

**OUTAGAMIE COUNTY BOARD MEETING  
MARCH 27, 2018**

RESOLUTION NO. 174—2017-18

Supervisor Gabrielson moved, seconded by Supervisor Patience, for adoption.

RESOLUTION NO. 174—2017-18 IS ADOPTED.

RollCall-Pro Advanced Tuesday, March 27, 2018					
1. THOMPSON	YES	13. WEGAND	YES	25. NOOYEN	YES
2. MILLER	YES	14. DE GROOT	YES	26. DUNCAN	YES
3. GRADY	YES	15. VACANT	Absent	27. CULBERTSON	YES
4. PATIENCE	YES	16. VACANT	Absent	28. STURN	YES
5. GABRIELSON	YES	17. CROATT	YES	29. BUCHMAN	YES
6. FOSS	YES	18. SPEARS	YES	30. GRIESBACH	YES
7. HAMMEN	YES	19. STUECK	YES	31. CLEGG	YES
8. T. KRUEGER	Absent	20. THOMAS	YES	32. VANDERHEIDEN	YES
9. J. KRUEGER	YES	21. THYSSEN	YES	O'CONNOR-SCHEVERS	Absent
10. LAMERS	YES	22. HAGEN	YES	34. RETTLER	YES
11. MEYER	Absent	23. KLEMP	Absent	35. MELCHERT	YES
12. McDANIEL	YES	24. PLEUSS	YES	36. SUPRISE	YES
<div>Item 24</div> <div>Passed (30 Y - 0 N - 0 A - 6 Absent)</div> <div>Majority Vote &gt;</div>					

***RESOLUTION NO.: 174—2017-18***

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

***MAJORITY***

1       Legislation has been introduced to support families, to reduce their contact with the  
2       child welfare system, and to prevent the removal of children from their homes. The  
3       proposed legislation is a package of bills collectively referred to as “Foster Forward.”  
4

5       NOW THEREFORE, the undersigned members of the Health and Human Services Committee  
6       recommend adoption of the following resolution.

7       BE IT RESOLVED, that the Outagamie County Board of Supervisors does support proposed  
8       legislation relating to a parent’s right to counsel in a child in need of protection or services proceeding,  
9       providing an exemption from emergency rule procedures, and granting rule-making authority and  
10      making an appropriation, and

11      BE IT FURTHER RESOLVED, that the Outagamie County Board of Supervisors does support  
12      proposed legislation relating to the Court Appointed Special Advocates Grant Program, and making an  
13      appropriation, and

14      BE IT STILL FURTHER RESOLVED, that the Outagamie County Board of Supervisors does  
15      support proposed legislation relating to grants for organizations to provide referrals to community-based  
16      services, and making an appropriation, and

17      BE IT STILL FURTHER RESOLVED, that the Outagamie County Board of Supervisors does  
18      support proposed legislation relating to funding for child abuse and neglect prevention grants, and

19      BE IT STILL FURTHER RESOLVED, that the Outagamie County Board of Supervisors does  
20      support proposed legislation relating to creation of a committee to study and make recommendations on  
21      the caseloads of child welfare workers, and

22      BE IT STILL FURTHER RESOLVED, that the Outagamie County Board of Supervisors does  
23      support proposed legislation relating to foster home licensing, and

1 BE IT STILL FURTHER RESOLVED, that the Outagamie County Board of Supervisors does  
2 support proposed legislation relating to the showing of a substantial likelihood that a parent will not  
3 meet the conditions established for the safe return of the child to the home in a termination of parental  
4 rights proceeding, and

5 BE IT STILL FURTHER RESOLVED, that the Outagamie County Board of Supervisors does  
6 support proposed legislation relating to appellate procedure in proceedings related to termination of  
7 parental rights, and

8 BE IT STILL FURTHER RESOLVED, that the Outagamie County Board of Supervisors does  
9 support proposed legislation relating to notice to a school of a permanency review or hearing, notice to a  
10 school district of a foster home or group home license or out-of-home care placement, and transfer of  
11 pupil records, and

12 BE IT STILL FURTHER RESOLVED, that the Outagamie County Board of Supervisors does  
13 support proposed legislation relating to funding for grants to support foster parents and foster children  
14 and making an appropriation, and,

15 BE IT STILL FURTHER RESOLVED, that the Outagamie County Board of Supervisors does  
16 support proposed legislation relating to limited release of mental health information to out-of-home care  
17 providers and child welfare agencies, and,

18 BE IT STILL FURTHER RESOLVED, that the Outagamie County Board of Supervisors does  
19 support proposed legislation relating to defining dental care for the purpose of consenting for services  
20 for a child in out-of-home care, and,

21 BE IT STILL FURTHER RESOLVED, that the Outagamie County Board of Supervisors does  
22 support proposed legislation relating to University of Wisconsin and technical college tuition remissions  
23 for and grants to support foster care and other out-of-home placement students and making an  
24 appropriation, and

BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy of this resolution to the Outagamie County Health and Human Services Director, and the Outagamie County Lobbyist for distribution to the Governor, the Legislature, and all Wisconsin counties.

Dated this 27th day of March 2018

Respectfully Submitted,

HEALTH AND HUMAN SERVICES  
COMMITTEE

Dan Gabrielson  
Dan Gabrielson

Justin Krueger  
Justin Krueger

Cathy Thompson  
Cathy Thompson

Christine Lamers  
Christine Lamers

          
Vacant

Duly and officially adopted by the County Board on: March 27, 2018

Signed:

[Signature]  
Board Chairperson

[Signature]  
County Clerk

Approved:

3 29 18

Vetoed:         

Signed:

[Signature]  
County Executive



**Wisconsin State Assembly**  
P.O. BOX 8952 MADISON, WI 53708

TO: SPEAKER ROBIN VOS

FROM: Members of the Assembly Speaker's Task Force on Foster Care

RE: Interim Report of the Speaker's Task Force on Foster Care

DATE: November 28, 2017

This report contains the legislative recommendations of the Assembly Speaker's Task Force on Foster Care. The Task Force focused on the following key areas:

- Efforts to support families, to reduce contact with the child welfare system, and to prevent the removal of children from their homes.
- Improvements to the child welfare system, broadly, including support for child welfare agencies, caseworkers, and foster parents.
- Provision of services and resources to children who are placed in out-of-home care, both during placement and, for those children who age out of the system, after placement.

The report contains a brief description of hearings held by the Task Force throughout the state and explains the recommended legislation that was drafted in response to the testimony and discussion at those hearings. A list of Task Force members is attached as an Appendix to the report.

**TASK FORCE HEARINGS**

The Task Force held six public hearings throughout the state for the purpose of receiving testimony regarding and generating ideas to improve the child welfare system. The hearings were held on the following dates and in the following locations:

- **July 27, 2017, Madison.** The Task Force held a public hearing at the State Capitol at which it received testimony about the child welfare system, overall, only from invited speakers.
- **August 23, 2017, Wausau.** The Task Force held a public hearing at the Marathon County Public Library, at which it received testimony from the public and from invited speakers.

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- **September 20, 2017, Dodgeville.** The Task Force held a public hearing at the Iowa County Health and Human Services Community room, at which it received testimony from the public and from invited speakers.
- **September 28, 2017, La Crosse.** The Task Force held a tour of the La Crosse Family and Children's Center. The Task Force held a public hearing at the La Crosse County Administrative Center, at which it received testimony from the public and from invited speakers.
- **October 11, 2017, Milwaukee.** The Task Force held a hearing at Centennial Hall of the Milwaukee Public Library, at which it received testimony from the public and from invited speakers.
- **October 25, 2017, Green Bay.** The Task Force held a hearing at the Brown County Central Library, at which it received testimony from the public and from invited speakers.

#### RECOMMENDED LEGISLATION

Based on information and recommendations received at the public hearings, members of the Task Force propose to introduce the following package of bills, collectively referred to as "Foster Forward." The bill descriptions below are loosely organized according to the major policy goal that each bill draft is intended to address, although some of the bill drafts may be appropriately placed in more than one policy category.

##### Prevention Efforts

The following bill drafts are recommended to support families, to reduce their contact with the child welfare system, and to prevent the removal of children from their homes.

##### **LRB-4645/1: A Parent's Right to Counsel in a CHIPS Proceeding**

###### ***Background***

Under current law, a parent does not generally have a statutory right to be represented by counsel during a child in need of protection or services (CHIPS) proceeding. The law explicitly prohibits the court from appointing counsel for anyone other than the child, an Indian parent, or an Indian custodian in a CHIPS proceeding. Therefore, the court may not refer such a parent to the State Public Defender (SPD) for possible representation.

However, the statutory prohibition was ruled unconstitutional by the Wisconsin Supreme Court in *Joni B. v. State*, 202 Wis. 2d 1 (1996), on the grounds that the prohibition constitutes a violation of the separation of powers doctrine of the Wisconsin Constitution. Therefore, although state law does not authorize referral of a parent to the SPD, the juvenile court may appoint counsel at its discretion, in which case the parent's legal representation is provided at the county's expense.

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*The Bill Draft*

LRB-4645/1 removes the statutory prohibition against the appointment of counsel for parties other than the child, an Indian parent, or an Indian custodian in a CHIPS proceeding, aligning the statutes with current case law. The bill also establishes a three-year, five-county pilot program under which all nonpetitioning parents who appear in court in a CHIPS proceeding have a right to counsel, unless knowingly and voluntarily waived. If such parents are deemed indigent, counsel will be provided by SPD at state expense. The pilot program will begin operation in Brown, Outagamie, Racine, Kenosha, and Winnebago Counties no later than July 1, 2018, and will sunset on June 30, 2021. By January 1, 2021, SPD and the Department of Children and Families (DCF) must each submit a report to the Joint Committee on Finance and to each house of the Legislature regarding costs and data from implementing the program. The bill appropriates \$739,600 to the Public Defender Board for implementation of the program.

**LRB-4850/1: Funding for Court Appointed Special Advocates***Background*

Current law permits judicial districts to establish Court-Appointed Special Advocate (CASA) programs, via which trained and supervised volunteers, who meet certain qualifications, may be appointed to provide child welfare related services to the court. In any CHIPS proceeding, a court may appoint a CASA if the court determines that it would be in the best interests of a child. In general, a CASA maintains regular contact with a child and his or her family and periodically reports back to the court regarding several things, including the appropriateness and safety of the child's environment, the extent to which the child and the child's family are complying with any consent decrees, orders, or plans, and the extent to which an agency is providing the services required under any consent decree, order, or plan. Overall, a CASA is to promote the best interests of a child.

The Task Force heard testimony regarding the positive and cost effective impact that CASA programs have on children involved in the child welfare system. The testimony suggested that expanding the CASA programs throughout the state could improve outcomes for children and families, including by reducing the amount of time families spend engaged with the system.

*The Bill Draft*

Under current law, the Department of Justice must provide \$80,000 per fiscal year in grants to the CASA Association. The grant program sunsets on July 1, 2019. LRB-4850/1 increases the funding for CASA grants to \$250,000 per fiscal year and eliminates the sunset date. The bill draft also requires that the CASA Association annually submit a report to the Governor, to the Joint Committee on Finance, and to the appropriate standing committees of the Legislature describing the use of the funds.

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**LRB-4576/1: Statewide Network for Referrals to Community-Based Services*****Background***

2-1-1 Wisconsin is a statewide community services information and referral resource, overseen by the nonprofit organization 2-1-1 Wisconsin, Inc. By dialing 2-1-1 or visiting the organization's website, individuals can be quickly connected to local resources, including health services, crisis intervention services, and a variety of social services. 2-1-1 is available 24 hours a day. 2-1-1 Wisconsin has been receiving funding for several years from a federal Center for Disease Control (CDC) grant administered by the Wisconsin Public Health Emergency Preparedness Program at the Department of Health Services (DHS). However, the CDC grant has been declining, and, as a result, the amount of funding provided to 2-1-1 has been reduced over the past few years, so that, beginning in fiscal year 2017-18, the funding is no longer available.

The testimony suggested that providing families with the resources and services they need may reduce the number and severity of family contacts with child protective services and may reduce the number of children placed in out-of-home care.

