  
8 welfare agency with which a county department or the department contracts.

9           **SECTION 164.** 48.981 (3) (d) 1. of the statutes is amended to read:

10           48.981 (3) (d) 1. In this paragraph, "agent" includes a foster parent or other  
11 person given custody of a child or a human services professional employed by a  
12 county department under s. 51.42 or 51.437 or by a child welfare agency who is  
13 working with a child or an expectant mother of an unborn child under contract with  
14 or under the supervision of the department in a county having a population of  
15 ~~500,000~~ 750,000 or more or a county department under s. 46.22.

16           **SECTION 165.** 48.981 (3) (d) 2. of the statutes is amended to read:

17           48.981 (3) (d) 2. If an agent or employee of an agency required to investigate  
18 under this subsection is the subject of a report, or if the agency determines that,  
19 because of the relationship between the agency and the subject of a report, there is  
20 a substantial probability that the agency would not conduct an unbiased  
21 investigation, the agency shall, after taking any action necessary to protect the child  
22 or unborn child, notify the department. Upon receipt of the notice, the department,  
23 in a county having a population of less than ~~500,000~~ 750,000 or a county department  
24 or child welfare agency designated by the department in any county shall conduct  
25 an independent investigation. If the department designates a county department

**ASSEMBLY BILL 440**

1 under s. 46.22, 46.23, 51.42, or 51.437, that county department shall conduct the  
2 independent investigation. If a licensed child welfare agency agrees to conduct the  
3 independent investigation, the department may designate the child welfare agency  
4 to do so. The powers and duties of the department or designated county department  
5 or child welfare agency making an independent investigation are those given to  
6 county departments under par. (c).

7 **SECTION 166.** 48.981 (3m) (b) (intro.) of the statutes is amended to read:

8 48.981 **(3m)** (b) (intro.) The department shall establish a pilot program under  
9 which an agency in a county having a population of ~~500,000~~ 750,000 or more or a  
10 county department that is selected to participate in the pilot program may employ  
11 alternative responses to a report of abuse or neglect or of threatened abuse or neglect.  
12 The department shall select agencies and county departments to participate in the  
13 pilot program in accordance with the department's request-for-proposal procedures  
14 and according to criteria developed by the department. Those criteria shall include  
15 an assessment of the plan of an agency or county department for involving the  
16 community in providing services for a family that is participating in the pilot  
17 program and a determination of whether an agency or a county department has an  
18 agreement with local law enforcement agencies and the representative of the public  
19 under s. 48.09 to ensure interagency cooperation in implementing the pilot program.  
20 To implement the pilot program, the department shall provide all of the following:

21 **SECTION 167.** 48.981 (5) of the statutes is amended to read:

22 48.981 **(5)** CORONER'S REPORT. Any person or official required to report cases of  
23 suspected child abuse or neglect who has reasonable cause to suspect that a child  
24 died as a result of child abuse or neglect shall report the fact to the appropriate  
25 medical examiner or coroner. The medical examiner or coroner shall accept the

**ASSEMBLY BILL 440**

1 report for investigation and shall report the findings to the appropriate district  
2 attorney; to the department or, in a county having a population of 500,000 750,000  
3 or more, to a licensed child welfare agency under contract with the department; to  
4 the county department and, if the institution making the report initially is a hospital,  
5 to the hospital.

6 **SECTION 168.** 48.981 (7) (a) 5. of the statutes is amended to read:

7 48.981 (7) (a) 5. A professional employee of a county department under s. 51.42  
8 or 51.437 who is working with the child or the expectant mother of the unborn child  
9 under contract with or under the supervision of the county department under s. 46.22  
10 or, in a county having a population of 500,000 750,000 or more, the department or  
11 a licensed child welfare agency under contract with the department.

12 **SECTION 169.** 48.981 (7) (a) 6. of the statutes is amended to read:

13 48.981 (7) (a) 6. A multidisciplinary child abuse and neglect or unborn child  
14 abuse team recognized by the county department or, in a county having a population  
15 of 500,000 750,000 or more, the department or a licensed child welfare agency under  
16 contract with the department.

