



State of Wisconsin  
2025 - 2026 LEGISLATURE

LRB-1199/P5  
MDE:amn&wlj

DOA:.....Bork, BB0236 - Expanding eligibility for subsidized guardianship

**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**

***Expanding eligibility for subsidized guardianships and kinship care payments***

Under current law, a guardian appointed by the juvenile court or tribal court to provide care to a child adjudged to be in need of protection or services or a juvenile adjudged to be in need of protection or services, if the juvenile's parent or prior guardian is unable or needs assistance to control the juvenile, may receive monthly subsidized guardianship payments from DCF or a county department of human or social services reimbursed by DCF (county department) or an Indian tribe reimbursed by DCF. A guardian may receive such payments only if certain conditions have been met, including that 1) the child, if 14 years of age or over, has been consulted with regarding the guardianship arrangement; 2) the guardian has a strong commitment to caring for the child permanently; 3) the guardian is licensed as the child's foster parent, which licensing includes an inspection of the guardian's home under rules promulgated by DCF; 4) the guardian and all adult residents of the guardian's home have passed a criminal background investigation; and 5) prior to being named as guardian of the child, the guardian entered into a subsidized guardianship agreement with DCF, the county department, or the Indian tribe.

Under this bill, a guardian appointed by the juvenile court or tribal court to a juvenile adjudged to be delinquent or a juvenile adjudged to be in need of protection or services for any reason may receive monthly subsidized guardianship payments from DCF, a county department, or an Indian tribe.

Under current law, a kinship care provider who is providing temporary care to a child or juvenile adjudged to be in need of protection or services may receive monthly kinship care payments from DCF, a county department, or an Indian tribe. Under the bill, a kinship care provider who is providing temporary care to a juvenile alleged to be delinquent may receive such payments.

Under current law, kinship care payments are administered directly by DCF in Milwaukee County. Under the bill, a county department in Milwaukee County may administer kinship care payments and be reimbursed by DCF.

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The bill also requires that in a dispositional order placing a juvenile who has been adjudicated delinquent outside his or her home, in addition to the findings required under current law, the court must also find that continued placement in the juvenile's home would be contrary to the welfare of the juvenile. Under current law, such an order must include a finding that the juvenile's current residence will not safeguard the welfare of the juvenile or the community due to the serious nature of the act for which the juvenile was adjudicated delinquent.

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.** 20.437 (1) (cx) of the statutes is amended to read:

20.437 (1) (cx) *Child welfare services; aids.* The amounts in the schedule for providing services to children and families under s. 48.48 (17) in a county having a population of 750,000 or more, for the cost of subsidized guardianship payments under s. 48.623 (~~1~~) (1r) or (6), and, to the extent that a demonstration project authorized under [42 USC 1320a-9](#) reduces the cost of providing out-of-home care for children in that county, for services for children and families under s. 48.563 (4) in counties having a population of less than 750,000.

**SECTION 2.** 20.437 (1) (mx) of the statutes is amended to read:

20.437 (1) (mx) *Federal aid; Milwaukee child welfare services aids.* All federal moneys received for providing services to children and families under s. 48.48 (17), to carry out the purposes for which received and for the cost of subsidized guardianship payments under s. 48.623 (~~1~~) (1r) or (6).

**SECTION 3.** 48.38 (2) (f) of the statutes is amended to read:

48.38 (2) (f) The child's care would be paid for under s. 49.19 but for s. 49.19 (20), except that this paragraph does not apply to a child whose care is being paid for under s. 48.623 (~~1~~) (1r).

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**SECTION 4.** 48.38 (4) (j) (intro.) of the statutes is amended to read:

48.38 (4) (j) (intro.) If the child is placed in the home of a relative or other person described in s. 48.623 (~~1~~) (1r) (b) 1. who will be receiving subsidized guardianship payments, a description of all of the following:

**SECTION 5.** 48.38 (4) (j) 3. of the statutes is amended to read:

48.38 (4) (j) 3. The reasons why a permanent placement with a fit and willing relative or other person described in s. 48.623 (~~1~~) (1r) (b) 1. through a subsidized guardianship arrangement is in the best interests of the child. In the case of an Indian child, the best interests of the Indian child shall be determined in accordance with s. 48.01 (2).

**SECTION 6.** 48.38 (4) (j) 4. of the statutes is amended to read:

48.38 (4) (j) 4. The ways in which the child and the relative or other person described in s. 48.623 (~~1~~) (1r) (b) 1. meet the eligibility requirements specified in s. 48.623 (~~1~~) (1r) for the receipt of subsidized guardianship payments.

