

Resolution 2023-10-XXX

**Motion By:**  
**Second By:**

Dist.	Supervisor	Y	N	Abs
1	Bialecki			
2	Anderson-Malm			
3	McCrank			
4	Osness			
5	Wendorf			
6	Ashbeck			
7	Rusch			
8	Thiel			
9	Friske			
10	Boyd			
11	Detert			
12	DePasse			
13	Callahan			
14	Hafeman			
15	Lemke			
16	Loka			
17	Meunier			
18	Wickham			
19	Allen			
20	Cummings			
21	Simon			
22	Hartwig			
<b>Totals</b>				
Carried				
Defeated				
Amended				
Voice vote				
Roll call				

Resolution in Support of Expanding the Legal Definition of “Kinship Care Relative”

WHEREAS, Kinship caregivers play a vital role in supporting families. Kinship caregivers ensure that when children are not able to safely remain in their family’s home, that they are instead placed with individuals who know and love them; and

WHEREAS, current Wisconsin law limits who is considered a ‘relative’ under state statute; and

WHEREAS, this impacts who a child can reside with, and impacts the support the individual willing to care for the child can receive; and

WHEREAS, expanding the definition of “kinship care relative” would ensure that individuals with a significant emotional relationship to the child or family would also be considered eligible for a kinship care payment for both voluntary and court-order kinship cases; and

WHEREAS, expanding the definition for court-ordered kinship care cases would allow the child welfare agency to consider like-kin caregivers as a long-term placement option when children are removed from their parent’s care.

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors respectfully requests that the state pass legislation to expand the definition of “kinship care relative” opening the door to more potential placement options for children in Lincoln County when there is a need to remove them from their parent’s care.

IT IS FURTHER RESOLVED, that a copy of this resolution be forwarded by the County Clerk to the Governor of the State of Wisconsin, State Senators and State Representatives representing Lincoln County, the Secretary of the Department of Children and Families, and the Wisconsin Counties association for Consideration.

STATE OF WISCONSIN )  
 ) ss  
COUNTY OF LINCOLN )

I hereby certify that this resolution/ordinance is a true and correct copy of a resolution/ordinance adopted by the Lincoln County Board of Supervisors on:

\_\_\_\_\_  
Christopher J. Marlowe  
Lincoln County Clerk

Dated: 10/6/2023

Authored by:  
Co-Sponsored by:  
Committee:  
Committee Vote:  
Fiscal Impact:

Date Passed:

Drafted by: Jessi Rumsey

# Expanding the Kinship Definition

## Including Like-Kin

Kinship caregivers play a vital role in supporting families. Kinship caregivers ensure that when children are not able to safely remain in their family's home, that they are instead placed with individuals who know and love them.

Current law limits who is considered a 'relative' under state statute. This impacts who a child can **reside** with, and impacts the **support** the individual can receive. Expanding the definition of "kinship care relative" would ensure that individuals with a significant emotional relationship to a child or family would also be considered eligible for a kinship care payment. This definition would apply to both voluntary and court-order kinship cases. For court-ordered kinship care, expanding the definition would also allow child welfare agencies to consider like-kin caregivers as a long-term placement option when children are removed from their parent's care.



## Proposed statutory language:

48.57 (3m) (a) 2. "Kinship care relative" means a relative other than a parent, an extended family member\*, as defined in s. 48.028 (2) (am), or like-kin:

- 48.02 (12c) "Like-kin" means an individual who has a significant emotional relationship with a child or the child's family that is similar to a familial relationship and who is not and has not previously been the child's licensed foster parent. For an Indian child, "like-kin" includes individuals identified by the child's tribe according to tribal tradition, custom or resolution, code, or law.

48.02 (15) of the statutes is amended to read: 48.02 (15) "Relative" means a parent, stepparent, brother, sister, stepbrother, stepsister, half brother, half sister, brother-in-law, sister-in-law, first cousin, first cousin once removed...

\* Per s. 48.028 (2)(am), an extended family member means a person who is defined as a member of an Indian child's extended family by the law or custom of the Indian child's tribe or, in the absence of such a law or custom, a person who has attained the age of 18 years and who is the Indian child's grandparent, aunt, uncle, brother, sister, brother-in-law, sister-in-law, niece, nephew, first cousin, 2nd cousin, or stepparent.



## Samantha

Five year-old Samantha is being removed from her mother, Crystal's, care.

While Crystal has no family that could take Samantha, Samantha's family friend Mary is ready and willing to take placement. Samantha is a regular at Mary's home and often comes over for sleepovers. Mary hasn't missed a birthday or school event since Samantha was born. While Samantha calls Mary "Auntie Mary," they are not blood relatives.

Under current Wisconsin law, Mary would not be considered a long-term placement option and would receive no financial support because she is not considered a "relative."

Instead, Samantha may be placed with a family she doesn't know.



## Joey

Joey (age 16) lives with his dad, Jerome. Jerome is checking himself into a residential drug treatment program, following becoming addicted to opioids while recovering from back surgery.

While he is away, Jerome wants to be sure Joey is able to stay somewhere safe with someone he already knows. Jerome reaches out to his best friend, Michael. Joey has been around Michael his whole life, and thinks of Michael's children as his close friends.

Under current Wisconsin law, Michael, the close family friend, would not receive financial support while caring for Joey because he is not considered a relative. Joey may need to be placed in a group care facility if Michael cannot meet his needs without financial support.



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-4019/1  
EHS:wlj&amn

**2023 BILL**

1       **AN ACT** *to amend* 48.02 (15), 48.028 (2) (e), 48.028 (2) (f), 48.207 (1) (b), 48.207  
2           (1) (f), 48.33 (4) (intro.), 48.335 (3g) (intro.), 48.335 (3j) (intro.), 48.345 (3) (a)  
3           (intro.), 48.345 (3) (a) 1., 48.345 (3) (a) 2., 48.345 (4) (a), 48.355 (4) (b) (intro.),  
4           48.366 (1) (a), 48.371 (1) (intro.), 48.371 (1) (a), 48.371 (3) (intro.), 48.371 (3) (d),  
5           48.371 (5), 48.38 (2) (intro.), 48.38 (3m) (a), 48.38 (4) (f) (intro.), 48.38 (4m) (b),  
6           48.38 (4m) (d), 48.38 (5) (b), 48.38 (5) (bm) 1., 48.38 (5) (e), 48.38 (5m) (b), 48.38  
7           (5m) (c) 1., 48.38 (5m) (e), 48.385 (intro.), 48.40 (1m), 48.427 (3m) (a) 5., 48.43  
8           (5) (b) 1., 48.43 (5) (b) 3., 48.43 (5m), 48.57 (3m) (a) 1. b., 48.57 (3m) (a) 2., 48.57  
9           (3m) (am) (intro.), 48.57 (3m) (am) 1., 48.57 (3m) (am) 1m., 48.57 (3m) (am) 4.,  
10          48.57 (3m) (am) 4m., 48.57 (3m) (am) 5., 48.57 (3m) (am) 5m., 48.57 (3m) (am)  
11          6., 48.57 (3m) (ap) 1., 48.57 (3m) (ap) 2., 48.57 (3m) (ap) 3., 48.57 (3m) (b) 2.,  
12          48.57 (3m) (cm), 48.57 (3m) (h), 48.57 (3m) (i) 1., 48.57 (3n) (a) 1. b., 48.57 (3n)  
13          (a) 2., 48.57 (3n) (am) (intro.), 48.57 (3n) (am) 1., 48.57 (3n) (am) 2., 48.57 (3n)  
14          (am) 4., 48.57 (3n) (am) 4m., 48.57 (3n) (am) 5., 48.57 (3n) (am) 5m., 48.57 (3n)

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1 (am) 5r., 48.57 (3n) (am) 6. (intro.), 48.57 (3n) (am) 6. c., 48.57 (3n) (am) 6. d.,  
2 48.57 (3n) (am) 6. e., 48.57 (3n) (ap) 1., 48.57 (3n) (ap) 2., 48.57 (3n) (ap) 3., 48.57  
3 (3n) (b) 2., 48.57 (3n) (cm), 48.57 (3n) (h), 48.57 (3p) (h) 3. (intro.), 48.57 (3p) (h)  
4 3. b., 48.57 (3p) (h) 4., 48.60 (2) (a), 48.62 (2), 48.64 (1), 48.64 (1m), 48.64 (2),  
5 48.64 (4) (a), 48.64 (4) (c), 48.67 (4) (b), 49.155 (1m) (a) 1m. b., 118.175 (1), 767.57  
6 (1m) (cm), 767.57 (2), 938.02 (15), 938.028 (2) (c), 938.207 (1) (b), 938.207 (1) (f),  
7 938.33 (4) (intro.), 938.335 (3g) (intro.), 938.335 (3j) (intro.), 938.34 (3) (a)  
8 (intro.), 938.34 (3) (a) 1., 938.34 (3) (a) 2., 938.355 (4) (am) (intro.), 938.357 (6)  
9 (a) (intro.), 938.357 (6) (b), 938.365 (5) (b) (intro.), 938.366 (1) (a), 938.371 (1)  
10 (intro.), 938.371 (1) (a), 938.371 (3) (intro.), 938.371 (5), 938.38 (2) (intro.),  
11 938.38 (3m) (a), 938.38 (4) (f) (intro.), 938.38 (4m) (b), 938.38 (4m) (d), 938.38  
12 (5) (b), 938.38 (5) (bm) 1., 938.38 (5) (e), 938.38 (5m) (b), 938.38 (5m) (c) 1., 938.38  
13 (5m) (e) and 938.385 (intro.); and **to create** 48.02 (12c) and 938.02 (12c) of the  
14 statutes; **relating to:** inclusion of like-kin as an option for with whom children  
15 may be placed out of their home under certain circumstances and who may  
16 receive kinship care payments.

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

Under current law, a juvenile court may place a child in certain placements that provide out-of-home care under the Children’s Code and the Juvenile Justice Code. Under current law, those placements include specific types of licensed facilities, a licensed foster home, or the home of a relative other than a parent. Under current law, a relative other than a parent does not typically need to acquire a license in order to receive a relative child. This bill allows a juvenile court to similarly place a child with unlicensed individuals who qualify as “like-kin” under the Children’s Code and the Juvenile Justice Code.

The bill defines “like-kin” for the purposes of such a placement to be an individual who has a significant emotional relationship with a child or the child’s family that is similar to a familial relationship and, for an Indian child, includes an individual who is identified by the child’s tribe as kin or like-kin according to tribal

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tradition, custom or resolution, code, or law. Under the bill, “like-kin” does not include a current or former foster parent of a child for placement purposes.

Under current law, a relative other than a parent who is providing care and maintenance for a child under a court order may receive monthly kinship care payments from the Department of Children and Families or a county department of human or social services. The bill includes as those who may receive kinship care payments first cousins once removed and like-kin persons and changes the term used to refer to these persons from “kinship care relatives” to “kinship care providers.”

Under current law, for the purposes of permanency planning, a family permanency team may include like-kin. The current law definition of “like-kin,” for the purpose of determining the family permanency team, is similar to the definition of “like-kin” for placement purposes in the bill, except that the current law definition 1) does not exclude a current or former foster parent and 2) does not include individuals identified by the child’s tribe if the child is an Indian child. Under the bill, the definition of “like-kin” for determining a family permanency team does not exclude a current or former foster parent but does include individuals identified by the child’s tribe if the child is an Indian child.

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

1           **SECTION 1.** 48.02 (12c) of the statutes is created to read:

2           48.02 (12c) “Like-kin” means an individual who has a significant emotional  
3 relationship with a child or the child’s family that is similar to a familial relationship  
4 and who is not and has not previously been the child’s licensed foster parent. For an  
5 Indian child, “like-kin” includes individuals identified by the child’s tribe according  
6 to tribal tradition, custom or resolution, code, or law.

