

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: 06/24/99

Received By: malaigm

Wanted: Soon

Identical to LRB:

For: Assembly Republican Caucus 6-1452

By/Representing: Sande

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Alt. Drafters:

Subject: Children - out-of-home placement

Extra Copies:

Pre Topic:

ARC:.....Sande - Amendment #220.

Topic:

Kinship care eligibility

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	malaigm 06/24/99	jgeller 06/24/99		_____			
/1			jfrantze 06/24/99	_____	lrb_docadmin 06/24/99		

FE Sent For:

<END>

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/?	malaigm	1 6/24 jlg	6/24	6/24			

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Budget Amendments 1999- 2000

Statement of Intent DWD. Under this motion, a relative caring for a youth 18 or over would be eligible for kinship care payments if the youth is attending or enrolled in school, but is not truant.

Legislator Hutchison

Amendment# 220

Staff contact Mike

Status Pass-amen

Agency DWD

Tax Cut

Summary Kinship care was created under provisions of 1995 Wisconsin Act 289, which created the Wisconsin Works program to replace the former aid to families with dependent children (AFDC) program. Under AFDC, non-legally responsible relatives who provided care for children were eligible for an AFDC payment based on the income of the child. Kinship care is different from AFDC payments to non-legally responsible relatives in at least two ways. First, there is no financial eligibility requirement for kinship care, other than prohibiting payment on behalf of children who receive SSI payments. Second, the relative and the child placed in the relative's home must meet certain nonfinancial criteria in order to be eligible for a kinship care payment.

The Department of Health and Family Services (DHFS) reimburses counties (other than Milwaukee County) for kinship care payments counties make to eligible relatives. In Milwaukee County, DHFS makes these payments directly to eligible relatives. Kinship care relatives who provide care and maintenance for a child may receive a kinship care payment of \$215 per month if:

1. The county or DHFS determines that there is a need for the child to be placed with the kinship care relative and that the placement with the relative is in the best interests of the child;
2. The county or DHFS determines that the child meets one or more of the criteria for children in need of protection or services or juveniles in need of protection or services, or that the child would be at risk of meeting one or more of these criteria;
3. The county or DHFS conducts a background investigation of the kinship care relative, any employe and prospective employe of the kinship care relative who has or would have regular contact with the child for whom kinship care payments would be made and any other adult resident in the kinship care relative's home to determine if the kinship care relative, employe, prospective employe or adult resident has any arrests or convictions that could adversely affect the child or the kinship care relative's ability to care for the child;
4. The kinship care relative cooperates with the county or DHFS in the application process, including applying for other forms of assistance for which the kinship care relative may be eligible; and
5. The child for whom the kinship care relative is providing care and maintenance is not receiving supplemental security income (SSI) benefits.

The state supported kinship care payments issued by a county are discontinued when the youth reaches the age of 18. Under this motion, a relative caring for a youth 18 or over would be eligible for kinship care payments if the youth is either attending or enrolled in school and is not truant.

Fiscal Impact Indeterminate.

ARC Analyst Matt Sande

Request#: 3693

Budget Amendments 1999- 2000

Statement of Intent

DWD. Under this motion, a relative caring for a youth 18 or over would be eligible for kinship care payments if the youth is (1) a full-time high school student; (2) in good academic standing; and (3) desires to complete high school at his or her current location.

Legislator

Hutchison

Amendment#

200

Staff contact

Mike

Status

Agency

DWD

Tax Cut

Summary

Kinship care was created under provisions of 1995 Wisconsin Act 289, which created the Wisconsin Works program to replace the former aid to families with dependent children (AFDC) program. Under AFDC, non-legally responsible relatives who provided care for children were eligible for an AFDC payment based on the income of the child. Kinship care is different from AFDC payments to non-legally responsible relatives in at least two ways. First, there is no financial eligibility requirement for kinship care, other than prohibiting payment on behalf of children who receive SSI payments. Second, the relative and the child placed in the relative's home must meet certain nonfinancial criteria in order to be eligible for a kinship care payment.