**SECTION 7.** 48.38 (4) (j) 5. of the statutes is amended to read:

48.38 (4) (j) 5. The efforts the agency has made to discuss adoption of the child by the relative or other person described in s. 48.623 (~~1~~) (1r) (b) 1. as a more permanent alternative to guardianship and, if that relative or other person has chosen not to pursue adoption, documentation of the reasons for not pursuing adoption.

**SECTION 8.** 48.48 (8r) of the statutes is amended to read:

48.48 (**8r**) To reimburse county departments, the county department under s. 46.215, and Indian tribes, from the appropriations under s. 20.437 (1) (dd), (kL),

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and (pd), for subsidized guardianship payments made under s. 48.623 ~~(1)~~ (1r) or (6), including guardianships of children ordered by tribal courts.

**SECTION 9.** 48.57 (3m) (a) 1m. of the statutes is created to read:

48.57 **(3m)** (a) 1m. “County department” means a county department under s. 46.215, 46.22, or 46.23.

**SECTION 10.** 48.57 (3m) (am) 2. of the statutes is renumbered 48.57 (3m) (am) 2. (intro.) and amended to read:

48.57 **(3m)** (am) 2. (intro.) The county department or department determines that the child meets one or more of the following conditions:

a. The child meets one or more of the criteria specified in s. 48.13, 938.12, or 938.13, ~~that the~~.

b. The child would be at risk of meeting one or more of ~~those~~ the criteria specified in s. 48.13 or 938.13 if the child were to remain in his or her home ~~or, if~~.

c. If the child is 18 years of age or over, that the child would meet or be at risk of meeting one or more of ~~those~~ the criteria as specified ~~in this subdivision~~ in s. 48.13 or 938.13 if the child were under 18 years of age.

**SECTION 11.** 48.57 (3m) (am) 4m. of the statutes is amended to read:

48.57 **(3m)** (am) 4m. Subject to sub. (3p) (fm) 1. and 2., the kinship care provider states that he or she does not have any arrests or convictions that could adversely affect the child or the kinship care provider’s ability to care for the child and that no adult resident, as defined in sub. (3p) (a) 1., and no employee or prospective employee of the kinship care provider who would have regular contact with the child has any arrests or convictions that could adversely affect the child or the kinship care provider’s ability to care for the child.

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**SECTION 12.** 48.57 (3m) (ap) 1. of the statutes is amended to read:

48.57 (3m) (ap) 1. Subject to subds. 2. and 3., the county department or, in a county having a population of 750,000 or more, the department or the county department may make payments under par. (am) to a kinship care provider who is providing care and maintenance for a child who is placed in the home of the kinship care provider 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 provider for a license to operate a foster home or, if the application is approved or denied or the kinship care provider 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 provider is otherwise determined to be ineligible for licensure.

**SECTION 13.** 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 provider specified in subd. 1. is denied or the kinship care provider is otherwise determined to be ineligible for licensure, the county department or, in a county having a population of 750,000 or more, the department or the county department may make payments under par. (am) to the kinship care provider 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 provider's home and the ability of the kinship care provider to care for the child, and a recommendation that the child remain in the home of the kinship care provider and the court, after considering that information, assessment, and

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recommendation, orders the child to remain in the kinship care provider's home. If the court does not order the child to remain in the kinship care provider'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 14.** 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 750,000 or more, the department or a county department if the county department is making the payments 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). This subdivision does not apply to a child 18 years of age or over for whom a payment is made under par. (am).

**SECTION 15.** 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 750,000 or more, the department or a county department if the county department is making the payments 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 16.** 48.57 (3m) (cm) of the statutes is amended to read:

48.57 (3m) (cm) A kinship care provider who receives a payment under par. (am) for providing care and maintenance for a child is not eligible to receive a payment under sub. (3n) or s. 48.62 (4) or 48.623 (1) (1r) or (6) for that child.

**SECTION 17.** 48.57 (3m) (d) of the statutes is amended to read:

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48.57 (3m) (d) A county department or, in a county having a population of 750,000 or more, the department or a county department if the county department is making the payments 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 18.** 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 750,000 or more, the subunit of the department administering of the kinship care program in that county or the county department that the recipient has requested a hearing. Payments under par. (am) shall be discontinued if any of the following applies:

**SECTION 19.** 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 750,000 or more, the department or a county department may recover an overpayment made under par. (am) from a kinship care provider who continues to receive payments under par. (am) by reducing the amount of the kinship care

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provider'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 20.** 48.57 (3n) (a) 1m. of the statutes is created to read:

48.57 **(3n)** (a) 1m. "County department" means a county department under s. 46.215, 46.22, or 46.23.

