

State of Wisconsin



2015 Assembly Bill 440

Date of enactment: **February 29, 2016**

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2015 WISCONSIN ACT 172

AN ACT to repeal 20.437 (1) (d), 20.437 (1) (da), 20.437 (1) (me), 20.437 (2) (kp), 20.437 (2) (pz), 46.46, 48.563 (14m), 48.565 (2) (am), 48.565 (2) (c), 48.567 and 48.983 (6) (d) 2.; to **renumber and amend** 48.565 (intro.) (except 48.565 (title)), 48.565 (3) and 48.565 (6); to **consolidate, renumber and amend** 48.983 (6) (d) (title) and 1.; to **amend** 20.435 (8) (mb), 20.435 (8) (mm), 20.437 (1) (b), 20.437 (1) (km), 20.437 (1) (m), 20.437 (1) (ma), 20.437 (1) (mc), 20.437 (1) (md), 20.437 (1) (n), 20.437 (1) (na), 20.437 (2) (dz), 20.437 (2) (ja), 20.437 (2) (md), 20.437 (3) (kp), 20.437 (3) (mm), 48.07 (3), 48.207 (2) (a), 48.207 (2) (b), 48.21 (3) (f), 48.21 (5) (b) 1. d., 48.21 (5) (b) 1m., 48.21 (5) (b) 2m., 48.21 (5) (b) 3., 48.21 (5) (e) 2. (intro.), 48.24 (5), 48.275 (2) (d) 1., 48.275 (2) (d) 2., 48.295 (1), 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., 48.32 (1) (b) 2., 48.33 (4) (c), 48.33 (4) (d) 1., 48.335 (3g) (b), 48.335 (6), 48.345 (4) (b), 48.345 (4) (bm), 48.345 (12) (b), 48.345 (12) (c), 48.345 (13) (a), 48.345 (13) (b), 48.345 (14) (a), 48.347 (5) (a), 48.347 (5) (b), 48.347 (6) (a), 48.355 (2) (b) 4m., 48.355 (2) (b) 6., 48.355 (2) (b) 6g., 48.355 (2) (b) 6p., 48.355 (2) (b) 6r., 48.355 (2) (c), 48.355 (2) (cm) 1., 48.355 (2b) (b), 48.355 (2c) (a) (intro.), 48.355 (2c) (b), 48.355 (2d) (b) (intro.), 48.357 (1) (c) 2m., 48.357 (2m) (bm), 48.357 (2v) (a) 1m., 48.357 (2v) (a) 2m., 48.357 (2v) (d) 1., 48.357 (5m) (b), 48.36 (2), 48.363 (1) (d), 48.38 (5) (am), 48.428 (2) (a), 48.428 (2) (b), 48.545 (2) (a) (intro.), 48.563 (1) (b), 48.563 (2) (title), 48.563 (4), 48.565 (2) (a), 48.565 (2) (b), 48.569 (1) (d), 48.57 (1) (e), 48.57 (1) (hm), 48.57 (2m), 48.57 (3m) (am) (intro.), 48.57 (3m) (ap) 1., 48.57 (3m) (ap) 3., 48.57 (3m) (b) 1., 48.57 (3m) (c), 48.57 (3m) (d), 48.57 (3m) (g) 2. (intro.), 48.57 (3m) (h), 48.57 (3n) (am) (intro.), 48.57 (3n) (ap) 1., 48.57 (3n) (ap) 3., 48.57 (3n) (ar) (intro.), 48.57 (3n) (b) 1., 48.57 (3n) (c), 48.57 (3n) (d), 48.57 (3n) (g) 2. (intro.), 48.57 (3n) (h), 48.57 (3p) (b) 1., 48.57 (3p) (b) 2., 48.57 (3p) (b) 3., 48.57 (3p) (c) 1., 48.57 (3p) (c) 2., 48.57 (3p) (c) 2m., 48.57 (3p) (c) 3., 48.57 (3p) (d), 48.57 (3p) (e) (intro.), 48.57 (3p) (fm) 1., 48.57 (3p) (fm) 1m., 48.57 (3p) (fm) 2., 48.57 (3p) (fm) 2m., 48.57 (3p) (g) (intro.), 48.57 (3p) (g) 3., 48.57 (3p) (h) 2., 48.57 (3p) (h) 3. (intro.), 48.57 (3p) (h) 4., 48.57 (3p) (hm), 48.57 (3p) (i), 48.57 (3p) (j), 48.58 (intro.), 48.59 (1), 48.651 (1) (intro.), 48.651 (2), 48.651 (2c) (a), 48.651 (2m), 48.651 (3) (a), 48.651 (3) (b), 48.658 (4) (a), 48.685 (4m) (a) (intro.), 48.685 (4m) (ad), 48.685 (5) (a), 48.685 (5m), 48.685 (6) (a), 48.75 (1b), 48.75 (1g) (a) 4., 48.831 (4) (c), 48.839 (4) (b), 48.88 (2) (c), 48.981 (1) (ag), 48.981 (3) (a) 1., 48.981 (3) (a) 2. (intro.), 48.981 (3) (a) 2d., 48.981 (3) (c) 2. a., 48.981 (3) (c) 2m. a., 48.981 (3) (c) 3., 48.981 (3) (c) 4., 48.981 (3) (c) 5m., 48.981 (3) (c) 5r., 48.981 (3) (c) 7., 48.981 (3) (cm), 48.981 (3) (d) 1., 48.981 (3) (d) 2., 48.981 (3m) (b) (intro.), 48.981 (5), 48.981 (7) (a) 5., 48.981 (7) (a) 6., 48.981 (7) (a) 6m., 48.981 (7) (a) 15., 48.981 (7) (cr) 3. a., 48.981 (8) (a), 48.981 (8) (c), 48.982 (6) (am), 48.983 (1) (b) 1. c., 48.983 (2) (a), 48.983 (2) (b), 48.983 (2) (c), 48.983 (3), 48.983 (4) (am), 48.983 (4) (b) 1., 48.983 (4) (b) 3., 48.983 (5), 48.983 (6) (intro.), 48.983 (6) (a) (intro.), 48.983 (6) (a) 3., 48.983 (6) (a) 5., 48.983 (6) (b) 4., 48.983 (6) (g), 48.983 (6g) (b), 48.983 (7) (ag), 48.983 (7) (ar), 48.983 (7) (c) (intro.), 48.983 (8), 49.143 (6), 49.155 (3g) (intro.), 49.175 (1) (u), 49.195 (4) (b) 2., 49.34 (5m) (em), 49.343 (5) (intro.), 49.45 (25) (b), 49.71 (2), 49.72 (2), 49.826 (1) (a), 49.84 (7) (c) 3., 49.855 (4m) (c), 253.15 (4) (b), 767.41 (3) (a), 767.75 (1f), 767.75

* 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."

(3m), 971.37 (title) and 971.37 (1m) (c) 1. (intro.); and *to create* 48.565 (8) of the statutes; **relating to:** child support income withholding orders, deferred prosecution agreements, determining the amount of a home visitation program grant, modifications to the references to Milwaukee County by population, modifications to certain appropriations, and making an appropriation.

