



**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 2,  
TO 1997 ASSEMBLY BILL 432**

March 26, 1998 – Offered by Representatives WALKER, HUBER and RILEY.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1, line 4: delete “welfare”.

3 **2.** Page 1, line 5: delete “agencies” and substitute “caring institutions”.

4 **3.** Page 1, line 7: delete that line and substitute:

5 “**SECTION 1b.** 46.03 (22) (a) of the statutes is amended to read:

6 46.03 (**22**) (a) “Community living arrangement” means any of the following  
7 facilities licensed or operated, or permitted under the authority of the department:  
8 child caring institutions operated by child welfare agencies under s. 48.60, group  
9 homes for children under s. 48.02 (7) 48.625 and community-based residential  
10 facilities under s. 50.01 50.03; but does not include adult family homes, as defined  
11 in s. 50.01, day care centers, nursing homes, general hospitals, special hospitals,

1 prisons and jails. "Community living arrangement" also includes a youth village  
2 program as described in s. 118.42.

3 **SECTION 1d.** 48.60 (3) of the statutes, as affected by 1997 Wisconsin Act 27, is  
4 amended to read:

5 48.60 (3) Before issuing or continuing any license to a child welfare agency  
6 under this section to operate a child caring institution, the department of health and  
7 family services shall review the need for the additional placement resources that  
8 would be made available by licensing or continuing the license of any child welfare  
9 agency after August 5, 1973, ~~providing care authorized under s. 48.61 (3) operating~~  
10 a child caring institution. Neither the department of health and family services nor  
11 the department of corrections may make any placements to any child welfare agency  
12 ~~where~~ when the departmental review required under this subsection has failed to  
13 indicate the need for the additional placement resources.

14 **SECTION 1g.** 48.60 (4) (b) of the statutes, as affected by 1997 Wisconsin Act ....  
15 (Senate Bill 384), is amended to read:

16 48.60 (4) (b) Notwithstanding ss. 121.78 (3) (a) and 121.79 (1) (a), a child  
17 welfare agency shall pay for the costs incurred by a school district in providing  
18 special education and related services to a child with a disability who is a resident  
19 of a child caring institution operated by the child welfare agency, if the child was  
20 placed in the child ~~welfare agency~~ caring institution pursuant to the interstate  
21 compact on the placement of children under s. 48.988.

22 **SECTION 1m.** 48.60 (5) (a) (intro.) of the statutes is amended to read:

23 48.60 (5) (a) (intro.) No later than 24 hours after the death of a child who  
24 resided in a ~~building~~ child caring institution operated by a child welfare agency, the

1 child welfare agency shall report the death to the department if one of the following  
2 applies:

3 **SECTION 1p.** 48.615 (1) (a) of the statutes, as affected by 1997 Wisconsin Act  
4 27, section 1634, is amended to read:

5 48.615 (1) (a) Before the department may issue a license under s. 48.60 (1) to  
6 a child welfare agency that ~~regularly provides care and maintenance for children~~  
7 ~~within the confines of its building~~ operates a child caring institution, the child  
8 welfare agency must pay to the department a biennial fee of \$110, plus a biennial fee  
9 of \$16.50 per child, based on the number of children that the child welfare agency is  
10 licensed to serve in the child caring institution.

11 **SECTION 1r.** 48.615 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 27,  
12 section 1635, and 1997 Wisconsin Act .... (this act), is repealed and recreated to read:

13 48.615 (1) (a) Before the department may issue a license under s. 48.60 (1) to  
14 a child welfare agency that operates a child caring institution, the child welfare  
15 agency must pay to the department a biennial fee of \$121, plus a biennial fee of  
16 \$18.15 per child, based on the number of children that the child welfare agency is  
17 licensed to serve in the child caring institution.

18 **SECTION 1t.** 48.68 (1r) of the statutes is created to read:”.

19 **4.** Page 1, line 9: delete “welfare agency” and substitute “caring institution”.

20 **5.** Page 2, line 1: delete “or group home” and substitute “that operates a child  
21 caring institution, or a group home,”.

22 **6.** Page 2, line 3: delete “(c) or (d),” and substitute “(d)”.

23 **7.** Page 2, line 4: delete “whichever is applicable”.

24 **8.** Page 2, line 5: delete lines 5 to 7.

1           **9.** Page 2, line 10: delete “or group home” and substitute “that operates the  
2 child caring institution, or the group home,”.

3           **10.** Page 2, line 16: after that line insert:

4           “**SECTION 1v.** 48.68 (2) of the statutes, as affected by 1997 Wisconsin Act 27, is  
5 amended to read:

6           48.68 (2) Before continuing the license of any child welfare agency ~~or to operate~~  
7 a child caring institution, or of any group home, the department shall consider all  
8 formal complaints filed under s. 48.745 (2) and the disposition of each during the  
9 previous 2-year period.”.