**SECTION 21.** 48.57 (3n) (am) 4. of the statutes is amended to read:

48.57 **(3n)** (am) 4. The county department or department conducts a background investigation under sub. (3p) of the long-term kinship care provider, the employees and prospective employees of the long-term kinship care provider who have or would have regular contact with the child for whom the payments would be made and any other adult resident, as defined in sub. (3p) (a) 1., of the long-term kinship care provider's home to determine if the long-term kinship care provider, employee, prospective employee or adult resident has any arrests or convictions that are likely to adversely affect the child or the long-term kinship care provider's ability to care for the child.

**SECTION 22.** 48.57 (3n) (am) 4m. of the statutes is amended to read:

48.57 **(3n)** (am) 4m. Subject to sub. (3p) (fm) 1m. and 2m., the long-term kinship care provider states that he or she does not have any arrests or convictions that could adversely affect the child or the long-term kinship care provider's ability to care for the child and that, to the best of the long-term kinship care provider's knowledge, no adult resident, as defined in sub. (3p) (a) 1., and no employee or



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prospective employee of the long-term kinship care provider who would have regular contact with the child has any arrests or convictions that could adversely affect the child or the long-term kinship care provider's ability to care for the child.

**SECTION 23.** 48.57 (3n) (ap) 1. of the statutes is amended to read:

48.57 **(3n)** (ap) 1. Subject to subds. 2. and 3., the county department or, in a county having a population of 750,000 or more, the department or the county department may make payments under par. (am) to a long-term kinship care provider who is providing care and maintenance for a child who is placed in the home of the long-term kinship care provider 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 provider for a license to operate a foster home or, if the application is approved or denied or the long-term kinship care provider 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 provider is otherwise determined to be ineligible for licensure.

**SECTION 24.** 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 provider specified in subd. 1. is denied or the long-term kinship care provider is otherwise determined to be ineligible for licensure, the county department or, in a county having a population of 750,000 or more, the department or the county department may make payments under par. (am) to the long-term kinship care provider 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

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long-term kinship care provider's home and the ability of the long-term kinship care provider to care for the child, and a recommendation that the child remain in the home of the long-term kinship care provider and the court, after considering that information, assessment, and recommendation, orders the child to remain in the long-term kinship care provider's home. If the court does not order the child to remain in the kinship care provider'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 25.** 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 750,000 or more, the department or a county department if the county department is making the payments 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). This subdivision does not apply to a child 18 years of age or over for whom a payment is made under par. (am).

**SECTION 26.** 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 750,000 or more, the department or a county department if the county department is making the payments shall require the parent or parents of a child for whom a

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payment is made under par. (am) to initiate or continue health care insurance coverage for the child.

**SECTION 27.** 48.57 (3n) (cm) of the statutes is amended to read:

48.57 **(3n)** (cm) A long-term kinship care provider who receives a payment under par. (am) for providing care and maintenance for a child is not eligible to receive a payment under sub. (3m) or s. 48.62 (4) or 48.623 ~~(4)~~ (1r) or (6) for that child.

**SECTION 28.** 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 750,000 or more, the department or a county department if the county department is making the payments 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 29.** 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 750,000 or more, the subunit of the department administering of the long-term kinship care program in

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that county or the county department that the recipient has requested a hearing.

Payments under par. (am) shall be discontinued if any of the following applies:

**SECTION 30.** 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 750,000 or more, the department or a county department may recover an overpayment made under par. (am) from a long-term kinship care provider who continues to receive payments under par. (am) by reducing the amount of the long-term kinship care provider'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 31.** 48.57 (3p) (a) of the statutes is renumbered 48.57 (3p) (a) (intro.) and amended to read:

48.57 **(3p)** (a) (intro.) In this subsection, ~~“adult:~~

1. “Adult resident” means a person 18 years of age or over who lives at the home of a person who has applied for or is receiving payments under sub. (3m) or (3n) with the intent of making that home his or her home or who lives for more than 30 days cumulative in any 6-month period at the home of a person who has applied for or is receiving payments under sub. (3m) or (3n).