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

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

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

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

20.435 (8) (mm) *Reimbursements from federal government.* All moneys received from the federal government, other than moneys described under ~~ss. s. 46.46, 2013 stats., and ss. 49.45 (6u), and 49.49,~~ that are intended to reimburse the state for expenditures in previous fiscal years from general purpose revenue appropriations whose purpose includes a requirement to match or secure federal funds and that exceeded in those fiscal years the estimates reflected in the intentions of the legislature and governor, as expressed by them in the budget determinations, and the joint committee on finance, as expressed by the committee in any determinations, and the estimates approved for expenditure by the secretary of administration under s. 16.50 (2), for the purpose of paying federal disallowances, federal sanctions or penalties and the costs of any corrective action affecting the department of health services. Notwithstanding s. 20.001 (3) (c), at the end of each fiscal year, the amount determined by the department of administration under s. 16.54 (12) (d) shall lapse to the general fund.

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

20.437 (1) (b) *Children and family aids payments.* The amounts in the schedule for services for children and families under s. 48.563, for reimbursement to counties having a population of less than ~~500,000~~ 750,000 for the cost of court attached intake services under s. 48.06 (4), for shelter care under ss. 48.58 and 938.22, and for foster care and subsidized guardianship care under ss. 48.645

and 49.19 (10). Social services disbursements under s. 49.32 (2) (b) may be made from this appropriation. Refunds received relating to payments made under s. 49.32 (2) (b) for the provision of services for which moneys are appropriated under this paragraph shall be returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of children and families may transfer funds between fiscal years under this paragraph. The department shall deposit into this appropriation funds it recovers under s. 48.569 (2) (b), from prior fiscal year audit adjustments. Except for amounts authorized to be carried forward under s. 48.565, all funds recovered under s. 48.569 (2) (b) and all funds allocated under s. 48.563 and not spent or encumbered by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless carried forward to the next calendar year by the joint committee on finance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20.437 (2) (dz) *Temporary Assistance for Needy Families programs; maintenance of effort.* The amounts in the schedule for administration and benefit payments under Wisconsin Works under ss. 49.141 to 49.161, the learnfare program under s. 49.26, and the work experience program for noncustodial parents under s. 49.36; for payments to local governments, organizations, tribal governing bodies, and Wisconsin Works agencies; for kinship care and long-term kinship care assistance as specified under s. 49.175 (1) (s); for aid payments and local administration with respect to any services or program specified under s. 49.175 (1); and for emergency assistance for families with needy children under s. 49.138. Payments may be made from this appropriation account for any contracts under s. 49.845 (4) and for any fraud investigation and error reduction activities under s. 49.197 (1m). Moneys appropriated under this paragraph may be used to match federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health services shall credit to this appropriation account funds for the purposes of this appropriation that the department transfers from the appropriation account under s. 20.435 (5) (bc). All funds allocated by the department but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless transferred to the next calendar year by the joint committee on finance.

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

20.437 (2) (ja) *Child support state operations — fees and reimbursements, and collections.* All moneys received from fees charged under s. 49.22 (8), from fees ordered or otherwise owed under s. 767.57 (1e) (a), from fees collected under ss. 49.854 (11) (b) and 767.57 (1e) (b) 1m. and (c), from reimbursements under s. 108.13 (4) (f), from fees charged and incentive payments and collections retained under s. 49.22 (7m), and under s. 49.855 (4) or (4m) from the department of revenue or the department of administration that were withheld by the department of revenue or the internal revenue service or the department of administration for unpaid fees ordered or otherwise owed under s. 767.57 (1e) (a), for costs associated with receiving and disbursing support and support-related payments, including any contract costs, and for administering the program under s. 49.22 and all other purposes specified in s. 49.22; and all moneys received under s. 49.855 (4m) from the department of administration that were withheld for child support, family support, maintenance, medical expenses, or birth expenses, to be distributed in accordance with state law and federal regulations.

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

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

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

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

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

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

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

20.437 (3) (mm) *Reimbursements from federal government.* All moneys received from the federal government, ~~other than moneys described under ss. 48.565 (2) and 48.567,~~ that are intended to reimburse the state for expenditures in previous fiscal years from general purpose revenue appropriations whose purpose includes a requirement to match or secure federal funds and that exceeded in those fiscal years the estimates reflected in the intentions of the legislature and governor, as expressed by them in the budget determinations, and the joint committee on finance, as expressed by the committee in any determinations, and the estimates approved for expenditure by the secretary of administration under s. 16.50 (2), for the purpose of paying federal disallowances, federal sanctions, or penalties and the costs of any corrective action affecting the department of children and families. Notwithstanding s. 20.001 (3) (c), at the end of each fiscal year, the amount determined by the department of administration under s. 16.54 (12) (d) shall lapse to the general fund.

SECTION 21. 46.46 of the statutes is repealed.

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

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

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

48.207 (2) (a) If a facility listed in sub. (1) (b) to (k) is used to hold a child in custody, or if supervisory services of a home detention program are provided to a child held under sub. (1) (a), the authorized rate of the facility for the care of the child or the authorized rate for those supervisory services shall be paid by the county in a county having a population of less than ~~500,000~~ 750,000 or by the department in a county having a population of ~~500,000~~ 750,000 or more. If no authorized rate has been established, a reasonable sum to be fixed by the court shall be paid by the county in a county having a population of less than ~~500,000~~ 750,000 or by the department in a county having a population of ~~500,000~~ 750,000 or more for the supervision or care of the child.

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

48.207 (2) (b) If a facility listed in sub. (1m) (b) to (e) is used to hold an expectant mother of an unborn child in custody, or if supervisory services of a home detention

program are provided to an expectant mother held under sub. (1m) (a), the authorized rate of the facility for the care of the expectant mother or the authorized rate for those supervisory services shall be paid by the county in a county having a population of less than ~~500,000~~ 750,000 or by the department in a county having a population of ~~500,000~~ 750,000 or more. If no authorized rate has been established, a reasonable sum to be fixed by the court shall be paid by the county in a county having a population of less than ~~500,000~~ 750,000 or by the department in a county having a population of ~~500,000~~ 750,000 or more for the supervision or care of the expectant mother.

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

48.21 (3) (f) If present at the hearing, the parent shall be requested to provide the names and other identifying information of 3 relatives of the child or other individuals 18 years of age or over whose homes the parent requests the court to consider as placements for the child. If the parent does not provide that information at the hearing, the county department, the department in a county having a population of ~~500,000~~ 750,000 or more, or the agency primarily responsible for providing services to the child under the custody order shall permit the parent to provide the information at a later date.