17 **SECTION 170.** 48.981 (7) (a) 6m. of the statutes is amended to read:

18 48.981 (7) (a) 6m. A person employed by a child advocacy center recognized by  
19 the county board, the county department or, in a county having a population of  
20 500,000 750,000 or more, the department or a licensed child welfare agency under  
21 contract with the department, to the extent necessary to perform the services for  
22 which the center is recognized by the county board, the county department, the  
23 department or the licensed child welfare agency.

24 **SECTION 171.** 48.981 (7) (a) 15. of the statutes is amended to read:

**ASSEMBLY BILL 440**

1           48.981 (7) (a) 15. A child fatality review team recognized by the county  
2 department or, in a county having a population of 500,000 750,000 or more, the  
3 department or a licensed child welfare agency under contract with the department.

4           **SECTION 172.** 48.981 (7) (cr) 3. a. of the statutes is amended to read:

5           48.981 (7) (cr) 3. a. Within 2 working days after receiving the information  
6 provided under subd. 2., the subunit of the department that received the information  
7 shall disclose to the public the fact that the subunit has received the information;  
8 whether the department is conducting a review of the incident and, if so, the scope  
9 of the review and the identities of any other agencies with which the department is  
10 cooperating at that point in conducting the review; whether the child was residing  
11 in the home or was placed in an out-of-home placement at the time of the incident;  
12 and information about the child, including the age of the child. If the information  
13 received is about an incident of egregious abuse or neglect, the subunit of the  
14 department shall make the same disclosure to a citizen review panel, as described  
15 in par. (a) 15g., and, in a county having a population of 500,000 750,000 or more, to  
16 the Milwaukee child welfare partnership council.

17           **SECTION 173.** 48.981 (8) (a) of the statutes is amended to read:

18           48.981 (8) (a) The department, the county departments, and a licensed child  
19 welfare agency under contract with the department in a county having a population  
20 of 500,000 750,000 or more to the extent feasible shall conduct continuing education  
21 and training programs for staff of the department, the county departments, licensed  
22 child welfare agencies under contract with the department or a county department,  
23 law enforcement agencies, and the tribal social services departments, persons and  
24 officials required to report, the general public, and others as appropriate. The  
25 programs shall be designed to encourage reporting of child abuse and neglect and of

**ASSEMBLY BILL 440**

1 unborn child abuse, to encourage self-reporting and voluntary acceptance of services  
2 and to improve communication, cooperation, and coordination in the identification,  
3 prevention, and treatment of child abuse and neglect and of unborn child abuse.  
4 Programs provided for staff of the department, county departments, and licensed  
5 child welfare agencies under contract with county departments or the department  
6 whose responsibilities include the investigation or treatment of child abuse or  
7 neglect shall also be designed to provide information on means of recognizing and  
8 appropriately responding to domestic abuse, as defined in s. 49.165 (1) (a). The  
9 department, the county departments, and a licensed child welfare agency under  
10 contract with the department in a county having a population of ~~500,000~~ 750,000 or  
11 more shall develop public information programs about child abuse and neglect and  
12 about unborn child abuse.

13 **SECTION 174.** 48.981 (8) (c) of the statutes is amended to read:

14 48.981 **(8)** (c) In meeting its responsibilities under par. (a) or (b), the  
15 department, a county department or a licensed child welfare agency under contract  
16 with the department in a county having a population of ~~500,000~~ 750,000 or more may  
17 contract with any public or private organization which meets the standards set by  
18 the department. In entering into the contracts the department, county department  
19 or licensed child welfare agency shall give priority to parental organizations  
20 combating child abuse and neglect or unborn child abuse.

21 **SECTION 175.** 48.982 (6) (am) of the statutes is amended to read:

22 48.982 **(6)** (am) Notwithstanding the geographical and urban and rural  
23 distribution requirements under sub. (2) (a), the board shall allocate not more than  
24 \$150,000 from the appropriation under s. 20.433 (1) (h) in each fiscal year for the  
25 awarding of grants, in accordance with the request-for-proposal procedures

**ASSEMBLY BILL 440**

1 developed under sub. (2) (a), to organizations located in counties with a population  
2 of ~~500,000~~ 750,000 or more.