**SECTION 32.** 48.57 (3p) (a) 2. of the statutes is created to read:

48.57 **(3p)** (a) 2. “County department” means a county department under s. 46.215, 46.22, 46.23.

**SECTION 33.** 48.57 (3p) (b) 1. of the statutes is amended to read:

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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 750,000 or more, the department or the county department, with the assistance of the department of justice, shall conduct a background investigation of the applicant.

**SECTION 34.** 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 750,000 or more, the department or the county 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 35.** 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 750,000 or more, the department or the county 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 36.** 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 750,000 or more, the department or the county 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

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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 37.** 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 750,000 or more, the department or the county 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 38.** 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 750,000 or more, the department or the county 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 39.** 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

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population of 750,000 or more, the department or the county 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 40.** 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 750,000 or more, the department or the county 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 41.** 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 750,000 or more, the department or the county department with all of the following information:

**SECTION 42.** 48.57 (3p) (fm) 1. of the statutes is amended to read:

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48.57 (3p) (fm) 1. The county department or, in a county having a population of 750,000 or more, the department or the county 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 43.** 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 750,000 or more, the department or the county 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 750,000 or more, the director of the county department or the person designated by the secretary to review conviction records under this subdivision determines that the conviction record is satisfactory because



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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 750,000 or more, the department or the county 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 750,000 or more, the director of the county department or 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 44.** 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 750,000 or more, the department or the county 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

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department or, in a county having a population of 750,000 or more, the department or the county 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 750,000 or more, the department or the county 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 750,000 or more, the department or the county 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 750,000 or more, the department or the county 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 45.** 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

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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 750,000 or more, the department or the county 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 750,000 or more, the department or the county 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 750,000 or more, the director of the county department or 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 750,000 or more,

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the department or the county 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 750,000 or more, the director of the county department or 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 46.** 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 750,000 or more, the department or the county 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 47.** 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 750,000 or more, with the director of the county department or 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

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with the person designated by that governing body to receive requests for review filed under this subdivision.

**SECTION 48.** 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 750,000 or more, the director of the county department or 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 provider 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 49.** 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 750,000 or more, the director of the county department or 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 provider 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

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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 50.** 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 750,000 or more, the department or the county 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 750,000 or more, the director of the county department or 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. A person who is aggrieved by a decision under this paragraph may obtain a hearing on that decision under sub. (3n) (g) as provided in sub. (3n) (f).

**SECTION 51.** 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 750,000 or more, the department or a county department shall keep confidential all information received under this subsection from the department of justice or the federal bureau of investigation. Such information is not subject to inspection or copying under s. 19.35.

**SECTION 52.** 48.57 (3p) (j) of the statutes is amended to read:

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48.57 (3p) (j) A county department or, in a county having a population of 750,000 or more, the department or a county 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 53.** 48.623 (1) of the statutes is renumbered 48.623 (1r), and 48.623 (1r) (c), as renumbered, is amended to read:

48.623 (1r) (c) An order under s. 48.345, 48.357, 48.363, 48.365, 938.34, 938.345, 938.357, 938.363, or 938.365 or a tribal court order under a substantially similar tribal law placing the child, or continuing the placement of the child, outside of the child's home has been terminated, or any proceeding specified in s. 48.977 (2) (a) in which the child has been adjudged to be in need of protection or services specified in s. 48.977 (2) (a) or delinquent has been dismissed, as provided in s. 48.977 (3r) (a).

**SECTION 54.** 48.623 (1g) of the statutes is created to read:

48.623 (1g) In this section, "county department" means a county department under s. 46.215, 46.22, or 46.23.

**SECTION 55.** 48.623 (1m) (intro.) of the statutes is amended to read:

48.623 (1m) DURATION OF ELIGIBILITY. (intro.) Subsidized guardianship payments under sub. (4) (1r) or (6) may be continued after the child attains 18 years of age if any of the following applies:

**SECTION 56.** 48.623 (2) (intro.) of the statutes is amended to read:

48.623 (2) SUBSIDIZED GUARDIANSHIP AGREEMENT. (intro.) Before a county department, an Indian tribe, or the department may approve the provision of subsidized guardianship payments under sub. (4) (1r) to a proposed guardian, the