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

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

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

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

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

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

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

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

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

48.21 (5) (e) 2. (intro.) The court shall order the county department, the department in a county having a population of ~~500,000~~ 750,000 or more, or the agency primarily responsible for providing services to the child under the custody order to conduct a diligent search in order to locate and provide notice of the information specified in this subdivision to all relatives of the child named under sub. (3) (f) and to all adult relatives of the child within 30 days after the child is removed from the custody of the child's parent unless the child is returned to his or her home within that period. The court may also order the county department, department, or agency to conduct a diligent search in order to locate and provide notice of the information specified in this subdivision to all other adult individuals named under sub. (3) (f) within 30 days after the child is removed from the custody of the child's parent unless the child is returned to his or her home within that period. The county department, department, or agency may not provide that notice to a person named under sub. (3) (f) or to an adult relative if the county department, department, or agency has reason to believe that it would be dangerous to the child or to the

parent if the child were placed with that person or adult relative. The notice shall include all of the following:

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

48.24 (5) The intake worker shall request that a petition be filed, enter into an informal disposition, or close the case within 60 days after receipt of referral information. If the referral information is a report received by a county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department or a licensed child welfare agency under contract with the department under s. 48.981 (3) (a) 1., 2., or 2d., that 60-day period shall begin on the day on which the report is received by the county department, department, or licensed child welfare agency. If the case is closed or an informal disposition is entered into, the district attorney, corporation counsel, or other official under s. 48.09 shall receive written notice of that action. If a law enforcement officer has made a recommendation concerning the child, or the unborn child and the expectant mother of the unborn child, the intake worker shall forward this recommendation to the district attorney, corporation counsel, or other official under s. 48.09. If a petition is filed, the petition may include information received more than 60 days before filing the petition to establish a condition or pattern which, together with information received within the 60-day period, provides a basis for conferring jurisdiction on the court. The court shall grant appropriate relief as provided in s. 48.315 (3) with respect to any petition that is not referred or filed within the time periods specified in this subsection. Failure to object to the fact that a petition is not requested within the time period specified in this subsection waives any challenge to the court's competency to act on the petition.

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

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

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

48.275 (2) (d) 2. In a county having a population of ~~500,000~~ 750,000 or more, reimbursement payments shall be made to the clerk of courts of the county where the proceedings took place. Each payment shall be transmitted to the secretary of administration, who shall deposit the

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

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

48.295 (1) After the filing of a petition and upon a finding by the court that reasonable cause exists to warrant a physical, psychological, mental, or developmental examination or an alcohol and other drug abuse assessment that conforms to the criteria specified under s. 48.547 (4), the court may order any child coming within its jurisdiction to be examined as an outpatient by personnel in an approved treatment facility for alcohol and other drug abuse, by a physician, psychiatrist or licensed psychologist, or by another expert appointed by the court holding at least a master's degree in social work or another related field of child development, in order that the child's physical, psychological, alcohol or other drug dependency, mental, or developmental condition may be considered. The court may also order a physical, psychological, mental, or developmental examination or an alcohol and other drug abuse assessment that conforms to the criteria specified under s. 48.547 (4) of a parent, guardian, or legal custodian whose ability to care for a child is at issue before the court or of an expectant mother whose ability to control her use of alcohol beverages, controlled substances, or controlled substance analogs is at issue before the court. The court shall hear any objections by the child or the child's parents, guardian, or legal custodian to the request for such an examination or assessment before ordering the examination or assessment. The expenses of an examination, if approved by the court, shall be paid by the county of the court ordering the examination in a county having a population of less than ~~500,000~~ 750,000 or by the department in a county having a population of ~~500,000~~ 750,000 or more. The payment for an alcohol and other drug abuse assessment shall be in accordance with s. 48.361.

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

48.30 (6) (c) If the court orders the child's parent to provide a statement of income, assets, debts and living expenses to the court or if the court orders the child's parent to provide that statement to the designated agency under s. 48.33 (1) and that designated agency is not the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department, the court shall also order the child's parent to provide that statement to the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department at least 5 days before the scheduled date of the dispositional hearing or as otherwise ordered by the court. The county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department shall provide, without charge, to the parent a form on which to provide

that statement, and the parent shall provide that statement on that form. The county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department shall use the information provided in the statement to determine whether the department may claim federal foster care and adoption assistance reimbursement under [42 USC 670](#) to [679a](#) for the cost of providing care for the child.

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

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

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

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

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

48.32 (1) (b) 1. d. If the child's placement or other living arrangement is under the supervision of the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department, an order ordering the child into the placement and care responsibility of the county department or department as required under [42 USC 672](#) (a) (2) and assigning the county department or department primary responsibility for providing services to the child.

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

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

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

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

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

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

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

48.33 (4) (d) 1. If the child has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have been removed from the home or for whom an out-of-home placement

is recommended, specific information showing that the county department, department in a county having a population of ~~500,000~~ 750,000 or more, or agency primarily responsible for providing services to the child has made reasonable efforts to place the child in a placement that enables the sibling group to remain together, unless the county department, department, or agency recommends that the child and his or her siblings not be placed in a joint placement, in which case the report shall include specific information showing that a joint placement would be contrary to the safety or well-being of the child or any of those siblings and the specific information required under subd. 2.

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

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

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

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

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

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

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

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

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

48.345 (12) (b) The judge shall order the school board to disclose the child's pupil records, as defined under s. 118.125 (1) (d), to the county department, department, in a county having a population of ~~500,000~~ 750,000 or more, or licensed child welfare agency responsible for supervising the child, as necessary to

determine the child's compliance with the order under par. (a).

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

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

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

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

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

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

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

48.345 (14) (a) If, based on an evaluation under s. 48.295 and the report under s. 48.33, the judge finds that

the child expectant mother of an unborn child in need of protection or services is in need of inpatient treatment for her habitual lack of self-control in the use of alcohol, controlled substances or controlled substance analogs, exhibited to a severe degree, that inpatient treatment is appropriate for the child expectant mother's needs and that inpatient treatment is the least restrictive treatment consistent with the child expectant mother's needs, the judge may order the child expectant mother to enter an inpatient alcohol or other drug abuse treatment program at an inpatient facility, as defined in s. 51.01 (10). The inpatient facility shall, under the terms of a service agreement between the inpatient facility and the county in a county having a population of less than ~~500,000~~ 750,000 or the department in a county having a population of ~~500,000~~ 750,000 or more, or with the written and informed consent of the child expectant mother or the child expectant mother's parent if the child expectant mother has not attained the age of 12, report to the agency primarily responsible for providing services to the child expectant mother as to whether the child expectant mother is cooperating with the treatment and whether the treatment appears to be effective.

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

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

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

48.347 (5) (b) If the report prepared under s. 48.33 (1) recommends that the adult expectant mother is in need of education relating to the use of alcohol beverages, controlled substances or controlled substance analogs, the court may order the adult expectant mother to participate in an alcohol or other drug abuse education program approved by the court. The person or agency that provides the education program shall, under the terms of a service agreement between the education program and the county in a county having a population of less than ~~500,000~~ 750,000 or the department in a county having a

population of ~~500,000~~ 750,000 or more, or with the written informed consent of the adult expectant mother, report to the agency primarily responsible for providing services to the adult expectant mother about the adult expectant mother's attendance at the program.

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

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

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

48.355 (2) (b) 4m. If the child is placed outside the home and if the child's parent has not already provided a statement of income, assets, debts and living expenses to the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department under s. 48.30 (6) (b) or (c) or 48.31 (7) (b) or (c), an order for the parent to provide that statement to the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department by a date specified by the court. The county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department shall provide, without charge, to the parent a form on which to provide that statement, and the parent shall provide that statement on that form. The county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department shall use the information provided in the statement to determine whether the department may claim federal foster care and adoption assistance reimbursement under [42 USC 670](#) to [679a](#) for the cost of providing care for the child.