***The Bill Draft***

LRB-4576/1 appropriates \$210,000 per fiscal year, on a continuing basis, to be distributed by DHS as a grant to a nonprofit organization for the purpose of operating a website and telephone-based system that, among other services, provides information on and referrals to community-based services. As a condition of receiving a grant, the nonprofit organization must allocate some of the funds to promoting and marketing the system to the public.

**LRB-4925/2: Child Abuse and Neglect Prevention Grants*****Background***

The Task Force heard testimony suggesting that counties, nonprofit organizations, and tribes could expand and improve the resources and services available to families if additional financial resources were made available to them. Specific requests were made for funding that could be used to encourage innovation in the provision of child abuse and neglect prevention services.

***The Bill Draft***

LRB-4925/2 directs DCF to administer a child abuse and neglect prevention services grant program. Specifically, DCF must award grants to counties, nonprofit organizations, and tribes for the purpose of encouraging innovative practices aimed at reducing the contact that families have with the child welfare system and preventing the removal of children from their homes. Grant recipients must provide matching funds equal to 9.89% of the grant amount awarded. DCF must evaluate the effectiveness of the grant program in achieving its stated goals and must, by June 30, 2021, and each odd-numbered year thereafter, submit a report on that evaluation to the appropriate standing committees of the Legislature. The bill draft appropriates

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\$500,000 in federal funding, under the Temporary Assistance for Needy Families (TANF) program, for the grant program each fiscal year.

#### **Improving the Child Welfare System**

The following bill drafts are recommended to generally improve the child welfare system.

#### **LRB-4767/1: Committee to Study Child Welfare Worker Caseloads**

##### ***Background***

The Task Force heard testimony from numerous individuals and organizations, including counties and licensed child welfare agencies, that the number of children placed in out-of-home care over the past few years has increased exponentially, primarily from increased parental drug use. Caseworkers are struggling to manage the demands of their increased caseloads, which leads to high rates of turnover and negative impacts on children and families. Counties and licensed child welfare agencies are, in turn, struggling to retain their current workforce and cannot afford to hire the additional staff needed to manage the increased caseload.

The testimony suggested that establishing a maximum caseload standard for caseworkers could improve the situation by relieving some of the burden from individual caseworkers so that they may provide higher quality service to children and families. However, it was also recognized that implementing any standard would require hiring additional staff, which, in turn, requires additional financial support from the state.

##### ***The Bill Draft***

LRB-4767/1 proposes to address this concern by establishing a committee, called the Wisconsin Task Force to Create Effective Child Welfare Caseloads, that would be responsible for studying the issue and making recommendations regarding: (1) the maximum number of cases that a caseworker may be reasonably expected to effectively manage; (2) the maximum ratio of supervisors to caseworkers at which a supervisor may be reasonably expected to provide effective guidance and direction; and (3) the amount of funding that would be necessary to implement those standards.

The committee must be comprised of a total of 16 representatives, including from the Wisconsin County Human Service Association, DCF, and the tribes. It must begin meeting no later than three months after the effective date of the bill and must submit a written report to the Governor, to the Joint Committee on Finance, and to the appropriate standing committees of the Legislature by April 1, 2019.

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**LRB-4468/1: Foster Home Licensing*****Background***

Under current law, counties and child welfare agencies that are, themselves, licensed by DCF, are authorized to license and supervise foster homes. DCF may also enter into contracts with child welfare agencies for the provision of services, including the provision of foster home licensing services. However, current law provides no provision for the transfer of a foster home's license to the supervision of any other agency in the event that the license of the child welfare agency, itself, is revoked or surrendered or if the contract under which the agency provides foster home licensing services is terminated. As a result, when a licensed child welfare agency's license is revoked or surrendered or its service contract is terminated, foster homes that had been licensed by the agency must repeat the licensing process with DCF, a county, or with another licensed child welfare agency.

Current law also provides that a county may generally license foster homes located only within the geographic boundaries of the county, except in limited circumstances. When a county is permitted to license a foster home located in another county, the license is child-specific and terminates when the children identified in the license are removed from the foster home. In order for a county to place additional children in that foster home, it must re-license the home. According to the testimony, the re-licensing requirement is unnecessarily burdensome, and modifying the law to allow the license to remain in effect for additional placements could improve foster home retention.

***The Bill Draft***

Under LRB-4468/1, if DCF revokes or suspends, or if a child welfare agency surrenders, its license or if DCF terminates a contract under which a child welfare agency provides foster home licensing services, DCF may transfer each foster home license issued by that child welfare agency to a county, to DCF, or to another licensed child welfare agency that consents to the transfer. The transferred license will remain valid until it expires or 180 days after the date of transfer, whichever is later.

If DCF notifies a child welfare agency of its intent to revoke or suspend a license or terminate a contract, or if the child welfare agency notifies DCF of its intent to surrender a license or terminate a contract, then, under the bill, DCF may obtain and transfer certain records and may prohibit the child welfare agency from accepting new placements or issuing new foster care licenses. The bill also changes the standard for when a foster home license may be revoked, allowing revocation if a licensee has violated any provision of the Children's Code or DCF rules rather than only if the licensee substantially and intentionally violated the Children's Code or DCF rules.

LRB-4468/1 also provides that when a county licenses a foster home in another county, as permitted under current law, that license is not child-specific unless the foster home is that of a relative or guardian of the child to be placed in the home or the county issuing the license has a population of at least 750,000 and the placement is for adoption. Because the license is not

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child-specific, it does not terminate when the child is removed from the home; rather, the license would terminate at the end of the licensing period or up to six months after the child returns home or is placed elsewhere, whichever occurs first. However, such a license is only valid if there is a written agreement between the two counties.

**LRB-4466/1: Involuntary Termination of Parental Rights Based on Continuing Need of Protection or Services**

***Background***

Under current law, in order to terminate a person's parental rights (TPR), a court or jury must find that one or more statutory grounds exist. One of the grounds under which an involuntary TPR may be filed is if a child is in continuing need of protection or services. This ground may be established by proving several elements, including that there is a substantial likelihood that the parent will not meet the conditions established for the safe return of the child to the home within the next nine months after the TPR fact-finding hearing.

The Task Force heard testimony that proving this element is extremely difficult due to constantly changing life-circumstances, which creates significant delays in providing children with permanency. This results in children remaining in out-of-home care for extended periods of time, which is inconsistent with the timely permanence goals of federal law.

***The Bill Draft***

LRB-4466/1 deletes the requirement of showing that the parent is substantially likely to fail for the next nine months to meet the conditions for the safe return of the child to the home. However, if the child has been placed in out-of-home care for less than 15 of the last 22 months, the petitioner must show that there is a substantial likelihood that the parent will not meet the conditions at the time the child reaches the 15th of the last 22 months of placement outside the home.

**LRB-4564/1: Appellate Procedure for TPR**

***Background***

The Task Force heard testimony suggesting that, when deemed the necessary next step in the child's best interest, the TPR process is overly burdensome and unnecessarily protracted, which creates uncertainty for the child and delays permanency. One suggestion for reducing the time it takes to make a TPR final was to modify certain appellate procedures relating specifically to TPRs.

Under current law, in order to initiate an appeal of a TPR, a person must file a notice of intent to pursue postdisposition relief. In practice, counsel of a parent will often file such a notice of intent on behalf of the parent, whether or not the parent actually requests that the notice be filed, to preserve his or her client's appellate rights. However, in situations where the parent

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cannot be found or never intended to seek appellate relief, filing the notice unnecessarily delays finalization of the termination.

Current law also provides an opportunity for postjudgment fact-finding as part of an appeal of a TPR order. The person appealing the termination must file a motion with the court of appeals raising the issue and requesting that the court of appeals retain jurisdiction over the appeal and remand the case to the circuit court to hear and decide the issue of additional fact-finding. The testimony suggested that courts of appeals, in practice, tend to remand cases without first determining whether additional fact-finding is necessary, creating more work for the circuit courts and, in cases where additional fact-finding is not necessary, unnecessarily delaying finalization of the termination.

#### ***The Bill Draft***

LRB-4564/1 requires that a notice of intent to pursue postdisposition relief include the signature of the person on whose behalf the notice is filed. A parent's counsel may not file the notice without the parent's signature; therefore, appeals that were not likely to proceed due to client absence or lack of interest will not be initiated.

The bill draft also requires that, when a motion for remand to the circuit court for postjudgment fact-finding is filed, it must include an affidavit in support of the motion that specifically states why additional fact-finding is necessary. This may reduce the number of cases that are automatically remanded to circuit court even though additional fact-finding is not necessary.

#### **LRB-4582/1: Notice to Schools and School Districts and Transfer of Pupil Records**

##### ***Background***

The Task Force heard testimony regarding the important role that school's play in a child's life, including as a resource for normalcy. Both at the federal and state levels over the past few years, the law has increasingly required collaboration between child welfare services and schools. The testimony suggested that additional modifications could be made to state law so as to improve communication between child welfare services so as to promote normalcy and consistency for children placed in out-of-home care.

##### ***The Bill Draft***

LRB-4582/1 makes three changes to the law regarding schools and foster youth. First, under current law, when a child is removed from the home, a permanency plan is created for the child. A court periodically reviews and holds hearings on the plan. When a plan is up for review or hearing, certain entities and individuals are notified and offered the opportunity to submit written comments. The bill draft adds a child's school to the list of entities that must be notified of a permanency plan review or hearing and given an opportunity to submit written comments regarding the plan.

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Second, current law requires that the clerk of a school district be notified when a foster home or group home is licensed within the district and when a child is placed in out-of-home care within the school district. Based on testimony that not every school district actually has a clerk, LRB-4582/1 requires that notice of foster home or group licensing be submitted to the school district without specifying to whom within the district the notice must be directed. The bill draft also requires that notice of placement of a child in out-of-home care within a school district be given to the school district and the school in which the child is enrolled. If the child will remain enrolled in his or her school and school district of origin, then notice that the child has been placed in out-of-home care must be given to the school and school district of origin.

Third, current law generally requires that a school district or private school in which a child was previously enrolled transfer all pupil records to another school upon receiving written notice that the child intends to enroll or has enrolled in that school. Transfer must occur within five working days. LRB-4582/1 requires that the records be transferred no later than the next working day after receiving such notice.

#### **Support for Foster Care Providers**

The following bill drafts are recommended to provide additional resources to foster care providers and to reduce the barriers they face in providing care to the youth placed under their supervision.

##### **LRB-4929/2: Grant for Foster Parent Education and Support**

###### ***Background***

The Task Force heard testimony highlighting a significant statewide need for more licensed foster homes. Invited speakers and members of the public expressed concern about the shortage of licensed foster homes and explained the difficulties faced by agencies charged with recruiting and retaining licensed foster homes. The Task Force heard several recommendations for creating statewide awareness about the need for additional foster homes and for incentivizing families to become and to remain licensed foster families.

###### ***The Bill Draft***

LRB-4929/2 directs DCF to administer a grant program that generally supports foster parents and children. Specifically, DCF must award grants to counties, nonprofit organizations, and tribes for the purpose of supporting foster parents and providing normalcy for children placed in out-of-home care. The grants may be used for a broad range of activities and expenses that serve those purposes, including for incentives to retain foster parents, enhancing foster parent education, and reimbursing foster parents for foster care-related expenses. DCF must evaluate the effectiveness of the grant program and must, by June 30, 2021, submit a report on that evaluation to the appropriate standing committees of the Legislature. The bill draft appropriates \$400,000 for the grant program in fiscal year 2018-19.

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**LRB-4766/1: Limited Release of Mental Health Information to Out-of-Home Care Providers and Child Welfare Agencies**

***Background***

Under current law, mental health treatment records are confidential and, except in limited circumstances explicitly described in the law, may be released only with the informed written consent of the subject of the record. The Task Force heard testimony that this confidentiality requirement prevents mental health treatment providers from communicating with a foster parent about a foster child who is receiving treatment, which may create problems to the extent that certain aspects of a child's treatment may be impacted by interactions in or care given in the home.

