



2015 SENATE BILL 253

September 9, 2015 – Introduced by Senators LEMAHIEU and MOULTON, cosponsored by Representatives KOYENGA, RODRIGUEZ, JAGLER, GANNON, THIESFELDT, PETERSEN, HUTTON, ALLEN, A. OTT, KREMER, NOVAK and BALLWEG. Referred to Committee on Health and Human Services.

1 **AN ACT to renumber and amend** 48.623 (1) (b) 1.; and **to create** 48.623 (1) (b)
2 1. c. and 48.623 (7) (d) of the statutes; **relating to:** eligibility for monthly
3 subsidized guardianship payments of a person who develops a familial
4 relationship with a child or the child’s family during the child’s placement in
5 out-of-home care, providing an exemption from emergency rule procedures,
6 and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, a guardian of a child in need of protection or services is eligible to receive monthly subsidized guardianship payments if certain conditions have been met. One of those conditions is that the guardian must be a relative of the child or a person who has a significant emotional relationship with the child and who, prior to the child’s placement in out-of-home care, had an existing relationship with the child that is similar to a familial relationship.

This bill provides that a person who has a significant emotional relationship with a child or the child’s family and who, during to the child’s placement in out-of-home care, developed a relationship with the child or the child’s family that is similar to a familial relationship is eligible for monthly subsidized guardianship payments. Eligibility of such a person for those payments, however, is subject to rules that the bill requires the Department of Children and Families to promulgate establishing conditions that must be met in order for that person to be eligible for those payments.

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

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

1 **SECTION 1.** 48.623 (1) (b) 1. of the statutes is renumbered 48.623 (1) (b) 1.
2 (intro.) and amended to read:

3 48.623 (1) (b) 1. (intro.) The guardian is ~~a~~ any of the following:

4 a. A relative of the child ~~or is a~~,

5 b. A person who has a significant emotional relationship with the child or the
6 child's family and who, prior to the child's placement in out-of-home care, had an
7 existing relationship with the child or the child's family that is similar to a familial
8 relationship.

9 **SECTION 2.** 48.623 (1) (b) 1. c. of the statutes is created to read:

10 48.623 (1) (b) 1. c. Subject to the rules promulgated under sub. (7) (d), a person
11 who has a significant emotional relationship with the child or the child's family and
12 who, during the child's placement in out-of-home care, developed a relationship
13 with the child or the child's family that is similar to a familial relationship.

14 **SECTION 3.** 48.623 (7) (d) of the statutes is created to read:

15 48.623 (7) (d) Rules establishing the conditions that must be met in order for
16 a person specified in sub. (1) (b) 1. c. to be eligible for monthly subsidized
17 guardianship payments under sub. (1).

18 **SECTION 4. Nonstatutory provisions.**

19 (1) ELIGIBILITY CONDITIONS FOR SUBSIDIZED GUARDIANSHIP PAYMENTS; EMERGENCY
20 RULES. Using the procedure under section 227.24 of the statutes, the department of
21 children and families may promulgate the rules required under section 48.623 (7) (d)

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1 of the statutes, as created by this act, for the period before the effective date of the
2 permanent rules promulgated under section 48.623 (7) (d) of the statutes, as created
3 by this act, but not to exceed the period authorized under section 227.24 (1) (c) of the
4 statutes, subject to extension under section 227.24 (2) of the statutes.
5 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department
6 is not required to provide evidence that promulgating a rule under this subsection
7 as an emergency rule is necessary for the preservation of the public peace, health,
8 safety, or welfare and is not required to provide a finding of emergency for a rule
9 promulgated under this subsection.

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(END)