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

48.355 (2) (b) 6. If the child is placed outside the home, a finding that continued placement of the child in his or her home would be contrary to the welfare of the

child, a finding as to whether the county department, the department, in a county having a population of ~~500,000~~ 750,000 or more, or the agency primarily responsible for providing services under a court order has made reasonable efforts to prevent the removal of the child from the home, while assuring that the child's health and safety are the paramount concerns, unless the court finds that any of the circumstances specified in sub. (2d) (b) 1. to 5. applies, and, if a permanency plan has previously been prepared for the child, a finding as to whether the county department, department, or agency has made reasonable efforts to achieve the permanency goal of the child's permanency plan, including, if appropriate, through an out-of-state placement. The court shall make the findings specified in this subdivision on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the court order. A court order that merely references this subdivision without documenting or referencing that specific information in the court order or an amended court order that retroactively corrects an earlier court order that does not comply with this subdivision is not sufficient to comply with this subdivision.

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

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

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

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

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

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

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

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

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

48.355 (2) (cm) 1. Subject to subd. 2., the court shall order the county department, the department in a county having a population of ~~500,000~~ 750,000 or more, or the agency primarily responsible for providing services to the child under the dispositional order to conduct a diligent search in order to locate and provide notice of the information specified in s. 48.21 (5) (e) 2. a. to e. to all relatives of the child named under s. 48.335 (6) and to all adult relatives, as defined in s. 48.21 (5) (e) 1., of the child within 30 days after the child is removed from the custody of the child's parent unless the child is returned to his or her home within that period. The court may also order the county department, department, or agency to conduct a diligent search in order to locate and provide notice of that information to all other adult individuals named under s. 48.335 (6) within 30 days after the child is removed from the custody of the child's parent unless the child is returned to his or her home within that period. The county department, department, or agency may not provide that notice to a person named under s. 48.335 (6) or to an adult relative if the county department, department, or agency has reason to believe that it would be dangerous to the child or to the parent if the child were placed with that person or adult relative.

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

48.355 (2b) (b) A county department, the department, in a county having a population of ~~500,000~~ 750,000 or more, or the agency primarily responsible for providing services to a child under a court order shall determine, in accordance with standards established by the depart-

ment, whether to engage in concurrent planning. If, according to those standards, concurrent planning is required, the county department, department, or agency shall engage in concurrent planning unless the court or permanency review panel determines under s. 48.38 (5) (c) 5m. that concurrent planning is inappropriate.

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

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

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

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

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

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

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

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

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

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

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

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

48.357 (2v) (a) 1m. If the change in placement order changes the placement of a child who is under the supervision of the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department to a placement outside the child's home, whether from a placement in the home or from another placement outside the home, an order ordering the child into, or to be continued in, the placement and care responsibility of the county department or department as required under [42 USC 672](#) (a) (2) and assigning the county department or department primary responsibility, or continued primary responsibility, for providing services to the child.

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

48.357 (2v) (a) 2m. If the child has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have been placed outside the home or for whom a change in placement to a placement outside the home is requested, a finding as to whether the county department, the department in a county having a population of ~~500,000~~ 750,000 or more, or the agency primarily responsible for implementing the dispositional order has made reasonable efforts to place the child in a placement that enables the sibling group to remain together, unless the court determines that a joint placement would be contrary to the safety or well-being of the child or any of those siblings, in which case

the court shall order the county department, department, or agency to make reasonable efforts to provide for frequent visitation or other ongoing interaction between the child and the siblings, unless the court determines that such visitation or interaction would be contrary to the safety or well-being of the child or any of those siblings.

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

48.357 (2v) (d) 1. Subject to subd. 2., the court shall order the county department, the department in a county having a population of ~~500,000~~ 750,000 or more, or the agency primarily responsible for implementing the dispositional order to conduct a diligent search in order to locate and provide notice of the information specified in s. 48.21 (5) (e) 2. a. to e. to all relatives of the child named under sub. (1) (c) 2m. or (2m) (bm) and to all adult relatives, as defined in s. 48.21 (5) (e) 1., of the child within 30 days after the child is removed from the custody of the child's parent unless the child is returned to his or her home within that period. The court may also order the county department, department, or agency to conduct a diligent search in order to locate and provide notice of that information to all other adult individuals named under sub. (1) (c) 2m. or (2m) (bm) within 30 days after the child is removed from the custody of the child's parent unless the child is returned to his or her home within that period. The county department, department, or agency may not provide that notice to a person named under sub. (1) (c) 2m. or (2m) (bm) or to an adult relative if the county department, department, or agency has reason to believe that it would be dangerous to the child or to the parent if the child were placed with that person or adult relative.

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

48.357 (5m) (b) If the court orders the child's parent to provide a statement of income, assets, debts and living expenses to the court or if the court orders the child's parent to provide that statement to the person or agency primarily responsible for implementing the dispositional order and that person or agency is not the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department, the court shall also order the child's parent to provide that statement to the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department by a date specified by the court. The county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department shall provide, without charge, to the parent a form on which to provide that statement, and the parent shall provide that statement on that form. The county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department shall use the information provided in the statement to determine whether the department may claim federal foster care and

adoption assistance reimbursement under [42 USC 670 to 679a](#) for the cost of providing care for the child.

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

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

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

48.363 (1) (d) If the court orders the child's parent to provide a statement of income, assets, debts and living expenses to the court or if the court orders the child's parent to provide that statement to the person or agency primarily responsible for implementing the dispositional order and that person or agency is not the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department, the court shall also order the child's parent to provide that statement to the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department by a date specified by the court. The county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department shall provide, without charge, to the parent a form on which to provide that statement, and the parent shall provide that statement on that form. The county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department shall use the information provided in the statement to determine whether the department may claim federal foster care and adoption assistance reimbursement under [42 USC 670 to 679a](#) for the cost of providing care for the child.

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

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

rize and contract for the purchase of services from the independent agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48.565 (1) (intro.) Funds allocated by the department under s. 48.569 (1) (d) but not spent or encumbered by counties, governing bodies of Indian tribes, or private nonprofit organizations by December 31 of each year and funds recovered under s. 48.569 (2) (b) and deposited into the appropriation account under s. 20.437 (1) (b) lapse to the general fund on the succeeding January 1 unless carried forward to the next calendar year under s. 20.437 (1) (b) or as follows:

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

48.565 (2) (a) Subject to par. (am), if on December 31 of any year there remains unspent or unencumbered in the allocation under s. 48.563 (2) an amount that exceeds the amount received under 42 USC 670 to 679a and allocated under s. 48.563 (2) in that year, the department shall carry forward the excess moneys and distribute not less than 50% of the excess moneys to counties having a population of less than 500,000 that are making a good faith effort, as determined by the department, to comply with s. 46.22 (1) (c) 8. f. for services and projects to assist children and families, notwithstanding the percentage limit specified in sub. (3). A county shall use not less than 50% of the moneys distributed to the county under this subsection for services for children who are at risk of abuse or

neglect to prevent the need for child abuse and neglect intervention services, except that in the calendar year in which a county achieves compliance with s. 46.22 (1) (c) 8. f. and in the 2 calendar years after that calendar year the county may use 100% of the moneys distributed under this paragraph to reimburse the department for the costs of achieving that compliance. If a county does not comply with s. 46.22 (1) (c) 8. f. before July 1, 2005, the department may recover any amounts distributed to that county under this paragraph after June 30, 2001, by billing the county or deducting from that county's allocation under s. 48.563 (2). The department may bill a county or deduct from a county's allocation under s. 48.563 (2) for the costs of implementing and operating the statewide automated child welfare information system established under s. 48.47 (7g). All moneys received by the department under this paragraph shall be credited to the appropriation account under s. 20.437 (1) (j).