3 **SECTION 176.** 48.983 (1) (b) 1. c. of the statutes is amended to read:

4 48.983 (1) (b) 1. c. A family that includes a person who has contacted a county  
5 ~~department, a, city,~~ private agency, or Indian tribe that has been awarded a grant  
6 under this section or, in a county having a population of ~~500,000~~ 750,000 or more that  
7 has been awarded a grant under this section, the ~~department, a~~ county, city, private  
8 agency, or a licensed child welfare agency under contract with the department  
9 requesting assistance to prevent poor birth outcomes or abuse or neglect of a child  
10 in the person's family and with respect to which an individual responding to the  
11 request has determined that all of the conditions in subd. 2. exist.

12 **SECTION 177.** 48.983 (2) (a) of the statutes is amended to read:

13 48.983 (2) (a) If a county, city, private agency, or Indian tribe applies and is  
14 selected by the department under sub. (5) to participate in the program under this  
15 section, the department shall award, from the appropriation under s. 20.437 (1) (ab),  
16 a grant annually to be used only for the purposes specified in sub. (4) (a) and (am).  
17 The minimum amount of a grant is \$10,000. The county, city, private agency, or  
18 Indian tribe shall agree to match at least 25 percent of the grant amount annually  
19 in funds or in-kind contributions.

20 **SECTION 178.** 48.983 (2) (b) of the statutes is amended to read:

21 48.983 (2) (b) The department shall determine the amount of a grant awarded  
22 to a county, private agency, or Indian tribe under this section in excess of the  
23 minimum amount based on the need of the county, city, private agency, or Indian  
24 tribe for a grant, ~~as determined by a formula that the department shall promulgate~~  
25 ~~by rule. That formula shall determine that need based on the number of births that~~

**ASSEMBLY BILL 440**

1 are funded by Medical Assistance under subch. IV of ch. 49 in that county, the area  
2 in which that private agency is providing services, or the reservation of that Indian  
3 tribe and on the rate of poor birth outcomes, including infant mortality, premature  
4 births, low birth weights, and racial or ethnic disproportionality in the rates of those  
5 outcomes, in that county, the area in which that private agency is providing services,  
6 or the reservation of that Indian tribe and the capacity of the county, city, private  
7 agency, or Indian tribe to participate in the program under this section, as  
8 determined by the department.

9 **SECTION 179.** 48.983 (2) (c) of the statutes is amended to read:

10 48.983 (2) (c) The department shall allocate 10 percent of the funds available  
11 from the appropriation account under s. 20.437 (1) (ab) in each fiscal year for grants  
12 under this section to counties, cities, private agencies, or Indian tribes that have not  
13 previously received those grants.

14 **SECTION 180.** 48.983 (3) of the statutes is amended to read:

15 48.983 (3) JOINT APPLICATION PERMITTED. Any combination of 2 or more counties,  
16 cities, private agencies, or Indian tribes may submit a joint application to the  
17 department.

18 **SECTION 181.** 48.983 (4) (am) of the statutes is amended to read:

19 48.983 (4) (am) *Grants; start-up costs and capacity building.* In the first year  
20 in which a grant under this section is awarded to a county, city, private agency, or  
21 Indian tribe, the county, city, private agency, or Indian tribe may use a portion of the  
22 grant to pay for start-up costs and capacity building related to the program under  
23 this section. The department shall determine the maximum amount of a grant that  
24 a county, city, private agency, or Indian tribe may use to pay for those start-up costs  
25 and that capacity building.