***The Bill Draft***

LRB-4766/1 permits a health care provider to disclose a portion, but not a copy, of a child's mental health treatment records to an out-of-home care provider or to a child welfare agency without informed written consent if the health care provider reasonably believes it is necessary for the proper care of the child, including for the diagnosis, treatment plan, or medication management plan.

**LRB-4764/1: Defining Routine Dental Care**

***Background***

Under current law, when a child is removed from the home, legal custody of the child is transferred to a "legal custodian" who is a person or agency, other than a parent or guardian. Subject to the rights, duties, and responsibilities of a guardian, to any residual parental rights and responsibilities, and to any court order, a legal custodian has the right and duty to provide certain things to the child, including ordinary medical and dental care. In practice, this means that the legal custodian can consent to certain medical and dental care without obtaining parental consent. However, the Task Force heard testimony that, because "dental care" is not defined, the types of dental services provided in each county without parental consent varies significantly, resulting in some children only receiving certain care after the need first sends them to the emergency room.

***The Bill Draft***

LRB-4764/1 defines "dental care" for the purpose of providing ordinary medical and dental care so as to standardize the basic level of dental care which may be provided without parental consent to children placed in out-of-home care. Under the bill draft, "dental care" means routine dental care, including diagnostic and preventive services, and treatment including restoring teeth, tooth extractions, and use of nitrous oxide.

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**Support for Foster Care Youth**

The following bill draft is recommended to provide foster care youth with additional resources to pursue post-secondary education.

**LRB-4562/1: University of Wisconsin and Technical College Tuition Remission*****Background***

Under current law, there are financial resources available to former foster youth, in the form of scholarships and grants, to help defray the cost of higher education. However, the Task Force heard testimony suggesting that such financial resources, and other available services, are not well known to former foster youth, nor are they sufficient to make seeking higher education a realistic financial possibility for many former foster youth. The Task Force was also informed that certain institutions, including the University of Wisconsin-Stout, made use of past grants from DCF to establish on-campus programs in support of former foster youth.

***The Bill Draft***

LRB-4562/1 directs the University of Wisconsin System (UW System) and the Wisconsin Technical College System (WTCS) to grant tuition remission to eligible former foster youth who satisfy certain conditions. A former foster youth is initially eligible for tuition remission if the youth resided in out-of-home care in one of the following circumstances:

- On his or her 18<sup>th</sup> birthday.
- On his or her 13<sup>th</sup> birthday, after which the youth was adopted or appointed a non-agency guardian.
- For at least one year on or after his or her 13<sup>th</sup> birthday, after which the youth returned home to live with his or her parent.

A former foster youth who satisfies one of the conditions above may be granted full tuition remission for each semester or session that the youth completes the Free Application for Federal Student Aid (FAFSA) and is enrolled in an associate's degree, bachelor's degree, or technical diploma program, up to a maximum of 12 semesters or sessions. The remission amount will be reduced by the amount of any federal assistance awarded to the youth. Remission may not be granted after the youth is awarded a bachelor's degree by the UW System, a diploma or degree from WTCS, or after the youth turns 25 years old, whichever occurs first. The UW System and WTCS may apply to the Higher Educational Aids Board for reimbursement of the remissions paid, up to a combined maximum of \$410,000 per fiscal year.

LRB-4562/1 also directs DCF to administer a grant program to support former foster youth in higher education. Specifically, DCF must award at least four grants to the UW System institutions or the WTCS technical colleges for the purpose of providing resources, programs, and activities for former foster youth enrolled in those institutions. The bill draft appropriates \$120,000 for such grants for every two years. No individual grant may exceed \$30,000.



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-4645/1  
EAW:ahe

## 2017 ASSEMBLY BILL 784

December 27, 2017 - Introduced by Representatives BALLWEG, SUBECK, SNYDER, DOYLE, KATZMA, BILLINGS, NOVAK, MEYERS, PRONCHINSKE, CROWLEY, RODRIGUEZ, KITCHENS, ANDERSON, BARCA, BERCEAU, BORN, E. BROOKS, CONSIDINE, FIELDS, FELZKOWSKI, GENRICH, KERKMAN, KOLSTE, KRUG, KULP, MURSAU, OHNSTAD, PETERSEN, PETRYK, RIPP, ROHRKASTE, SARGENT, SCHRAA, SINICKI, SPIROS, SPREITZER, STEINEKE, SWEARINGEN, C. TAYLOR, TAUCHEN, THIESFELDT, TRANEL, VANDERMEER, VRUWINK and EDMING, cosponsored by Senators FEYEN, JOHNSON, BEWLEY, LARSON, OLSEN, RINGHAND, L. TAYLOR, VINEHOUT, WANGGAARD and WIRCH. Referred to Committee on Judiciary.

- 1     **AN ACT** *to renumber and amend* 48.23 (4); *to amend* 48.20 (8) (a), 48.21 (3) (d),  
2             48.213 (2) (d) and 48.23 (3); and *to create* 48.23 (2) (d) of the statutes; **relating**  
3     **to:** a parent's right to counsel in a child in need of protection or services  
4     proceeding, providing an exemption from emergency rule procedures, granting  
5     rule-making authority, and making an appropriation.

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### *Analysis by the Legislative Reference Bureau*

This bill removes the prohibition on assigning counsel to a parent in a child in need of protection or services (CHIPS) proceeding, and creates a five-county pilot program that creates a right to counsel for such a parent.

Under current law, a parent is entitled to legal representation in a proceeding under the Children's Code involving a contested adoption or an involuntary termination of parental rights. In all other cases under the Children's Code, the juvenile court may appoint counsel to any party to the proceeding except that the juvenile court is prohibited from appointing counsel in a CHIPS proceeding for any party other than a child, an Indian parent, or an Indian custodian. This prohibition was ruled unconstitutional by the Wisconsin Supreme Court in *Joni B. v. State*, 202 Wis. 2d 1 (1996), on the grounds that the prohibition constitutes a violation of the separation of powers doctrine of the Wisconsin Constitution.

This bill eliminates the statutory prohibition placed on a juvenile court regarding appointment of counsel for parents other than Indian parents or Indian custodians and creates a five-county pilot program that grants a nonpetitioning

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EAW:ahc**ASSEMBLY BILL 784**

parent in a CHIPS proceeding in which the child has been taken into custody a right to counsel, including referral to the state public defender if appropriate.

Under the bill, the pilot program creating a right to counsel for a parent in a CHIPS proceeding in a participating county sunsets on June 30, 2021. Also, the SPD and the Department of Children and Families must each submit a report by January 1, 2021, to the Joint Committee on Finance and each house of the legislature regarding the costs of and data from implementing the pilot program created under the bill.

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:***

1           **SECTION 1.** 48.20 (8) (a) of the statutes is amended to read:

2           48.20 (8) (a) If a child is held in custody, the intake worker shall notify the  
3       child's parent, guardian, legal custodian, and Indian custodian of the reasons for  
4       holding the child in custody and of the child's whereabouts unless there is reason to  
5       believe that notice would present imminent danger to the child. The parent,  
6       guardian, legal custodian, and Indian custodian shall also be notified of the time and  
7       place of the detention hearing required under s. 48.21, the nature and possible  
8       consequences of that hearing, the right to counsel under s. 48.23, the right to present  
9       and cross-examine witnesses at the hearing, and, in the case of a parent or Indian  
10      custodian of an Indian child who is the subject of an Indian child custody proceeding,  
11      as defined in s. 48.028 (2) (d) 2., the right to counsel under s. 48.028 (4) (b). If the  
12      parent, guardian, legal custodian, or Indian custodian is not immediately available,  
13      the intake worker or another person designated by the court shall provide notice as  
14      soon as possible. When the child is 12 years of age or older, the child shall receive  
15      the same notice about the detention hearing as the parent, guardian, legal custodian,  
16      or Indian custodian. The intake worker shall notify both the child and the child's  
17      parent, guardian, legal custodian, or Indian custodian.

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EAW:ahc

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SECTION 2

1           **SECTION 2.** 48.21 (3) (d) of the statutes is amended to read:

2           48.21 (3) (d) Prior to the commencement of the hearing, the court shall inform  
3           the parent, guardian, legal custodian, or Indian custodian of the allegations that  
4           have been made or may be made, the nature and possible consequences of this  
5           hearing as compared to possible future hearings, the right to counsel under s. 48.23,  
6           the right to present, confront, and cross-examine witnesses, and, in the case of a  
7           parent or Indian custodian of an Indian child who is the subject of an Indian child  
8           custody proceeding under s. 48.028 (2) (d) 2., the right to counsel under s. 48.028 (4)  
9           (b).

10          **SECTION 3.** 48.213 (2) (d) of the statutes is amended to read:

11          48.213 (2) (d) Prior to the commencement of the hearing, the court shall inform  
12          the adult expectant mother and the unborn child's guardian ad litem ~~shall be~~  
13          ~~informed by the court~~ of the allegations that have been made or may be made, the  
14          nature and possible consequences of this hearing as compared to possible future  
15          hearings, the right to counsel under s. 48.23, and the right to present, confront, and  
16          cross-examine witnesses, ~~and the right to present witnesses.~~

17          **SECTION 4.** 48.23 (2) (d) of the statutes is created to read:

18          48.23 (2) (d) 1. If a proceeding in a county participating in the pilot program  
19          under subd. 2. involves a child alleged to be in need of protection or services under  
20          s. 48.13 any nonpetitioning parent who appears before the court shall be represented  
21          by counsel throughout the proceeding. The right to be represented by counsel under  
22          this paragraph begins anytime after the filing of a petition under s. 48.255. Once  
23          begun, the right to be represented by counsel continues throughout all stages of the  
24          proceedings. A parent may waive counsel if the court is satisfied that the waiver is  
25          knowingly and voluntarily made.

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EAW:ahe

**ASSEMBLY BILL 784****SECTION 4**

1           2. No later than July 1, 2018, the state public defender shall establish a pilot  
2       program in Brown, Outagamie, Racine, Kenosha, and Winnebago counties to provide  
3       counsel to parents under subd. 1.

4           3. This paragraph does not apply to a proceeding commenced under s. 48.13 or  
5       48.21 after June 30, 2021.

6           4. The state public defender may promulgate rules necessary to implement the  
7       pilot program established under subd. 2. The state public defender may promulgate  
8       the rules under this subdivision as emergency rules under s. 227.24.  
9       Notwithstanding s. 227.24 (1) (a), and (3), the state public defender is not required  
10      to provide evidence that promulgating a rule under this subdivision as an emergency  
11      rule is necessary for the preservation of the public peace, health, safety, or welfare,  
12      and is not required to provide a finding of emergency for a rule promulgated under  
13      this subdivision. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules  
14      promulgated under this subdivision remain in effect until June 30, 2021.

15          5. By January 1, 2021, the department and the state public defender shall each  
16      submit a report to the joint committee on finance, and to the chief clerk of each house  
17      of the legislature for distribution to the appropriate standing committees under s.  
18      13.172 (3), regarding costs and data from implementing the pilot program under  
19      subd. 2.

20          **SECTION 5.** 48.23 (3) of the statutes is amended to read:

21          48.23 (3) POWER OF THE COURT TO APPOINT COUNSEL. ~~Except in proceedings under~~  
22      ~~s. 48.13, at~~ At any time, upon request or on its own motion, the court may appoint  
23      counsel for the child or any party, unless the child or the party has or wishes to retain  
24      counsel of his or her own choosing. ~~Except as provided in sub. (2g), the court may not~~  
25      ~~appoint counsel for any party other than the child in a proceeding under s. 48.13.~~

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EAW:ahc

**ASSEMBLY BILL 784****SECTION 6**

1           SECTION 6. 48.23 (4) of the statutes is renumbered 48.23 (4) (a) and amended  
2   to read:

3           48.23 (4) (a) If In any situation under sub. (2) (a), if a child or a parent under  
4   18 years of age has a right to be represented by counsel or is provided counsel at the  
5   discretion of the court under this section and counsel is not knowingly and  
6   voluntarily waived, the court shall refer the child or parent under 18 years of age to  
7   the state public defender and counsel shall be appointed by the state public defender  
8   under s. 977.08 without a determination of indigency. If the referral is of a child who  
9   has filed a petition under s. 48.375 (7), the state public defender shall appoint counsel  
10   within 24 hours after that referral. Any counsel appointed in a petition filed under  
11   s. 48.375 (7) shall continue to represent the child in any appeal brought under s.  
12   809.105 unless the child requests substitution of counsel or extenuating  
13   circumstances make it impossible for counsel to continue to represent the child.