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county department, Indian tribe, or department shall negotiate and enter into a written, binding subsidized guardianship agreement with the proposed guardian and provide the proposed guardian with a copy of the agreement. A subsidized guardianship agreement or an amended subsidized guardianship agreement may also name a prospective successor guardian of the child to assume the duty and authority of guardianship on the death or incapacity of the guardian. A successor guardian is eligible for monthly subsidized guardianship payments under this section only if the successor guardian is named as a prospective successor guardian of the child in a subsidized guardianship agreement or amended subsidized guardianship agreement that was entered into before the death or incapacity of the guardian, the conditions specified in sub. (6) (bm) are met, and the court appoints the successor guardian to assume the duty and authority of guardianship as provided in s. 48.977 (5m). A subsidized guardianship agreement shall specify all of the following:

**SECTION 57.** 48.623 (2) (e) of the statutes is amended to read:

48.623 (2) (e) That, in determining eligibility for adoption assistance under s. 48.975 and [42 USC 673](#) for the care of the child, the placement of the child in the home of the guardian and any payments made under sub. ~~(1)~~ (1r) shall be considered never to have been made.

**SECTION 58.** 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)~~ (1r) or (6). An Indian tribe that has entered into an agreement with the department under sub. (8) shall provide the monthly payments under sub. ~~(1)~~ (1r) or (6) for guardianships of children ordered by



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the tribal court, or a county department may provide the monthly payments under sub. ~~(1)~~ (1r) or (6) for guardianships of children ordered by the tribal court if the county department has entered into an agreement with the governing body of an Indian tribe to provide those payments. The county department or Indian tribe shall provide those payments from moneys received under s. 48.48 (8r). ~~The department shall reimburse county departments and Indian tribes for the cost of subsidized guardianship payments, including payments made by county departments for guardianships of children ordered by tribal courts, from the appropriations under s. 20.437 (1) (dd), (kL), 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)~~ (1r) or (6). ~~The department shall provide these payments from the appropriations under s. 20.437 (1) (cx) and (mx) or the county department shall provide those payments from moneys received under s. 48.48 (8r). The department shall reimburse county departments and Indian tribes for the cost of subsidized guardianship payments, including payments made by county departments for guardianships of children ordered by tribal courts, from the appropriations under s. 20.437 (1) (dd), (kL), and (pd).~~

**SECTION 59.** 48.623 (3) (b) of the statutes is amended to read:

48.623 **(3)** (b) The county department or, as provided in par. (a), an Indian tribe or the department shall determine the initial amount of a monthly payment under sub. ~~(1)~~ (1r) or (6) for the care of a child based on the circumstances of the guardian and the needs of the child. That amount may not exceed the amount received under s. 48.62 (4) or a substantially similar tribal law by the guardian of

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the child for the month immediately preceding the month in which the guardianship order was granted. A guardian or an interim caretaker who receives a monthly payment under sub. ~~(1)~~ (1r) or (6) for the care of a child is not eligible to receive a payment under s. 48.57 (3m) or (3n) or 48.62 (4) for the care of that child.

**SECTION 60.** 48.623 (3) (c) 2. of the statutes is amended to read:

48.623 (3) (c) 2. Annually, a county department, Indian tribe, or the department shall review an agreement that has been amended under subd. 1. to determine whether the substantial change in circumstances that was the basis for amending the agreement continues to exist. If that substantial change in circumstances continues to exist, the agreement, as amended, shall remain in effect. If that substantial change in circumstances no longer exists, the county department, Indian tribe, or department shall offer to decrease the amount of the monthly subsidized guardianship payments provided under sub. ~~(1)~~ (1r) based on criteria established by the department under sub. (7) (c). If the decreased amount of those payments is agreed to by the person receiving those payments, the county department, Indian tribe, or department shall amend the agreement in writing to specify the decreased amount of those payments. If the decreased amount of those payments is not agreed to by the person receiving those payments, that person may appeal the decision of the county department, Indian tribe, or department regarding the decrease under sub. (5).

**SECTION 61.** 48.623 (3) (d) of the statutes is amended to read:

48.623 (3) (d) The department, an Indian tribe, or a county department may recover an overpayment made under sub. ~~(1)~~ (1r) or (6) from a guardian or interim caretaker who continues to receive those payments by reducing the amount of the

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person's monthly payment. The department may by rule specify other methods for recovering those overpayments. A county department or Indian tribe 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 62.** 48.623 (4) of the statutes is amended to read:

48.623 (4) ANNUAL REVIEW. A county department, an Indian tribe, or the department shall review a placement of a child for which the county department, Indian tribe, or department makes payments under sub. ~~(1)~~ (1r) not less than every 12 months after the county department, Indian tribe, or department begins making those payments to determine whether the child and the guardian remain eligible for those payments. If the child or the guardian is no longer eligible for those payments, the county department, Indian tribe, or department shall discontinue making those payments.