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2. The county or DHFS determines that the child meets one or more of the criteria for children in need of protection or services or juveniles in need of protection or services, or that the child would be at risk of meeting one or more of these criteria;
3. The county or DHFS conducts a background investigation of the kinship care relative, any employe and prospective employe of the kinship care relative who has or would have regular contact with the child for whom kinship care payments would be made and any other adult resident in the kinship care relative's home to determine if the kinship care relative, employe, prospective employe or adult resident has any arrests or convictions that could adversely affect the child or the kinship care relative's ability to care for the child;
4. The kinship care relative cooperates with the county or DHFS in the application process, including applying for other forms of assistance for which the kinship care relative may be eligible; and
5. The child for whom the kinship care relative is providing care and maintenance is not receiving supplemental security income (SSI) benefits.

The state supported kinship care payments issued by a county are discontinued when the youth reaches the age of 18. Under this motion, a relative caring for a youth 18 or over would be eligible for kinship care payments if the youth is (1) a full-time high school student; (2) in good academic standing; and (3) desires to complete high school at his or her current location.

Fiscal Impact

Indeterminate.

ARC Analyst

Matt Sande

Request#:

3693

*clarifies that they are
att end. school (i.e., not
+ want, enrolled, & not
graduated.*



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1218/11
GMM.....
JLg

ARC:.....Sande – Amendment #220, Kinship care eligibility
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION
CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:
2 1. Page 344, line 4: after that line insert:
3 “SECTION 397g. ✓ 20.435 (3) (kc) of the statutes is amended to read:
4 20.435 (3) (kc) *Interagency and intra-agency aids; kinship care and long-term*
5 *kinship care.* The amounts in the schedule for payments under s. 48.57 (3m) and, (3n)
6 and (3o). ✓ All moneys transferred from the appropriation account under s. 20.445 (3)
7 (md) to this appropriation account shall be credited to this appropriation account.
8 Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year
9 is transferred to the appropriation account under s. 20.445 (3) (ky). © — Fix

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g);

1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293.

1 **2.** Page 647, line 21: after that line insert:

2 **SECTION 1134h.** 48.48 (17) (a) 10. of the statutes is amended to read:

3 48.48 (17) (a) 10. Administer kinship care and long-term kinship care as
4 provided in s. 48.57 (3m), (3n), (3o) and (3p).”

History: 1973 c. 90, 333; 1977 a. 29; 1977 c. 83 s. 26; 1977 c. 354, 418, 447, 449; 1979 c. 34 ss. 833m, 834, 2102 (20) (a); 1979 c. 221, 300; 1983 a. 27 s. 2202 (20); 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 135, 176; 1985 a. 332 s. 251 (3); 1987 a. 339; 1989 a. 31, 107, 359; 1991 a. 316; 1993 a. 16, 375, 385, 446, 491; 1995 a. 27 ss. 2526 to 2534m, 9126 (19), 9145 (1); 1995 a. 77; 1997 a. 27, 35, 80, 105, 292.

5 **3.** Page 650, line 5: after that line insert:

6 **SECTION 1145p.** 48.57 (3o) of the statutes is created to read:

7 48.57 (3o) (a) In this subsection:

8 1. “Kinship care relative” has the meaning given in sub. (3m) (a).

9 2. “Long-term kinship care relative” has the meaning given in sub. (3n) (a).

10 (b) From the appropriation under s. 20.435 (3) (kc), the department shall
11 reimburse counties having populations of less than 500,000 for payments made
12 under this subsection and shall make payments under this subsection in a county
13 having a population of 500,000 or more. A county department and, in a county
14 having a population of 500,000 or more, the department shall make payments in the
15 amount of \$215 per month to a kinship care relative or a long-term kinship care
16 relative who is providing care and maintenance for a person if the person meets all
17 of the following conditions:

18 1. The person is 18 years of age or over.

19 2. The person is enrolled in and regularly attending a secondary education
20 classroom program leading to a high school diploma.

21 3. The person has not been absent from that program without an acceptable
22 excuse under ss. 118.15 and 118.16 (4) for part or all of any day on which that program

1 is held during the month preceding the month in which a payment under this
2 paragraph is payable.