7           **SECTION 2.** 48.02 (15) of the statutes is amended to read:

8           48.02 (15) “Relative” means a parent, stepparent, brother, sister, stepbrother,  
9 stepsister, half brother, half sister, brother-in-law, sister-in-law, first cousin, first  
10 cousin once removed, 2nd cousin, nephew, niece, uncle, stepuncle, stepaunt, or  
11 any person of a preceding generation as denoted by the prefix of grand, great, or  
12 great-great, whether by blood, marriage, or legal adoption, or the spouse of any

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1 person named in this subsection, even if the marriage is terminated by death or  
2 divorce. For purposes of the application of s. 48.028 and the federal Indian Child  
3 Welfare Act, 25 USC 1901 to 1963, “relative” includes an extended family member,  
4 as defined in s. 48.028 (2) (am), whether by blood, marriage, or adoption, including  
5 adoption under tribal law or custom. For purposes of placement of a child, “relative”  
6 also includes a parent of a sibling of the child who has legal custody of that sibling.

7 **SECTION 3.** 48.028 (2) (e) of the statutes is amended to read:

8 48.028 (2) (e) “Out-of-home care placement” means the removal of an Indian  
9 child from the home of his or her parent or Indian custodian for temporary placement  
10 in a foster home, group home, residential care center for children and youth, or  
11 shelter care facility, in the home of a relative other than a parent, in the home of  
12 like-kin, or in the home of a guardian, from which placement the parent or Indian  
13 custodian cannot have the child returned upon demand. “Out-of-home care  
14 placement” does not include an adoptive placement, a preadoptive placement, a  
15 delegation of powers, as described in par. (d) 5., an emergency change in placement  
16 under s. 48.357 (2) (b), or holding an Indian child in custody under ss. 48.19 to 48.21.

17 **SECTION 4.** 48.028 (2) (f) of the statutes is amended to read:

18 48.028 (2) (f) “Preadoptive placement” means the temporary placement of an  
19 Indian child in a foster home, group home, or residential care center for children and  
20 youth, in the home of a relative other than a parent, in the home of like-kin, or in  
21 the home of a guardian after a termination of parental rights but prior to or in lieu  
22 of an adoptive placement. “Preadoptive placement” does not include an emergency  
23 change in placement under s. 48.437 (2).

24 **SECTION 5.** 48.207 (1) (b) of the statutes is amended to read:

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1           48.207 (1) (b) The home of a relative or like-kin, except that a child may not  
2           be held under this paragraph in the home of a relative if the relative person who has  
3           been convicted under s. 940.01 of the first-degree intentional homicide, or under s.  
4           940.05 of the 2nd-degree intentional homicide, of a parent of the child, and the  
5           conviction has not been reversed, set aside or vacated, unless the person making the  
6           custody decision determines by clear and convincing evidence that the placement  
7           would be in the best interests of the child. The person making the custody decision  
8           shall consider the wishes of the child in making that determination.

9           **SECTION 6.** 48.207 (1) (f) of the statutes is amended to read:

10          48.207 (1) (f) The home of a person not a relative or like-kin, if the placement  
11          does not exceed 30 days, though the placement may be extended for an additional 30  
12          days for cause by the court, and if the person has not had a license under s. 48.62  
13          refused, revoked, or suspended within the last 2 years.

14          **SECTION 7.** 48.33 (4) (intro.) of the statutes is amended to read:

15          48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending  
16          placement of an adult expectant mother outside of her home shall be in writing. A  
17          report recommending placement of a child in a foster home, group home, or  
18          residential care center for children and youth, in the home of a relative other than  
19          a parent, in the home of like-kin, in the home of a guardian under s. 48.977 (2), or  
20          in a supervised independent living arrangement shall be in writing and shall include  
21          all of the following:

22          **SECTION 8.** 48.335 (3g) (intro.) of the statutes is amended to read:

23          48.335 (3g) (intro.) At hearings under this section, if the agency, as defined in  
24          s. 48.38 (1) (a), is recommending placement of the child in a foster home, group home,  
25          or residential care center for children and youth, in the home of a relative other than



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1 a parent, in the home of like-kin, in the home of a guardian under s. 48.977 (2), or  
2 in a supervised independent living arrangement, the agency shall present as  
3 evidence specific information showing all of the following:

4 **SECTION 9.** 48.335 (3j) (intro.) of the statutes is amended to read:

5 48.335 (3j) (intro.) At hearings under this section involving an Indian child, if  
6 the agency, as defined in s. 48.38 (1) (a), is recommending removal of the Indian child  
7 from the home of his or her parent or Indian custodian and placement of the Indian  
8 child in a foster home, group home, or residential care center for children and youth  
9 or in the home of a relative other than a parent or in the home of like-kin, the agency  
10 shall present as evidence specific information showing all of the following:

11 **SECTION 10.** 48.345 (3) (a) (intro.) of the statutes is amended to read:

12 48.345 (3) (a) (intro.) The home of a parent ~~or~~, other relative, or like-kin of the  
13 child, except that the judge may not designate any of the following as the child's  
14 placement, unless the judge determines by clear and convincing evidence that the  
15 placement would be in the best interests of the child or, in the case of an Indian child,  
16 the best interests of the Indian child as described in s. 48.01 (2):

17 **SECTION 11.** 48.345 (3) (a) 1. of the statutes is amended to read:

18 48.345 (3) (a) 1. The home of a parent ~~or~~, other relative, or like-kin if the parent  
19 ~~or~~, other relative, or like-kin has been convicted under s. 940.01 of the first-degree  
20 intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of  
21 a parent of the child, and the conviction has not been reversed, set aside, or vacated.  
22 In determining whether a placement under this subdivision would be in the best  
23 interests of the child, the judge shall consider the wishes of the child.

24 **SECTION 12.** 48.345 (3) (a) 2. of the statutes is amended to read:

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1           48.345 (3) (a) 2. The home of a relative other than the parent of a child or the  
2 home of like-kin if the judge finds that the relative or like-kin has been convicted  
3 of, has pleaded no contest to, or has had a charge dismissed or amended as a result  
4 of a plea agreement for a crime under s. 948.02 (1) or (2), 948.025, 948.03 (2) or (5)  
5 (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055, 948.06, 948.07, 948.08, 948.081, 948.085,  
6 948.11 (2) (a) or (am), 948.12, 948.13, 948.21, 948.215, 948.30, or 948.53, or a similar  
7 law of another state.

8           **SECTION 13.** 48.345 (4) (a) of the statutes is amended to read:

9           48.345 (4) (a) A relative or like-kin of the child.

10          **SECTION 14.** 48.355 (4) (b) (intro.) of the statutes is amended to read:

11          48.355 (4) (b) (intro.) Except as provided under s. 48.368, an order under this  
12 section or s. 48.357 or 48.365 made before the child reaches 18 years of age that places  
13 or continues the placement of the child in a foster home, group home, or residential  
14 care center for children and youth, in the home of a relative other than a parent, in  
15 the home of like-kin, or in a supervised independent living arrangement shall  
16 terminate on the latest of the following dates, unless the judge specifies a shorter  
17 period or the judge terminates the order sooner:

18          **SECTION 15.** 48.366 (1) (a) of the statutes is amended to read:

19          48.366 (1) (a) The person is placed in a foster home, group home, or residential  
20 care center for children and youth, in the home of a relative other than a parent, in  
21 the home of like-kin, or in a supervised independent living arrangement under an  
22 order under s. 48.355, 48.357, or 48.365 that terminates as provided in s. 48.355 (4)  
23 (b) 1., 2., or 3., 48.357 (6) (a) 1., 2., or 3., or 48.365 (5) (b) 1., 2., or 3. on or after the  
24 person attains 18 years of age.

25          **SECTION 16.** 48.371 (1) (intro.) of the statutes is amended to read:

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1           48.371 (1) (intro.) If a child is placed in a foster home, group home, or  
2 residential care center for children and youth or in the home of a relative other than  
3 a parent or in the home of like-kin, including a placement under s. 48.205 or 48.21,  
4 the agency, as defined in s. 48.38 (1) (a), that placed the child or arranged for the  
5 placement of the child shall provide the following information to the foster parent,  
6 relative, like-kin, or operator of the group home or residential care center for  
7 children and youth at the time of placement or, if the information has not been  
8 provided to the agency by that time, as soon as possible after the date on which the  
9 agency receives that information, but not more than 2 working days after that date:

10           **SECTION 17.** 48.371 (1) (a) of the statutes is amended to read:

11           48.371 (1) (a) Results of an HIV test, as defined in s. 252.01 (2m), of the child,  
12 as provided under s. 252.15 (3m) (d) 15., including results included in a court report  
13 or permanency plan. At the time that the HIV test results are provided, the agency  
14 shall notify the foster parent, relative, like-kin, or operator of the group home or  
15 residential care center for children and youth of the confidentiality requirements  
16 under s. 252.15 (6).

17           **SECTION 18.** 48.371 (3) (intro.) of the statutes is amended to read:

18           48.371 (3) (intro.) At the time of placement of a child in a foster home, group  
19 home, or residential care center for children and youth or in the home of a relative  
20 other than a parent or in the home of like-kin or, if the information is not available  
21 at that time, as soon as possible after the date on which the court report or  
22 permanency plan has been submitted, but no later than 7 days after that date, the  
23 agency, as defined in s. 48.38 (1) (a), responsible for preparing the child's permanency  
24 plan shall provide to the foster parent, relative, like-kin, or operator of the group  
25 home or residential care center for children and youth information contained in the

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1 court report submitted under s. 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2), or 48.837  
2 (4) (c) or permanency plan submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5)  
3 (c), 48.63 (4) or (5) (c), or 48.831 (4) (e) relating to findings or opinions of the court or  
4 agency that prepared the court report or permanency plan relating to any of the  
5 following:

6 **SECTION 19.** 48.371 (3) (d) of the statutes is amended to read:

7 48.371 (3) (d) Any involvement of the child, whether as victim or perpetrator,  
8 in sexual intercourse or sexual contact in violation of s. 940.225, 948.02, 948.025, or  
9 948.085, prostitution in violation of s. 944.30 (1m), trafficking in violation of s.  
10 940.302 (2) if s. 940.302 (2) (a) 1. b. applies, sexual exploitation of a child in violation  
11 of s. 948.05, trafficking of a child in violation of s. 948.051, or causing a child to view  
12 or listen to sexual activity in violation of s. 948.055, if the information is necessary  
13 for the care of the child or for the protection of any person living in the foster home,  
14 group home, or residential care center for children and youth or in the home of the  
15 relative or like-kin.

16 **SECTION 20.** 48.371 (5) of the statutes is amended to read:

17 48.371 (5) Except as permitted under s. 252.15 (6), a foster parent, relative,  
18 like-kin, or operator of a group home or residential care center for children and youth  
19 that receives any information under sub. (1) or (3), other than the information  
20 described in sub. (3) (e), shall keep the information confidential and may disclose that  
21 information only for the purposes of providing care for the child or participating in  
22 a court hearing or permanency review concerning the child.

23 **SECTION 21.** 48.38 (2) (intro.) of the statutes is amended to read:

24 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),  
25 for each child living in a foster home, group home, residential care center for children

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1 and youth, juvenile detention facility, shelter care facility, qualifying residential  
2 family-based treatment facility with a parent, or supervised independent living  
3 arrangement, the agency that placed the child or arranged the placement or the  
4 agency assigned primary responsibility for providing services to the child under s.  
5 48.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following  
6 conditions exists, and, for each child living in the home of a guardian ~~or~~, a relative  
7 other than a parent, or like-kin, that agency shall prepare a written permanency  
8 plan, if any of the conditions specified in pars. (a) to (e) exists:

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

10 48.38 **(3m)** (a) All appropriate biological family members, relatives, and  
11 like-kin of the child, as determined by the agency. Notwithstanding s. 48.02 (12c),  
12 in this paragraph, “like-kin” may include an individual who is or previously was the  
13 child’s licensed foster parent.