**SECTION 63.** 48.623 (5) (a) of the statutes is amended to read:

48.623 (5) (a) Any person whose application for payments under sub. ~~(1)~~ (1r) is not acted on promptly or is denied on the grounds that a condition specified in sub. ~~(1)~~ (1r) has not been met and any person whose payments under sub. ~~(1)~~ (1r) are decreased under sub. (3) (c) 2. or discontinued under sub. (4) may petition the department under par. (b) for a review of that action or failure to act. Review is unavailable if the action or failure to act arose more than 45 days before submission of the petition for review.

**SECTION 64.** 48.623 (5) (b) 2. of the statutes is amended to read:

48.623 (5) (b) 2. If a recipient requests a hearing within 10 days after the date

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of notice that his or her payments under sub. ~~(1)~~ (1r) are being decreased or discontinued, those payments may not be decreased or 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, Indian tribe, or subunit of the department whose action is the subject of the hearing that the recipient has requested a hearing. Payments under sub. ~~(1)~~ (1r) shall be decreased or discontinued if the recipient is contesting a state law or a change in state law and not the determination of the payment made on the recipient's behalf.

**SECTION 65.** 48.623 (5) (b) 3. of the statutes is amended to read:

48.623 (5) (b) 3. The recipient shall be promptly informed in writing if his or her payments under sub. ~~(1)~~ (1r) are to be decreased or discontinued pending the hearing decision.

**SECTION 66.** 48.623 (6) (am) (intro.) of the statutes is amended to read:

48.623 (6) (am) (intro.) On the death, incapacity, resignation, or removal of a guardian receiving payments under sub. ~~(1)~~ (1r), the county department, Indian tribe, or department providing those payments shall provide monthly subsidized guardianship payments in the amount specified in sub. (3) (b) for a period of up to 12 months to an interim caretaker if all of the following conditions are met:

**SECTION 67.** 48.623 (6) (bm) (intro.) of the statutes is amended to read:

48.623 (6) (bm) (intro.) On the death or incapacity of a guardian receiving payments under sub. ~~(1)~~ (1r), the county department, an Indian tribe, or the department providing those payments shall provide monthly subsidized guardianship payments in the amount specified in sub. (3) (b) to a person named as

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a prospective successor guardian of the child in a subsidized guardianship agreement or amended subsidized guardianship agreement that was entered into before the death or incapacity of the guardian if all of the following conditions are met and the court appoints the person as successor guardian to assume the duty and authority of guardianship as provided in s. 48.977 (5m):

**SECTION 68.** 48.623 (6) (bm) 6. of the statutes is amended to read:

48.623 (6) (bm) 6. Any order under s. 48.345, 48.357, 48.363, 48.365, 938.34, 938.345, 938.357, 938.363, or 938.365 or a tribal court order under a substantially similar tribal law placing the child, or continuing the placement of the child, outside of the child's home has been terminated, or any proceeding specified in s. 48.977 (2) (a) in which the child has been adjudged to be in need of protection or services specified in s. 48.977 (2) (a) or delinquent has been dismissed, as provided in s. 48.977 (3r) (b).

**SECTION 69.** 48.623 (7) (a) of the statutes is amended to read:

48.623 (7) (a) A rule defining the substantial change in circumstances under which a person receiving monthly subsidized guardianship payments under sub. (1) (1r) may request that an agreement made under sub. (2) be amended to increase the amount of those payments.

**SECTION 70.** 48.623 (7) (c) of the statutes is amended to read:

48.623 (7) (c) Rules establishing the criteria for determining the amount of the decrease in monthly subsidized guardianship payments that the department shall offer under sub. (3) (c) 2. if a substantial change in circumstances no longer exists. The criteria shall provide that the amount of the decrease offered by the department under sub. (3) (c) 2. may not result in a monthly subsidized

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guardianship payment that is less than the initial monthly subsidized guardianship payment provided for the child under sub. ~~(1)~~ (1r).

**SECTION 71.** 48.623 (7) (dm) of the statutes is amended to read:

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

**SECTION 72.** 48.623 (8) (b) of the statutes is amended to read:

48.623 (8) (b) A county department may provide the monthly payments under sub. ~~(1)~~ (1r) or (6) for guardianships of children ordered by the tribal court if the county department has entered into an agreement with the governing body of an Indian tribe to provide those payments.