3 4. The person received funding under sub. (3m) (am) or (3n) (am) immediately
4 prior to the person's 18th birthday.

5 (c) The county department or department making payments under par. (b)
6 shall monitor the classroom attendance of the person receiving care and
7 maintenance under par. (b) and may require consent to the release of school
8 attendance records, under s. 118.125 (2) (e), as a condition of eligibility for payments
9 under par. (b).

10 (d) Subsection (3m) or (3n), whichever is applicable, and subs. (3p) and (3t) shall
11 continue to apply to a kinship care relative, long-term kinship care relative and
12 person receiving care and maintenance under par. (b) in the same manner as those
13 subsections applied to those persons immediately prior to the 18th birthday of the
14 person receiving that care and maintenance.

15 **SECTION 1145t.** 48.57 (3t) of the statutes is amended to read:

16 48.57 (3t) Notwithstanding subs. (3m), (3n), (3o) and (3p), the department may
17 enter into an agreement with the governing body of a federally recognized American
18 Indian tribe or band to allow that governing body to administer the program under
19 subs. (3m), (3n), (3o) and (3p) within the boundaries of that reservation. Any
20 agreement under this subsection relating to the administration of the program under
21 sub. (3m) shall specify the person with whom a request for review under sub. (3p) (h)
22 2. may be filed and the person who has been designated by the governing body to
23 conduct the review under sub. (3p) (h) 3. and make the determination under sub. (3p)
24 (h) 4. Any agreement under this subsection relating to the administration of the

1 program under sub. (3n) shall specify who is to make any determination as to
2 whether a conviction record is satisfactory.”.

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 207, 252, 292.

3 4. Page 685, line 12: after “(3n)” insert “, (3o)”.

4 5. Page 722, line 20: after that line insert:

5 “SECTION 1433x. 49.46 (1) (a) 16. of the statutes is amended to read:

6 49.46 (1) (a) 16. Any child person who is living with a relative who is eligible
7 to receive payments under s. 48.57 (3m) ~~or~~, (3n) or (3o) with respect to that child
8 person, if the department determines that no other insurance is available to the child
9 person.”.

History: 1971 c. 125, 211, 215; 1973 c. 90, 147; 1975 c. 39; 1977 c. 29 ss. 592m, 1656 (18); 1977 c. 389, 418; 1979 c. 34, 221; 1981 c. 20, 93, 317; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 245 ss. 10, 15; 1983 a. 538; 1985 a. 29, 120, 176, 253; 1987 a. 27, 307, 339, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1454d to 1460 and 2909g, 2909i; 1989 a. 122, 173, 333, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 99, 269, 277, 446, 450, 491; 1995 a. 27, 77, 164, 289, 303, 457; 1997 a. 27, 35, 105, 237.

10 6. Page 741, line 4: after that line insert: *as affected by 1997 Wisconsin Act 105, section 27g,*

11 “SECTION 1491m. 49.96 of the statutes is amended to read:

12 49.96 Assistance grants exempt from levy. All grants of aid to families with
13 dependent children, payments made under ss. 48.57 (3m) ~~or~~, (3n) or (3o), 49.148 (1)
14 (b) 1. or (c) or (1m) or 49.149 to 49.159, payments made for social services, cash
15 benefits paid by counties under s. 59.53 (21), and benefits under s. 49.77 or federal
16 Title XVI, are exempt from every tax, and from execution, garnishment, attachment
17 and every other process and shall be inalienable.”.

NOTE: NOTE: This section is shown as repealed and recreated eff. 2-1-99 by 1997 Wis. Act 105. Prior to 2-1-99 it reads:NOTE:

18 ~~49.96 Assistance grants exempt from levy. All grants of aid to families with dependent children, payments made under ss. 48.57 (3m) or (3n) or 49.148 (1) (b) to~~
19 ~~49.159, payments made for social services, cash benefits paid by counties under s. 59.53 (21), and benefits under s. 49.77 or federal Title XVI, are exempt from every~~
20 ~~tax, and from execution, garnishment, attachment and every other process and shall be inalienable.~~

History: 1973 c. 147; 1987 a. 27, 399; 1989 a. 278; 1995 a. 27 s. 2940; Stats. 1995 s. 49.96; 1995 a. 201, 289; 1997 a. 27, 35, 105.