14 **SECTION 23.** 48.38 (4) (f) (intro.) of the statutes is amended to read:

15 48.38 **(4)** (f) (intro.) A description of the services that will be provided to the  
16 child, the child’s family, and the child’s foster parent, the operator of the facility  
17 where the child is living, or the relative or like-kin with whom the child is living to  
18 carry out the dispositional order, including services planned to accomplish all of the  
19 following:

20 **SECTION 24.** 48.38 (4m) (b) of the statutes is amended to read:

21 48.38 **(4m)** (b) At least 10 days before the date of the hearing the court shall  
22 notify the child; any parent, guardian, and legal custodian of the child; any foster  
23 parent, or other physical custodian described in s. 48.62 (2) of the child, the operator  
24 of the facility in which the child is living, or the relative or like-kin with whom the  
25 child is living; and, if the child is an Indian child, the Indian child’s Indian custodian

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1 and tribe of the time, place, and purpose of the hearing, of the issues to be determined  
2 at the hearing, and of the fact that they shall have a right to be heard at the hearing.

3 **SECTION 25.** 48.38 (4m) (d) of the statutes is amended to read:

4 48.38 **(4m)** (d) The court shall give a foster parent, other physical custodian  
5 described in s. 48.62 (2), operator of a facility, ~~or relative,~~ or like-kin who is notified  
6 of a hearing under par. (b) a right to be heard at the hearing by permitting the foster  
7 parent, other physical custodian, operator, ~~or relative,~~ or like-kin to make a written  
8 or oral statement during the hearing, or to submit a written statement prior to the  
9 hearing, relevant to the issues to be determined at the hearing. The foster parent,  
10 other physical custodian, operator of a facility, ~~or relative,~~ or like-kin does not  
11 become a party to the proceeding on which the hearing is held solely on the basis of  
12 receiving that notice and right to be heard.

13 **SECTION 26.** 48.38 (5) (b) of the statutes is amended to read:

14 48.38 **(5)** (b) The court or the agency shall notify the child; the child's parent,  
15 guardian, and legal custodian; the child's foster parent, the operator of the facility  
16 in which the child is living, or the relative or like-kin with whom the child is living;  
17 and, if the child is an Indian child who is placed outside the home of his or her parent  
18 or Indian custodian, the Indian child's Indian custodian and tribe of the time, place,  
19 and purpose of the review, of the issues to be determined as part of the review, and  
20 of the fact that they shall have a right to be heard at the review as provided in par.  
21 (bm) 1. The court or agency shall notify the person representing the interests of the  
22 public, the child's counsel, the child's guardian ad litem, the child's court-appointed  
23 special advocate, and the child's school of the time, place, and purpose of the review,  
24 of the issues to be determined as part of the review, and of the fact that they may have  
25 an opportunity to be heard at the review as provided in par. (bm) 1. The notices under

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1 this paragraph shall be provided in writing not less than 30 days before the review  
2 and copies of the notices shall be filed in the child's case record. The notice to the  
3 child's school shall also include the name and contact information for the caseworker  
4 or social worker assigned to the child's case.

5 **SECTION 27.** 48.38 (5) (bm) 1. of the statutes is amended to read:

6 48.38 (5) (bm) 1. A child, parent, guardian, legal custodian, foster parent,  
7 operator of a facility, ~~or~~ relative, or like-kin who is provided notice of the review  
8 under par. (b) shall have a right to be heard at the review by submitting written  
9 comments relevant to the determinations specified in par. (c) not less than 10  
10 working days before the date of the review or by participating at the review. A person  
11 representing the interests of the public, counsel, guardian ad litem, court-appointed  
12 special advocate, or school who is provided notice of the review under par. (b) may  
13 have an opportunity to be heard at the review by submitting written comments  
14 relevant to the determinations specified in par. (c) not less than 10 working days  
15 before the date of the review. A foster parent, operator of a facility, ~~or~~ relative, or  
16 like-kin who receives notice of a review under par. (b) and a right to be heard under  
17 this subdivision does not become a party to the proceeding on which the review is held  
18 solely on the basis of receiving that notice and right to be heard.

19 **SECTION 28.** 48.38 (5) (e) of the statutes is amended to read:

20 48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of  
21 the determinations under par. (c) and shall provide a copy to the court that entered  
22 the order; the child or the child's counsel or guardian ad litem; the person  
23 representing the interests of the public; the child's parent, guardian, or legal  
24 custodian; the child's court-appointed special advocate; the child's foster parent, the  
25 operator of the facility where the child is living, or the relative or like-kin with whom

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1 the child is living; and, if the child is an Indian child who is placed outside the home  
2 of his or her parent or Indian custodian, the Indian child's Indian custodian and tribe.

3 **SECTION 29.** 48.38 (5m) (b) of the statutes is amended to read:

4 48.38 **(5m)** (b) The court shall notify the child; the child's parent, guardian, and  
5 legal custodian; and the child's foster parent, the operator of the facility in which the  
6 child is living, or the relative or like-kin with whom the child is living of the time,  
7 place, and purpose of the hearing, of the issues to be determined at the hearing, and  
8 of the fact that they shall have a right to be heard at the hearing as provided in par.

9 (c) 1. The court shall notify the child's counsel, the child's guardian ad litem, and the  
10 child's court-appointed special advocate; the agency that prepared the permanency  
11 plan; the child's school; the person representing the interests of the public; and, if the  
12 child is an Indian child who is placed outside the home of his or her parent or Indian  
13 custodian, the Indian child's Indian custodian and tribe of the time, place, and  
14 purpose of the hearing, of the issues to be determined at the hearing, and of the fact  
15 that they may have an opportunity to be heard at the hearing as provided in par. (c)

16 1. The notices under this paragraph shall be provided in writing not less than 30  
17 days before the hearing. The notice to the child's school shall also include the name  
18 and contact information for the caseworker or social worker assigned to the child's  
19 case.

20 **SECTION 30.** 48.38 (5m) (c) 1. of the statutes is amended to read:

21 48.38 **(5m)** (c) 1. A child, parent, guardian, legal custodian, foster parent,  
22 operator of a facility, ~~or~~ relative, or like-kin who is provided notice of the hearing  
23 under par. (b) shall have a right to be heard at the hearing by submitting written  
24 comments relevant to the determinations specified in sub. (5) (c) not less than 10  
25 working days before the date of the hearing or by participating at the hearing. A



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1 counsel, guardian ad litem, court-appointed special advocate, agency, school, or  
2 person representing the interests of the public who is provided notice of the hearing  
3 under par. (b) may have an opportunity to be heard at the hearing by submitting  
4 written comments relevant to the determinations specified in sub. (5) (c) not less  
5 than 10 working days before the date of the hearing or by participating at the  
6 hearing. A foster parent, operator of a facility, ~~or~~ relative, or like-kin who receives  
7 notice of a hearing under par. (b) and a right to be heard under this subdivision does  
8 not become a party to the proceeding on which the hearing is held solely on the basis  
9 of receiving that notice and right to be heard.

10 **SECTION 31.** 48.38 (5m) (e) of the statutes is amended to read:

11 48.38 **(5m)** (e) After the hearing, the court shall make written findings of fact  
12 and conclusions of law relating to the determinations under sub. (5) (c) and shall  
13 provide a copy of those findings of fact and conclusions of law to the child; the child's  
14 parent, guardian, and legal custodian; the child's foster parent, the operator of the  
15 facility in which the child is living, or the relative or like-kin with whom the child  
16 is living; the child's court-appointed special advocate; the agency that prepared the  
17 permanency plan; the person representing the interests of the public; and, if the child  
18 is an Indian child who is placed outside the home of his or her parent or Indian  
19 custodian, the Indian child's Indian custodian and tribe. The court shall make the  
20 findings specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances  
21 specific to the child and shall document or reference the specific information on  
22 which those findings are based in the findings of fact and conclusions of law prepared  
23 under this paragraph. Findings of fact and conclusions of law that merely reference  
24 sub. (5) (c) 7. without documenting or referencing that specific information in the  
25 findings of fact and conclusions of law or amended findings of fact and conclusions

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1 of law that retroactively correct earlier findings of fact and conclusions of law that  
2 do not comply with this paragraph are not sufficient to comply with this paragraph.

3 **SECTION 32.** 48.385 (intro.) of the statutes is amended to read:

4 **48.385 Plan for transition to independent living.** (intro.) During the 90  
5 days immediately before a child who is placed in a foster home, group home, or  
6 residential care center for children and youth, in the home of a relative other than  
7 a parent, in the home of like-kin, or in a supervised independent living arrangement  
8 attains 18 years of age or, if the child is placed in such a placement under an order  
9 under s. 48.355, 48.357, or 48.365 that terminates under s. 48.355 (4) (b) after the  
10 child attains 18 years of age or under a voluntary transition-to-independent-living  
11 agreement under s. 48.366 (3) that terminates under s. 48.366 (3) (a) after the child  
12 attains 18 years of age, during the 90 days immediately before the termination of the  
13 order or agreement, the agency primarily responsible for providing services to the  
14 child under the order or agreement shall do all of the following:

15 **SECTION 33.** 48.40 (1m) of the statutes is amended to read:

16 48.40 (1m) “Kinship care relative provider” means a person receiving  
17 payments under s. 48.57 (3m) (am) for providing care and maintenance for a child.

18 **SECTION 34.** 48.427 (3m) (a) 5. of the statutes is amended to read:

19 48.427 (3m) (a) 5. A relative with whom the child resides, if the relative has  
20 filed a petition to adopt the child or if the relative is a kinship care relative provider  
21 or is receiving payments under s. 48.62 (4) for providing care and maintenance for  
22 the child.

23 **SECTION 35.** 48.43 (5) (b) 1. of the statutes is amended to read:

24 48.43 (5) (b) 1. The court shall hold a hearing to review the permanency plan  
25 within 30 days after receiving a report under par. (a). At least 10 days before the date

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1 of the hearing, the court shall provide notice of the time, place, and purpose of the  
2 hearing to the agency that prepared the report, the child's guardian, the child, and  
3 the child's foster parent, the operator of the facility in which the child is living, or the  
4 relative or like-kin with whom the child is living.

5 **SECTION 36.** 48.43 (5) (b) 3. of the statutes is amended to read:

6 48.43 (5) (b) 3. The court shall give a foster parent, operator of a facility, or  
7 relative or like-kin who is notified of a hearing under subd. 1. a right to be heard at  
8 the hearing by permitting the foster parent, operator, or relative or like-kin to make  
9 a written or oral statement during the hearing, or to submit a written statement  
10 prior to the hearing, relevant to the issues to be determined at the hearing. The foster  
11 parent, operator of a facility, or relative or like-kin does not become a party to the  
12 proceeding on which the hearing is held solely on the basis of receiving that notice  
13 and right to be heard.

14 **SECTION 37.** 48.43 (5m) of the statutes is amended to read:

15 48.43 (5m) Either the court or the agency that prepared the permanency plan  
16 shall furnish a copy of the original plan and each revised plan to the child, if he or  
17 she is 12 years of age or over, to the child's guardian, to the child's foster parent, the  
18 operator of the facility in which the child is living, or the relative or like-kin with  
19 whom the child is living, and, if the order under sub. (1) involuntarily terminated  
20 parental rights to an Indian child, to the Indian child's tribe.