**ASSEMBLY BILL 440****SECTION 182**

1           **SECTION 182.** 48.983 (4) (b) 1. of the statutes is amended to read:

2           48.983 (4) (b) 1. A county, city, private agency, or Indian tribe that is selected  
3 to participate in the program under this section shall offer all pregnant women in the  
4 county or city, the area in which that private agency is providing services, or the  
5 reservation of the tribe who are eligible for Medical Assistance under subch. IV of ch.  
6 49 an opportunity to undergo an assessment through use of a risk assessment  
7 instrument to determine whether the person assessed presents risk factors for poor  
8 birth outcomes or for perpetrating child abuse or neglect. Persons who agree to be  
9 assessed shall be assessed during the prenatal period. The risk assessment  
10 instrument shall be developed by the department and shall be based on risk  
11 assessment instruments developed by the department for similar programs that are  
12 in operation. The department need not promulgate as rules under ch. 227 the risk  
13 assessment instrument developed under this subdivision. A person who is assessed  
14 to be at risk of poor birth outcomes or of abusing or neglecting his or her child shall  
15 be offered home visitation program services that shall be commenced during the  
16 prenatal period. Home visitation program services may be provided to a family with  
17 a child identified as being at risk of child abuse or neglect until the identified child  
18 reaches 3 years of age. If a family has been receiving home visitation program  
19 services continuously for not less than 12 months, those services may continue to be  
20 provided to the family until the identified child reaches 3 years of age, regardless of  
21 whether the child continues to be eligible for Medical Assistance under subch. IV of  
22 ch. 49. If risk factors for child abuse or neglect with respect to the identified child  
23 continue to be present when the child reaches 3 years of age, home visitation program  
24 services may be provided until the identified child reaches 5 years of age. Home  
25 visitation program services may not be provided to a person unless the person gives



**ASSEMBLY BILL 440**

1 his or her written informed consent to receiving those services or, if the person is a  
2 child, unless the child's parent, guardian, or legal custodian gives his or her written  
3 informed consent for the child to receive those services.

4 **SECTION 183.** 48.983 (4) (b) 3. of the statutes is amended to read:

5 48.983 (4) (b) 3. A county, city, private agency, or Indian tribe that is providing  
6 home visitation program services under subd. 1. shall provide to a person receiving  
7 those services the information relating to shaken baby syndrome and impacted  
8 babies required under s. 253.15 (6).

9 **SECTION 184.** 48.983 (5) of the statutes is amended to read:

10 48.983 (5) SELECTION OF COUNTIES, CITIES, PRIVATE AGENCIES, AND INDIAN TRIBES.  
11 The department shall provide competitive application procedures for selecting  
12 counties, cities, private agencies, and Indian tribes for participation in the program  
13 under this section. The department shall establish a method for ranking applicants  
14 for selection based on the quality of their applications. In ranking the applications,  
15 the department shall give favorable consideration to a county, city, private agency,  
16 or Indian tribe that submits a joint application under sub. (3) ~~and to a county that~~  
17 ~~has indicated under sub. (6) (d) 2. that it is willing to use a portion of any moneys~~  
18 ~~distributed to the county under s. 48.565 (2) (a) to provide case management services~~  
19 ~~to a Medical Assistance beneficiary under s. 49.45 (25) (am) 9. who is a case or who~~  
20 ~~is a member of a family that is a case and that has explained under sub. (6) (d) 2. how~~  
21 ~~the county plans to use that portion of those moneys to promote the provision of those~~  
22 ~~services for the case by using a wraparound process so as to provide those services~~  
23 ~~in a flexible, comprehensive and individualized manner in order to reduce the~~  
24 ~~necessity for court-ordered services.~~ The department shall also provide application  
25 requirements and procedures for the renewal of a grant awarded under this section.

**ASSEMBLY BILL 440****SECTION 184**

1 The application procedures and the renewal application requirements and  
2 procedures shall be clear and understandable to the applicants. The department  
3 need not promulgate as rules under ch. 227 the application procedures, the renewal  
4 application requirements or procedures, or the method for ranking applicants  
5 established under this subsection.

