



DOA:.....Bork, BB0216 - Foster care and kinship care rate increase and payment modifications

**FOR 2025-2027 BUDGET -- NOT READY FOR INTRODUCTION**

**AN ACT ...; relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**CHILDREN**

***Foster care and kinship care rates and payments***

This bill eliminates the separate monthly basic maintenance rates that the state or a county pays to foster parents certified to provide level one care so that age-based monthly basic maintenance rates are paid to all foster parents. The bill changes the rates paid to all kinship care providers (relatives other than a parent), which under current law are \$375 per month for a child of any age, to be the same as the age-based monthly basic maintenance rates paid to foster parents. The bill also increases these age-based monthly basic maintenance rates by 5 percent. Beginning on January 1, 2026, the monthly rates are \$463 for a child under five years of age, \$507 for a child 5 to 11 years of age, \$575 for a child 12 to 14 years of age, and \$601 for a child 15 years of age or over.

This bill provides that, in addition to the monthly rates currently paid to a foster home or a kinship care provider who is providing care and maintenance for a child, DCF or a county department of human services or social services may make emergency payments for kinship care to a kinship care provider or for foster care to a foster home if any of the following conditions are met:

1. The governor has declared a state of emergency, or the federal government has declared a major disaster, that covers the locality of the foster home home of the kinship care provider (home).

2. This state has received federal funding to be used for child welfare purposes due to an emergency or disaster declared for the locality of the home.

3. DCF has determined that conditions in this state or in the locality of the home have resulted in a temporary increase in the costs borne by foster homes and kinship care providers, including a pandemic or other public health threat, a natural disaster, or unplanned school closures of five consecutive days or more.

The bill provides that DCF must determine the amount of an emergency payment based on available funding and may promulgate rules governing the provision of the payments.

**BILL**

The bill changes the statutes and the administrative code to make all foster homes and kinship care providers eligible to receive exceptional payments to enable siblings or a minor parent and minor children to reside together and to receive an initial clothing allowance. Under current law, these payments are only available to foster homes certified to provide higher than level one care.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

**SECTION 1.** 48.57 (3m) (am) (intro.) of the statutes, as affected by [2023 Wisconsin Act 119](#), is amended to read:

48.57 **(3m)** (am) (intro.) From the appropriations under s. 20.437 (1) (dd) and (2) (dz), (md), (me), and (s), the department shall reimburse counties having populations of less than 750,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 750,000 or more. In a county having a population of 750,000 or more, the department shall make payments under this subsection or shall reimburse a county department for payments made under this subsection from the appropriations under s. 20.437 (1) (dd) and (pd). Subject to par. (ap), and if all of the following conditions are met, beginning on January 1, 2026, a county department and, in a county having a population of 750,000 or more, the department or a county department shall make monthly payments per month to a kinship care provider who is providing care and maintenance for a child in the amount of \$375 beginning on January 1, 2024, to a kinship care provider who is providing care and maintenance for a child if all of the following conditions are met \$463 for a child under 5 years of age; \$507 for a child 5 to 11 years of age; \$575 for a child 12 to 14 years of age; and \$601 for a child 15 years of age or over:

**BILL****SECTION 1**

\*\*\*\*NOTE: This is reconciled s. 48.57 (3m) (am) (intro.). This SECTION has been affected by drafts with the following LRB numbers: -1179/P1 and -1199/P3.

**SECTION 2.** 48.57 (3m) (an) of the statutes is created to read:

48.57 **(3m)** (an) In addition to the monthly payments for kinship care under par. (am), the department or the county department may make payments for exceptional circumstances to enable siblings or a minor parent and minor children to reside together and for initial clothing allowances to a kinship care provider who is providing care and maintenance for a child residing in the home of the kinship care provider who is receiving a monthly rate under par. (am), commensurate with the needs of the child, according to the rules promulgated by the department under par. (i) 3.

**SECTION 3.** 48.57 (3m) (ar) and (at) of the statutes are created to read:

48.57 **(3m)** (ar) In addition to the monthly payments for kinship care under par. (ap), the department or, with the department's approval, the county department may make emergency payments for kinship care to kinship care providers who are providing care and maintenance for children residing in the home of kinship care providers under a court order if any of the following conditions are met:

1. The governor has declared a state of emergency pursuant to s. 323.10, or the federal government has declared a major disaster under [42 USC 68](#), that covers the locality of the home of the kinship care provider.

2. This state has received federal funding to be used for child welfare purposes due to an emergency or disaster declared for the locality of the home of the kinship care provider.

**BILL****SECTION 3**

3. The department has determined that conditions in this state or in the locality of the home of the kinship care provider have resulted in a temporary increase in the costs borne by kinship care providers. Those conditions may include any of the following:

- a. A pandemic or other public health threat.
- b. A natural disaster.
- c. Unplanned school closures of 5 consecutive days or more.

(at) The department shall determine the amount of emergency payments under par. (ar) based on available funding.

**SECTION 4.** 48.57 (3m) (i) 3. of the statutes is created to read:

48.57 **(3m)** (i) 3. Rules governing the provision of payments for exceptional circumstances to enable siblings or a minor parent and minor children to reside together and for initial clothing allowances for a child residing in the home of a kinship care provider who is receiving a monthly rate under par. (am).

**SECTION 5.** 48.57 (3m) (j) of the statutes is created to read:

48.57 **(3m)** (j) The department may promulgate rules governing the provision of emergency payments under par. (ar).