21 **SECTION 38.** 48.57 (3m) (a) 1. b. of the statutes is amended to read:

22 48.57 (3m) (a) 1. b. The person is under 21 years of age, the person is a full-time  
23 student in good academic standing at a secondary school or its vocational or technical  
24 equivalent, an individualized education program under s. 115.787 is in effect for the  
25 person, and the person is placed in the home of the kinship care relative provider

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1 under an order under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365 that  
2 terminates under s. 48.355 (4) (b) or 938.355 (4) (am) after the person attains 18 years  
3 of age or under a voluntary transition-to-independent-living agreement under s.  
4 48.366 (3) or 938.366 (3).

5 **SECTION 39.** 48.57 (3m) (a) 2. of the statutes is amended to read:

6 48.57 (3m) (a) 2. “Kinship care relative provider” means a relative other than  
7 a parent, an extended family member, as defined in s. 48.028 (2) (am), or like-kin.

8 **SECTION 40.** 48.57 (3m) (am) (intro.) of the statutes, as affected by Wisconsin  
9 Act 19, is amended to read:

10 48.57 (3m) (am) (intro.) From the appropriations under s. 20.437 (2) (dz), (md),  
11 (me), and (s), the department shall reimburse counties having populations of less  
12 than 750,000 for payments made under this subsection and shall make payments  
13 under this subsection in a county having a population of 750,000 or more. Subject  
14 to par. (ap), a county department and, in a county having a population of 750,000 or  
15 more, the department shall make payments per month in the amount of \$375  
16 beginning on January 1, 2024, to a kinship care relative provider who is providing  
17 care and maintenance for a child if all of the following conditions are met:

18 **SECTION 41.** 48.57 (3m) (am) 1. of the statutes is amended to read:

19 48.57 (3m) (am) 1. The kinship care relative provider applies to the county  
20 department or department for payments under this subsection and, if the child is  
21 placed in the home of the kinship care relative provider under a court order, other  
22 than a court order under s. 48.9795 or ch. 54, 2017 stats., for a license to operate a  
23 foster home.

24 **SECTION 42.** 48.57 (3m) (am) 1m. of the statutes is amended to read:

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1           48.57 **(3m)** (am) 1m. The county department or department determines that  
2 there is a need for the child to be placed with the kinship care relative provider and  
3 that the placement with the kinship care relative provider is in the best interests of  
4 the child.

5           **SECTION 43.** 48.57 (3m) (am) 4. of the statutes is amended to read:

6           48.57 **(3m)** (am) 4. The county department or department conducts a  
7 background investigation under sub. (3p) of the kinship care relative provider, any  
8 employee and prospective employee of the kinship care relative provider who has or  
9 would have regular contact with the child for whom the payments would be made and  
10 any other adult resident of the kinship care relative's provider's home to determine  
11 if the kinship care relative provider, employee, prospective employee or adult  
12 resident has any arrests or convictions that could adversely affect the child or the  
13 kinship care relative's provider's ability to care for the child.

14           **SECTION 44.** 48.57 (3m) (am) 4m. of the statutes is amended to read:

15           48.57 **(3m)** (am) 4m. Subject to sub. (3p) (fm) 1. and 2., the kinship care relative  
16 provider states that he or she does not have any arrests or convictions that could  
17 adversely affect the child or the kinship care relative's provider's ability to care for  
18 the child and that no adult resident, as defined in sub. (3p) (a), and no employee or  
19 prospective employee of the kinship care relative provider who would have regular  
20 contact with the child has any arrests or convictions that could adversely affect the  
21 child or the kinship care relative's provider's ability to care for the child.

22           **SECTION 45.** 48.57 (3m) (am) 5. of the statutes is amended to read:

23           48.57 **(3m)** (am) 5. The kinship care relative provider cooperates with the  
24 county department or department in the application process, including applying for  
25 other forms of assistance for which the child may be eligible.

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1           **SECTION 46.** 48.57 (3m) (am) 5m. of the statutes is amended to read:

2           48.57 **(3m)** (am) 5m. The kinship care relative provider is not receiving  
3 payments under sub. (3n) with respect to the child.

4           **SECTION 47.** 48.57 (3m) (am) 6. of the statutes is amended to read:

5           48.57 **(3m)** (am) 6. The child for whom the kinship care relative provider is  
6 providing care and maintenance is not receiving supplemental security income  
7 under 42 USC 1381 to 1383c or state supplemental payments under s. 49.77.

8           **SECTION 48.** 48.57 (3m) (ap) 1. of the statutes is amended to read:

9           48.57 **(3m)** (ap) 1. Subject to subds. 2. and 3., the county department or, in a  
10 county having a population of 750,000 or more, the department may make payments  
11 under par. (am) to a kinship care relative provider who is providing care and  
12 maintenance for a child who is placed in the home of the kinship care relative  
13 provider under a court order for no more than 60 days after the date on which the  
14 county department or department received under par. (am) 1. the completed  
15 application of the kinship care relative provider for a license to operate a foster home  
16 or, if the application is approved or denied or the kinship care relative provider is  
17 otherwise determined to be ineligible for licensure within those 60 days, until the  
18 date on which the application is approved or denied or the kinship care relative  
19 provider is otherwise determined to be ineligible for licensure.

20           **SECTION 49.** 48.57 (3m) (ap) 2. of the statutes is amended to read:

21           48.57 **(3m)** (ap) 2. If the application specified in subd. 1. is not approved or  
22 denied or the kinship care relative provider is not otherwise determined to be  
23 ineligible for licensure within 60 days after the date on which the county department  
24 or department received the completed application for any reason other than an act  
25 or omission of the kinship care relative provider, the county department or

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1 department may make payments under par. (am) for 4 months after the date on  
2 which the county department or department received the completed application or,  
3 if the application is approved or denied or the kinship care relative provider is  
4 otherwise determined to be ineligible for licensure within those 4 months, until the  
5 date on which the application is approved or denied or the kinship care relative  
6 provider is otherwise determined to be ineligible for licensure.

7 **SECTION 50.** 48.57 (3m) (ap) 3. of the statutes is amended to read:

8 48.57 **(3m)** (ap) 3. Notwithstanding that an application of a kinship care  
9 relative provider specified in subd. 1. is denied or the kinship care relative provider  
10 is otherwise determined to be ineligible for licensure, the county department or, in  
11 a county having a population of 750,000 or more, the department may make  
12 payments under par. (am) to the kinship care relative provider for as long as the  
13 conditions specified in par. (am) 1. to 6. continue to apply if the county department  
14 or department submits to the court information relating to the background  
15 investigation specified in par. (am) 4., an assessment of the safety of the kinship care  
16 relative's provider's home and the ability of the kinship care relative provider to care  
17 for the child, and a recommendation that the child remain in the home of the kinship  
18 care relative provider and the court, after considering that information, assessment,  
19 and recommendation, orders the child to remain in the kinship care relative's  
20 provider's home. If the court does not order the child to remain in the kinship care  
21 relative's provider's home, the court shall order the county department or  
22 department to request a change in placement under s. 48.357 (1) (am) or 938.357 (1)  
23 (am). Any person specified in s. 48.357 (2m) (a) or 938.357 (2m) (a) may also request  
24 a change in placement.

25 **SECTION 51.** 48.57 (3m) (b) 2. of the statutes is amended to read:

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1           48.57 (3m) (b) 2. When any kinship care ~~relative~~ provider of a child applies for  
2           or receives payments under this subsection, any right of the child or the child's parent  
3           to support or maintenance from any other person accruing during the time that  
4           payments are made under this subsection is assigned to the state. If a child who is  
5           the beneficiary of a payment under this subsection is also the beneficiary of support  
6           under a judgment or order that includes support for one or more children who are not  
7           the beneficiaries of payments under this subsection, any support payment made  
8           under the judgment or order is assigned to the state in the amount that is the  
9           proportionate share of the child who is the beneficiary of the payment made under  
10          this subsection, except as otherwise ordered by the court on the motion of a party.

11          **SECTION 52.** 48.57 (3m) (cm) of the statutes is amended to read:

12          48.57 (3m) (cm) A kinship care ~~relative~~ provider who receives a payment under  
13          par. (am) for providing care and maintenance for a child is not eligible to receive a  
14          payment under sub. (3n) or s. 48.62 (4) or 48.623 (1) or (6) for that child.

15          **SECTION 53.** 48.57 (3m) (h) of the statutes is amended to read:

16          48.57 (3m) (h) A county department or, in a county having a population of  
17          750,000 or more, the department may recover an overpayment made under par. (am)  
18          from a kinship care ~~relative~~ provider who continues to receive payments under par.  
19          (am) by reducing the amount of the kinship care ~~relative's~~ provider's monthly  
20          payment. The department may by rule specify other methods for recovering  
21          overpayments made under par. (am). A county department that recovers an  
22          overpayment under this paragraph due to the efforts of its officers and employees  
23          may retain a portion of the amount recovered, as provided by the department by rule.

24          **SECTION 54.** 48.57 (3m) (i) 1. of the statutes is amended to read:



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1           48.57 (3m) (i) 1. Rules to provide assessment criteria for determining whether  
2 a kinship care relative provider who is providing care and maintenance for a child  
3 is eligible to receive payments under par. (am). The rules shall also provide that any  
4 criteria established under the rules shall first apply to applications for payments  
5 under par. (am) received, and to reviews under par. (d) conducted, on the effective  
6 date of those rules.

7           **SECTION 55.** 48.57 (3n) (a) 1. b. of the statutes is amended to read:

8           48.57 (3n) (a) 1. b. The person is under 21 years of age, the person is a full-time  
9 student in good academic standing at a secondary school or its vocational or technical  
10 equivalent, an individualized education program under s. 115.787 is in effect for the  
11 person, and the person is placed in the home of the long-term kinship care relative  
12 provider under an order under s. 48.355, 48.357, 48.365, 938.355, 938.357, or 938.365  
13 that terminates under s. 48.355 (4) (b) or 938.355 (4) (am) after the person attains  
14 18 years of age or under a voluntary transition-to-independent-living agreement  
15 under s. 48.366 (3) or 938.366 (3).

16           **SECTION 56.** 48.57 (3n) (a) 2. of the statutes is amended to read:

17           48.57 (3n) (a) 2. “Long-term kinship care relative provider” means a relative  
18 other than a parent, an extended family member, as defined in s. 48.028 (2) (am), or  
19 like-kin.

20           **SECTION 57.** 48.57 (3n) (am) (intro.) of the statutes, as affected by Wisconsin  
21 Act 19, is amended to read:

22           48.57 (3n) (am) (intro.) From the appropriations under s. 20.437 (2) (dz), (md),  
23 (me), and (s), the department shall reimburse counties having populations of less  
24 than 750,000 for payments made under this subsection and shall make payments  
25 under this subsection in a county having a population of 750,000 or more. Subject

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1 to par. (ap), a county department and, in a county having a population of 750,000 or  
2 more, the department shall make monthly payments for each child per month in the  
3 amount of \$375 beginning on January 1, 2024, to a long-term kinship care ~~relative~~  
4 provider who is providing care and maintenance for that child if all of the following  
5 conditions are met:

6 **SECTION 58.** 48.57 (3n) (am) 1. of the statutes is amended to read:

7 48.57 (3n) (am) 1. The long-term kinship care ~~relative~~ provider applies to the  
8 county department or department for payments under this subsection, provides  
9 proof that he or she has been appointed as the guardian of the child, and, if the child  
10 is placed in the home of the long-term kinship care ~~relative~~ provider under a court  
11 order, other than a court order under s. 48.9795 or ch. 54, 2017 stats., applies to the  
12 county department or department for a license to operate a foster home.

13 **SECTION 59.** 48.57 (3n) (am) 2. of the statutes is amended to read:

14 48.57 (3n) (am) 2. The county department or department inspects the  
15 long-term kinship care ~~relative's~~ provider's home, interviews the long-term kinship  
16 care ~~relative~~ provider and determines that long-term placement with the long-term  
17 kinship care ~~relative~~ provider is in the best interests of the child.