6 **SECTION 185.** 48.983 (6) (intro.) of the statutes is amended to read:

7 48.983 (6) CRITERIA FOR AWARDING GRANTS. (intro.) In addition to any other  
8 criteria developed by the department, a county, city, private agency, or Indian tribe  
9 shall meet all of the following criteria in order to be selected for participation in the  
10 program under this section:

11 **SECTION 186.** 48.983 (6) (a) (intro.) of the statutes is amended to read:

12 48.983 (6) (a) (intro.) The part of an application, other than a renewal  
13 application, submitted by a county, city, private agency, or Indian tribe that relates  
14 to home visitation programs shall include all of the following:

15 **SECTION 187.** 48.983 (6) (a) 3. of the statutes is amended to read:

16 48.983 (6) (a) 3. An identification of existing poor birth outcome and child abuse  
17 and neglect prevention services that are available to residents of the county or city,  
18 the area in which the private agency is providing services, or the reservation of the  
19 Indian tribe and a description of how those services and any additional needed  
20 services will support a comprehensive home visitation program.

21 **SECTION 188.** 48.983 (6) (a) 5. of the statutes is amended to read:

22 48.983 (6) (a) 5. An explanation of how the applicant, in collaboration with local  
23 prenatal care coordination providers, will implement strategies aimed at achieving  
24 healthy birth outcomes, as determined by performance measures prescribed by the

**ASSEMBLY BILL 440**

1 department and the department of health services, in the county, city, or reservation  
2 of the Indian tribe.

3 **SECTION 189.** 48.983 (6) (b) 4. of the statutes is amended to read:

4 48.983 (6) (b) 4. 'Nonentitlement.' No individual is entitled to any payment  
5 from a fund established under subd. 1. or 2. Nothing in this section shall be construed  
6 as requiring a county, city, private agency, or Indian tribe to make a determination  
7 described in sub. (1) (b) 2. A determination described in sub. (1) (b) 2. may not be  
8 construed to be a determination described in s. 48.981 (3) (c) 4.

9 **SECTION 190.** 48.983 (6) (d) (title) and 1. of the statutes are consolidated,  
10 renumbered 48.983 (6) (d) and amended to read:

11 48.983 (6) (d) *Wraparound process.* ~~1.~~ The applicant demonstrates in the grant  
12 application that the payments that will be made from the fund established under par.  
13 (b) 2. will promote the provision of services for the case by using a wraparound  
14 process so as to provide those services in a flexible, comprehensive and  
15 individualized manner in order to reduce the necessity for court-ordered services.

16 **SECTION 191.** 48.983 (6) (d) 2. of the statutes is repealed.

17 **SECTION 192.** 48.983 (6) (g) of the statutes is amended to read:

18 48.983 (6) (g) *Private agency applicant.* If the applicant is a private agency, the  
19 applicant submits documentation with the grant application that demonstrates that  
20 the application is supported by a county or city and that a county or city will  
21 collaborate with the private agency in providing services.

22 **SECTION 193.** 48.983 (6g) (b) of the statutes is amended to read:

23 48.983 (6g) (b) A county, city, private agency, or Indian tribe that is selected to  
24 participate in the program under this section shall provide or shall designate an  
25 individual or entity to provide an explanation of the confidentiality requirements

**ASSEMBLY BILL 440****SECTION 193**

1 under par. (a) to each individual who is offered an assessment under sub. (4) (b) or  
2 who is offered services under the home visitation program of the county, city, private  
3 agency, or Indian tribe.

4 **SECTION 194.** 48.983 (7) (ag) of the statutes is amended to read:

5 48.983 (7) (ag) The department shall evaluate the availability of home  
6 visitation programs in the state and determine whether there are gaps in home  
7 visitation services in the state. The department shall cooperate with counties, cities,  
8 private agencies, and Indian tribes providing home visitation programs to address  
9 any gaps in services identified.

10 **SECTION 195.** 48.983 (7) (ar) of the statutes is amended to read:

11 48.983 (7) (ar) Each county, city, private agency, and Indian tribe providing a  
12 home visitation program shall collect and report data to the department, as required  
13 by the department. The department shall require each county, city, private agency,  
14 and Indian tribe providing a home visitation program to collect data using forms  
15 prescribed by the department.