14          (b) In any situation under sub. (2) (a) or (d), (2g), or (2m) in which a parent 18  
15   years of age or over or an adult expectant mother is entitled to representation by  
16   counsel; counsel is not knowingly and voluntarily waived; and it appears that the  
17   parent or adult expectant mother is unable to afford counsel in full, or the parent or  
18   adult expectant mother so indicates; the court shall refer the parent or adult  
19   expectant mother to the authority for indigency determinations specified under s.  
20   977.07 (1).

21          (c) In any other situation under this section in which a person has a right to be  
22   represented by counsel or is provided counsel at the discretion of the court,  
23   competent and independent counsel shall be provided and reimbursed in any  
24   manner suitable to the court regardless of the person's ability to pay, except that the

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EAW:ahe

**ASSEMBLY BILL 784**

**SECTION 6**

1 court may not order a person who files a petition under s. 813.122 or 813.125 to  
2 reimburse counsel for the child who is named as the respondent in that petition.

3 **SECTION 7. Fiscal changes.**

4 (1) PROGRAM OPERATION. In the schedule under section 20.005 (3) of the statutes  
5 for the appropriation to the public defender board under section 20.550 (1) (a) of the  
6 statutes, the dollar amount for fiscal year 2018-19 is increased by \$739,600 for  
7 implementation of the pilot program under section 48.23 (2) (d) 2. of the statutes.

8 **SECTION 8. Initial applicability.**

9 (1) REPRESENTATION IN PROCEEDINGS INVOLVING CHILDREN IN NEED OF PROTECTION  
10 OR SERVICES. The treatment of sections 48.20 (8) (a), 48.21 (3) (d), 48.213 (2) (d), and  
11 48.23 (3) of the statutes, the renumbering and amendment of section 48.23 (4) of the  
12 statutes, and the creation of section 48.23 (2) (d) of the statutes first apply to  
13 proceedings commenced under section 48.13 or 48.21 of the statutes on the effective  
14 date of this subsection.

15 (END)



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-4850/1  
EAW:kjf

## 2017 ASSEMBLY BILL 786

December 27, 2017 - Introduced by Representatives KATSMAN, MEYERS, RODRIGUEZ, CROWLEY, NOVAK, SUBECK, PRONCHINSKE, DOYLE, KITCHENS, BILLINGS, BALLWEG, SNYDER, ANDERSON, BERCEAU, BORN, E. BROOKS, CONSIDINE, FIELDS, GENRICH, JACQUE, JAGLER, KOLSTE, KRUG, KULP, LOUDENBECK, MURSAU, PETERSEN, PETRYK, QUINN, RIPP, ROHRKASTE, SARGENT, SHANKLAND, SINICKI, SPREITZER, STEINEKE, SUMMERFIELD, SWEARINGEN, THIESFELDT, TITTL, TRANEL, VANDERMEER, VRUWINK and ALLEN, cosponsored by Senators OLSEN, JOHNSON, CARPENTER, LARSON, RINGHAND, L. TAYLOR and VINEHOUT. Referred to Committee on Family Law.

- 1    **AN ACT** *to renumber and amend* 165.967; *to create* 165.967 (2) of the statutes;  
2           and *to affect* 2015 Wisconsin Act 55, section 763qb, 2015 Wisconsin Act 55,  
3           section 9426 (1q) and 2017 Wisconsin Act 59, sections 2265p and 9428 (1r) (b);  
4           **relating to:** the Court Appointed Special Advocates grant program and  
5           making an appropriation.

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### *Analysis by the Legislative Reference Bureau*

Under current law, the Department of Justice must provide \$80,000 in grants each fiscal year to the Court Appointed Special Advocate Association. This bill increases the funding for these grants to \$250,000 per fiscal year. Under current law, the grant program sunsets on July 1, 2019. This bill eliminates the sunset date. This bill also creates a new requirement for the Court Appointed Special Advocate Association to submit an annual report describing the use of the funds to the governor, the Joint Committee on Finance, and the appropriate standing committees of the legislature.

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:*

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LRB-4850/1

EAW:kjf

**ASSEMBLY BILL 786**

**SECTION 1**

1           **SECTION 1.** 165.967 of the statutes is renumbered 165.967 (1) and amended to  
2 read:

3           165.967 (1) From the appropriation under s. 20.455 (5) (es), the department of  
4 justice shall in each fiscal year provide ~~\$80,000~~ \$250,000 to the Wisconsin Court  
5 Appointed Special Advocate Association.

6           **SECTION 2.** 165.967 (2) of the statutes is created to read:

7           165.967 (2) Annually, the Wisconsin Court Appointed Special Advocate  
8 Association shall submit to the governor, the joint committee on finance, and the  
9 appropriate standing committees of the legislature under s. 13.172 (3) a report  
10 describing the use of the funds received under sub. (1).

11           **SECTION 3.** 2015 Wisconsin Act 55, section 763qb is repealed.

12           **SECTION 4.** 2015 Wisconsin Act 55, section 9426 (1q), as last affected by 2017  
13 Wisconsin Act 59, section 2265p, is repealed.

14           **SECTION 5.** 2017 Wisconsin Act 59, sections 2265p and 9428 (1r) (b) are  
15 repealed.

16           **SECTION 6. Fiscal changes.**

17           (1) COURT APPOINTED SPECIAL ADVOCATES. In the schedule under section 20.005  
18 (3) of the statutes for the appropriation to the department of justice under section  
19 20.455 (5) (es) of the statutes, the dollar amount for fiscal year 2017-18 is increased  
20 by \$250,000 for the purposes of the Court Appointed Special Advocates grant  
21 program under section 165.967 of the statutes. In the schedule under section 20.005  
22 (3) of the statutes for the appropriation to the department of justice under section  
23 20.455 (5) (es) of the statutes, the dollar amount for fiscal year 2018-19 is increased

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EAW:kjf

**ASSEMBLY BILL 786**

**SECTION 6**

- 1 by \$250,000 for the purposes of the Court Appointed Special Advocates grant
- 2 program under section 165.967 of the statutes.
- 3 (END)



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-4576/1  
TJD:jld&emw

**2017 ASSEMBLY BILL 779**

December 27, 2017 - Introduced by Representatives CROWLEY, RODRIGUEZ, BILLINGS, KATSMAN, SUBECK, KITCHENS, DOYLE, BALLWEG, MEYERS, NOVAK, SNYDER, PRONCHINSKE, BARCA, JAGLER, KRUG, KULP, PETRYK, RIPP, ROHRKASTE, SARGENT, SHANKLAND, SINICKI, STEINEKE, SUMMERFIELD, SWEARINGEN, THIESFELDT, TITTL, TRANEL, VANDERMEER, VRUWINK, ZAMARRIPA and STUCK, cosponsored by Senators OLSEN, JOHNSON, LARSON, RINGHAND, L. TAYLOR and VINEHOUT. Referred to Committee on Children and Families.

- 1     **AN ACT** *to create* 20.435 (1) (fe) and 46.94 of the statutes; **relating to:** grant to  
2             organization to provide referrals to community-based services and making an  
3             appropriation.

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***Analysis by the Legislative Reference Bureau***

This bill requires the Department of Health Services to award grants to a nonprofit organization for operation of a statewide Internet site and telephone-based system to provide information on and referrals to community-based services among other services. As a condition of receiving a grant, the organization must allocate moneys for promoting and marketing the system to make the public aware of its existence and purposes.

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:***

- 4             **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
5             the following amounts for the purposes indicated:

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LRB-4576/1  
TJD:jld&emw  
**SECTION 1**

**ASSEMBLY BILL 779**

2017-18	2018-19
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2       (1)     PUBLIC HEALTH SERVICES PLANNING, REGULATION.  
3             AND DELIVERY

4	(fe)	Referral system for community-				
5		based services	GPR	A	210,000	210,000

20.435 (1) (fe) *Referral system for community-based services.* The amounts in the schedule for grants to a nonprofit organization for a referral system for community-based services under s. 46.94.

11                   **46.94 Referral system for community-based services.** From the  
12           appropriation under s. 20.435 (1) (fe), the department shall provide grants to a  
13           nonprofit organization to operate a statewide Internet site and telephone-based  
14           system to provide information on and referrals to community-based services,  
15           advocacy in accessing services, connection to crisis intervention, and follow-up  
16           contact. As a condition of receiving a grant under this section, the nonprofit  
17           organization shall agree to allocate moneys for promoting and marketing the system  
18           to make the public aware of its existence and purposes.

19 (END)



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-4925/2  
EHS:kjm&wlj

## 2017 ASSEMBLY BILL 785

December 27, 2017 - Introduced by Representatives SNYDER, DOYLE, KATZMA, BILLINGS, KITCHENS, CROWLEY, RODRIGUEZ, MEYERS, PRONCHINSKE, SUBECK, NOVAK, BALLWEG, ANDERSON, BARCA, BERCEAU, E. BROOKS, GENRICH, JACQUE, JAGLER, KRUG, KULP, MURSAU, PETERSEN, PETRYK, QUINN, RIPP, ROHRKASTE, SARGENT, SCHRAA, SHANKLAND, SINICKI, SPIROS, SPREITZER, STEINEKE, SUMMERFIELD, C. TAYLOR, TITTL, TRANEL, VANDERMEER and VRUWINK, cosponsored by Senators PETROWSKI, JOHNSON, BEWLEY, LARSON, OLSEN, L. TAYLOR and VINEHOUT. Referred to Committee on Children and Families.

- 1     **AN ACT to create** 49.175 (1) (uk) of the statutes; **relating to:** funding for child  
2             abuse and neglect prevention grants.

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*Analysis by the Legislative Reference Bureau*

Under current law, the Department of Children and Families is directed to allocate in each fiscal year specific amounts of money, including federal moneys received under the Temporary Assistance for Needy Families (TANF) block grant program, for various public assistance programs. This bill directs \$500,000 of TANF funding in each fiscal year to be used for grants to counties, nonprofit organizations, or tribes to fund child abuse and neglect prevention services. The bill requires DCF to award the grants with the purpose of encouraging innovative practices aimed at reducing the contact that families may have with the child welfare system and preventing the removal of children from their homes. The bill requires a grant recipient to provide matching funds equal to 9.89 percent of the grant amount awarded. The bill requires DCF to evaluate the grant program and, starting June 30, 2021, and in each odd-numbered year thereafter, report on the evaluation to the appropriate standing committees of the legislature.

For further information see the *state and local* 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:*

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LRB-4925/2

EHS:klm&wlj

## ASSEMBLY BILL 785

## SECTION 1

1           **SECTION 1.** 49.175 (1) (uk) of the statutes is created to read:

2           49.175 (1) (uk) *Grants for prevention services.* For grants to counties, nonprofit

3 organizations, or tribes to fund child abuse and neglect prevention services, \$500,000

4 in each fiscal year. The department shall award the grants with the purpose of

5 encouraging innovative practices aimed at reducing the contact that families have

6 with the child welfare system and preventing the removal of children from their

7 homes. A grant recipient shall provide matching funds equal to 9.89 percent of the

8 grant amount awarded. The department shall conduct an evaluation of the

9 effectiveness of the grant program in achieving its stated goals and, by June 30, 2021,

10 and each odd-numbered year thereafter, shall submit a report on that evaluation to

11 the appropriate standing committees under s. 13.172 (3).