18 **SECTION 60.** 48.57 (3n) (am) 4. of the statutes is amended to read:

19 48.57 (3n) (am) 4. The county department or department conducts a  
20 background investigation under sub. (3p) of the long-term kinship care ~~relative~~  
21 provider, the employees and prospective employees of the long-term kinship care  
22 ~~relative~~ provider who have or would have regular contact with the child for whom the  
23 payments would be made and any other adult resident, as defined in sub. (3p) (a),  
24 of the long-term kinship care ~~relative's~~ provider's home to determine if the  
25 long-term kinship care ~~relative~~ provider, employee, prospective employee or adult

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1 resident has any arrests or convictions that are likely to adversely affect the child or  
2 the long-term kinship care relative's provider's ability to care for the child.

3 **SECTION 61.** 48.57 (3n) (am) 4m. of the statutes is amended to read:

4 48.57 **(3n)** (am) 4m. Subject to sub. (3p) (fm) 1m. and 2m., the long-term  
5 kinship care relative provider states that he or she does not have any arrests or  
6 convictions that could adversely affect the child or the long-term kinship care  
7 relative's provider's ability to care for the child and that, to the best of the long-term  
8 kinship care relative's provider's knowledge, no adult resident, as defined in sub. (3p)  
9 (a), and no employee or prospective employee of the long-term kinship care relative  
10 provider who would have regular contact with the child has any arrests or  
11 convictions that could adversely affect the child or the long-term kinship care  
12 relative's provider's ability to care for the child.

13 **SECTION 62.** 48.57 (3n) (am) 5. of the statutes is amended to read:

14 48.57 **(3n)** (am) 5. The long-term kinship care relative provider cooperates  
15 with the county department or department in the application process, including  
16 applying for other forms of assistance for which the child may be eligible.

17 **SECTION 63.** 48.57 (3n) (am) 5m. of the statutes is amended to read:

18 48.57 **(3n)** (am) 5m. The long-term kinship care relative provider is not  
19 receiving payments under sub. (3m) with respect to the child.

20 **SECTION 64.** 48.57 (3n) (am) 5r. of the statutes is amended to read:

21 48.57 **(3n)** (am) 5r. The child for whom the long-term kinship care relative  
22 provider is providing care and maintenance is not receiving supplemental security  
23 income under 42 USC 1381 to 1383c or state supplemental payments under s. 49.77.

24 **SECTION 65.** 48.57 (3n) (am) 6. (intro.) of the statutes is amended to read:

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1           48.57 (3n) (am) 6. (intro.) The long-term kinship care ~~relative~~ provider and the  
2 county department or department enter into a written agreement under which the  
3 long-term kinship care ~~relative~~ provider agrees to provide care and maintenance for  
4 the child and the county department or department agrees, subject to sub. (3p) (hm),  
5 to make monthly payments to the long-term kinship care ~~relative~~ provider at the  
6 rate specified in sub. (3m) (am) (intro.) until the earliest of the following:

7           **SECTION 66.** 48.57 (3n) (am) 6. c. of the statutes is amended to read:

8           48.57 (3n) (am) 6. c. The date on which the child is placed outside the long-term  
9 kinship care ~~relative's~~ provider's home under a court order or under a voluntary  
10 agreement under s. 48.63 (1) (a) or (b) or (5) (b).

11           **SECTION 67.** 48.57 (3n) (am) 6. d. of the statutes is amended to read:

12           48.57 (3n) (am) 6. d. The date on which the child ceases to reside with the  
13 long-term kinship care ~~relative~~ provider.

14           **SECTION 68.** 48.57 (3n) (am) 6. e. of the statutes is amended to read:

15           48.57 (3n) (am) 6. e. The date on which the long-term kinship care's care  
16 provider's guardianship under s. 48.977 terminates.

17           **SECTION 69.** 48.57 (3n) (ap) 1. of the statutes is amended to read:

18           48.57 (3n) (ap) 1. Subject to subds. 2. and 3., the county department or, in a  
19 county having a population of 750,000 or more, the department may make payments  
20 under par. (am) to a long-term kinship care ~~relative~~ provider who is providing care  
21 and maintenance for a child who is placed in the home of the long-term kinship care  
22 ~~relative~~ provider for no more than 60 days after the date on which the county  
23 department or department received under par. (am) 1. the completed application of  
24 the long-term kinship care ~~relative~~ provider for a license to operate a foster home or,  
25 if the application is approved or denied or the long-term kinship care ~~relative~~

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1 provider is otherwise determined to be ineligible for licensure within those 60 days,  
2 until the date on which the application is approved or denied or the long-term  
3 kinship care ~~relative~~ provider is otherwise determined to be ineligible for licensure.

4 **SECTION 70.** 48.57 (3n) (ap) 2. of the statutes is amended to read:

5 48.57 **(3n)** (ap) 2. If the application specified in subd. 1. is not approved or  
6 denied or the long-term kinship care ~~relative~~ provider is not otherwise determined  
7 to be ineligible for licensure within 60 days after the date on which the county  
8 department or department received the completed application for any reason other  
9 than an act or omission of the long-term kinship care ~~relative~~ provider, the county  
10 department or department may make payments under par. (am) for 4 months after  
11 the date on which the county department or department received the completed  
12 application or, if the application is approved or denied or the long-term kinship care  
13 ~~relative~~ provider is otherwise determined to be ineligible for licensure within those  
14 4 months, until the date on which the application is approved or denied or the  
15 long-term kinship care ~~relative~~ provider is otherwise determined to be ineligible for  
16 licensure.

17 **SECTION 71.** 48.57 (3n) (ap) 3. of the statutes is amended to read:

18 48.57 **(3n)** (ap) 3. Notwithstanding that an application of a long-term kinship  
19 care ~~relative~~ provider specified in subd. 1. is denied or the long-term kinship care  
20 ~~relative~~ provider is otherwise determined to be ineligible for licensure, the county  
21 department or, in a county having a population of 750,000 or more, the department  
22 may make payments under par. (am) to the long-term kinship care ~~relative~~ provider  
23 until an event specified in par. (am) 6. a. to f. occurs if the county department or  
24 department submits to the court information relating to the background  
25 investigation specified in par. (am) 4., an assessment of the safety of the long-term

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1 kinship care ~~relative's~~ provider's home and the ability of the long-term kinship care  
2 relative provider to care for the child, and a recommendation that the child remain  
3 in the home of the long-term kinship care relative provider and the court, after  
4 considering that information, assessment, and recommendation, orders the child to  
5 remain in the long-term kinship care ~~relative's~~ provider's home. If the court does not  
6 order the child to remain in the kinship care ~~relative's~~ provider's home, the court  
7 shall order the county department or department to request a change in placement  
8 under s. 48.357 (1) (am) or 938.357 (1) (am) or to request a termination of the  
9 guardianship order under s. 48.977 (7). Any person specified in s. 48.357 (2m) (a) or  
10 938.357 (2m) (a) may also request a change in placement and any person who is  
11 authorized to file a petition for the appointment of a guardian for the child may also  
12 request a termination of the guardianship order.

13 **SECTION 72.** 48.57 (3n) (b) 2. of the statutes is amended to read:

14 48.57 (3n) (b) 2. When any long-term kinship care ~~relative~~ provider of a child  
15 applies for or receives payments under this subsection, any right of the child or the  
16 child's parent to support or maintenance from any other person accruing during the  
17 time that payments are made under this subsection is assigned to the state. If a child  
18 is the beneficiary of support under a judgment or order that includes support for one  
19 or more children who are not the beneficiaries of payments under this subsection,  
20 any support payment made under the judgment or order is assigned to the state in  
21 the amount that is the proportionate share of the child who is the beneficiary of the  
22 payment made under this subsection, except as otherwise ordered by the court on the  
23 motion of a party.

24 **SECTION 73.** 48.57 (3n) (cm) of the statutes is amended to read:

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

4           **SECTION 74.** 48.57 (3n) (h) of the statutes is amended to read:

5           48.57 (3n) (h) A county department or, in a county having a population of  
6 750,000 or more, the department may recover an overpayment made under par. (am)  
7 from a long-term kinship care relative provider who continues to receive payments  
8 under par. (am) by reducing the amount of the long-term kinship care relative's  
9 provider's monthly payment. The department may by rule specify other methods for  
10 recovering overpayments made under par. (am). A county department that recovers  
11 an overpayment under this paragraph due to the efforts of its officers and employees  
12 may retain a portion of the amount recovered, as provided by the department by rule.

13           **SECTION 75.** 48.57 (3p) (h) 3. (intro.) of the statutes is amended to read:

14           48.57 (3p) (h) 3. (intro.) The director of the county department, the person  
15 designated by the governing body of an Indian tribe or, in a county having a  
16 population of 750,000 or more, the person designated by the secretary shall review  
17 the denial of payments or the prohibition on employment or being an adult resident  
18 to determine if the conviction record on which the denial or prohibition is based  
19 includes any arrests, convictions, or penalties that are likely to adversely affect the  
20 child or the ability of the kinship care relative provider to care for the child. In  
21 reviewing the denial or prohibition, the director of the county department, the person  
22 designated by the governing body of the Indian tribe or the person designated by the  
23 secretary shall consider all of the following factors:

24           **SECTION 76.** 48.57 (3p) (h) 3. b. of the statutes is amended to read:

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1           48.57 (3p) (h) 3. b. The nature of the violation or penalty and how that violation  
2 or penalty affects the ability of the kinship care relative provider to care for the child.

3           **SECTION 77.** 48.57 (3p) (h) 4. of the statutes is amended to read:

4           48.57 (3p) (h) 4. If the director of the county department, the person designated  
5 by the governing body of the Indian tribe or, in a county having a population of  
6 750,000 or more, the person designated by the secretary determines that the  
7 conviction record on which the denial of payments or the prohibition on employment  
8 or being an adult resident is based does not include any arrests, convictions, or  
9 penalties that are likely to adversely affect the child or the ability of the kinship care  
10 relative provider to care for the child, the director of the county department, the  
11 person designated by the governing body of the Indian tribe, or the person designated  
12 by the secretary may approve the making of payments under sub. (3m) or may permit  
13 a person receiving payments under sub. (3m) to employ a person in a position in  
14 which that person would have regular contact with the child for whom payments are  
15 being made or permit a person to be an adult resident.

16           **SECTION 78.** 48.60 (2) (a) of the statutes is amended to read:

17           48.60 (2) (a) A relative or like-kin, guardian, or person delegated care and  
18 custody of a child under s. 48.979 who provides care and maintenance for such  
19 children.

20           **SECTION 79.** 48.62 (2) of the statutes is amended to read:

21           48.62 (2) A relative or like-kin, a guardian of a child, or a person delegated care  
22 and custody of a child under s. 48.979 who provides care and maintenance for the  
23 child is not required to obtain the license specified in this section. The department,  
24 county department, or licensed child welfare agency as provided in s. 48.75 may issue  
25 a license to operate a foster home to a relative or like-kin who has no duty of support



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1 under s. 49.90 (1) (a) and who requests a license to operate a foster home for a specific  
2 child who is either placed by court order or who is the subject of a voluntary  
3 placement agreement under s. 48.63. The department, a county department, or a  
4 licensed child welfare agency may, at the request of a guardian appointed under s.  
5 48.977, 48.978, or 48.9795, ch. 54, 2017 stats., or ch. 880, 2003 stats., license the  
6 guardian's home as a foster home for the guardian's minor ward who is living in the  
7 home and who is placed in the home by court order. Relatives and like-kin with no  
8 duty of support and guardians appointed under s. 48.977, 48.978, or 48.9795, ch. 54,  
9 2017 stats., or ch. 880, 2003 stats., who are licensed to operate foster homes are  
10 subject to the department's licensing rules.