16 **SECTION 196.** 48.983 (7) (c) (intro.) of the statutes is amended to read:

17 48.983 (7) (c) (intro.) Each county, city, private agency, and Indian tribe  
18 providing a home visitation program shall develop a plan for evaluating the  
19 effectiveness of its program for approval by the department. The plan shall  
20 demonstrate how the county, city, private agency, or Indian tribe will use the  
21 evaluation of its program to improve the quality and outcomes of the program and  
22 to ensure continued compliance with the home visitation program criteria under sub.  
23 (6) (a). The plan shall demonstrate how the outcomes will be tracked and measured.  
24 Under the plan, the extent to which all of the following outcomes are achieved shall  
25 be tracked and measured:

**ASSEMBLY BILL 440**

1           **SECTION 197.** 48.983 (8) of the statutes is amended to read:

2           48.983 **(8)** TECHNICAL ASSISTANCE AND TRAINING. The department shall provide  
3           technical assistance and training to counties, cities, private agencies, and Indian  
4           tribes that are selected to participate in the program under this section. The training  
5           may not be limited to a particular home visitation model. The training shall include  
6           training in best practices regarding basic skills, uniform administration of screening  
7           and assessment tools, the issues and challenges that families face, and supervision  
8           and personnel skills for program managers. The training may also include training  
9           on data collection and reporting.

10          **SECTION 198.** 49.143 (6) of the statutes is amended to read:

11          49.143 **(6)** GEOGRAPHICAL AREAS. The department shall determine the  
12          geographical area for which a Wisconsin ~~works~~ Works agency will administer  
13          Wisconsin ~~works~~ Works. Except for federally recognized American Indian  
14          reservations and in counties with a population of ~~500,000~~ 750,000 or more, no  
15          geographical area may be smaller than one county. A geographical area may include  
16          more than one county. The department need not establish the geographical areas by  
17          rule.

18          **SECTION 199.** 49.155 (3g) (intro.) of the statutes is amended to read:

19          49.155 **(3g)** CHILD CARE ADMINISTRATION IN CERTAIN COUNTIES. (intro.) In a county  
20          having a population of ~~500,000~~ 750,000 or more all of the following apply:

21          **SECTION 200.** 49.175 (1) (u) of the statutes is amended to read:

22          49.175 **(1)** (u) *Prevention services.* For services to prevent child abuse or neglect  
23          in counties having a population of ~~500,000~~ 750,000 or more, \$1,489,600 in each fiscal  
24          year.

25          **SECTION 201.** 49.195 (4) (b) 2. of the statutes is amended to read:

**ASSEMBLY BILL 440****SECTION 201**

1           49.195 (4) (b) 2. The recovery of benefits due to the efforts of an employee or  
2 officer of a county having a population of ~~500,000~~ 750,000 or more under the  
3 supervision of the department.

4           **SECTION 202.** 49.34 (5m) (em) of the statutes is amended to read:

5           49.34 (5m) (em) Notwithstanding par. (b) 1. and 2., a county department under  
6 s. 46.215, 51.42, or 51.437 providing client services in a county having a population  
7 of ~~500,000~~ 750,000 or more or a nonstock, nonprofit corporation providing client  
8 services in such a county may not retain a surplus generated by a rate-based service  
9 or accumulate funds from more than one contract period for a rate-based service  
10 from revenues that are used to meet the maintenance-of-effort requirement under  
11 the federal temporary assistance for needy families program under 42 USC 601 to  
12 619.

13           **SECTION 203.** 49.343 (5) (intro.) of the statutes is amended to read:

14           49.343 (5) ADVISORY COMMITTEE. (intro.) The secretary shall create an advisory  
15 committee under s. 15.04 (1) (c) consisting of representatives of purchasers; county  
16 departments; the department, in a county having a population of ~~500,000~~ 750,000  
17 or more; tribes; consumers; and a statewide association of private, incorporated  
18 family and children's social service agencies representing all groups of providers that  
19 are affected by the rate regulation process. The committee shall advise the  
20 department on all of the following:

21           **SECTION 204.** 49.45 (25) (b) of the statutes is amended to read:

22           49.45 (25) (b) A county, city, village, town or, in a county having a population  
23 of ~~500,000~~ 750,000 or more, the department may elect to make case management  
24 services under this subsection available in the county, city, village or town to one or  
25 more of the categories of beneficiaries under par. (am) through the medical

**ASSEMBLY BILL 440**

1 assistance program. A county, city, village, town or, in a county having a population  
2 of ~~500,000~~ 750,000 or more, the department that elects to make the services available  
3 shall reimburse a case management provider for the amount of the allowable charges  
4 for those services under the medical assistance program that is not provided by the  
5 federal government.

