

RESOLUTION NO.: 79—2023-24

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 Under current law, a court with jurisdiction under Ch. 48, Stats. (Children’s Code), or Ch.
2 938 Stats. (Juvenile Justice Code), may place a child or juvenile respectively in out-of-
3 home care (OHC) with someone other than a parent. One of the OHC placement options
4 is with a relative who is not a parent. A relative other than a parent is not generally
5 required to be licensed in order for a child or juvenile to be placed in OHC with that
6 relative.

7
8 There is pending legislation that will allow a juvenile court or comparable place a child
9 with unlicensed individuals who qualify as “like-kin” under the Children’s Code and
10 Juvenile Justice Code. The proposed legislation defines “like-kin” for the purposes of
11 such placement to be an individual who has a significant emotional relationship with a
12 child or the child’s family that is similar to a familial relationship and, for an Indian child,
13 includes an individual who is identified by the child’s tribe as kin or like-kin according to
14 tribal tradition, custom or resolution, code, or law. Under the proposal, “like-kin” does
15 not include a current or former foster parent of a child for placement purposes.

16
17 Under current law, a relative other than a parent who is providing care and maintenance
18 for a child under a court order may receive monthly kinship care payments from the
19 Department of Children and Families or a county department of human or social services.
20 The bill includes as those who may receive kinship care payments first cousins once
21 removed and like-kin persons and changes the term used to refer to these persons from
22 “kinship care relatives” to “kinship care providers.”

23
24 Currently, the statutes contain a definition of “like-kin” that is used in the Children’s Code
25 and Juvenile Justice Code for the limited purposes of permanency planning when a child
26 is placed in OHC at a qualified residential treatment program. Specifically, if a child is
27 placed in OHC at a qualified residential treatment program, the agency that placed the
28 child in such care or is assigned primary responsibility for providing services to that child
29 must invite specified persons close to the child, including all appropriate biological family
30 members, relatives, and like-kin of the child, as determined by the agency. This definition
31 of “like-kin” may include the child’s current or former licensed foster parent to participate
32 in the permanency planning process when a child is placed in OHC at a qualified
33 residential treatment center.

34
35 NOW THEREFORE, the undersigned members of the Legislative/Audit and Human Resources
36 Committee recommends adoption of the following resolution.

37

1 BE IT RESOLVED, that the Outagamie County Board of Supervisors does support pending
2 legislation that will allow a juvenile court or comparable place a child with unlicensed individuals who
3 qualify as “like-kin” under the Children’s Code and Juvenile Justice Code while defining “like-kin” for
4 the purposes of such placement to be an individual who has a significant emotional relationship with a
5 child or the child’s family that is similar to a familial relationship and, for an Indian child, includes an
6 individual who is identified by the child’s tribe as kin or like-kin according to tribal tradition, custom or
7 resolution, code, or law, while not including a current or former foster parent of a child for placement
8 purposes, and

9 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy of
10 this resolution to the Wisconsin Counties Association and the Outagamie County Lobbyist for distribution
11 to the State Senators and State Representatives representing Outagamie County and the Governor of the
12 State of Wisconsin.

13 Dated this ____ day of December 2023
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

Respectfully submitted,

LEGISLATIVE/AUDIT & HUMAN RESOURCES
COMMITTEE

Cathy Spears

Sara MacDonald

Ryan Ferguson

Joe Santonato

(Vacant)

Duly and officially adopted by the County Board on: _____

Signed: _____

Board Chairperson

County Clerk

Approved: _____

Vetoed: _____

Signed: _____

County Executive

2023 - 2024 LEGISLATURE

LRB-4019/1
EHS:wj&amn

2023 SENATE BILL 520

October 16, 2023 - Introduced by Senators BALLWEG, JAMES, CARPENTER, HESSELBEIN, L. JOHNSON, LARSON, ROYS, SMITH, SPREITZER and TOMCZYK, cosponsored by Representatives SNYDER, ARMSTRONG, BALDEH, BEHNKE, BILLINGS, CALLAHAN, CONLEY, CONSIDINE, DITTRICH, DONOVAN, DOYLE, GOEBEN, GUSTAFSON, HONG, JOERS, KITCHENS, MURSAU, NOVAK, O'CONNOR, OHNSTAD, PALMERI, RATCLIFF, RETTINGER, ROZAR, SAPIK, SNODGRASS, STUBBS and SUBECK. Referred to Committee on Mental Health, Substance Abuse Prevention, Children and Families.

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)

SENATE BILL 520

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.

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

SENATE BILL 520

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.

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, aunt, 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

SENATE BILL 520

SECTION 2

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:

SENATE BILL 520

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

SENATE BILL 520

SECTION 8

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:

SENATE BILL 520

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:

SENATE BILL 520

SECTION 16

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

SENATE BILL 520

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

SENATE BILL 520

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

SENATE BILL 520

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

SENATE BILL 520

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

SENATE BILL 520

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

SENATE BILL 520

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

SENATE BILL 520

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

SENATE BILL 520

SECTION 35

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

SENATE BILL 520

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:

SENATE BILL 520

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.