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

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

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

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

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

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

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

48.565 (1) (b) The At the request of a county, the department may shall carry forward to the next calendar year up to 10 percent of any funds specified in sub. (3) that are not carried forward under sub. (3) for emergencies, for justifiable unit services costs above planned levels, and for increased costs due to population shifts. An allocation of carried-forward funding under this subsection the total amount allocated to the county under s.

48.569 (1) (d) for a calendar year if the department agrees that an emergency or other circumstance that was unforeseen when the original allocation to the county was made necessitates the carryover.

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

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

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

SECTION 90. 48.567 of the statutes is repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

48.57 (3m) (ap) 3. Notwithstanding that an application of a kinship care relative specified in subd. 1. is denied or the kinship care relative is otherwise determined to be ineligible for licensure, the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department may make payments under par. (am) to the kinship care relative for as long as the conditions specified in par. (am) 1. to 6. continue to

apply if the county department or department submits to the court information relating to the background investigation specified in par. (am) 4., an assessment of the safety of the kinship care relative's home and the ability of the kinship care relative to care for the child, and a recommendation that the child remain in the home of the kinship care relative and the court, after considering that information, assessment, and recommendation, orders the child to remain in the kinship care relative's home. If the court does not order the child to remain in the kinship care relative's home, the court shall order the county department or department to request a change in placement under s. 48.357 (1) (am) or 938.357 (1) (am). Any person specified in s. 48.357 (2m) (a) or 938.357 (2m) (a) may also request a change in placement.

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

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

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

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

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

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

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

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

that the recipient has requested a hearing. Payments under par. (am) shall be discontinued if any of the following applies:

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

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

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

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

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

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

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

48.57 (3n) (ap) 3. Notwithstanding that an application of a long-term kinship care relative specified in subd. 1. is denied or the long-term kinship care relative

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

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

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

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

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

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

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

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

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

If any such events have occurred, the county department or department shall discontinue making those payments.

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

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

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

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

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

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

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

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

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

48.57 (3p) (b) 3. The county department or, in a county having a population of ~~500,000~~ 750,000 or more,

the department, with the assistance of the department of justice, may conduct a background investigation of any person who is receiving payments under sub. (3n) at any time that the county department or department considers to be appropriate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48.57 (3p) (fm) 2. A person receiving payments under sub. (3m) may provisionally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or provisionally permit a person to be an adult resident if the person receiving those payments states to the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department that the employee or adult resident does not have any arrests or convictions that could adversely affect the child or the ability of the person receiving payments to care for the child. A person receiving payments under sub. (3m) may not finally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or finally permit a person to be an adult resident until the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department receives information from the department of justice indicating that the person's conviction record under the law of this state is satisfactory according to the criteria specified in par. (g) 1. to 3. and the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department so advises the person receiving payments under sub. (3m) or until a decision is made under par. (h) 4. to permit a person who is receiving payments under sub. (3m) to employ a person in a position in which that person would have regular contact with the child for whom payments are being made or to permit a person to be an adult resident and the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department so

advises the person receiving payments under sub. (3m). A person receiving payments under sub. (3m) may finally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or finally permit a person to be an adult resident conditioned on the receipt of information from the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department that the federal bureau of investigation indicates that the person's conviction record under the law of any other state or under federal law is satisfactory according to the criteria specified in par. (g) 1. to 3.

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

48.57 (3p) (fm) 2m. A person receiving payments under sub. (3n) may provisionally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or provisionally permit a person to be an adult resident if the person receiving those payments states to the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department that, to the best of his or her knowledge, the employee or adult resident does not have any arrests or convictions that could adversely affect the child or the ability of the person receiving payments to care for the child. A person receiving payment under sub. (3n) may not finally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or finally permit a person to be an adult resident until the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department receives information from the department of justice relating to the person's conviction record under the law of this state and that record indicates either that the person has not been arrested or convicted or that the person has been arrested or convicted but the director of the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the person designated by the secretary to review conviction records under this subdivision determines that the conviction record is satisfactory because it does not include any arrest or conviction that is likely to adversely affect the child or the ability of the person receiving payments to care for the child and the county department or department so advises the person receiving payments under sub. (3n). A person receiving payments under sub. (3n) may finally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or finally permit a person to be an adult resident conditioned on the receipt of information from the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department that the federal bureau of investigation indicates that the person's conviction record under the law of any other state or under federal law is satisfactory because the conviction record

does not include any arrest or conviction that the director of the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the person designated by the secretary to review conviction records under this subdivision determines is likely to adversely affect the child or the ability of the person receiving payments to care for the child.

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

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

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

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

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

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

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

48.57 (3p) (h) 3. (intro.) The director of the county department, the person designated by the governing body

of an Indian tribe or, in a county having a population of ~~500,000~~ 750,000 or more, the person designated by the secretary shall review the denial of payments or the prohibition on employment or being an adult resident to determine if the conviction record on which the denial or prohibition is based includes any arrests, convictions, or penalties that are likely to adversely affect the child or the ability of the kinship care relative to care for the child. In reviewing the denial or prohibition, the director of the county department, the person designated by the governing body of the Indian tribe or the person designated by the secretary shall consider all of the following factors:

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

48.57 (3p) (h) 4. If the director of the county department, the person designated by the governing body of the Indian tribe or, in a county having a population of ~~500,000~~ 750,000 or more, the person designated by the secretary determines that the conviction record on which the denial of payments or the prohibition on employment or being an adult resident is based does not include any arrests, convictions, or penalties that are likely to adversely affect the child or the ability of the kinship care relative to care for the child, the director of the county department, the person designated by the governing body of the Indian tribe, or the person designated by the secretary may approve the making of payments under sub. (3m) or may permit a person receiving payments under sub. (3m) to employ a person in a position in which that person would have regular contact with the child for whom payments are being made or permit a person to be an adult resident.

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

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

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

48.57 (3p) (i) A county department and, in a county having a population of ~~500,000~~ 750,000 or more, the department shall keep confidential all information received under this subsection from the department of justice or the federal bureau of investigation. Such infor-

mation is not subject to inspection or copying under s. 19.35.