6 **SECTION 205.** 49.71 (2) of the statutes is amended to read:

7 49.71 (2) In counties with a population of ~~500,000~~ 750,000 or more, an  
8 institution established under sub. (1) shall be governed under s. 46.21 or 59.79 (10),  
9 but in all other counties it shall be governed under ss. 46.18, 46.19, and 46.20.

10 **SECTION 206.** 49.72 (2) of the statutes is amended to read:

11 49.72 (2) In counties with a population of ~~500,000~~ 750,000 or more, such  
12 institution shall be governed pursuant to s. 46.21, but in all other counties it shall  
13 be governed pursuant to ss. 46.18, 46.19, and 46.20.

14 **SECTION 207.** 49.826 (1) (a) of the statutes is amended to read:

15 49.826 (1) (a) "County" means a county having a population of ~~500,000~~ 750,000  
16 or more.

17 **SECTION 208.** 49.84 (7) (c) 3. of the statutes is amended to read:

18 49.84 (7) (c) 3. A child residing in a foster care placement under the care and  
19 placement responsibility of a county department under s. 46.215, 46.22, or 46.23 or,  
20 in a county with a population of ~~500,000~~ 750,000 or more, under the care and  
21 placement responsibility of the department of children and families.

22 **SECTION 209.** 49.855 (4m) (c) of the statutes is amended to read:

23 49.855 (4m) (c) Except as provided by order of the court after hearing under  
24 par. (b), the department of administration shall continue withholding until the  
25 amount certified is recovered in full. The department of administration shall

**ASSEMBLY BILL 440**

1 transfer the amounts withheld under this paragraph to the department of children  
2 and families or its designee, the department of health services, or the department of  
3 corrections, whichever is appropriate. The department of children and families or  
4 its designee shall deposit amounts withheld for delinquent child or family support,  
5 maintenance, or receiving and disbursing fees or past support, medical expenses, or  
6 birth expenses in the appropriation account under s. 20.437 (2) ~~(kp)~~ (ja).

7 **SECTION 210.** 253.15 (4) (b) of the statutes is amended to read:

8 253.15 (4) (b) Before an individual may be certified under s. 48.651 as a child  
9 care provider of children under 5 years of age, the individual shall receive training  
10 relating to shaken baby syndrome and impacted babies that is approved or provided  
11 by the certifying department in a county having a population of ~~500,000~~ 750,000 or  
12 more, county department, or agency contracted with under s. 48.651 (2) or that is  
13 provided by a nonprofit organization arranged by that department, county  
14 department, or contracted agency to provide that training.

15 **SECTION 211.** 767.41 (3) (a) of the statutes is amended to read:

16 767.41 (3) (a) If the interest of any child demands it, and if the court finds that  
17 neither parent is able to care for the child adequately or that neither parent is fit and  
18 proper to have the care and custody of the child, the court may declare the child to  
19 be in need of protection or services and transfer legal custody of the child to a relative  
20 of the child, as defined in s. 48.02 (15), to a county department, as defined under s.  
21 48.02 (2g), to a licensed child welfare agency, or, in a county having a population of  
22 ~~500,000~~ 750,000 or more, the department of children and families. If the court  
23 transfers legal custody of a child under this subsection, in its order the court shall  
24 notify the parents of any applicable grounds for termination of parental rights under  
25 s. 48.415. If the court transfers legal custody under this section to an agency, the



**ASSEMBLY BILL 440**

1 court shall also refer the matter to the court intake worker, as defined in s. 48.02 (3),  
2 who shall conduct an inquiry under s. 48.24 to determine whether a petition should  
3 be filed under s. 48.13.