(END)



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-4767/1  
EHS:jld

## 2017 ASSEMBLY BILL 783

December 27, 2017 - Introduced by Representatives MEYERS, NEYLON, SUBECK, KATSMAN, BILLINGS, KITCHENS, CROWLEY, BALLWEG, DOYLE, RODRIGUEZ, SNYDER, NOVAK, PRONSHINSKE, ANDERSON, BERCEAU, E. BROOKS, BROSTOFF, FELZKOWSKI, FIELDS, JAGLER, KRUG, KULP, OHNSTAD, PETERSEN, PETRYK, RIPP, ROHRKASTE, SARGENT, SCHRAA, SHANKLAND, SINICKI, SPREITZER, STEINEKE, SWEARINGEN, TAUCHEN, THIESFELDT, TITTL, TRANEL, VANDERMEER, VRUWINK, ZAMARRIPA and ZEPNICK, cosponsored by Senators TESTIN, JOHNSON, LARSON, L. TAYLOR and VINEHOUT. Referred to Committee on Children and Families.

- 1     **AN ACT relating to:** a committee to study and make recommendations on the  
2             caseloads of child welfare workers.

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### *Analysis by the Legislative Reference Bureau*

This bill requires the Department of Children and Families to create a committee, named the "Wisconsin Task Force to Create Effective Child Welfare Caseloads," to study and report on recommended caseload standards for child welfare workers. Under the bill, the committee must consist of 16 members, including ten representatives of the Wisconsin County Human Service Association, five representatives of DCF, and one representative of a federally recognized Indian tribe in this state appointed by the DCF secretary.

The bill requires the committee to submit a written report to the governor, the Joint Committee on Finance, and the appropriate standing committees of the legislature no later than April 1, 2019. The report must include recommended standards for the maximum average caseload sizes for child welfare workers who perform access, initial assessment, ongoing services, or foster parent support functions, over which it is not reasonable to expect a worker to be effective at conducting certain model practices while at the same time meeting the federal and state mandates that govern his or her work, and the maximum ratio of supervisors to frontline workers over which it is not reasonable to expect a supervisor to provide effective guidance and direction.

The bill requires the committee to develop its recommendations based on a review of existing caseload standards in other states and local jurisdictions and pertinent research on the subject and with a consideration towards retaining quality

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EHS:jld**ASSEMBLY BILL 783**

staff, mitigating secondary trauma, and ensuring county child welfare systems are able to fulfill their purpose of keeping children safe, achieving timely permanency outcomes, and providing for the well-being of children and families. The bill requires the committee's report to include an outline of how the recommended standards could be implemented, including the funding needed for implementation.

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:*

1           **SECTION 1. Nonstatutory provisions.**

2           (1) WISCONSIN TASK FORCE TO CREATE EFFECTIVE CHILD WELFARE CASELOADS.

3           (a) The department of children and families shall create a committee named  
4 the "Wisconsin Task Force to Create Effective Child Welfare Caseloads" to study and  
5 report on recommended caseload standards for child welfare workers in this state.

6           (b) The committee under paragraph (a) shall consist of 16 members, including  
7 all of the following:

8           1. Ten representatives of the Wisconsin County Human Service Association,  
9 including at least one from each of the 2 department of children and families regions.

10          2. Five representatives of the department of children and families, including  
11 2 from the division of Milwaukee child protective services.

12          3. One representative of a federally recognized Indian tribe in this state,  
13 appointed by the secretary of children and families.

14          (c) Two members of the committee under paragraph (a) shall preside as  
15 cochairpersons. The department of children and families shall appoint one of its  
16 representatives under paragraph (b) 2. as a cochairperson, and the Wisconsin  
17 County Human Service Association shall appoint one of its representatives under  
18 paragraph (b) 1. as a cochairperson.

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EHS:jld

**ASSEMBLY BILL 783****SECTION 1**

1 (d) The committee under paragraph (a) shall convene for its first meeting no  
2 later than 3 months after the effective date of this paragraph.

3 (e) The committee under paragraph (a) shall develop recommendations for  
4 child welfare worker caseload standards based on a review of existing caseload  
5 standards in other states and local jurisdictions and pertinent research on the  
6 subject. The committee may consult with organizations with expertise on the  
7 subject, such as Casey Family Programs. The committee's findings, conclusions, and  
8 recommendations shall be in the form of a written report from the committee  
9 cochairpersons.

10 (f) The report under paragraph (e) shall include recommendations for all of the  
11 following standards:

12 1. Subject to paragraphs (g) and (h), the maximum average caseload size for  
13 child welfare workers who perform each of the following functions:

- 14 a. Access.  
15 b. Initial assessment.  
16 c. Ongoing services.  
17 d. Foster parent support.

18 2. Subject to paragraph (h), the maximum ratio of supervisors to frontline  
19 workers over which it is not reasonable to expect a supervisor to provide effective  
20 guidance and direction.

21 (g) The caseload standards under paragraph (f) 1. shall be the maximum  
22 average caseload sizes over which it is not reasonable to expect a worker to be  
23 effective at the following practices while at the same time meeting the federal and  
24 state mandates that govern his or her work:

- 25 1. Engagement, trust, and relationship-building.

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EHS:jld

## SECTION 1

**(END)**



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-4468/1  
EAW:amn&kjf

## 2017 ASSEMBLY BILL 776

December 27, 2017 - Introduced by Representatives PRONSCHINSKE, DOYLE, NEYLON, MEYERS, SNYDER, SUBECK, KATSMAN, KITCHENS, NOVAK, RODRIGUEZ, BALLWEG, BILLINGS, ANDERSON, E. BROOKS, R. BROOKS, FELZKOWSKI, KNODL, KRUG, KULP, LOUDENBECK, MURSAU, PETERSEN, PETRYK, ROHRKASTE, SARGENT, SINICKI, SPREITZER, STEINEKE, SUMMERFIELD, SWEARINGEN, TITTL, TRANEL, VANDERMEER, VRUWINK and ZEPNICK, cosponsored by Senators DARLING, BEWLEY, OLSEN, L. TAYLOR and VINEHOUT. Referred to Committee on Children and Families.

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

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### *Analysis by the Legislative Reference Bureau*

This bill provides for the continuity of foster care when the license of a child welfare agency to license foster homes is revoked, suspended, or surrendered or when a contract under which a child welfare agency provides foster home licensing services is terminated. This bill also changes the standard for when a foster home license may be revoked, and modifies the conditions under which a foster home license may be issued by an out-of-county public licensing agency.

Under current law, subject to certain exceptions, no person may provide care and maintenance for children unless the person obtains a license to operate a foster home from the Department of Children and Families or a county department of human services or social services (county department) or from a child welfare agency, if that agency is licensed by DCF to license foster homes. Current law also permits DCF to enter into contracts with nonprofit or proprietary agencies, including child welfare agencies, for the purchase of services. Currently, a child welfare or public licensing agency may revoke a foster home license if the licensee has substantially and intentionally violated any provision of the Children's Code or rules promulgated by DCF. This bill provides that a child welfare or public licensing agency may revoke a foster home license if the licensee has violated any provision of the Children's Code or rules promulgated by DCF.

This bill provides that if DCF informs a child welfare agency of its intent to revoke or suspend the agency's license to license foster homes or to terminate a

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EAW:amn&kjf**ASSEMBLY BILL 776**

contract under which a child welfare agency provides foster home licensing services for DCF or if a child welfare agency informs DCF of its intent to surrender such a license or to terminate such a contract, DCF may do any of the following:

1. Require the child welfare agency to provide DCF with complete copies of the child welfare agency's financial, child placement, and foster care licensing records.
2. Transfer any child placement or foster care licensing records obtained from a child welfare agency to any county department or child welfare agency to which a foster home license issued by the child welfare agency is transferred under the bill or to any public licensing agency or child welfare agency that relicenses a foster home licensed by the child welfare agency as provided in the bill.
3. Prohibit the child welfare agency from accepting new placements or issuing new foster care licenses.

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

Under current law, a public licensing agency may license a foster home only in the county in which it is located, subject to certain exceptions. The exceptions include if the licensee is a foster parent who has moved to another county with a child who has been placed in the foster parent's home and the license will allow the foster parent to continue to care for that child, or if the foster home is located in an adjacent county. Currently, a license that is issued from an out-of-county public licensing agency is child-specific, meaning that the license is valid only as to certain children who are identified on the license, and terminates immediately upon the removal of all of those children from the foster home. Under current law, a license issued under these two exceptions may be issued only if the public licensing agency of the county where the foster home is located enters into an agreement with the public licensing agency issuing the license.

This bill specifies that if a license is issued by an out-of-county public licensing agency under one of the two exceptions listed above, the license is not child-specific. However, under the bill, the agreement between the public licensing agencies as required under current law must identify the children that may be placed in the foster home and the license does not expire when the listed children are removed from the foster home. Under the bill, the license is valid only when there is an agreement in effect.

For further information see the *state and local* 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:*

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SECTION 1

**ASSEMBLY BILL 776**

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

2           **48.66 (6)** (a) If the department notifies a child welfare agency of its intent to  
3       revoke or suspend the child welfare agency's license under s. 227.51 or notifies a child  
4       welfare agency of its intent to terminate a contract under which the child welfare  
5       agency provides foster home licensing services for the department or if a child  
6       welfare agency notifies the department of its intent to surrender or surrenders its  
7       license or terminates such a contract, the department may do any of the following:

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

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

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

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

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**ASSEMBLY BILL 776****SECTION 2**

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

2           48.75 (1d) Child welfare agencies, if licensed to do so by the department, and  
3           public licensing agencies may license foster homes under the rules promulgated by  
4           the department under s. 48.67 governing the licensing of foster homes. ~~A. Except~~  
5           ~~as provided under s. 48.66 (6), a foster home license shall be issued for a term not to~~  
6           ~~exceed 2 years from the date of issuance, and is not transferable, and. A foster home~~  
7           ~~license may be revoked by the child welfare agency or by the public licensing agency~~  
8           ~~because the licensee has substantially and intentionally violated any provision of~~  
9           ~~this chapter or of the rules of the department promulgated under s. 48.67 or because~~  
10          ~~the licensee fails to meet the minimum requirements for a license. The licensee shall~~  
11          ~~be given written notice of any revocation and the grounds for the revocation.~~

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

13          48.75 (1g) (b) A license issued under ~~this subsection par. (a) 1. or 4.~~ shall  
14          specifically identify each child to be placed in the foster home and shall terminate on  
15          ~~the removal of all of those children from the foster home at the end of the licensing~~  
16          ~~period or 6 months after the child returns home or is placed elsewhere, whichever~~  
17          ~~occurs first.~~

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

19          48.75 (1g) (c) (intro.) No license may be issued under par. (a) 1., 2., or 3. unless  
20          the public licensing agency issuing the license has notified the public licensing  
21          agency of the county in which the foster home will be located of its intent to issue the  
22          license and no license may be issued under par. (a) 2. or 3. is valid unless the 2 public  
23          licensing agencies have entered into a written agreement under this paragraph. A  
24          public licensing agency is not required to enter into any agreement under this  
25          paragraph allowing the public licensing agency of another county to license a foster

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**SECTION 4**

**ASSEMBLY BILL 776**

1 home within its jurisdiction. The written agreement shall include all of the  
2 following:

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

4 48.78 (2) (a) No agency may make available for inspection or disclose the  
5 contents of any record kept or information received about an individual who is or was  
6 in its care or legal custody, except as provided under sub. (2m) or s. 48.371, 48.38 (5)  
7 (b) or (d) or (5m) (d), 48.396 (3) (bm) or (c) 1r., 48.432, 48.433, 48.48 (17) (bm), 48.57  
8 (2m), ~~48.66 (6)~~, 48.93, 48.981 (7), 938.396 (2m) (c) 1r., 938.51, or 938.78 or by order  
9 of the court.  
10 (END)



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EAW:kjf

## 2017 ASSEMBLY BILL 775

December 27, 2017 - Introduced by Representatives KITCHENS, DOYLE, SNYDER, KATZMA, NOVAK, RODRIGUEZ, BALLWEG, PRONCHINSKE, NEYLON, ANDERSON, BERCEAU, BORN, E. BROOKS, R. BROOKS, FELZKOWSKI, HORLACHER, JACQUE, KOLSTE, KRUG, KULP, MURSAU, PETERSEN, PETRYK, RIPP, ROHRKASTE, SHANKLAND, SINICKI, STEINEKE, SUMMERFIELD, SWEARINGEN, TITTL, TRANEL, VANDERMEER, VRUWINK, ZEPNICK and EDMING, cosponsored by Senators DARLING, OLSEN, L. TAYLOR and VINEHOUT. Referred to Committee on Family Law.

