

State of Wisconsin



2015 Senate Bill 253

Date of enactment: **February 4, 2016**
Date of publication*: **February 5, 2016**

2015 WISCONSIN ACT 143

AN ACT to *renumber and amend* 48.623 (1) (b) 1.; and to *create* 48.623 (1) (b) 1. c. and 48.623 (7) (d) of the statutes; **relating to:** eligibility for monthly subsidized guardianship payments of a person who develops a familial relationship with a child or the child's family during the child's placement in out-of-home care, providing an exemption from emergency rule procedures, and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 48.623 (1) (b) 1. of the statutes is renumbered 48.623 (1) (b) 1. (intro.) and amended to read:

48.623 (1) (b) 1. (intro.) The guardian is a ~~any~~ of the following:

a. A relative of the child ~~or is a~~.

b. A person who has a significant emotional relationship with the child or the child's family and who, prior to the child's placement in out-of-home care, had an existing relationship with the child or the child's family that is similar to a familial relationship.

SECTION 2. 48.623 (1) (b) 1. c. of the statutes is created to read:

48.623 (1) (b) 1. c. Subject to the rules promulgated under sub. (7) (d), a person who has a significant emotional relationship with the child or the child's family and who, during the child's placement in out-of-home care, developed a relationship with the child or the child's family that is similar to a familial relationship.

SECTION 3. 48.623 (7) (d) of the statutes is created to read:

48.623 (7) (d) Rules establishing the conditions that must be met in order for a person specified in sub. (1) (b) 1. c. to be eligible for monthly subsidized guardianship payments under sub. (1).

SECTION 4. Nonstatutory provisions.

(1) ELIGIBILITY CONDITIONS FOR SUBSIDIZED GUARDIANSHIP PAYMENTS; EMERGENCY RULES. Using the procedure under section 227.24 of the statutes, the department of children and families may promulgate the rules required under section 48.623 (7) (d) of the statutes, as created by this act, for the period before the effective date of the permanent rules promulgated under section 48.623 (7) (d) of the statutes, as created by this act, but not to exceed the period authorized under section 227.24 (1) (c) of the statutes, subject to extension under section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."