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

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

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

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

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

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

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

48.651 (1) (intro.) Except as provided in s. 49.155 (4) (c), no person, other than a child care center licensed under s. 48.65 or established or contracted for under s. 120.13 (14), may receive payment for providing child care services for an individual who is determined eligible for a child care subsidy under s. 49.155 unless the person is certified, according to the standards adopted by the department under s. 49.155 (1d), by the department in a county having a population of ~~500,000~~ 750,000 or more,

a county department, or an agency with which the department contracts under sub. (2). To be certified under this section, a person must meet the minimum requirements for certification established by the department under s. 49.155 (1d), meet the requirements specified in s. 48.685, and pay the fee specified in sub. (2). The department in a county having a population of ~~500,000~~ 750,000 or more, a county department, or an agency contracted with under sub. (2) shall certify the following categories of child care providers:

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

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

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

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

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

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

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

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

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

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

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

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

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

48.685 (4m) (a) (intro.) Notwithstanding s. 111.335, and except as provided in par. (ad) and sub. (5), the department may not license, or continue or renew the license of, a person to operate an entity, the department in a county having a population of ~~500,000~~ 750,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may not certify a child care provider under s. 48.651, a county department or a child welfare agency may not license, or renew the license of, a foster home under s. 48.62, the department in a county having a population of 750,000 or more or a county department may not provide subsidized guardianship payments to an interim caretaker under s. 48.623 (6), and a school board may not contract with a person under s. 120.13 (14), if the department, county department, contracted agency, child welfare agency, or school board knows or should have known any of the following:

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

48.685 (4m) (ad) The department, a county department, or a child welfare agency may license a foster home under s. 48.62; the department may license a child care

center under s. 48.65; the department in a county having a population of ~~500,000~~ 750,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may certify a child care provider under s. 48.651; the department in a county having a population of 750,000 or more or a county department may provide subsidized guardianship payments to an interim caretaker under s. 48.623 (6); and a school board may contract with a person under s. 120.13 (14), conditioned on the receipt of the information specified in sub. (2) (am) and (ar) indicating that the person is not ineligible to be licensed, certified, provided payments, or contracted with for a reason specified in par. (a) 1. to 5.

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

48.685 (5) (a) Subject to pars. (bm) and (br), the department may license to operate an entity, the department in a county having a population of ~~500,000~~ 750,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may certify under s. 48.651, a county department or a child welfare agency may license under s. 48.62, the department in a county having a population of 750,000 or more or a county department may provide subsidized guardianship payments under s. 48.623 (6), and a school board may contract with under s. 120.13 (14) a person who otherwise may not be licensed, certified, or contracted with for a reason specified in sub. (4m) (a) 1. to 5., and an entity may employ, contract with, or permit to reside at the entity or permit to reside with a caregiver specified in sub. (1) (ag) 1. am. of the entity a person who otherwise may not be employed, provided payments, contracted with, or permitted to reside at the entity or with that caregiver for a reason specified in sub. (4m) (b) 1. to 5., if the person demonstrates to the department, the county department, the contracted agency, the child welfare agency, or the school board or, in the case of an entity that is located within the boundaries of a reservation, to the person or body designated by the Indian tribe under sub. (5d) (a) 3., by clear and convincing evidence and in accordance with procedures established by the department by rule or by the tribe that he or she has been rehabilitated.

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

48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license a person to operate an entity, a county department or a child welfare agency may refuse to license a foster home under s. 48.62, the department in a county having a population of 750,000 or more or a county department may refuse to provide subsidized guardianship payments to a person under s. 48.623 (6), and an entity may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the entity or with a caregiver specified in sub. (1) (ag) 1. am. of the entity if the person has been convicted of an offense that is not a serious crime, but that is, in the estimation of

the department, county department, child welfare agency, or entity, substantially related to the care of a client. Notwithstanding s. 111.335, the department may refuse to license a person to operate a child care center, the department in a county having a population of ~~500,000~~ 750,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may refuse to certify a child care provider under s. 48.651, a school board may refuse to contract with a person under s. 120.13 (14), and a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13 (14) or a child care provider that is certified under s. 48.651 may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the child care center or child care provider if the person has been convicted of or adjudicated delinquent on or after his or her 12th birthday for an offense that is not a serious crime, but that is, in the estimation of the department, county department, contracted agency, school board, child care center, or child care provider, substantially related to the care of a client.

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

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

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

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

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

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

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

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

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

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

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

48.88 (2) (c) If a stepparent has filed a petition for adoption and no agency has guardianship of the child, the court shall order the department, in a county having a population of ~~500,000~~ 750,000 or more, or a county department or, with the consent of the department in a county having a population of less than ~~500,000~~ 750,000 or a licensed child welfare agency, order the department or the child welfare agency to conduct a screening, consisting of no more than one interview with the petitioner and a check of the petitioner’s background through public records, including records maintained by the department or any county department under s. 48.981. The department, county department or child welfare agency that conducts the screening shall file a report of the screening with the court within 30 days. After reviewing the report, the court may proceed to act on the petition, may order the department in a county having a population of ~~500,000~~ 750,000 or more or the county department to conduct an investigation as described under par. (a) (intro.) or may order the department in a county having a population of less than ~~500,000~~ 750,000 or a licensed child welfare agency to make the investigation if the department or child welfare agency consents.

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

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

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

48.981 (3) (a) 1. A person required to report under sub. (2) shall immediately inform, by telephone or personally, the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department or a licensed child welfare agency under contract with the department or the sheriff or city, village, or town police

department of the facts and circumstances contributing to a suspicion of child abuse or neglect or of unborn child abuse or to a belief that abuse or neglect will occur.

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

48.981 (3) (a) 2. (intro.) The sheriff or police department shall within 12 hours, exclusive of Saturdays, Sundays, or legal holidays, refer to the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department or a licensed child welfare agency under contract with the department all of the following types of cases reported to the sheriff or police department:

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

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

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

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

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

48.981 (3) (c) 2m. a. If the person making the investigation is an employee of the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department or a licensed child welfare agency under contract with the department and he or she determines that it is consistent with the best interest of the unborn child in terms of physical safety and physical health to take the expectant mother into custody for the immediate protection of the unborn child, he or she shall take the expectant mother into custody under s. 48.08 (2), 48.19 (1) (cm) or 48.193 (1) (c) and deliver the expectant mother to the intake worker under s. 48.20 or 48.203.

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

48.981 (3) (c) 3. If the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department or a licensed child welfare agency under contract with the department determines that a child, any member of the child's family or the child's guardian or

legal custodian is in need of services or that the expectant mother of an unborn child is in need of services, the county department, department or licensed child welfare agency shall offer to provide appropriate services or to make arrangements for the provision of services. If the child's parent, guardian or legal custodian or the expectant mother refuses to accept the services, the county department, department or licensed child welfare agency may request that a petition be filed under s. 48.13 alleging that the child who is the subject of the report or any other child in the home is in need of protection or services or that a petition be filed under s. 48.133 alleging that the unborn child who is the subject of the report is in need of protection or services.

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

48.981 (3) (c) 4. The county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department or a licensed child welfare agency under contract with the department shall determine, within 60 days after receipt of a report that the county department, department, or licensed child welfare agency investigates under subd. 1., whether abuse or neglect has occurred or is likely to occur. The determination shall be based on a preponderance of the evidence produced by the investigation. A determination that abuse or neglect has occurred may not be based solely on the fact that the child's parent, guardian, or legal custodian in good faith selects and relies on prayer or other religious means for treatment of disease or for remedial care of the child. In making a determination that emotional damage has occurred, the county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department or a licensed child welfare agency under contract with the department shall give due regard to the culture of the subjects. This subdivision does not prohibit a court from ordering medical services for the child if the child's health requires it.