- 1     **AN ACT to amend** 48.415 (2) (a) 3. of the statutes; **relating to:** the showing of  
2             a substantial likelihood that a parent will not meet the conditions established  
3             for the safe return of the child to the home in a termination of parental rights  
4             proceeding.

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***Analysis by the Legislative Reference Bureau***

This bill changes the grounds for an involuntary termination of parental rights (TPR) based on a child's continuing need of protection or services (continuing CHIPS) where a child has been placed outside the home for a cumulative total period of six months or longer.

Under current law an involuntary TPR based on continuing CHIPS may be based on a court's or jury's finding that the child has been placed outside the home for a cumulative total period of six months or longer under the CHIPS order, the parent has failed to meet the conditions established for the safe return of the child to the home, and there is a substantial likelihood that the parent will not meet the conditions established for the safe return of the child to the home within the next nine months after the TPR fact-finding hearing. Also, under current law, a TPR proceeding must be filed for a child who has been placed outside the home under a CHIPS order for 15 of the past 22 months.

This bill removes the requirement of showing that there is a substantial likelihood that the parent will continue to fail for the next nine months to meet the conditions established for the safe return of the child to the home in a continuing CHIPS TPR proceeding. The bill replaces this requirement with a requirement for

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# ASSEMBLY BILL 775

the petitioner to show that, if the child has been placed outside the home under a CHIPS order for less than 15 of the past 22 months, there is a substantial likelihood that the parent will not meet the conditions established for the safe return of the child to the home at the time the child will have been placed outside of the home for 15 of the last 22 months.

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

1           **SECTION 1.** 48.415 (2) (a) 3. of the statutes is amended to read:

2           48.415 (2) (a) 3. That the child has been placed outside the home for a

3           cumulative total period of 6 months or longer pursuant to ~~such orders~~ an order listed

4           under subd. 1., not including time spent outside the home as an unborn child; and

5           that the parent has failed to meet the conditions established for the safe return of the

6           child to the home ~~and there is a substantial likelihood that the parent will not meet~~

7           ~~these conditions within the 9-month period following the fact-finding hearing under~~

8           ~~s. 48.424; and, if the child has been placed outside the home for less than 15 of the~~

9           most recent 22 months, that there is a substantial likelihood that the parent will not

10           meet these conditions as of the date on which the child will have been placed outside

11           the home for 15 of the most recent 22 months, not including any period during which

12           the child was a runaway from the out-of-home placement or was residing in a trial

13           reunification home.

(END)



State of Wisconsin  
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LRB-4564/1  
SWB:amn&emw

## 2017 ASSEMBLY BILL 778

December 27, 2017 - Introduced by Representatives DOYLE, KATZMA, SUBECK, NEYLON, KITCHENS, NOVAK, RODRIGUEZ, BALLWEG, PRONSHINSKE, SNYDER, ANDERSON, BERCEAU, BORN, BRANDTJEN, E. BROOKS, R. BROOKS, CONSIDINE, FELZKOWSKI, KOLSTE, KRUG, KULP, MURSAU, OHNSTAD, PETERSEN, PETRYK, QUINN, RIPP, ROHRKASTE, SCHRAA, SINICKI, STEINEKE, SWEARINGEN, THIESFELDT, TITTL, TRANEL, VANDERMEER and VRUWINK, cosponsored by Senators OLSEN, DARLING, RINGHAND, L. TAYLOR, VINEHOUT and WANGGAARD. Referred to Committee on Judiciary.

- 1     **AN ACT to amend** 808.04 (7m), 809.107 (6) (am) and 809.82 (2) (b); and **to create**  
2             809.107 (2) (bm) 6. of the statutes; **relating to:** appellate procedure in  
3             proceedings related to termination of parental rights.

---

### *Analysis by the Legislative Reference Bureau*

This bill makes changes to the appellate procedures applicable in proceedings related to the termination of parental rights.

First, the bill changes certain requirements relating to the notice of intent to pursue postdisposition or appellate relief in proceedings related to the termination of parental rights. Under current law, in order to initiate an appeal in a termination of parental rights matter, a person must file a notice of intent to pursue postdisposition or appellate relief. This bill creates a requirement that the notice of intent must include the signature of the person on whose behalf the notice is filed. The person's counsel, if any, must sign the notice, but may not do so in lieu of the signature of the person on whose behalf the notice is filed. The bill also expands the authority of the court to grant an extension of time to file the notice of intent.

Second, the bill establishes an additional requirement for filing a motion to remand for postjudgment fact-finding on appeal of a judgment or order related to the termination of parental rights. Under current law, an appellant who intends to appeal on any ground that may require postjudgment fact-finding must file a motion in the court of appeals raising the issue and requesting that the court of appeals retain jurisdiction over the appeal and remand to the circuit court to hear and decide the issue of possible additional fact-finding. This bill establishes a requirement that

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counsel who files the motion for remand or, if the appellant seeking the remand is unrepresented, the appellant, must file an affidavit in support of the motion for remand which states with specificity the reasons why postjudgment fact-finding is necessary. The bill also extends the deadline for filing the motion for remand if the appellant is not represented by counsel.

---

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

1           **SECTION 1.** 808.04 (7m) of the statutes is amended to read:

2           808.04 (**7m**) An appeal from a judgment or order terminating parental rights  
3 or denying termination of parental rights shall be initiated by filing the notice  
4 required by s. 809.107 (2) within 30 days after the date of entry of the judgment or  
5 order appealed from. ~~Notwithstanding s. 809.82 (2) (a), this time period may not be~~  
6 ~~enlarged unless the judgment or order was entered as a result of a petition under s.~~  
7 ~~48.415 that was filed by a representative of the public under s. 48.09.~~

8           **SECTION 2.** 809.107 (2) (bm) 6. of the statutes is created to read:

9           809.107 (2) (bm) 6. For an appellant other than the state, the signature of the  
10 appellant on whose behalf the notice of intent is filed. Appellant's counsel, if any,  
11 shall also sign the notice, but may not sign in lieu of the appellant.

12           **SECTION 3.** 809.107 (6) (am) of the statutes is amended to read:

13           809.107 (**6**) (am) *Motion for remand.* If the appellant intends to appeal on any  
14 ground that may require postjudgment fact-finding, the appellant shall file a motion  
15 in the court of appeals, within 15 days after the filing of the record on appeal, raising  
16 the issue and requesting that the court of appeals retain jurisdiction over the appeal  
17 and remand to the circuit court to hear and decide the issue. If the appellant is not  
18 represented by counsel, the appellant shall file any motion under this paragraph  
19 within 45 days after the filing of the record on appeal. The appellant's counsel or, if

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## ASSEMBLY BILL 778

1 the appellant is not represented by counsel, the appellant, shall file an affidavit in  
2 support of the motion stating with specificity the facts the appellant reasonably  
3 anticipates will be established at a fact-finding hearing upon remand. If the court  
4 of appeals grants the motion for remand, it shall set time limits for the circuit court  
5 to hear and decide the issue, for the appellant to request transcripts of the hearing,  
6 and for the court reporter to file and serve the transcript of the hearing. The court  
7 of appeals shall extend the time limit under par. (a) for the appellant to file a brief  
8 presenting all grounds for relief in the pending appeal.

9        **SECTION 4.** 809.82 (2) (b) of the statutes is amended to read:

10 809.82 (2) (b) Notwithstanding par. (a), the time for filing a notice of appeal or  
11 cross-appeal of a final judgment or order, other than in an appeal under s. 809.107  
12 of a judgment or order that was entered as a result of a petition under s. 48.415 that  
13 was filed by a representative of the public under s. 48.09 or an appeal under s. 809.30  
14 or 809.32, may not be enlarged.

15 (END)



State of Wisconsin  
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LRB-4582/1  
EAW&TKK:emw

## 2017 ASSEMBLY BILL 780

December 27, 2017 - Introduced by Representatives RODRIGUEZ, CROWLEY, NEYLON, BILLINGS, KATZMA, DOYLE, NOVAK, MEYERS, BALLWEG, SUBECK, KITCHENS, PRONSHINSKE, SNYDER, ANDERSON, BERCEAU, BORN, E. BROOKS, FELZKOWSKI, FIELDS, GENRICH, KNODL, KRUG, KULP, MURSAU, PETERSEN, PETRYK, QUINN, RIPP, ROHRKASTE, SARGENT, SCHRAA, SINICKI, SPREITZER, STEINEKE, SWEARINGEN, TAUCHEN, C. TAYLOR, TITTL, TRANEL, VANDERMEER, ZEPNICK and SPIROS, cosponsored by Senators PETROWSKI, JOHNSON, CARPENTER, DARLING, LARSON, OLSEN, L. TAYLOR and VINEHOUT. Referred to Committee on Education.

- 1     **AN ACT to amend** 48.38 (5) (b), 48.38 (5) (bm) 1., 48.38 (5m) (b), 48.38 (5m) (c)  
2             1., 48.62 (3), 48.625 (2m), 48.64 (1r) and 118.125 (4) of the statutes; **relating**  
3             **to:** notice to a school of a permanency review or hearing, notice to a school  
4             district of a foster home or group home license or out-of-home care placement,  
5             and transfer of pupil records.

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### *Analysis by the Legislative Reference Bureau*

This bill makes changes to various requirements for schools related to permanency hearings, foster care, and transfer of pupil records. The bill adds a child's school to the list of entities that receive notice of and may comment on an upcoming permanency review or permanency hearing under the Children's Code. The bill changes the requirements for notifying a school and a school district when a foster home or group home is licensed and when a child is placed in out-of-home care. The bill also changes the time period within which a school must transfer the records of a pupil who attended that school to an individual or entity that requests those records, and that is authorized to receive those records, from five working days to the next working day.

Currently, when a child adjudged to be in need of protection or services is removed from his or her home in a proceeding under the Children's Code, the agency responsible for that child's removal is required to prepare a permanency plan, designed to ensure that the child is reunified with his or her family whenever appropriate, or that the child quickly attains a placement or home providing

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long-term stability. Current law requires the court assigned to exercise jurisdiction under the Children's Code (juvenile court) to periodically review the plan and to periodically hold a hearing on the plan. Under current law, when a permanency plan is up for review or a hearing, notice of the review or hearing is sent to a list of interested parties and persons as prescribed by the Children's Code. Parties to the proceeding have a right to submit written comments on the permanency plan and participate in the review or hearing; other interested persons may have the right to submit comments to the juvenile court on the proposed plan.

This bill adds the child's school to the list of entities or persons that receive notice of the review or hearing and that may have the opportunity to submit written comments to the court on the proposed plan, but may not otherwise participate in the review or appear at the hearing.

Under current law, when a new foster home or group home is licensed, the licensing agency is required to notify the clerk of the school district in which the foster home or group home is located. This bill requires that the licensing agency notify a school district of a newly licensed foster home or group home located in the school district, but does not specify that the notice must be sent to the clerk of the school district.

Under current law, when a child is placed in a foster home, group home, shelter care facility, or the home of a relative other than a parent (out-of-home care placement), the agency placing the child in the out-of-home care placement is required to notify the clerk of the school district where the out-of-home care placement is located that a placement has been made. This bill requires that the agency making an out-of-home care placement give notification of the placement to the school district and school where the child will attend after the placement is made. The bill does not specify that the notice must be sent to the clerk of the school district.

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

- 1           **SECTION 1.** 48.38 (5) (b) of the statutes is amended to read:
- 2           48.38 (5) (b) The court or the agency shall notify the child; the child's parent,
- 3           guardian, and legal custodian; the child's foster parent, the operator of the facility
- 4           in which the child is living, or the relative with whom the child is living; and, if the
- 5           child is an Indian child who is placed outside the home of his or her parent or Indian
- 6           custodian, the Indian child's Indian custodian and tribe of the time, place, and
- 7           purpose of the review, of the issues to be determined as part of the review, and of the
- 8           fact that they shall have a right to be heard at the review as provided in par. (bm)
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1       1. The court or agency shall notify the person representing the interests of the public,  
2       the child's counsel, the child's guardian ad litem, ~~and~~ the child's court-appointed  
3       special advocate, and the child's school of the time, place, and purpose of the review,  
4       of the issues to be determined as part of the review, and of the fact that they may have  
5       an opportunity to be heard at the review as provided in par. (bm) 1. The notices under  
6       this paragraph shall be provided in writing not less than 30 days before the review  
7       and copies of the notices shall be filed in the child's case record.