**SECTION 73.** 48.977 (title) of the statutes is amended to read:

**48.977 (title) Appointment of guardians for certain children or juveniles in need of protection or services or juveniles adjudged delinquent.**

**SECTION 74.** 48.977 (2) (a) of the statutes is amended to read:

48.977 (2) (a) That the child has been adjudged to be in need of protection or services under s. 48.13 (1), (2), (3), (3m), (4), (4m), (5), (8), (9), (10), (10m), (11), or (11m) or 938.13 ~~(4)~~ and been placed, or continued in a placement, outside of his or her home pursuant to one or more court orders under s. 48.345, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363, or 938.365 or that the child has been so adjudged and placement of the child in the home of a guardian under this section has been recommended under s. 48.33 (1) or 938.33 (1), or that the child has been adjudged to be delinquent under s. 938.12 and has been placed, or continued in a placement,

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outside his or her home pursuant to one or more court orders under s. 938.34, 938.357, 938.363, or 938.365 or that the child has been so adjudged and placement of the child in the home of a guardian under this section has been recommended under s. 938.33 (1).

**SECTION 75.** 48.977 (3r) (a) of the statutes is amended to read:

48.977 (3r) (a) *Guardian*. Subsidized guardianship payments under s. 48.623 ~~(1)~~ (1r) may not be made to a guardian of a child unless a subsidized guardianship agreement under s. 48.623 (2) is entered into before the guardianship order is granted and the court either terminates any order specified in sub. (2) (a) or dismisses any proceeding in which the child has been adjudicated in need of protection or services or has been adjudged delinquent as specified in sub. (2) (a). If a child's permanency plan calls for placement of the child in the home of a guardian and the provision of monthly subsidized guardianship payments to the guardian, the petitioner under sub. (4) (a) shall include in the petition under sub. (4) (b) a statement of the determinations made under s. 48.623 ~~(1)~~ (1r) and a request for the court to include in the court's findings under sub. (4) (d) a finding confirming those determinations. If the court confirms those determinations, appoints a guardian for the child under sub. (2), and either terminates any order specified in sub. (2) (a) or dismisses any proceeding in which the child is adjudicated to be in need of protection or services or is adjudged delinquent as specified in sub. (2) (a), the county department or, as provided in s. 48.623 (3) (a), an Indian tribe or the department shall provide monthly subsidized guardianship payments to the guardian under s. 48.623 ~~(1)~~ (1r).

**SECTION 76.** 48.977 (3r) (b) of the statutes is amended to read:

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48.977 (3r) (b) *Successor guardian.* Subsidized guardianship payments under s. 48.623 (6) (bm) may not be made to a successor guardian of a child unless the court makes a finding confirming that the successor guardian is named as a prospective successor guardian of the child in a subsidized guardianship agreement or amended subsidized guardianship agreement under s. 48.623 (2) that was entered into before the death or incapacity of the guardian and that the conditions specified in s. 48.623 (6) (bm) have been met, appoints the successor guardian to assume the duty and authority of guardianship as provided in sub. (5m), and either terminates any order specified in sub. (2) (a) or dismisses any proceeding in which the child has been adjudicated in need of protection or services or adjudged delinquent as specified in sub. (2) (a). If the court makes that finding and appointment and either terminates such an order or dismisses such a proceeding, the county department or, as provided in s. 48.623 (3) (a), an Indian tribe or the department shall provide monthly subsidized guardianship payments to the successor guardian under s. 48.623 (6) (bm).

**SECTION 77.** 48.977 (4) (a) 8. of the statutes is amended to read:

48.977 (4) (a) 8. The person representing the interests of the public under s. 48.09, or, if the child has been placed pursuant to an order under ch. 938 or the child's placement with the guardian is recommended under ch. 938, the person representing the interests of the public under s. 938.09.

**SECTION 78.** 48.977 (4) (b) 3. of the statutes is amended to read:

48.977 (4) (b) 3. The date on which the child was adjudged in need of protection or services under s. 48.13 (1), (2), (3), (3m), (4), (4m), (5), (8), (9), (10), (10m), (11), or (11m) or 938.13 (4) and the dates on which the child has been placed,



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or continued in a placement, outside of his or her home pursuant to one or more court orders under s. 48.345, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363, or 938.365 or, if the child has been so adjudged, but not so placed, the date of the report under s. 48.33 (1) or 938.33 (1) in which placement of the child in the home of the person is recommended, or, if the child has been adjudged delinquent under s. 938.12, the date on which the child was adjudged delinquent, and the dates on which the child has been placed, or continued in a placement, outside his or her home pursuant to one or more court orders under s. 938.34, 938.357, 938.363, or 938.365 or, if the child has been so adjudged but not so placed, the date of the report under s. 938.33 (1).