SENATE BILL 520

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

SENATE BILL 520

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:

2023 - 2024 Legislature

- 21 -

LRB-4019/1
EHS:wlj&amn
SECTION 51**SENATE BILL 520**

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:

SENATE BILL 520

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

SENATE BILL 520

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

SENATE BILL 520

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:

SENATE BILL 520

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

SENATE BILL 520

SECTION 69

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

SENATE BILL 520

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:

SENATE BILL 520

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:

SENATE BILL 520

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

SENATE BILL 520

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

2023 - 2024 Legislature

- 31 -

LRB-4019/1
EHS:wlj&amn
SECTION 81**SENATE BILL 520**

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

SENATE BILL 520

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

SENATE BILL 520

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:

SENATE BILL 520

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

SENATE BILL 520

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

SENATE BILL 520

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:

SENATE BILL 520

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

SENATE BILL 520

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,

SENATE BILL 520

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

SENATE BILL 520

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

SENATE BILL 520

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:

SENATE BILL 520

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:

SENATE BILL 520

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.

SENATE BILL 520

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

2023 - 2024 Legislature

- 45 -

LRB-4019/1
EHS:wlj&amn
SECTION 116**SENATE BILL 520**

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;

SENATE BILL 520

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:

SENATE BILL 520

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

2023 - 2024 Legislature

- 48 -

LRB-4019/1
EHS:wj&amn
SECTION 121

SENATE BILL 520

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:

7 **SECTION 122. Nonstatutory provisions.**

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.

14 **SECTION 123. Effective date.**

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)

2023 - 2024 LEGISLATURE

LRB-4691/1
EHS:wlj&amn

2023 ASSEMBLY BILL 557

October 26, 2023 - Introduced by Representatives SNYDER, ARMSTRONG, BALDEH, BEHNKE, BILLINGS, CALLAHAN, CONLEY, CONSIDINE, DITTRICH, DONOVAN, DOYLE, GOEBEN, GUSTAFSON, HONG, JOERS, KITCHENS, MURSAU, NOVAK, O'CONNOR, OHNSTAD, PALMERI, RATCLIFF, RETTINGER, ROZAR, SAPIK, SNODGRASS, STUBBS, SUBECK, PLUMER, SINICKI, CLANCY and JACOBSON, cosponsored by Senators BALLWEG, JAMES, CARPENTER, HESSELBEIN, L. JOHNSON, LARSON, ROYS, SMITH, SPREITZER and TOMCZYK. Referred to Committee on Children and Families.

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)

ASSEMBLY BILL 557

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.

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

ASSEMBLY BILL 557

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.

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, aunt, 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

ASSEMBLY BILL 557

SECTION 2

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:

ASSEMBLY BILL 557

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

ASSEMBLY BILL 557

SECTION 8

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:

ASSEMBLY BILL 557

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:

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

ASSEMBLY BILL 557

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

2023 - 2024 Legislature

- 10 -

LRB-4691/1

EHS:wj&amn

SECTION 21

ASSEMBLY BILL 557

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

ASSEMBLY BILL 557

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

2023 - 2024 Legislature

- 12 -

LRB-4691/1

EHS:wj&amn

SECTION 26

ASSEMBLY BILL 557

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

ASSEMBLY BILL 557

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

ASSEMBLY BILL 557

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

ASSEMBLY BILL 557

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

ASSEMBLY BILL 557

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

ASSEMBLY BILL 557

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:

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.

ASSEMBLY BILL 557

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

ASSEMBLY BILL 557

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:

ASSEMBLY BILL 557

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:

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

ASSEMBLY BILL 557

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

ASSEMBLY BILL 557

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:

ASSEMBLY BILL 557

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

ASSEMBLY BILL 557

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

ASSEMBLY BILL 557

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:

2023 - 2024 Legislature
ASSEMBLY BILL 557

- 28 -

LRB-4691/1
EHS:wj&amn
SECTION 73

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:

ASSEMBLY BILL 557

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

2023 - 2024 Legislature
ASSEMBLY BILL 557

- 30 -

LRB-4691/1
EHS:wlj&amn
SECTION 79

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

ASSEMBLY BILL 557

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

ASSEMBLY BILL 557

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

ASSEMBLY BILL 557

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:

ASSEMBLY BILL 557

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

ASSEMBLY BILL 557

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

ASSEMBLY BILL 557

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:

ASSEMBLY BILL 557

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

ASSEMBLY BILL 557

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,

ASSEMBLY BILL 557

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

2023 - 2024 Legislature
ASSEMBLY BILL 557

- 40 -

LRB-4691/1
EHS:wj&amn
SECTION 103

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

ASSEMBLY BILL 557

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:

2023 - 2024 Legislature
ASSEMBLY BILL 557

- 42 -

LRB-4691/1
EHS:wj&amn
SECTION 109

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:

ASSEMBLY BILL 557

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.

ASSEMBLY BILL 557

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

ASSEMBLY BILL 557

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;

2023 - 2024 Legislature
ASSEMBLY BILL 557

- 46 -

LRB-4691/1
EHS:wj&amn
SECTION 118

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:

ASSEMBLY BILL 557

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

2023 - 2024 Legislature

- 48 -

LRB-4691/1
EHS:wj&amn
SECTION 121

ASSEMBLY BILL 557

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:

7 **SECTION 122. Nonstatutory provisions.**

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.

14 **SECTION 123. Effective date.**

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)