

State of Wisconsin



2021 Senate Bill 491

Date of enactment: **February 4, 2022**
Date of publication*: **February 5, 2022**

2021 WISCONSIN ACT 132

AN ACT *to amend* 20.437 (1) (dd), 20.437 (1) (kz), 20.437 (1) (pd), 48.48 (8p), 48.569 (1) (d) and 48.623 (3) (a); and *to create* 48.48 (8r) of the statutes; **relating to:** subsidized guardianship payments and making an appropriation.

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

SECTION 1g. 20.437 (1) (dd) of the statutes is amended to read:

20.437 (1) (dd) *State out-of-home care and adoption services, and subsidized guardianships.* The amounts in the schedule for foster care, institutional child care, and subsidized adoptions under ss. 48.48 (12) and 48.52, for the cost of care for children under s. 49.19 (10) (d), for the cost of placements of children 18 years of age or over in residential care centers for children and youth under voluntary agreements under s. 48.366 (3) or under orders that terminate as provided in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4., or 48.365 (5) (b) 4., for the cost of the foster care monitoring system, for the cost of reimbursing counties for subsidized guardianship payments under s. 48.623 (3) (a), for the cost of services to children with special needs who are under the guardianship of the department to prepare those children for adoption, and for the cost of postadoption services to children with special needs.

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

20.437 (1) (kz) *Interagency and intra-agency aids; tribal placements and guardianships.* The amounts in the schedule to be used for unexpected or unusually high-cost out-of-home care placements of Indian children by

tribal courts, including placements of Indian juveniles who have been adjudicated delinquent, ~~and for subsidized guardianship payments under s. 48.623 (1) or (6) for guardianships of Indian children ordered by tribal courts.~~ All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 21. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 1r. 20.437 (1) (pd) of the statutes is amended to read:

20.437 (1) (pd) *Federal aid; state out-of-home care and adoption services, and subsidized guardianships.* All federal moneys received for meeting the costs of providing foster care, institutional child care, and subsidized adoptions under ss. 48.48 (12) and 48.52, the cost of care for children under s. 49.19 (10) (d), the cost of placements of children 18 years of age or over in residential care centers for children and youth under voluntary agreements under s. 48.366 (3) or under orders that terminate as provided in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4., or 48.365 (5) (b) 4., the cost of reimbursing counties for subsidized guardianship payments under s. 48.623 (3) (a), the cost of services to children with special needs who are under the guardianship of the department to prepare those children for adoption, and the cost of postadoption services to children with special needs. Disbursements

* 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."

for foster care under s. 49.32 (2) and for the purposes described under s. 48.627 may be made from this appropriation.

SECTION 2. 48.48 (8p) of the statutes is amended to read:

48.48 (8p) To reimburse tribes and county departments, from the appropriation under s. 20.437 (1) (kz), for unexpected or unusually high-cost out-of-home care placements of Indian children by tribal courts, other than placements to which s. 938.485 (4) applies, ~~and for subsidized guardianship payments under s. 48.623 (1) or (6) for guardianships of Indian children ordered by tribal courts.~~ In this subsection, “unusually high-cost out-of-home care placements” means the amount by which the cost to a tribe or to a county department of out-of-home care placements of Indian children by tribal courts, other than placements to which s. 938.485 (4) applies, exceeds \$50,000 in a fiscal year.

SECTION 2m. 48.48 (8r) of the statutes is created to read:

48.48 (8r) To reimburse county departments, from the appropriations under s. 20.437 (1) (dd) and (pd), for subsidized guardianship payments made under s. 48.623 (1) or (6), including guardianships of Indian children ordered by tribal courts.

SECTION 3. 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). 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 4. 48.623 (3) (a) of the statutes is amended to read:

48.623 (3) (a) Except as provided in this paragraph, the county department shall provide the monthly payments under sub. (1) or (6). The county department shall provide those payments from moneys received under s. 48.48 (8p) ~~or 48.569 (1) (d) (8r).~~ The department shall reimburse county departments for the cost of subsidized guardianship payments, including guardianships of Indian children ordered by tribal courts, from the appropriations under s. 20.437 (1) (dd) and (pd). In a county having a population of 750,000 or more or in the circumstances specified in s. 48.43 (7) (a) or 48.485 (1), the department shall provide the monthly payments under sub. (1) or (6). The department shall provide those payments from the appropriations under s. 20.437 (1) (cx) and (mx).

SECTION 12. Effective date.

(1) This act takes effect on January 1, 2022.