11 **SECTION 80.** 48.64 (1) of the statutes is amended to read:

12 48.64 (1) DEFINITION. In this section, "agency" means the department, the  
13 department of corrections, a county department under s. 46.215, 46.22, or 46.23, or  
14 a licensed child welfare agency authorized to place children in foster homes, group  
15 homes, or shelter care facilities approved under s. 938.22 (2) (c) ~~or~~ in the homes of  
16 relatives other than a parent, or in the homes of like-kin.

17 **SECTION 81.** 48.64 (1m) of the statutes is amended to read:

18 48.64 (1m) OUT-OF-HOME CARE AGREEMENTS. If an agency places a child in a  
19 foster home or group home or in the home of a relative other than a parent or in the  
20 home of like-kin under a court order or places a child in a foster home, group home,  
21 or shelter care facility approved under s. 938.22 (2) (c) under a voluntary agreement  
22 under s. 48.63, the agency shall enter into a written agreement with the head of the  
23 home or facility. The agreement shall provide that the agency shall have access at  
24 all times to the child and the home or facility, and that the child will be released to  
25 the agency whenever, in the opinion of the agency placing the child or the

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1 department, the best interests of the child require release to the agency. If a child  
2 has been in a foster home or group home or in the home of a relative other than a  
3 parent or in the home of like-kin for 6 months or more, the agency shall give the head  
4 of the home written notice of intent to remove the child, stating the reasons for the  
5 removal. The child may not be removed from a foster home, group home, or home of  
6 a relative other than a parent or the home of like-kin before completion of the  
7 hearing under sub. (4) (a) or (c), if requested, or 30 days after the receipt of the notice,  
8 whichever is later, unless the safety of the child requires it or, in a case in which the  
9 reason for removal is to place the child for adoption under s. 48.833, unless all of the  
10 persons who have the right to request a hearing under sub. (4) (a) or (c) sign written  
11 waivers of objection to the proposed removal. If the safety of the child requires earlier  
12 removal, s. 48.19 applies. If an agency removes a child from an adoptive placement,  
13 the head of the home shall have no claim against the placing agency for the expense  
14 of care, clothing, or medical treatment.

15 **SECTION 82.** 48.64 (2) of the statutes is amended to read:

16 48.64 (2) SUPERVISION OF OUT-OF-HOME CARE PLACEMENTS. Every child who is  
17 placed in a foster home, group home, or shelter care facility approved under s. 938.22  
18 (2) (c) shall be under the supervision of an agency. Every child who is placed in the  
19 home of a relative other than a parent or in the home of like-kin under a court order  
20 shall be under the supervision of an agency.

21 **SECTION 83.** 48.64 (4) (a) of the statutes is amended to read:

22 48.64 (4) (a) Except as provided in par. (d), any decision or order issued by an  
23 agency that affects the head of a foster home or group home, the head of the home  
24 of a relative other than a parent or the home of like-kin in which a child is placed,  
25 or the child involved may be appealed to the department under fair hearing

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1 procedures established under rules promulgated by the department. Upon receipt  
2 of an appeal, the department shall give the head of the home reasonable notice and  
3 an opportunity for a fair hearing. The department may make any additional  
4 investigation that the department considers necessary. The department shall give  
5 notice of the hearing to the head of the home and to the departmental subunit, county  
6 department, or child welfare agency that issued the decision or order. Each person  
7 receiving notice is entitled to be represented at the hearing. At all hearings  
8 conducted under this paragraph, the head of the home, or a representative of the  
9 head of the home, shall have an adequate opportunity, notwithstanding s. 48.78 (2)  
10 (a), to examine all documents and records to be used at the hearing at a reasonable  
11 time before the date of the hearing as well as during the hearing, to bring witnesses,  
12 to establish all pertinent facts and circumstances, and to question or refute any  
13 testimony or evidence, including an opportunity to confront and cross-examine  
14 adverse witnesses. The department shall grant a continuance for a reasonable  
15 period of time when an issue is raised for the first time during a hearing. This  
16 requirement may be waived with the consent of the parties. The decision of the  
17 department shall be based exclusively on evidence introduced at the hearing. A  
18 transcript of testimony and exhibits, or an official report containing the substance  
19 of what transpired at the hearing, together with all papers and requests filed in the  
20 proceeding, and the findings of the hearing examiner shall constitute the exclusive  
21 record for decision by the department. The department shall make the record  
22 available at any reasonable time and at an accessible place to the head of the home  
23 or his or her representative. Decisions by the department shall specify the reasons  
24 for the decision and identify the supporting evidence. No person participating in an  
25 agency action being appealed may participate in the final administrative decision on

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1 that action. The department shall render its decision as soon as possible after the  
2 hearing and shall send a certified copy of its decision to the head of the home and to  
3 the departmental subunit, county department, or child welfare agency that issued  
4 the decision or order. The decision shall be binding on all parties concerned.

5 **SECTION 84.** 48.64 (4) (c) of the statutes is amended to read:

6 48.64 (4) (c) Except as provided in par. (d), the circuit court for the county where  
7 the dispositional order placing a child in a foster home or group home or in the home  
8 of a relative other than a parent or in the home of like-kin was entered or the  
9 voluntary agreement under s. 48.63 placing a child in a foster home or group home  
10 was made has jurisdiction upon petition of any interested party over the child who  
11 is placed in the foster home, group home, or home of the relative or like-kin. The  
12 circuit court may call a hearing, at which the head of the home and the supervising  
13 agency under sub. (2) shall be present, for the purpose of reviewing any decision or  
14 order of that agency involving the placement and care of the child. If the child has  
15 been placed in a foster home or in the home of a relative other than a parent or in the  
16 home of like-kin, the foster parent ~~or~~ relative, or like-kin may present relevant  
17 evidence at the hearing. The petitioner has the burden of proving by clear and  
18 convincing evidence that the decision or order issued by the agency is not in the best  
19 interests of the child.

20 **SECTION 85.** 48.67 (4) (b) of the statutes is amended to read:

21 48.67 (4) (b) The training under par. (a) shall be available to a kinship care  
22 ~~relative~~ provider, as defined in s. 48.40 (1m), upon request of the kinship care ~~relative~~  
23 provider.

24 **SECTION 86.** 49.155 (1m) (a) 1m. b. of the statutes is amended to read:

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1           49.155 (1m) (a) 1m. b. The individual has not yet attained the age of 18 years  
2 and the individual resides with his or her custodial parent or with a kinship care  
3 relative provider under s. 48.57 (3m) or with a long-term kinship care relative  
4 provider under s. 48.57 (3n) or is in a foster home licensed under s. 48.62, a subsidized  
5 guardianship home under s. 48.623, a group home, or an independent living  
6 arrangement supervised by an adult.

7           **SECTION 87.** 118.175 (1) of the statutes is amended to read:

8           118.175 (1) This section does not apply to a pupil who has a legal custodian, as  
9 defined in s. 48.02 (11) or 938.02 (11), or who is cared for by a kinship care relative  
10 provider, as defined in s. 48.57 (3m) (a) 2.

11           **SECTION 88.** 767.57 (1m) (cm) of the statutes is amended to read:

12           767.57 (1m) (cm) A kinship care relative provider or a long-term kinship care  
13 relative provider of the child who is entitled to the support money has applied for or  
14 is receiving kinship care payments or long-term kinship care payments for that child  
15 and there is an assignment to the state under s. 48.57 (3m) (b) 2. or (3n) (b) 2. of the  
16 child's right to the support money.

17           **SECTION 89.** 767.57 (2) of the statutes is amended to read:

18           767.57 (2) PROCEDURE IF RECIPIENT ON PUBLIC ASSISTANCE. If a party entitled to  
19 maintenance or support, or both, is receiving public assistance under ch. 49, the  
20 party may assign the party's right to support or maintenance to the county  
21 department under s. 46.215, 46.22, or 46.23 granting the assistance. The assignment  
22 shall be approved by order of the court granting the maintenance or support. The  
23 assignment may not be terminated if there is a delinquency in the amount to be paid  
24 to the assignee of maintenance and support previously ordered without the written  
25 consent of the assignee or upon notice to the assignee and a hearing. When an

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1 assignment of maintenance or support, or both, has been approved by the order, the  
2 assignee shall be deemed a real party in interest within s. 803.01 solely for the  
3 purpose of securing payment of unpaid maintenance or support ordered to be paid,  
4 by participating in proceedings to secure the payment of unpaid amounts.  
5 Notwithstanding assignment under this subsection, and without further order of the  
6 court, the department or its designee, upon receiving notice that a party or a minor  
7 child of the parties is receiving aid under s. 48.645 or public assistance under ch. 49  
8 or that a kinship care relative provider or long-term kinship care relative provider  
9 of the minor child is receiving kinship care payments or long-term kinship care  
10 payments for the minor child, shall forward all support assigned under s. 48.57 (3m)  
11 (b) 2. or (3n) (b) 2., 48.645 (3), 49.19 (4) (h) 1., or 49.45 (19) to the assignee under s.  
12 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.19 (4) (h) 1., or 49.45 (19).

13 **SECTION 90.** 938.02 (12c) of the statutes is created to read:

14 938.02 (12c) “Like-kin” means an individual who has a significant emotional  
15 relationship with a child or the child’s family that is similar to a familial relationship  
16 and who is not and has not previously been the child’s licensed foster parent. For an  
17 Indian child, “like-kin” includes individuals identified by the child’s tribe according  
18 to tribal tradition, custom or resolution, code, or law.

19 **SECTION 91.** 938.02 (15) of the statutes is amended to read:

20 938.02 (15) “Relative” means a parent, stepparent, brother, sister, stepbrother,  
21 stepsister, half brother, half sister, brother-in-law, sister-in-law, first cousin, 2nd  
22 cousin, first cousin once removed, nephew, niece, uncle, aunt, stepuncle, stepaunt,  
23 or any person of a preceding generation as denoted by the prefix of grand, great, or  
24 great-great, whether by blood, marriage, or legal adoption, or the spouse of any  
25 person named in this subsection, even if the marriage is terminated by death or

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1 divorce. For purposes of the application of s. 938.028 and the federal Indian Child  
2 Welfare Act, 25 USC 1901 to 1963, “relative” includes an extended family member,  
3 as defined in s. 938.028 (2) (a), whether by blood, marriage, or adoption, including  
4 adoption under tribal law or custom. For purposes of placement of a juvenile,  
5 “relative” also includes a parent of a sibling of the juvenile who has legal custody of  
6 that sibling.

7 **SECTION 92.** 938.028 (2) (c) of the statutes is amended to read:

8 938.028 (2) (c) “Out-of-home care placement” means the removal of an Indian  
9 juvenile from the home of his or her parent or Indian custodian for temporary  
10 placement in a foster home, group home, residential care center for children and  
11 youth, or shelter care facility, in the home of a relative other than a parent, in the  
12 home of like-kin, or in the home of a guardian, from which placement the parent or  
13 Indian custodian cannot have the juvenile returned upon demand. “Out-of-home  
14 care placement” does not include an emergency change in placement under s.  
15 938.357 (2) (b) or holding an Indian juvenile in custody under ss. 938.19 to 938.21.

16 **SECTION 93.** 938.207 (1) (b) of the statutes is amended to read:

17 938.207 (1) (b) The home of a relative or like-kin, except that a juvenile may  
18 not be held in the home of a ~~relative if the relative~~ person who has been convicted  
19 under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the  
20 2nd-degree intentional homicide, of a parent of the juvenile, and the conviction has  
21 not been reversed, set aside or vacated, unless the person making the custody  
22 decision determines by clear and convincing evidence that the placement would be  
23 in the best interests of the juvenile. The person making the custody decision shall  
24 consider the wishes of the juvenile in making that determination.

25 **SECTION 94.** 938.207 (1) (f) of the statutes is amended to read:

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1           938.207 (1) (f) The home of a person not a relative or like-kin if the person has  
2 not had a license under s. 48.62 refused, revoked, or suspended within the previous  
3 2 years. A placement under this paragraph may not exceed 30 days, unless the  
4 placement is extended by the court for cause for an additional 30 days.