8               **SECTION 2.** 48.38 (5) (bm) 1. of the statutes is amended to read:

9               48.38 (5) (bm) 1. A child, parent, guardian, legal custodian, foster parent,  
10       operator of a facility, or relative who is provided notice of the review under par. (b)  
11       shall have a right to be heard at the review by submitting written comments relevant  
12       to the determinations specified in par. (c) not less than 10 working days before the  
13       date of the review or by participating at the review. A person representing the  
14       interests of the public, counsel, guardian ad litem, ~~or~~ court-appointed special  
15       advocate, or school who is provided notice of the review under par. (b) may have an  
16       opportunity to be heard at the review by submitting written comments relevant to  
17       the determinations specified in par. (c) not less than 10 working days before the date  
18       of the review. A foster parent, operator of a facility, or relative who receives notice  
19       of a review under par. (b) and a right to be heard under this subdivision does not  
20       become a party to the proceeding on which the review is held solely on the basis of  
21       receiving that notice and right to be heard.

22               **SECTION 3.** 48.38 (5m) (b) of the statutes is amended to read:

23               48.38 (5m) (b) ~~Not less than 30 days before the date of the hearing, the~~ The  
24       court shall notify the child; the child's parent, guardian, and legal custodian; and the  
25       child's foster parent, the operator of the facility in which the child is living, or the

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**ASSEMBLY BILL 780****SECTION 3**

1 relative with whom the child is living of the time, place, and purpose of the hearing,  
2 of the issues to be determined at the hearing, and of the fact that they shall have a  
3 right to be heard at the hearing as provided in par. (c) 1. ~~and The court~~ shall notify  
4 the child's counsel, the child's guardian ad litem, and the child's court-appointed  
5 special advocate; the agency that prepared the permanency plan; ~~the child's school;~~  
6 the person representing the interests of the public; and, if the child is an Indian child  
7 who is placed outside the home of his or her parent or Indian custodian, the Indian  
8 child's Indian custodian and tribe of the time, place, and purpose of the hearing, of  
9 the issues to be determined at the hearing, and of the fact that they may have an  
10 opportunity to be heard at the hearing as provided in par. (c) 1. The notices under  
11 this paragraph shall be provided in writing not less than 30 days before the hearing.

12 **SECTION 4.** 48.38 (5m) (c) 1. of the statutes is amended to read:

13 48.38 (5m) (c) 1. A child, parent, guardian, legal custodian, foster parent,  
14 operator of a facility, or relative who is provided notice of the hearing under par. (b)  
15 shall have a right to be heard at the hearing by submitting written comments  
16 relevant to the determinations specified in sub. (5) (c) not less than 10 working days  
17 before the date of the hearing or by participating at the hearing. A counsel, guardian  
18 ad litem, court-appointed special advocate, agency, school, or person representing  
19 the interests of the public who is provided notice of the hearing under par. (b) may  
20 have an opportunity to be heard at the hearing by submitting written comments  
21 relevant to the determinations specified in sub. (5) (c) not less than 10 working days  
22 before the date of the hearing or by participating at the hearing. A foster parent,  
23 operator of a facility, or relative who receives notice of a hearing under par. (b) and  
24 a right to be heard under this subdivision does not become a party to the proceeding

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EAW&TKK:emw  
SECTION 4**ASSEMBLY BILL 780**

1 on which the hearing is held solely on the basis of receiving that notice and right to  
2 be heard.

3 **SECTION 5.** 48.62 (3) of the statutes is amended to read:

4 48.62 (3) When the department, a county department, or a child welfare agency  
5 issues a license to operate a foster home, the department, county department, or  
6 child welfare agency shall notify the clerk of the school district in which the foster  
7 home is located that a foster home has been licensed in the school district.

8 **SECTION 6.** 48.625 (2m) of the statutes is amended to read:

9 48.625 (2m) When the department issues a license to operate a group home,  
10 the department shall notify the clerk of the school district in which the group home  
11 is located that a group home has been licensed in the school district.

12 **SECTION 7.** 48.64 (1r) of the statutes is amended to read:

13 48.64 (1r) NOTIFICATION OF SCHOOL DISTRICT ~~AND SCHOOL~~. When an agency places  
14 a school-age child in a foster home, group home, or shelter care facility approved  
15 under s. 938.22 (2) (c) or in the home of a relative other than a parent out-of-home  
16 care, the agency shall ~~notify the clerk of the~~ give notification of the out-of-home care  
17 placement to the school district in which the ~~foster home, group home, shelter care~~  
18 ~~facility, or home of the relative is located that a school-age child has been placed in~~  
19 ~~a foster home, group home, shelter care facility, or home of a relative in the school~~  
20 ~~district and the school in which the child will enroll after the placement is made,~~  
21 unless the child will remain enrolled in his or her school and school district of origin.  
22 If the child will remain enrolled in his or her school and school district of origin, the  
23 agency shall give notification of the out-of-home care placement to the child's school  
24 district and school of origin.

25 **SECTION 8.** 118.125 (4) of the statutes is amended to read:

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EAW&amp;TKK:emw

**ASSEMBLY BILL 780****SECTION 8**

1           118.125 (4) TRANSFER OF RECORDS. ~~Within 5~~ No later than the next working  
2    days day, a school district, a private school participating in the program under s.  
3    118.60 or in the program under s. 119.23, and the governing body of a private school  
4    that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for  
5    the operation and general management of a school transferred to an opportunity  
6    schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II  
7    of ch. 119 shall transfer to another school, including a private or tribal school, or  
8    school district all pupil records relating to a specific pupil if the transferring school  
9    district or private school has received written notice from the pupil if he or she is an  
10   adult or his or her parent or guardian if the pupil is a minor that the pupil intends  
11   to enroll in the other school or school district or written notice from the other school  
12   or school district that the pupil has enrolled or from a court that the pupil has been  
13   placed in a juvenile correctional facility, as defined in s. 938.02 (10p), or a secured  
14   residential care center for children and youth, as defined in s. 938.02 (15g). In this  
15   subsection, "school" and "school district" include any juvenile correctional facility,  
16   secured residential care center for children and youth, adult correctional institution,  
17   mental health institute, or center for the developmentally disabled that provides an  
18   educational program for its residents instead of or in addition to that which is  
19   provided by public, private, and tribal schools.

20

(END)



State of Wisconsin  
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EAW:jld/kjf/ahc

## 2017 ASSEMBLY BILL 787

December 27, 2017 - Introduced by Representatives SUBECK, SNYDER, BILLINGS, BALLWEG, DOYLE, NOVAK, MEYERS, KATZMA, PRONCHINSKE, RODRIGUEZ, KITCHENS, ANDERSON, BARCA, BERCEAU, BORN, E. BROOKS, BROSTOFF, FELZKOWSKI, FIELDS, GENRICH, KOLSTE, KRUG, KULP, MURSAU, OHNSTAD, PETERSEN, PETRYK, RIPP, ROHRKASTE, SARGENT, SHANKLAND, SINICKI, SPREITZER, STEINEKE, SUMMERFIELD, SWEARINGEN, C. TAYLOR, TITTL, TRANEL, VANDERMEER, VRUWINK, ZAMARRIPA and ZEPNICK, cosponsored by Senators OLSEN, JOHNSON, LARSON, L. TAYLOR and VINEHOUT. Referred to Committee on Children and Families.

- 1     **AN ACT** *to create* 20.437 (1) (bg) of the statutes; **relating to:** funding for grants  
2             to support foster parents and foster children and making an appropriation.

---

***Analysis by the Legislative Reference Bureau***

This bill provides \$400,000 in funding to the Department of Children and Families for grant to counties, tribes, and nonprofits to support foster parents and provide normalcy for children in out-of-home 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:***

- 3             **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
4             the following amounts for the purposes indicated:
-

LRB-4929/3  
EAW:jld/kjf/ahe  
**SECTION 1**

1     **20.437 Children and families, department of**  
2     (1) CHILDREN AND FAMILY SERVICES  
3     (bg) Grants to support foster parents  
4             and children                                     GPR     A             -0-     400,000  
5     **SECTION 2.** 20.437 (1) (bg) of the statutes is created to read:  
6             20.437 (1) (bg) *Grants to support foster parents and children.* The amounts in  
7     the schedule for grants by the department of children and families under 2017  
8     Wisconsin Act .... (this act), section 3.  
9     **SECTION 3. Nonstatutory provisions.**  
10     (1) GRANTS TO SUPPORT FOSTER PARENTS AND CHILDREN. The department of  
11     children and families shall distribute not more than \$400,000 in fiscal year 2018-19  
12     in grants to counties, nonprofit organizations, or tribes for the purpose of supporting  
13     foster parents and providing normalcy for children in out-of-home care. Qualifying  
14     expenses may include incentives for the retention of foster parents, enhancing foster  
15     parent education, and reimbursing foster parents for foster care related expenses.  
16     The department shall conduct an evaluation of the effectiveness of the grant program  
17     in achieving its stated goals and, by June 30, 2021, shall submit a report on that  
18     evaluation to the appropriate standing committees under section 13.172 (3).  
19                                     (END)



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TJD:kjf

## 2017 ASSEMBLY BILL 782

December 27, 2017 - Introduced by Representatives SNYDER, MEYERS, NEYLON, BILLINGS, KATSMAN, DOYLE, NOVAK, SUBECK, RODRIGUEZ, PRONSHINSKE, BALLWEG, KITCHENS, BERCEAU, BORN, BRANDTJEN, E. BROOKS, R. BROOKS, FELZKOWSKI, GENRICH, HORLACHER, JACQUE, KNODL, KRUG, KULP, LOUDENBECK, MURSAU, PETRYK, RIPP, ROHRKASTE, SARGENT, SCHRAA, SINICKI, SPREITZER, STEFFEN, STEINEKE, SUMMERFIELD, SWEARINGEN, TAUCHEN, C. TAYLOR, THIESFELDT, TITTL, VANDERMEER and VRUWINK, cosponsored by Senators DARLING, JOHNSON, LARSON, OLSEN, L. TAYLOR, VINEHOUT and WANGGAARD. Referred to Committee on Mental Health.

- 1     **AN ACT** *to create* 51.30 (4) (cg) of the statutes; **relating to:** limited release of  
2             mental health information to out-of-home care providers and child welfare  
3             agencies.

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***Analysis by the Legislative Reference Bureau***

This bill allows a health care provider to disclose to an out-of-home care provider and child welfare agency a portion of the mental health treatment record of a child who is placed in out-of-home care that the health care provider reasonably believes is necessary for the proper care of the child. Under current law, a mental health treatment record is confidential and may be released only upon informed written consent of the subject of the treatment record and in other limited circumstances explicitly described in the law.

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

- 4             **SECTION 1.** 51.30 (4) (cg) of the statutes is created to read:  
5             51.30 (4) (cg) *Limited release of information of foster children.* If the subject  
6             of a treatment record is a child who is placed in out-of-home care, a health care  
7             provider may disclose to an out-of-home care provider, as defined in s. 48.02 (12r),
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1       and a child welfare agency without informed written consent a portion, but not a  
2       copy, of the child's treatment record that the health care provider reasonably believes  
3       is necessary for the proper care of the child, such as the diagnosis, treatment plan,  
4       and medication management plan.