**SECTION 6.** 48.57 (3n) (am) (intro.) of the statutes, as affected by [2023 Wisconsin Act 119](#), 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 750,000 for payments made under this subsection ~~and shall make payments under this subsection in a county having a population of 750,000 or more.~~ In a county having a population of 750,000 or more, the department shall make

**BILL****SECTION 6**

payments under this subsection or shall reimburse a county department for payments made under this subsection from the appropriations under s. 20.437 (1) (dd) and (pd). Subject to par. (ap), and if all of the following conditions are met, beginning on January 1, 2026, a county department and, in a county having a population of 750,000 or more, the department or a county department shall make monthly payments to a long-term kinship care provider who is providing care and maintenance for each a child per month in the amount of \$375 beginning on January 1, 2024, to a long-term kinship care provider who is providing care and maintenance for that child if all of the following conditions are met \$463 for a child under 5 years of age; \$507 for a child 5 to 11 years of age; \$557 for a child 12 to 14 years of age; and \$601 for a child 15 years of age or over:

\*\*\*\*NOTE: This is reconciled s. 48.57 (3n) (am) (intro.). This SECTION has been affected by drafts with the following LRB numbers: -1179/P1 and -1199/P3.

**SECTION 7.** 48.57 (3n) (an) of the statutes is created to read:

48.57 (3n) (an) In addition to the monthly payments for long-term kinship care under par. (am), the department or the county department may make payments for exceptional circumstances to enable siblings or a minor parent and minor children to reside together and for initial clothing allowances to a long-term kinship care provider who is providing care and maintenance for a child residing in the home of the long-term kinship care provider who is receiving a monthly rate under par. (am), commensurate with the needs of the child, according to the rules promulgated by the department under par. (i) 2.

**SECTION 8.** 48.57 (3n) (i) of the statutes is renumbered 48.57 (3n) (i) (intro.) and amended to read:

**BILL****SECTION 8**

48.57 (3n) (i) (intro.) The department shall promulgate rules to implement this subsection. Those rules shall include ~~rules~~ all of the following:

1. Rules governing the provision of long-term kinship care payments for the care and maintenance of a child after the child attains 18 years of age.

**SECTION 9.** 48.57 (3n) (i) 2. of the statutes is created to read:

48.57 (3n) (i) 2. Rules governing the provision of payments for exceptional circumstances to enable siblings or a minor parent and minor children to reside together and for initial clothing allowances for children residing in a home of a long-term kinship care provider who is receiving a monthly rate under par. (am).

**SECTION 10.** 48.62 (4) (a) of the statutes is amended to read:

48.62 (4) (a) Monthly payments in foster care shall be provided according to the rates specified in this subsection. Beginning on January 1, 2024, ~~the rates for care and maintenance provided for a child of any age by a foster home that is certified to provide level one care, as defined in the rules promulgated under sub. (8) (a), are \$375 and 2026,~~ for care and maintenance provided by a foster home that is certified to provide care at a any level of care ~~that is higher than level one care,~~ the rates are all of the following:

1. ~~\$441~~ \$463 for a child under 5 years of age.
2. ~~\$483~~ \$507 for a child 5 to 11 years of age.
3. ~~\$548~~ \$575 for a child 12 to 14 years of age.
4. ~~\$572~~ \$601 for a child 15 years of age or over.

**SECTION 11.** 48.62 (5) of the statutes is created to read:

48.62 (5) (a) In addition to the grants for basic maintenance and supplemental payments for foster care under sub. (4), the department or, with the

**BILL****SECTION 11**

department's approval, the county department or licensed child welfare agency may make emergency payments for foster care to foster homes that are receiving payments under sub. (4) if any of the following conditions are met:

1. The governor has declared a state of emergency pursuant to s. 323.10, or the federal government has declared a major disaster under [42 USC 68](#), that covers the locality of the foster home.

2. This state has received federal funding to be used for child welfare purposes due to an emergency or disaster declared for the locality of the foster home.

3. The department has determined that conditions in this state or in the locality of the foster home have resulted in a temporary increase in the costs borne by foster homes. Those conditions may include any of the following:

- a. A pandemic or other public health threat.
- b. A natural disaster.
- c. Unplanned school closures of 5 consecutive days or more.

(b) The department shall determine the amount of emergency payments under par. (a) based on available funding.

**SECTION 12.** 48.62 (8m) of the statutes is created to read:

48.62 **(8m)** The department may promulgate rules governing the provision of emergency payments to foster homes under sub. (5).

**SECTION 13.** DCF 56.23 (1) (c) of the administrative code is repealed.

**SECTION 14.** DCF 58.08 (9) (c) and (d) of the administrative code are created to read:

DCF 58.08 **(9)** (c) *Exceptional payments.* A kinship care agency may issue to a relative caregiver who is receiving kinship care payments or long-term kinship

**BILL****SECTION 14**

care payments an exceptional payment to enable siblings or a minor parent and minor children to reside together, subject to a maximum payment amount determined by the department.

(d) *Initial clothing allowance.* A kinship care agency may pay an initial clothing allowance to a relative caregiver when the relative caregiver is initially approved by the kinship care agency. The amount of the initial clothing allowance shall be the actual cost of the clothing not to exceed a maximum determined by the department.

**SECTION 9406. Effective dates; Children and Families.**

(1) FOSTER CARE AND KINSHIP CARE RATES. The treatment of ss. 48.57 (3m) (am) (intro.) and (3n) (am) (intro.) and 48.62 (4) (a) takes effect on January 1, 2026, or on the day after publication, whichever is later.

**(END)**