5           **SECTION 95.** 938.33 (4) (intro.) of the statutes is amended to read:

6           938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending  
7 placement in a foster home, group home, or nonsecured residential care center for  
8 children and youth, in the home of a relative other than a parent, in the home of  
9 like-kin, in the home of a guardian under s. 48.977 (2), or in a supervised  
10 independent living arrangement shall be in writing, except that the report may be  
11 presented orally at the dispositional hearing if all parties consent. A report that is  
12 presented orally shall be transcribed and made a part of the court record. The report  
13 shall include all of the following:

14           **SECTION 96.** 938.335 (3g) (intro.) of the statutes is amended to read:

15           938.335 (3g) REASONABLE EFFORTS FINDING. (intro.) At hearings under this  
16 section, if the agency, as defined in s. 938.38 (1) (a), is recommending placement of  
17 the juvenile in a foster home, group home, or residential care center for children and  
18 youth, in the home of a relative other than a parent, in the home of like-kin, in the  
19 home of a guardian under s. 48.977 (2), or in a supervised independent living  
20 arrangement, the agency shall present as evidence specific information showing all  
21 of the following:

22           **SECTION 97.** 938.335 (3j) (intro.) of the statutes is amended to read:

23           938.335 (3j) INDIAN JUVENILE; ACTIVE EFFORTS FINDING. (intro.) At hearings  
24 under this section involving an Indian juvenile who is the subject of a proceeding  
25 under s. 938.13 (4), (6), (6m), or (7), if the agency, as defined in s. 938.38 (1) (a), is



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1 recommending removal of the Indian juvenile from the home of his or her parent or  
2 Indian custodian and placement of the Indian juvenile in a foster home, group home,  
3 or residential care center for children and youth ~~or~~, in the home of a relative other  
4 than a parent, or in the home of like-kin, the agency shall present as evidence  
5 specific information showing all of the following:

6 **SECTION 98.** 938.34 (3) (a) (intro.) of the statutes is amended to read:

7 938.34 (3) (a) (intro.) The home of a parent ~~or~~, other relative, or like-kin of the  
8 juvenile, except that the court may not designate any of the following as the juvenile's  
9 placement, unless the court determines by clear and convincing evidence that the  
10 placement would be in the best interests of the juvenile or, in the case of an Indian  
11 juvenile, the best interests of the Indian juvenile as described in s. 938.01 (3):

12 **SECTION 99.** 938.34 (3) (a) 1. of the statutes is amended to read:

13 938.34 (3) (a) 1. The home of a parent ~~or~~, other relative, or like-kin of the  
14 juvenile if the parent ~~or~~, other relative, or like-kin has been convicted of the homicide  
15 of a parent of the juvenile under s. 940.01 or 940.05, and the conviction has not been  
16 reversed, set aside, or vacated. In determining whether a placement under this  
17 subdivision would be in the best interests of the juvenile, the court shall consider the  
18 wishes of the juvenile.

19 **SECTION 100.** 938.34 (3) (a) 2. of the statutes is amended to read:

20 938.34 (3) (a) 2. The home of a relative other than the parent of the juvenile  
21 or the home of like-kin if the court finds that the relative or like-kin has been  
22 convicted of, has pleaded no contest to, or has had a charge dismissed or amended  
23 as a result of a plea agreement for a crime under s. 948.02 (1) or (2), 948.025, 948.03  
24 (2) or (5) (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055, 948.06, 948.07, 948.08, 948.081,

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1 948.085, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21, 948.215, 948.30, or 948.53, or  
2 a similar law of another state.

3 **SECTION 101.** 938.355 (4) (am) (intro.) of the statutes is amended to read:

4 938.355 (4) (am) (intro.) Except as provided in par. (b) or s. 938.368, an order  
5 under this section or s. 938.357 or 938.365 made before the juvenile attains 18 years  
6 of age that places or continues the placement of the juvenile in a foster home, group  
7 home, or residential care center for children and youth, in the home of a relative other  
8 than a parent, in the home of like-kin, or in a supervised independent living  
9 arrangement shall terminate on the latest of the following dates, unless the court  
10 specifies a shorter period or the court terminates the order sooner:

11 **SECTION 102.** 938.357 (6) (a) (intro.) of the statutes is amended to read:

12 938.357 (6) (a) (intro.) No change in placement may extend the expiration date  
13 of the original dispositional order, except that if the change in placement is from a  
14 placement in the juvenile's home to a placement in a foster home, group home, or  
15 residential care center for children and youth, in the home of a relative who is not  
16 a parent, in the home of like-kin, or in a supervised independent living arrangement,  
17 the court may extend the expiration date of the original dispositional order to the  
18 latest of the following dates, unless the court specifies a shorter period:

19 **SECTION 103.** 938.357 (6) (b) of the statutes is amended to read:

20 938.357 (6) (b) If the change in placement is from a placement in a foster home,  
21 group home, or residential care center for children and youth or in the home of a  
22 relative or like-kin to a placement in the juvenile's home and if the expiration date  
23 of the original dispositional order is more than one year after the date on which the  
24 change-in-placement order is granted, the court shall shorten the expiration date  
25 of the original dispositional order to the date that is one year after the date on which

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1 the change-in-placement order is granted or to an earlier date as specified by the  
2 court.

3 **SECTION 104.** 938.365 (5) (b) (intro.) of the statutes is amended to read:

4 938.365 (5) (b) (intro.) Except as provided in s. 938.368, an order under this  
5 section that continues the placement of a juvenile in a foster home, group home, or  
6 residential care center for children and youth, in the home of a relative other than  
7 a parent, in the home of like-kin, or in a supervised independent living arrangement  
8 shall be for a specified length of time not to exceed the latest of the following dates:

9 **SECTION 105.** 938.366 (1) (a) of the statutes is amended to read:

10 938.366 (1) (a) The person is placed in a foster home, group home, or residential  
11 care center for children and youth, in the home of a relative other than a parent, in  
12 the home of like-kin, or in a supervised independent living arrangement under an  
13 order under s. 938.355, 938.357, or 938.365 that terminates as provided in s. 938.355  
14 (4) (am) 1., 2., or 3., 938.357 (6) (a) 1., 2., or 3., or 938.365 (5) (b) 1., 2., or 3. on or after  
15 the person attains 18 years of age.

16 **SECTION 106.** 938.371 (1) (intro.) of the statutes is amended to read:

17 938.371 (1) MEDICAL INFORMATION. (intro.) If a juvenile is placed in a foster  
18 home, group home, residential care center for children and youth, or juvenile  
19 correctional facility ~~or~~, in the home of a relative other than a parent, or in the home  
20 of like-kin, including a placement under s. 938.205 or 938.21, the agency, as defined  
21 in s. 938.38 (1) (a), that placed the juvenile or arranged for the placement of the  
22 juvenile shall provide the following information to the foster parent, relative,  
23 like-kin, or operator of the group home, residential care center for children and  
24 youth, or juvenile correctional facility at the time of placement or, if the information  
25 has not been provided to the agency by that time, as soon as possible after the date

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1 on which the agency receives that information, but not more than 2 working days  
2 after that date:

3 **SECTION 107.** 938.371 (1) (a) of the statutes is amended to read:

4 938.371 (1) (a) Results of an HIV test, as defined in s. 252.01 (2m), of the  
5 juvenile as provided under s. 252.15 (3m) (d) 15., including results included in a court  
6 report or permanency plan. At the time that the test results are provided, the agency  
7 shall notify the foster parent, relative, like-kin, or operator of the group home,  
8 residential care center for children and youth, or juvenile correctional facility of the  
9 confidentiality requirements under s. 252.15 (6).

10 **SECTION 108.** 938.371 (3) (intro.) of the statutes is amended to read:

11 938.371 (3) **OTHER INFORMATION.** (intro.) At the time of placement of a juvenile  
12 in a foster home, group home, residential care center for children and youth, or  
13 juvenile correctional facility or in the home of a relative other than a parent or in the  
14 home of like-kin or, if the information is not available at that time, as soon as possible  
15 after the date on which the court report or permanency plan has been submitted, but  
16 no later than 7 days after that date, the agency, as defined in s. 938.38 (1) (a),  
17 responsible for preparing the juvenile's permanency plan shall provide to the foster  
18 parent, relative, like-kin, or operator of the group home, residential care center for  
19 children and youth, or juvenile correctional facility information contained in the  
20 court report submitted under s. 938.33 (1) or 938.365 (2g) or permanency plan  
21 submitted under s. 938.355 (2e) or 938.38 relating to findings or opinions of the court  
22 or agency that prepared the court report or permanency plan relating to any of the  
23 following:

24 **SECTION 109.** 938.371 (5) of the statutes is amended to read:

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1           938.371 (5) CONFIDENTIALITY OF INFORMATION. Except as permitted under s.  
2           252.15 (6), a foster parent, treatment foster parent, relative, like-kin, or operator of  
3           a group home, residential care center for children and youth, or juvenile correctional  
4           facility that receives any information under sub. (1) or (3), other than the information  
5           described in sub. (3) (e), shall keep the information confidential and may disclose that  
6           information only for the purposes of providing care for the juvenile or participating  
7           in a court hearing or permanency review concerning the juvenile.

8           **SECTION 110.** 938.38 (2) (intro.) of the statutes is amended to read:

9           938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),  
10          for each juvenile living in a foster home, group home, residential care center for  
11          children and youth, juvenile detention facility, shelter care facility, or supervised  
12          independent living arrangement, the agency that placed the juvenile or arranged the  
13          placement or the agency assigned primary responsibility for providing services to the  
14          juvenile under s. 938.355 (2) (b) 6g. shall prepare a written permanency plan, if any  
15          of the following conditions exists, and, for each juvenile living in the home of a  
16          guardian or a relative other than a parent or in the home of like-kin, that agency  
17          shall prepare a written permanency plan, if any of the conditions under pars. (a) to  
18          (e) exists:

19          **SECTION 111.** 938.38 (3m) (a) of the statutes is amended to read:

20          938.38 (3m) (a) All appropriate biological family members, relatives, and  
21          like-kin of the juvenile, as determined by the agency. Notwithstanding s. 938.02  
22          (12c), in this paragraph, “like-kin” may include an individual who is or previously  
23          was the child’s licensed foster parent.

24          **SECTION 112.** 938.38 (4) (f) (intro.) of the statutes is amended to read:

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1           938.38 (4) (f) (intro.) A description of the services that will be provided to the  
2 juvenile, the juvenile's family, and the juvenile's foster parent, the operator of the  
3 facility where the juvenile is living, or the relative or like-kin with whom the juvenile  
4 is living to carry out the dispositional order, including services planned to accomplish  
5 all of the following:

6           **SECTION 113.** 938.38 (4m) (b) of the statutes is amended to read:

7           938.38 (4m) (b) At least 10 days before the date of the hearing the court shall  
8 notify the juvenile; any parent, guardian, and legal custodian of the juvenile; any  
9 foster parent, or other physical custodian described in s. 48.62 (2) of the juvenile, the  
10 operator of the facility in which the juvenile is living, or the relative or like-kin with  
11 whom the juvenile is living; and, if the juvenile is an Indian juvenile who is or is  
12 alleged to be in need of protection or services under s. 938.13 (4), (6), (6m), or (7), the  
13 Indian juvenile's Indian custodian and tribe of the time, place, and purpose of the  
14 hearing, of the issues to be determined at the hearing, and of the fact that they shall  
15 have a right to be heard at the hearing.