10           **11.** Page 2, line 19: delete “or group home” and substitute “~~or group home to~~  
11 operate a child caring institution, or of a group home.”.

12           **12.** Page 3, line 2: delete “welfare agency” and substitute “~~welfare agency~~  
13 caring institution”.

14           **13.** Page 3, line 9: delete “welfare agency” and substitute “caring institution”.

15           **14.** Page 3, line 14: delete “welfare agency” and substitute “caring  
16 institution”.

17           **15.** Page 4, line 3: delete “residential facility” and substitute “~~residential~~  
18 facility child caring institution”.

19           **16.** Page 4, line 4: delete “residential facility” and substitute “child caring  
20 institution”.

21           **17.** Page 4, line 10: delete “residential facility” and substitute “~~residential~~  
22 facility child caring institution”.

1           **18.** Page 4, line 12: delete “residential facility” and substitute “residential  
2           facility child caring institution”.

3           **19.** Page 4, line 15: delete “residential facility” and substitute “residential  
4           facility child caring institution”.

5           **20.** Page 4, line 19: delete “residential facility” and substitute “child caring  
6           institution”.

7           **21.** Page 4, line 23: delete “welfare agency” and substitute “caring  
8           institution”.

9           **22.** Page 4, line 25: delete “residential”.

10          **23.** Page 5, line 1: delete “facility” and substitute “child caring institution”.

11          **24.** Page 5, line 15: delete “residential facility” and substitute “child caring  
12          institution”.

13          **25.** Page 5, line 18: delete “welfare agency” and substitute “caring  
14          institution”.

15          **26.** Page 5, line 24: delete “welfare agency” and substitute “caring  
16          institution”.

17          **27.** Page 6, line 2: delete “welfare agency” and substitute “caring institution”.

18          **28.** Page 6, line 13: after that line insert:

19            “**SECTION 6d.** 48.685 (1) (b) of the statutes, as created by 1997 Wisconsin Act  
20            27, is amended to read:

21            48.685 (1) (b) “Entity” means a child welfare agency that is licensed under s.  
22            48.60 to ~~provide care and maintenance for children~~ operate a child caring institution,  
23            to place children for adoption or to license foster homes or treatment foster homes;

1 a group home that is licensed under s. 48.625; a shelter care facility that is licensed  
2 under s. 938.22; a day care center that is licensed under s. 48.65 or established or  
3 contracted for under s. 120.13 (14); or a day care provider that is certified under s.  
4 48.651.

5 **SECTION 6m.** 48.745 (title) of the statutes is amended to read:

6 **48.745 (title) Formal complaints regarding child welfare agencies**  
7 **caring institutions and group homes.**

8 **SECTION 6p.** 48.745 (1) of the statutes is amended to read:

9 48.745 (1) If a complaint is received by a child welfare agency ~~or~~ that operates  
10 a child caring institution, or by a group home, the licensee shall attempt to resolve  
11 the complaint informally. Failing such resolution, the licensee shall inform the  
12 complaining party of the procedure for filing a formal complaint under this section.

13 **SECTION 6r.** 48.745 (2) of the statutes is amended to read:

14 48.745 (2) Any individual may file a formal complaint under this section  
15 regarding the general operation of a child welfare agency caring institution or group  
16 home and shall not be subject to reprisals for doing so. All formal complaints  
17 regarding child welfare agencies caring institutions and group homes shall be filed  
18 with the county department on forms supplied by the county department unless the  
19 county department designates the department to receive formal complaints. The  
20 county department shall investigate or cause to be investigated each formal  
21 complaint. Records of the results of each investigation and the disposition of each  
22 formal complaint shall be kept by the county department and filed with the subunit  
23 of the department ~~which licenses child welfare agencies~~ that licenses child caring  
24 institutions and group homes.

25 **SECTION 6t.** 48.745 (3) of the statutes is amended to read:

1           48.745 **(3)** Upon receipt of a formal complaint, the county department may  
2 investigate the premises and records and question the licensee, staff and residents  
3 of the child welfare agency caring institution or group home involved. The county  
4 department shall attempt to resolve the situation through negotiation and other  
5 appropriate means.”.

6           **29.** Page 6, line 19: delete “2. or 3.,” and substitute “2.”.

7           **30.** Page 6, line 20: delete that line.

8           **31.** Page 7, line 1: delete lines 1 and 2.

9           **32.** Page 11, line 10: after that line insert:

10           **“SECTION 15m. Effective dates.** This act takes effect on the day after  
11 publication, except as follows:

12           (1) The repeal and recreation of section 48.615 (1) (a) of statutes takes effect  
13 on July 1, 1998, or on the day after publication, whichever is later.

14           (2) The treatment of section 48.685 (1) (b) of the statutes takes effect on October  
15 1, 1998, or on the day after publication, whichever is later.”.

16   **(END)**