21 7. Page 749, line 17: after that line insert:

22 “SECTION 1515m. 50.065 (1) (c) 2. of the statutes is amended to read:

1 50.065 (1) (c) 2. Kinship care ~~under s. 48.57 (3m)~~[✓] or long-term kinship care
2 under s. 48.57 (3m), (3n)[✓] or (3o).”

3 History: 1997 a. 27, 105, 237.

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1218/1
GMM:jl:gf

ARC:.....Sande – Amendment #220, Kinship care eligibility

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

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

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5 *kinship care.* The amounts in the schedule for payments under s. 48.57 (3m) ~~and~~ (3n)

6 ~~and~~ (3o). All moneys transferred from the appropriation account under s. 20.445 (3)

7 (md) to this appropriation account shall be credited to this appropriation account.

8 Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year

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10 **2.** Page 647, line 21: after that line insert:

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8 2. “Long-term kinship care relative” has the meaning given in sub. (3n) (a).

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10 reimburse counties having populations of less than 500,000 for payments made
11 under this subsection and shall make payments under this subsection in a county
12 having a population of 500,000 or more. A county department and, in a county
13 having a population of 500,000 or more, the department shall make payments in the
14 amount of \$215 per month to a kinship care relative or a long-term kinship care
15 relative who is providing care and maintenance for a person if the person meets all
16 of the following conditions:

17 1. The person is 18 years of age or over.

18 2. The person is enrolled in and regularly attending a secondary education
19 classroom program leading to a high school diploma.

20 3. The person has not been absent from that program without an acceptable
21 excuse under ss. 118.15 and 118.16 (4) for part or all of any day on which that program
22 is held during the month preceding the month in which a payment under this
23 paragraph is payable.

1 4. The person received funding under sub. (3m) (am) or (3n) (am) immediately
2 prior to the person's 18th birthday.

3 (c) The county department or department making payments under par. (b)
4 shall monitor the classroom attendance of the person receiving care and
5 maintenance under par. (b) and may require consent to the release of school
6 attendance records, under s. 118.125 (2) (e), as a condition of eligibility for payments
7 under par. (b).

8 (d) Subsection (3m) or (3n), whichever is applicable, and subs. (3p) and (3t)
9 shall continue to apply to a kinship care relative, long-term kinship care relative and
10 person receiving care and maintenance under par. (b) in the same manner as those
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12 person receiving that care and maintenance.

13 **SECTION 1145t.** 48.57 (3t) of the statutes is amended to read:

14 48.57 (3t) Notwithstanding subs. (3m), (3n), ~~(3o)~~ and (3p), the department may
15 enter into an agreement with the governing body of a federally recognized American
16 Indian tribe or band to allow that governing body to administer the program under
17 subs. (3m), (3n), ~~(3o)~~ and (3p) within the boundaries of that reservation. Any
18 agreement under this subsection relating to the administration of the program under
19 sub. (3m) shall specify the person with whom a request for review under sub. (3p) (h)
20 2. may be filed and the person who has been designated by the governing body to
21 conduct the review under sub. (3p) (h) 3. and make the determination under sub. (3p)
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23 program under sub. (3n) shall specify who is to make any determination as to
24 whether a conviction record is satisfactory.”

1 **4.** Page 685, line 12: after “(3n)” insert “, (3o)”.

2 **5.** Page 722, line 20: after that line insert:

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4 49.46 (1) (a) 16. Any ~~child~~ person who is living with a relative who is eligible
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8 **6.** Page 741, line 4: after that line insert:

9 “**SECTION 1491m.** 49.96 of the statutes, as affected by 1997 Wisconsin Act 105,
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18 “**SECTION 1515m.** 50.065 (1) (c) 2. of the statutes is amended to read:

19 50.065 (1) (c) 2. Kinship care ~~under s. 48.57 (3m)~~ or long-term kinship care
20 under s. 48.57 (3m), (3n) or (3o).”.

21

(END)