

State of Wisconsin



2017 Assembly Bill 776

Date of enactment: April 4, 2018
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2017 WISCONSIN ACT 257

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

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

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

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

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

2. Transfer any child placement or foster home licensing records obtained under subd. 1. to any county department or child welfare agency to which a foster home license issued by the child welfare agency is transferred under par. (b) or to any public licensing agency or child welfare agency that relicenses a foster home licensed by the child welfare agency.

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

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

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

48.75 (1d) Child welfare agencies, if licensed to do so by the department, and public licensing agencies may license foster homes under the rules promulgated by the department under s. 48.67 governing the licensing of foster homes. ~~Except as provided under s. 48.66 (6), a foster home license shall be issued for a term not to exceed 2 years from the date of issuance, and is not transferable, and.~~ A foster home license may be revoked by the child welfare agency or by the public licensing agency because the licensee has substantially and intentionally violated any provision of this chapter or of the rules of the department promulgated under s. 48.67 or

* 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."

because the licensee fails to meet the minimum requirements for a license. The licensee shall be given written notice of any revocation and the grounds for the revocation.

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

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

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

48.75 (1g) (c) (intro.) No license may be issued under par. (a) 1., 2., or 3. unless the public licensing agency issuing the license has notified the public licensing agency of the county in which the foster home will be

located of its intent to issue the license and no license may be issued under par. (a) 2. or 3. is valid unless the 2 public licensing agencies have entered into a written agreement under this paragraph. A public licensing agency is not required to enter into any agreement under this paragraph allowing the public licensing agency of another county to license a foster home within its jurisdiction. The written agreement shall include all of the following:

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

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