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

48.981 (3) (c) 5m. The county department or, in a county having a population of ~~500,000~~ 750,000 or more, the department or a licensed child welfare agency under contract with the department may include in a determination under subd. 4. a determination that a specific person has abused or neglected a child. If the county department, department, or licensed child welfare agency makes an initial determination that a specific person has abused or neglected a child, the county department, department, or licensed child welfare agency shall provide that person with an opportunity for a review of that initial determination in accordance with rules promulgated by the department before the county department, department, or licensed child welfare agency may make a final determination that the person has abused or neglected a child. Within 5 days after the date of a final determination that

a specific person has abused or neglected a child, the county department, department, or licensed child welfare agency shall notify the person in writing of the determination, the person's right to a contested case hearing on the determination under ch. 227, and the procedures under sub. 5p. by which the person may receive that hearing.

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

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

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

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

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

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

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

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

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

48.981 (3) (d) 2. If an agent or employee of an agency required to investigate under this subsection is the subject of a report, or if the agency determines that, because of the relationship between the agency and the subject of a report, there is a substantial probability that the agency would not conduct an unbiased investigation, the agency shall, after taking any action necessary to protect the child or unborn child, notify the department. Upon receipt of the notice, the department, in a county having a population of less than ~~500,000~~ 750,000 or a county department or child welfare agency designated by the department in any county shall conduct an independent investigation. If the department designates a county department under s. 46.22, 46.23, 51.42, or 51.437, that county department shall conduct the independent investigation. If a licensed child welfare agency agrees to conduct the independent investigation, the department may designate the child welfare agency to do so. The powers and duties of the department or designated county department or child welfare agency making an independent investigation are those given to county departments under par. (c).

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

48.981 (3m) (b) (intro.) The department shall establish a pilot program under which an agency in a county having a population of ~~500,000~~ 750,000 or more or a county department that is selected to participate in the pilot program may employ alternative responses to a report of abuse or neglect or of threatened abuse or neglect. The department shall select agencies and county departments to participate in the pilot program in accordance with the department's request-for-proposal procedures and according to criteria developed by the department. Those criteria shall include an assessment of the plan of an agency or county department for involving the community in providing services for a family that is participating in the pilot program and a determination of whether an agency or a county department has an agreement with local law enforcement agencies and the representative of the public under s. 48.09 to ensure inter-agency cooperation in implementing the pilot program.

To implement the pilot program, the department shall provide all of the following:

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

48.981 (5) **CORONER'S REPORT.** Any person or official required to report cases of suspected child abuse or neglect who has reasonable cause to suspect that a child died as a result of child abuse or neglect shall report the fact to the appropriate medical examiner or coroner. The medical examiner or coroner shall accept the report for investigation and shall report the findings to the appropriate district attorney; to the department or, in a county having a population of ~~500,000~~ 750,000 or more, to a licensed child welfare agency under contract with the department; to the county department and, if the institution making the report initially is a hospital, to the hospital.

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

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

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

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

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

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

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

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

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

48.981 (7) (cr) 3. a. Within 2 working days after receiving the information provided under subd. 2., the

subunit of the department that received the information shall disclose to the public the fact that the subunit has received the information; whether the department is conducting a review of the incident and, if so, the scope of the review and the identities of any other agencies with which the department is cooperating at that point in conducting the review; whether the child was residing in the home or was placed in an out-of-home placement at the time of the incident; and information about the child, including the age of the child. If the information received is about an incident of egregious abuse or neglect, the subunit of the department shall make the same disclosure to a citizen review panel, as described in par. (a) 15g., and, in a county having a population of ~~500,000~~ 750,000 or more, to the Milwaukee child welfare partnership council.

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

48.981 (8) (a) The department, the county departments, and a licensed child welfare agency under contract with the department in a county having a population of ~~500,000~~ 750,000 or more to the extent feasible shall conduct continuing education and training programs for staff of the department, the county departments, licensed child welfare agencies under contract with the department or a county department, law enforcement agencies, and the tribal social services departments, persons and officials required to report, the general public, and others as appropriate. The programs shall be designed to encourage reporting of child abuse and neglect and of unborn child abuse, to encourage self-reporting and voluntary acceptance of services and to improve communication, cooperation, and coordination in the identification, prevention, and treatment of child abuse and neglect and of unborn child abuse. Programs provided for staff of the department, county departments, and licensed child welfare agencies under contract with county departments or the department whose responsibilities include the investigation or treatment of child abuse or neglect shall also be designed to provide information on means of recognizing and appropriately responding to domestic abuse, as defined in s. 49.165 (1) (a). The department, the county departments, and a licensed child welfare agency under contract with the department in a county having a population of ~~500,000~~ 750,000 or more shall develop public information programs about child abuse and neglect and about unborn child abuse.

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

48.981 (8) (c) In meeting its responsibilities under par. (a) or (b), the department, a county department or a licensed child welfare agency under contract with the department in a county having a population of ~~500,000~~ 750,000 or more may contract with any public or private organization which meets the standards set by the department. In entering into the contracts the department,

county department or licensed child welfare agency shall give priority to parental organizations combating child abuse and neglect or unborn child abuse.

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

48.982 (6) (am) Notwithstanding the geographical and urban and rural distribution requirements under sub. (2) (a), the board shall allocate not more than \$150,000 from the appropriation under s. 20.433 (1) (h) in each fiscal year for the awarding of grants, in accordance with the request-for-proposal procedures developed under sub. (2) (a), to organizations located in counties with a population of ~~500,000~~ 750,000 or more.

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

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

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

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

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

48.983 (2) (b) The department shall determine the amount of a grant awarded to a county, city, private agency, or Indian tribe under this section in excess of the minimum amount based on the need of the county, city, private agency, or Indian tribe for a grant, ~~as determined by a formula that the department shall promulgate by rule. That formula shall determine that need based on the number of births that are funded by Medical Assistance under subch. IV of ch. 49 in that county, the area in which that private agency is providing services, or the reservation of that Indian 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, the area in which that private agency is providing services, or the~~

~~reservation of that Indian tribe and the capacity of the county, city, private agency, or Indian tribe to participate in the program under this section, as determined by the department.~~

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

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

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

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

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

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

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

48.983 (4) (b) 1. A county, city, private agency, or Indian tribe that is selected to participate in the program under this section shall offer all pregnant women in the county or city, the area in which that private agency is providing services, or the reservation of the tribe who are eligible for Medical Assistance under subch. IV of ch. 49 an opportunity to undergo an assessment through use of a risk assessment instrument to determine whether the person assessed presents risk factors for poor birth outcomes or for perpetrating child abuse or neglect. Persons who agree to be assessed shall be assessed during the prenatal period. The risk assessment instrument shall be developed by the department and shall be based on risk assessment instruments developed by the department for similar programs that are in operation. The department need not promulgate as rules under ch. 227 the risk assessment instrument developed under this subdivision. A person who is assessed to be at risk of poor birth outcomes or of abusing or neglecting his or her child shall be offered home visitation program services that shall be commenced during the prenatal period. Home visitation program services may be provided to a family with a child identified as being at risk of child abuse or neglect until the identified child reaches 3 years of age. If a

family has been receiving home visitation program services continuously for not less than 12 months, those services may continue to be provided to the family until the identified child reaches 3 years of age, regardless of whether the child continues to be eligible for Medical Assistance under subch. IV of ch. 49. If risk factors for child abuse or neglect with respect to the identified child continue to be present when the child reaches 3 years of age, home visitation program services may be provided until the identified child reaches 5 years of age. Home visitation program services may not be provided to a person unless the person gives his or her written informed consent to receiving those services or, if the person is a child, unless the child's parent, guardian, or legal custodian gives his or her written informed consent for the child to receive those services.