16           **SECTION 114.** 938.38 (4m) (d) of the statutes is amended to read:

17           938.38 (4m) (d) The court shall give a foster parent, other physical custodian  
18 described in s. 48.62 (2), operator of a facility, ~~or~~ relative, or like-kin who is notified  
19 of a hearing under par. (b) a right to be heard at the hearing by permitting the foster  
20 parent, other physical custodian, operator, ~~or~~ relative, or like-kin to make a written  
21 or oral statement during the hearing, or to submit a written statement prior to the  
22 hearing, relevant to the issues to be determined at the hearing. The foster parent,  
23 other physical custodian, operator of a facility, ~~or~~ relative, or like-kin does not  
24 become a party to the proceeding on which the hearing is held solely on the basis of  
25 receiving that notice and right to be heard.

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1           **SECTION 115.** 938.38 (5) (b) of the statutes is amended to read:

2           938.38 (5) (b) The court or the agency shall notify the juvenile; the juvenile's  
3           parent, guardian, and legal custodian; the juvenile's foster parent, the operator of the  
4           facility in which the juvenile is living, or the relative or like-kin with whom the  
5           juvenile is living; and, if the juvenile is an Indian juvenile who is placed outside the  
6           home of his or her parent or Indian custodian under s. 938.13 (4), (6), (6m), or (7), the  
7           Indian juvenile's Indian custodian and tribe of the time, place, and purpose of the  
8           review, of the issues to be determined as part of the review, and of the fact that they  
9           shall have a right to be heard at the review as provided in par. (bm) 1. The court or  
10          agency shall notify the person representing the interests of the public, the juvenile's  
11          counsel, the juvenile's guardian ad litem, and the juvenile's school of the time, place,  
12          and purpose of the review, of the issues to be determined as part of the review, and  
13          of the fact that they may have an opportunity to be heard at the review as provided  
14          in par. (bm) 1. The notices under this paragraph shall be provided in writing not less  
15          than 30 days before the review and copies of the notices shall be filed in the juvenile's  
16          case record. The notice to the juvenile's school shall also include the name and  
17          contact information for the caseworker or social worker assigned to the juvenile's  
18          case.

19          **SECTION 116.** 938.38 (5) (bm) 1. of the statutes is amended to read:

20          938.38 (5) (bm) 1. A juvenile, parent, guardian, legal custodian, foster parent,  
21          operator of a facility, ~~or~~ relative, or like-kin who is provided notice of the review  
22          under par. (b) shall have a right to be heard at the review by submitting written  
23          comments relevant to the determinations specified in par. (c) not less than 10  
24          working days before the date of the review or by participating at the review. A person  
25          representing the interests of the public, counsel, guardian ad litem, or school who is

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1 provided notice of the review under par. (b) may have an opportunity to be heard at  
2 the review by submitting written comments relevant to the determinations specified  
3 in par. (c) not less than 10 working days before the date of the review. A foster parent,  
4 operator of a facility, ~~or relative,~~ or like-kin who receives notice of a review under par.  
5 (b) and a right to be heard under this subdivision does not become a party to the  
6 proceeding on which the review is held solely on the basis of receiving that notice and  
7 right to be heard.

8 **SECTION 117.** 938.38 (5) (e) of the statutes is amended to read:

9 938.38 (5) (e) Within 30 days, the agency shall prepare a written summary of  
10 the determinations under par. (c) and shall provide a copy to the court that entered  
11 the order; the juvenile or the juvenile's counsel or guardian ad litem; the person  
12 representing the interests of the public; the juvenile's parent, guardian, or legal  
13 custodian; the juvenile's foster parent, the operator of the facility where the juvenile  
14 is living, or the relative or like-kin with whom the juvenile is living; and, if the  
15 juvenile is an Indian juvenile who is placed outside the home of his or her parent or  
16 Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian  
17 custodian and tribe.

18 **SECTION 118.** 938.38 (5m) (b) of the statutes is amended to read:

19 938.38 (5m) (b) The court shall notify the juvenile; the juvenile's parent,  
20 guardian, and legal custodian; and the juvenile's foster parent, the operator of the  
21 facility in which the juvenile is living, or the relative or like-kin with whom the  
22 juvenile is living of the time, place, and purpose of the hearing, of the issues to be  
23 determined at the hearing, and of the fact that they shall have a right to be heard  
24 at the hearing as provided in par. (c) 1. The court shall notify the juvenile's counsel  
25 and the juvenile's guardian ad litem; the agency that prepared the permanency plan;



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1 the juvenile's school; the person representing the interests of the public; and, if the  
2 juvenile is an Indian juvenile who is placed outside the home of his or her parent or  
3 Indian custodian under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian  
4 custodian and tribe of the time, place, and purpose of the hearing, of the issues to be  
5 determined at the hearing, and of the fact that they may have an opportunity to be  
6 heard at the hearing as provided in par. (c) 1. The notices under this paragraph shall  
7 be provided in writing not less than 30 days before the hearing. The notice to the  
8 juvenile's school shall also include the name and contact information for the  
9 caseworker or social worker assigned to the juvenile's case.

10 **SECTION 119.** 938.38 (5m) (c) 1. of the statutes is amended to read:

11 938.38 (5m) (c) 1. A juvenile, parent, guardian, legal custodian, foster parent,  
12 operator of a facility, ~~or relative,~~ or like-kin who is provided notice of the hearing  
13 under par. (b) shall have a right to be heard at the hearing by submitting written  
14 comments relevant to the determinations specified in sub. (5) (c) not less than 10  
15 working days before the date of the hearing or by participating at the hearing. A  
16 counsel, guardian ad litem, agency, school, or person representing the interests of the  
17 public who is provided notice of the hearing under par. (b) may have an opportunity  
18 to be heard at the hearing by submitting written comments relevant to the  
19 determinations specified in sub. (5) (c) not less than 10 working days before the date  
20 of the hearing or by participating at the hearing. A foster parent, operator of a  
21 facility, ~~or relative,~~ or like-kin who receives notice of a hearing under par. (b) and a  
22 right to be heard under this subdivision does not become a party to the proceeding  
23 on which the hearing is held solely on the basis of receiving that notice and right to  
24 be heard.

25 **SECTION 120.** 938.38 (5m) (e) of the statutes is amended to read:

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1           938.38 (5m) (e) After the hearing, the court shall make written findings of fact  
2 and conclusions of law relating to the determinations under sub. (5) (c) and shall  
3 provide a copy of those findings of fact and conclusions of law to the juvenile; the  
4 juvenile's parent, guardian, and legal custodian; the juvenile's foster parent, the  
5 operator of the facility in which the juvenile is living, or the relative or like-kin with  
6 whom the juvenile is living; the agency that prepared the permanency plan; the  
7 person representing the interests of the public; and, if the juvenile is an Indian  
8 juvenile who is placed outside the home of his or her parent or Indian custodian  
9 under s. 938.13 (4), (6), (6m), or (7), the Indian juvenile's Indian custodian and tribe.  
10 The court shall make the findings specified in sub. (5) (c) 7. on a case-by-case basis  
11 based on circumstances specific to the juvenile and shall document or reference the  
12 specific information on which those findings are based in the findings of fact and  
13 conclusions of law prepared under this paragraph. Findings of fact and conclusions  
14 of law that merely reference sub. (5) (c) 7. without documenting or referencing that  
15 specific information in the findings of fact and conclusions of law or amended  
16 findings of fact and conclusions of law that retroactively correct earlier findings of  
17 fact and conclusions of law that do not comply with this paragraph are not sufficient  
18 to comply with this paragraph.

19           **SECTION 121.** 938.385 (intro.) of the statutes is amended to read:

20           **938.385 Plan for transition to independent living.** (intro.) During the 90  
21 days immediately before a juvenile who is placed in a foster home, group home, or  
22 residential care center for children and youth, in the home of a relative other than  
23 a parent, in the home of like-kin, or in a supervised independent living arrangement  
24 attains 18 years of age or, if the juvenile is placed in such a placement under an order  
25 under s. 938.355, 938.357, or 938.365 that terminates under s. 938.355 (4) (am) after

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1 the juvenile attains 18 years of age or under a voluntary  
2 transition-to-independent-living agreement under s. 938.366 (3) that terminates  
3 under s. 938.366 (3) (a) after the juvenile attains 18 years of age, during the 90 days  
4 immediately before the termination of the order or agreement, the agency primarily  
5 responsible for providing services to the juvenile under the order or agreement shall  
6 do all of the following:

**SECTION 122. Nonstatutory provisions.**

7  
8 (1) If, prior to July 1, 2024, the department of children and families determines  
9 that there is sufficient funding allocated under s. 49.175 (1) (s) to fund the expansion  
10 of the kinship care and long-term kinship care programs under this act, the  
11 department shall submit to the legislative reference bureau for publication in the  
12 Wisconsin Administrative Register a notice specifying the date of that  
13 determination.

**SECTION 123. Effective date.**

14  
15 (1) This act takes effect on the date specified in the notice published in the  
16 Wisconsin Administrative Register under SECTION 122 (1) of this act, or on July 1,  
17 2025, whichever is earlier.

18 (END)

**Motion By:**  
**Second By:**

Dist.	Supervisor	Y	N	Abs
1	Bialecki			
2	Anderson-Malm			
3	McCrank			
4	Osness			
5	Wendorf			
6	Ashbeck			
7	Rusch			
8	Thiel			
9	Friske			
10	Boyd			
11	Detert			
12	DePasse			
13	Callahan			
14	Hafeman			
15	Lemke			
16	Loka			
17	Meunier			
18	Wickham			
19	Allen			
20	Cummings			
21	Simon			
22	Hartwig			
<b>Totals</b>				
Carried				
Defeated				
Amended				
Voice vote				
Roll call				

**Resolution to Restructure the Child Support Department and Convert Child Support Lead Position From Part-Time to Full-Time**

WHEREAS, the structure of the Child Support Department for the last several years has included one Child Support Lead position at 48 hours bi-weekly and three Child Support Specialists at 72 hours bi-weekly ; and

WHEREAS, the Child Support Lead position has recently become vacant; and

WHEREAS, the Child Support Lead position needs to be filled with someone that has experience in the child support department; and

WHEREAS, two of the 72 hour per pay period positions have bumped up to 80 hour per pay period positions upon the vacancy of the Child Support Lead, filling 16 of the 48 hours that are unfilled due to the current vacancy; and

WHEREAS, converting the Child Support Lead position to full-time will create an opportunity to promote from within; and

WHEREAS, all three specialist positions are currently on the same pay step in the Lincoln County wage scale; and

WHEREAS, the Child Support Department is requesting to trial this organizational structure of one full-time Child Support Lead and two Child Support Specialists for a 6 month period and reserve the opportunity to explore filling the remaining unfilled staff hours in a manner that is within the approved 2024 budget for salary and fringe.

NOW, THEREFORE BE IT RESOLVED, that the Child Support Lead position shall be converted from a 48 hours per bi-weekly position to 80 hours bi-weekly and based on the current pay step for the existing staff within the department, a promotion from within shall be placed at Grade H, step 5 on the Lincoln County wage scale.

IT IS FURTHER RESOLVED, that the Child Support Department may trial this organizational structure for a period of 6 months and shall reserve the opportunity to explore filling the remaining unfilled staff hours in a manner that is within the approved 2024 budget for salary and fringe.

STATE OF WISCONSIN )  
 ) ss  
COUNTY OF LINCOLN )

I hereby certify that this resolution/ordinance is a true and correct copy of a resolution/ordinance adopted by the Lincoln County Board of Supervisors on:

\_\_\_\_\_  
Christopher J. Marlowe  
Lincoln County Clerk

Dated: 10/4/2023

Authored by:  
Co-Sponsored by:  
Committee:  
Committee Vote:

Date Passed:

Fiscal Impact: Proposed organizational and position changes would fit within the 2024 budgeted salary and fringe. The trial structure would result in a decrease in salary and fringe in the amount of approximately \$28,000.00

Drafted by: Jessi Rumsey