

1983 Assembly Bill 380

Date of enactment: **March 15, 1984**
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1983 Wisconsin Act 161

AN ACT to amend 49.19 (1) (a) 2. b and (10) (a), (c) and (d); and to create 49.19 (10) (e) of the statutes, relating to eligibility for aid to families with dependent children.

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

SECTION 1. 49.19 (1) (a) 2. b and (10) (a), (c) and (d) of the statutes are amended to read:

49.19 (1) (a) 2. b. Is living in a foster home licensed under s. 48.62 if a license is required under that section or in a foster home located within the boundaries of a federally recognized American Indian reservation in this state and licensed by the tribal governing body of the reservation, or is living in a child-caring institution licensed under s. 48.60, and has been placed in the foster home or institution by a county agency under ch. 48 ~~or~~, by the department or by a federally recognized American Indian tribal governing body in this state under an agreement with a county agency.

(10) (a) Aid under this section may also be granted to a nonrelative who cares for a child dependent upon the public for proper support in a foster home having a license under s. 48.62 or in a foster home located within the boundaries of a federally recognized American Indian reservation in this state and licensed by the tribal governing body of the reservation, regardless of the cause or prospective period of dependency. The state shall reimburse counties pursuant to the procedure and the percentage rate of participation set forth in s. 49.52 for aid granted under this subsection except that if the child does not have legal settlement in the granting county, state reimbursement shall be at 100%. The county agency shall determine the legal settlement of the child. A child under one year of age shall be eligible for aid under this subsection irrespective of any other residence requirement for eligibility within this section.

(c) Reimbursement under par. (a) may also be paid to the county when the child is placed in a licensed foster home or child-caring institution by a licensed child welfare agency or by a federally recognized American Indian tribal governing body in this state or by its designee, if the child is in the legal custody of the county agency providing child welfare services or if the child was removed from the home of a relative specified in sub. (1) (a) as a result of a judicial determination that continuance in the home of the relative would be contrary to the child's welfare for any reason and the placement is made pursuant to an agreement with the county agency.

(d) Aid may also be paid under this section to a foster home or to a child-care institution by the state when the child is in the custody or guardianship of the state, when the child is a ward of an American Indian tribal court in this state and the placement is made under an agreement between the department and the tribal governing body or when the child was part of the state's direct service case load and was removed from the home of a relative specified in sub. (1) (a) as a result of a judicial determination that continuance in the home of a relative would be contrary to the child's welfare for any reason and the child is placed by the department.

SECTION 2. 49.19 (10) (e) of the statutes is created to read:

49.19 (10) (e) Notwithstanding pars. (a), (c) and (d), aid under this section may not be granted for placement of a child in a foster home licensed by a federally recognized American Indian tribal governing body, for placement of a child in a foster home or child-caring institution by a tribal governing body or its designee or for the placement of a child who is a ward of a tribal court if the tribal governing body is receiving or is eligible to receive funds from the federal government for that type of placement.