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

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

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

48.983 (5) SELECTION OF COUNTIES, CITIES, PRIVATE AGENCIES, AND INDIAN TRIBES. The department shall provide competitive application procedures for selecting counties, cities, private agencies, and Indian tribes for participation in the program under this section. The department shall establish a method for ranking applicants for selection based on the quality of their applications. In ranking the applications, the department shall give favorable consideration to a county, city, private agency, or Indian tribe that submits a joint application under sub. (3) ~~and to a county that has indicated under sub. (6) (d) 2. that it is willing to use a portion of any moneys distributed to the county under s. 48.565 (2) (a) to provide case management services to a Medical Assistance beneficiary under s. 49.45 (25) (am) 9. who is a case or who is a member of a family that is a case and that has explained under sub. (6) (d) 2. how the county plans to use that portion of those moneys to promote the provision of those services for the case by using a wraparound process so as to provide those services in a flexible, comprehensive and individualized manner in order to reduce the necessity for court-ordered services.~~ The department shall also provide application requirements and procedures for the renewal of a grant awarded under this section. The application procedures and the renewal application requirements and procedures shall be clear and understandable to the applicants. The department need not promulgate as rules under ch. 227 the application procedures, the renewal application requirements or

procedures, or the method for ranking applicants established under this subsection.

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

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

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

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

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

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

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

48.983 (6) (a) 5. An explanation of how the applicant, in collaboration with local prenatal care coordination providers, will implement strategies aimed at achieving healthy birth outcomes, as determined by performance measures prescribed by the department and the department of health services, in the county, city, or reservation of the Indian tribe.

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

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

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

48.983 (6) (d) *Wraparound process.* ~~4.~~ The applicant demonstrates in the grant application that the payments that will be made from the fund established under par. (b) 2. will promote the provision of services for the case by using a wraparound process so as to provide those services in a flexible, comprehensive and individualized manner in order to reduce the necessity for court-ordered services.

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

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

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

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

48.983 (6g) (b) A county, city, private agency, or Indian tribe that is selected to participate in the program under this section shall provide or shall designate an individual or entity to provide an explanation of the confidentiality requirements under par. (a) to each individual who is offered an assessment under sub. (4) (b) or who is offered services under the home visitation program of the county, city, private agency, or Indian tribe.

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

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

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

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

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

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

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

48.983 (8) TECHNICAL ASSISTANCE AND TRAINING. The department shall provide technical assistance and

training to counties, cities, private agencies, and Indian tribes that are selected to participate in the program under this section. The training may not be limited to a particular home visitation model. The training shall include training in best practices regarding basic skills, uniform administration of screening and assessment tools, the issues and challenges that families face, and supervision and personnel skills for program managers. The training may also include training on data collection and reporting.

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

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

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

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

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

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

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

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

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

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

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

49.343 (5) ADVISORY COMMITTEE. (intro.) The secretary shall create an advisory committee under s. 15.04 (1) (c) consisting of representatives of purchasers; county

departments; the department, in a county having a population of ~~500,000~~ 750,000 or more; tribes; consumers; and a statewide association of private, incorporated family and children's social service agencies representing all groups of providers that are affected by the rate regulation process. The committee shall advise the department on all of the following:

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

49.45 (25) (b) A county, city, village, town or, in a county having a population of ~~500,000~~ 750,000 or more, the department may elect to make case management services under this subsection available in the county, city, village or town to one or more of the categories of beneficiaries under par. (am) through the medical assistance program. A county, city, village, town or, in a county having a population of ~~500,000~~ 750,000 or more, the department that elects to make the services available shall reimburse a case management provider for the amount of the allowable charges for those services under the medical assistance program that is not provided by the federal government.

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

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

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

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

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

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

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

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

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

49.855 (4m) (c) Except as provided by order of the court after hearing under par. (b), the department of administration shall continue withholding until the amount certified is recovered in full. The department of administration shall transfer the amounts withheld under this paragraph to the department of children and families or its designee, the department of health services, or the

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

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

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

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

767.41 (3) (a) If the interest of any child demands it, and if the court finds that neither parent is able to care for the child adequately or that neither parent is fit and proper to have the care and custody of the child, the court may declare the child to be in need of protection or services and transfer legal custody of the child to a relative of the child, as defined in s. 48.02 (15), to a county department, as defined under s. 48.02 (2g), to a licensed child welfare agency, or, in a county having a population of ~~500,000~~ 750,000 or more, the department of children and families. If the court transfers legal custody of a child under this subsection, in its order the court shall notify the parents of any applicable grounds for termination of parental rights under s. 48.415. If the court transfers legal custody under this section to an agency, the court shall also refer the matter to the court intake worker, as defined in s. 48.02 (3), who shall conduct an inquiry under s. 48.24 to determine whether a petition should be filed under s. 48.13.

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

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

income below the poverty line established under 42 USC 9902 (2).

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

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

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

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

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

971.37 (1m) (c) 1. (intro.) The agreement may provide as one of its conditions that ~~a person~~ **an adult** covered under ~~sub. (1) (b) or (c)~~ **par. (a) 2. or 3.** pay the domestic abuse surcharge under s. 973.055 and, if applicable, the global positioning system tracking surcharge under s. 973.057. If the agreement requires the person to pay the global positioning system tracking surcharge

under s. 973.057, the agreement shall also require the person to pay the domestic abuse surcharge under s. 973.055. Payments and collections of the domestic abuse surcharge and the global positioning system tracking surcharge under this subdivision are subject to s. 973.055 (2) to (4) or to s. 973.057 (2) and (3), respectively, except as follows:

SECTION 216. Fiscal changes.

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

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

(1) The treatment of sections 20.435 (8) (mb) and (mm), 20.437 (1) (b), (d), (km), (m), (ma), (mc), (md), (me), (n), and (na), (2) (dz), (ja), (kp), (md), and (pz), and (3) (kp) and (mm), 46.46, 48.563 (1) (b), 48.565 (intro.), (2) (a), (am), (b), and (c), (3), (6), and (8), 48.567, and 49.855 (4m) (c) of the statutes and SECTION 216 (1) of this act take effect on July 1, 2015, on the day after publication, or on the 2nd day after publication of the 2015–17 biennial budget act, whichever is latest.

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