4 **SECTION 212.** 767.75 (1f) of the statutes is amended to read:

5 767.75 (1f) PAYMENT ORDER AS ASSIGNMENT OF INCOME. A payment order  
6 constitutes an assignment of all commissions, earnings, salaries, wages, pension  
7 benefits, benefits under ch. 102 or 108, lottery prizes that are payable in  
8 installments, and other money due or to be due in the future to the department or  
9 its designee. The assignment shall be for a fixed sum regardless of whether the  
10 court-ordered obligation on which the assignment is based is expressed in the court  
11 order as a percentage of the payer's income, and shall be for an amount sufficient to  
12 ensure payment under the order, obligation, or stipulation and to pay any arrearages  
13 due at a periodic rate not to exceed 50% of the amount of support due under the order,  
14 obligation, or stipulation so long as the addition of the amount toward arrearages  
15 does not leave the party at an income below the poverty line established under 42  
16 USC 9902 (2).

17 **SECTION 213.** 767.75 (3m) of the statutes is amended to read:

18 767.75 (3m) ASSIGNMENT OF UNEMPLOYMENT COMPENSATION BENEFITS. Benefits  
19 under ch. 108 may be assigned and withheld only in the manner provided in s. 108.13  
20 (4). Any order to withhold benefits under ch. 108 shall be for a fixed sum ~~unless~~  
21 regardless of whether the court-ordered obligation on which the withholding order  
22 is based is expressed in the court order as a percentage of the payer's income, in  
23 ~~which case an order to withhold benefits under ch. 108 shall be for a percentage of~~  
24 ~~benefits payable.~~ When money is to be withheld from these benefits, no fee may be

**ASSEMBLY BILL 440****SECTION 213**

1 deducted from the amount withheld and no fine may be levied for failure to withhold  
2 the money.

3 **SECTION 214.** 971.37 (title) of the statutes is amended to read:

4 **971.37 (title) Deferred prosecution programs; domestic abuse and**  
5 **child sexual abuse.**

6 **SECTION 215.** 971.37 (1m) (c) 1. (intro.) of the statutes is amended to read:

7 971.37 (1m) (c) 1. (intro.) The agreement may provide as one of its conditions  
8 that ~~a person~~ an adult covered under ~~sub. (1) (b) or (e) par. (a) 2. or 3.~~ pay the domestic  
9 abuse surcharge under s. 973.055 and, if applicable, the global positioning system  
10 tracking surcharge under s. 973.057. If the agreement requires the person to pay the  
11 global positioning system tracking surcharge under s. 973.057, the agreement shall  
12 also require the person to pay the domestic abuse surcharge under s. 973.055.  
13 Payments and collections of the domestic abuse surcharge and the global positioning  
14 system tracking surcharge under this subdivision are subject to s. 973.055 (2) to (4)  
15 or to s. 973.057 (2) and (3), respectively, except as follows:

16 **SECTION 216. Fiscal changes.**

17 (1) CHILD WELFARE PROGRAM ENHANCEMENT PLAN AIDS. In the schedule under  
18 section 20.005 (3) of the statutes for the appropriation to the department of children  
19 and families under section 20.437 (1) (a) of the statutes, as affected by the acts of  
20 2015, the dollar amount for fiscal year 2016-17 is increased by \$1,796,500 to increase  
21 funding for the purposes for which the appropriation is made.

22 **SECTION 217. Effective dates.** This act takes effect on the day after  
23 publication, except as follows:

24 (1) The treatment of sections 20.435 (8) (mb) and (mm), 20.437 (1) (b), (d), (km),  
25 (m), (ma), (mc), (md), (me), (n), and (na), (2) (dz), (ja), (kp), (md), and (pz), and (3) (kp)

**ASSEMBLY BILL 440**

1 and (mm), 46.46, 48.563 (1) (b), 48.565 (intro.), (2) (a), (am), (b), and (c), (3), (6), and  
2 (8), 48.567, and 49.855 (4m) (c) of the statutes and SECTION 216 (1) of this act take  
3 effect on July 1, 2015, on the day after publication, or on the 2nd day after publication  
4 of the 2015-17 biennial budget act, whichever is latest.

5 (2) The treatment of section 20.437 (1) (da) of the statutes takes effect on July  
6 1, 2016.

7

**(END)**