**SECTION 79.** 48.977 (4) (c) 1. h. of the statutes is amended to read:

48.977 (4) (c) 1. h. The person representing the interests of the public under s. 48.09, or, if the child has been placed pursuant to an order under ch. 938, the person representing the interests of the public under s. 938.09.

**SECTION 80.** 48.977 (4) (i) of the statutes is amended to read:

48.977 (4) (i) *Effect of disposition on permanency review process.* After a disposition under par. (h), the child's permanency plan shall continue to be reviewed under ~~s.~~ ss. 48.38 (5) and 938.38 (5), if applicable.

**SECTION 81.** 938.355 (2) (b) 6. of the statutes is renumbered 938.355 (2) (b) 6. a. and amended to read:

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

b. If the juvenile has been adjudicated delinquent and is placed outside the

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home under s. 938.34 (3) (a), (c), (cm), or (d) or (4d), in addition to the finding under subd. 6. a., a finding that the juvenile's current residence will not safeguard the welfare of the juvenile or the community due to the serious nature of the act for which the juvenile was adjudicated delinquent.

c. The court order under subd. 6. a. or b. shall also contain a finding as to whether the county department or the agency primarily responsible for providing services under a court order has made reasonable efforts to prevent the removal of the juvenile from the home, while assuring that the juvenile's health and safety are the paramount concerns, unless the court finds that any of the circumstances under sub. (2d) (b) 1. to 4. applies, and, if a permanency plan has previously been prepared for the juvenile, a finding as to whether the county department or agency has made reasonable efforts to achieve the permanency goal of the juvenile's permanency plan, including, if appropriate, through an out-of-state placement.

d. The court shall make the findings specified in this subdivision on a case-by-case basis based on circumstances specific to the juvenile 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 82.** 938.38 (2) (f) of the statutes is amended to read:

938.38 (2) (f) The juvenile's care would be paid for under s. 49.19 but for s. 49.19 (20), except that this paragraph does not apply to a juvenile whose care is being paid for under s. 48.623 (~~1~~) (1r).

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**SECTION 83.** 938.38 (4) (j) (intro.) of the statutes is amended to read:

938.38 (4) (j) (intro.) If the juvenile is placed in the home of a relative or other person described in s. 48.623 (~~1~~) (1r) (b) 1. who will be receiving subsidized guardianship payments, a description of all of the following:

**SECTION 84.** 938.38 (4) (j) 3. of the statutes is amended to read:

938.38 (4) (j) 3. The reasons why a permanent placement with a fit and willing relative or other person described in s. 48.623 (~~1~~) (1r) (b) 1. through a subsidized guardianship arrangement is in the best interests of the juvenile. In the case of an Indian juvenile, the best interests of the Indian juvenile shall be determined in accordance with s. 938.01 (3).

**SECTION 85.** 938.38 (4) (j) 4. of the statutes is amended to read:

938.38 (4) (j) 4. The ways in which the juvenile and the relative or other person described in s. 48.623 (~~1~~) (1r) (b) 1. meet the eligibility requirements specified in s. 48.623 (~~1~~) (1r) for the receipt of subsidized guardianship payments.

**SECTION 86.** 938.38 (4) (j) 5. of the statutes is amended to read:

938.38 (4) (j) 5. The efforts the agency has made to discuss adoption of the juvenile by the relative or other person described in s. 48.623 (~~1~~) (1r) (b) 1. as a more permanent alternative to guardianship and, if that relative or other person has chosen not to pursue adoption, documentation of the reasons for not pursuing adoption.

**SECTION 87.** DCF 55.02 (5g) (b) 2. of the administrative code is repealed.

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

**BILL**

(1) EXPANDING ELIGIBILITY FOR SUBSIDIZED GUARDIANSHIPS AND KINSHIP CARE PAYMENTS. Notwithstanding s. 227.265, the repeal of s. DCF 55.02 (5g) (b) 2., Wis. Adm. Code, takes effect on the day after publication.

**(END)**