5 (END)



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LRB-4764/1  
EAW:jld&amn

**2017 ASSEMBLY BILL 781**

December 27, 2017 - Introduced by Representatives BILLINGS, SNYDER, DOYLE, KATSMAN, MEYERS, BALLWEG, SUBECK, RODRIGUEZ, PRONSHINSKE, NOVAK, NEYLON, KITCHENS, ANDERSON, BERCEAU, BORN, BRANDTJEN, E. BROOKS, BROSTOFF, CONSIDINE, FELZKOWSKI, FIELDS, KNOBL, KOLSTE, KRUG, KULP, MURSAU, OHNSTAD, PETERSEN, PETRYK, QUINN, RIPP, ROHRKASTE, SARGENT, SCHRAA, SHANKLAND, SINICKI, SPREITZER, STEINEKE, SWEARINGEN, TAUCHEN, C. TAYLOR, THIESFELDT, TITTL, TRANEL, VANDERMEER, VRUWINK and ZAMARRIPA, cosponsored by Senators DARLING, JOHNSON, CARPENTER, LARSON, OLSEN, RINGHAND, L. TAYLOR and VINEHOUT. Referred to Committee on Health.

- 1     **AN ACT to create** 48.02 (3t) of the statutes; **relating to:** defining dental care for  
2     the purpose of consenting for services for a child in out-of-home care.

### *Analysis by the Legislative Reference Bureau*

This bill defines “dental care” for the purpose of a legal custodian providing ordinary medical and dental care for a child.

Under current law, a legal custodian of a child is an individual, other than a parent or guardian or an agency, to whom a court has transferred certain legal duties and responsibilities with respect to a child, including the responsibility to provide ordinary medical and dental care for the child. Under current law, the rights and duties of a legal custodian remain subject to the rights, duties, and responsibilities of the guardian of the child and any residual parental rights and responsibilities.

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

- SECTION 1. 48.02 (3t) of the statutes is created to read:
- 48.02 (3t) "Dental care," for purposes of providing ordinary medical and dental care, means routine dental care, including diagnostic and preventative services, and treatment including restoring teeth, tooth extractions, and use of nitrous oxide.
- (END)



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## 2017 ASSEMBLY BILL 777

December 27, 2017 - Introduced by Representatives NOVAK, KITCHENS, BILLINGS, SNYDER, DOYLE, MEYERS, RODRIGUEZ, CROWLEY, SUBECK, BALLWEG, KATSMAN, PRONCHINSKE, ANDERSON, BERCEAU, BORN, BROSTOFF, CONSIDINE, DUCHOW, FIELDS, GENRICH, HORLACHER, JAGLER, KOLSTE, KRUG, KULP, MURSAU, PETERSEN, PETRYK, RIPP, ROHRKASTE, SARGENT, SCHRAA, SINICKI, SPREITZER, STEINEKE, SUMMERFIELD, C. TAYLOR, TITTL, TRANEL, VANDERMEER, VRUWINK and ZEPNICK, cosponsored by Senators OLSEN, JOHNSON, CARPENTER, RINGHAND, L. TAYLOR and VINEHOUT. Referred to Committee on Colleges and Universities.

- 1 **AN ACT to create** 20.235 (1) (fx), 20.437 (1) (ch), 36.27 (3g), 38.24 (5m) and 39.51
- 2 of the statutes; **relating to:** University of Wisconsin and technical college
- 3 tuition remissions for and grants to support foster care and other out-of-home
- 4 placement students and making an appropriation.

---

### *Analysis by the Legislative Reference Bureau*

This bill requires the Board of Regents of the University of Wisconsin System and technical college system district boards to grant tuition remissions to students who were in foster care or other placements out of their parent's home. This bill also requires the Department of Children and Families to distribute \$120,000 in grants to UW and Wisconsin Technical College System institutions for programs for former foster youth.

Under current law, if the court assigned to exercise jurisdiction under the Children's Code or Juvenile Justice Code (juvenile court) adjudges a child to be in need of protection or services, the juvenile court may order the child to be removed from the home of the child's parent and placed in the home of a foster parent, guardian, relative other than a parent, or nonrelative or in a group home, residential care center for children and youth, or shelter care facility (out-of-home placement). Under this bill, a student is eligible for a UW or technical college tuition remission if he or she resided in an out-of-home placement in this state under a juvenile court order under one of the following circumstances: 1) for at least a year on or after his or her 13th birthday before being returned to the parent's home; 2) on his or her 13th

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birthday, and after his or her 13th birthday he or she was adopted or appointed a long-term guardian; or 3) on his or her 18th birthday.

The bill requires the Board of Regents to grant a tuition remission for each semester or session that an eligible student completes the federal Free Application for Federal Student Aid (FAFSA) and is enrolled in an associate degree or bachelor's degree program. A technical college district board must grant a tuition remission for each semester or session that an eligible student completes the FAFSA and is enrolled in a technical diploma or associate degree program. Both the Board of Regents and technical college district boards may not grant the remissions after a student is awarded the diploma or degree for the program in which he or she is enrolled, or attains the age of 25 years, whichever occurs first. In addition, the bill prohibits a student from receiving a remission from either the Board of Regents or a technical college district board for more than a total of 12 semesters or sessions. Also, both the Board of Regents and technical college district boards must deduct from a remission any federal scholarship, grant, or aid, other than a loan, awarded for a student.

The bill also makes an appropriation to the Higher Educational Aids Board to reimburse the Board of Regents and technical college district boards for remissions granted under the bill. If the appropriation is not sufficient to make full reimbursement, HEAB must prorate the reimbursements.

This bill also makes an appropriation to DCF for the purpose of distributing at least four grants per biennium of up to \$30,000 each to UW or Wisconsin Technical College System institutions for the purpose of supporting programming for former foster youth who are enrolled in the institution.

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

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

1           SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
2           the following amounts for the purposes indicated:

				2017-18	2018-19
3	<b>20.235</b>	<b>Higher educational aids board</b>			
4	(1)	STUDENT SUPPORT ACTIVITIES			
5	(fx)	Foster care remissions	GPR    B	410,000	410,000

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**SECTION 1**

1        **20.437 Children and families, department of**

2        (1) CHILDREN AND FAMILY SERVICES

3        (ch) Grants to support former foster

4                youth in higher education                      GPR        B                      -0-                      120,000

5                **SECTION 2.** 20.235 (1) (fx) of the statutes is created to read:

6                20.235 (1) (fx) *Foster care remissions.* Biennially, the amounts in the schedule  
7        to reimburse the Board of Regents of the University of Wisconsin System and  
8        technical college district boards under s. 39.51 for fee remissions made under ss.  
9        36.27 (3g) and 38.24 (5m).

10              **SECTION 3.** 20.437 (1) (ch) of the statutes is created to read:

11              20.437 (1) (ch) *Grants to support former foster youth in higher education.*

12        Biennially, the amounts in the schedule for at least 4 grants to University of  
13        Wisconsin System institutions or technical colleges within the Wisconsin Technical  
14        College System for the purpose of providing resources, programs, and activities for  
15        former foster youth enrolled in the university or technical college. No grant under  
16        this paragraph may exceed \$30,000.

17              **SECTION 4.** 36.27 (3g) of the statutes is created to read:

18              36.27 (3g) FOSTER CARE REMISSIONS. (a) In this subsection:

19              1. "Eligible individual" means a state resident who resided in an out-of-home  
20        placement in this state under a court order under s. 48.355, 48.357, 48.365, 938.355,  
21        938.357, or 938.365 under any of the following circumstances:

22              a. On his or her 18th birthday.

23              b. On his or her 13th birthday, and after his or her 13th birthday he or she was  
24        adopted or appointed a non-agency guardian under s. 48.977 or 54.10 (1).

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SECTION 4**ASSEMBLY BILL 777**

1           c. For at least one year on or after his or her 13th birthday, and he or she  
2           returned to live in the home of his or her parent after termination of the order.

3           2. "Federal assistance" means any federal scholarship, grant, or aid, other than  
4           a loan, provided to a student or to a student's educational institution on behalf of a  
5           student.

6           (b) Subject to par. (c), the board shall grant full remission of academic fees and  
7           segregated fees to any eligible individual for a semester or session if the individual  
8           satisfies each of the following:

9           1. The individual completes the federal Free Application for Federal Student  
10          Aid, as described in 20 USC 1090 (a), for that semester or session.

11          2. The individual is enrolled in an associate degree or bachelor's degree  
12          program in that semester or session.

13          (c) 1. The board shall deduct from a remission granted to an eligible individual  
14          under par. (b) for a semester or session the amount of federal assistance awarded for  
15          the individual for that semester or session.

16          2. The board may not grant a remission under par. (b) to an eligible individual  
17          after the eligible individual is awarded a bachelor's degree or attains the age of 25  
18          years, whichever occurs first.

19          3. An eligible student may receive a remission under par. (b) or s. 38.24 (5m)  
20          (b) for no more than a total of 12 semesters. For purposes of this subdivision, a  
21          session is counted as a semester.

22          **SECTION 5.** 38.24 (5m) of the statutes is created to read:

23          **38.24 (5m) FOSTER CARE REMISSIONS.** (a) In this subsection:

24          1. "Eligible individual" has the meaning given in s. 36.27 (3g) (a) 1.

25          2. "Federal assistance" has the meaning given in s. 36.27 (3g) (a) 2.

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1 (b) Subject to par. (c), a district board shall grant full remission of fees under  
2 sub. (1m) (a) to (c) to any eligible individual for a semester or session if the individual  
3 satisfies each of the following:

4 1. The individual completes the federal Free Application for Federal Student  
5 Aid, as described in 20 USC 1090 (a), for that semester or session.

6 2. The individual is enrolled in a technical diploma or associate degree program  
7 in that semester or session.

8 (c) 1. A district board shall deduct from a remission granted to an eligible  
9 individual under par. (b) for a semester or session the amount of federal assistance  
10 awarded for the individual for that semester or session.

11 2. An eligible individual may not receive a remission under par. (b) after the  
12 eligible individual is awarded a diploma or degree in the program in which he or she  
13 is enrolled or attains the age of 25 years, whichever occurs first.

14 3. An eligible student may receive a remission under par. (b) or s. 36.27 (3g) (b)  
15 for no more than a total of 12 semesters. For purposes of this subdivision, a session  
16 is counted as a semester.

17 **SECTION 6.** 39.51 of the statutes is created to read:

18 **39.51 Foster care remissions.** (1) UNIVERSITY OF WISCONSIN SYSTEM. At the  
19 end of each semester, the Board of Regents of the University of Wisconsin System  
20 shall certify to the board the number of students enrolled in the University of  
21 Wisconsin System to whom fees have been remitted under s. 36.27 (3g) and the  
22 amount of fees remitted. Subject to sub. (3), if the board approves the information  
23 certified under this subsection, the board, from the appropriation account under s.  
24 20.235 (1) (fx), shall reimburse the Board of Regents for the full amount of fees  
25 remitted. The Board of Regents shall credit any amounts received under this

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1 subsection to the appropriation under s. 20.285 (1) (k) and shall expend those  
2 amounts received for degree credit instruction.

3 (2) TECHNICAL COLLEGES. At the end of each semester, each technical college  
4 district board shall certify to the board the number of students enrolled in the  
5 technical college governed by the district board to whom fees have been remitted  
6 under s. 38.24 (5m) and the amount of those fees remitted. Subject to sub. (3), if the  
7 board approves the information certified under this subsection, the board, from the  
8 appropriation account under s. 20.235 (1) (fx), shall reimburse the district board for  
9 the full amount of fees remitted.

10 (3) PRORATED REIMBURSEMENT. In June of each fiscal year, the board shall  
11 determine the total amount of fees remitted by the Board of Regents that are eligible  
12 for reimbursement under sub. (1) and fees remitted by the district boards that are  
13 eligible for reimbursement under sub. (2). If the moneys appropriated under s.  
14 20.235 (1) (fx) are not sufficient to reimburse the Board of Regents for the full amount  
15 of those fees and each district board for the full amount of those fees, the board shall  
16 prorate the reimbursement paid under subs. (1) and (2) in the proportion that the  
17 moneys available bears to the total amount eligible for reimbursement under subs.  
18 (1) and (2).

19 **SECTION 7. Initial applicability.**

20 (1) This act first applies to eligible individuals, as defined in section 36.27 (3g)  
21 (a) 1. of the statutes, as created by this act, enrolled in the University of Wisconsin  
22 System or Technical College System in the first semester or session following the  
23 effective date of this subsection.

24 (END)