

6/27/99 4:14:17 PM

Page 1

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **06/23/99**

Received By: **malaigm**

Wanted: **Soon**

Identical to LRB:

For: **Senate Democratic Caucus 6-2257**

By/Representing: **Walter**

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:

SDC:.....Walter - Caucus #1512 ,

Topic:

Kinship care hearings

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 06/23/99	jgeller 06/25/99		_____			
/1			hhagen 06/27/99	_____	lrb_docadmin 06/27/99		

FE Sent For:

<END>

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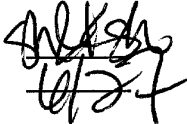
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/?	malaigm	1 6/25 jlg					

FE Sent For:

<END>

GMM? SDC

yes

Agency: Workforce Development - Economic Support and Child Care - TANF

caucus number 1510

duplicate flag:
duplicate with:

Other reference numbers: Paper 1098	LFB Sum #:
FM 1113	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Paper 1098, FM 1113 Specify anyone now receiving SSI caretaker supplement remains eligible for SSI caretaker supplement for any month in which he/she remains eligible for federal or state SSI benefits, regardless if they receive an SSI payment in that month

other notes

drafting instructions: Paper 1098, FM 1113.

more instructions:

caucus number 1511

duplicate flag:
duplicate with:

Other reference numbers: Paper 1098	LFB Sum #:
FM 1114	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Paper 1098, FM 1114 SSI recipient is eligible to receive an SSI caretaker supplement on behalf of a grandchild if the grandchild's parent is a dependent child of the grandparent and all other eligibility criteria apply and if no kinship payments are made

other notes

drafting instructions: Paper 1098, Freestanding Motion 1114.

more instructions:

caucus number 1512

duplicate flag:
duplicate with:

Other reference numbers: Paper 1096	LFB Sum #:
FM 1115	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Paper 1098, FM 1115 Kinship Care - Fair Hearings. Delete current provisions and instead provide that an individual denied kinship payments based on county/DFHS info obtained during background investigation may petition for review based on current process.

other notes

drafting instructions: Paper 1096, FM 1115

more instructions:

caucus number 1514

duplicate flag:
duplicate with:

Other reference numbers: Paper 1105	LFB Sum #:
FM 862	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: paper 1105, FM 862. Transfer \$5 mil GPR annually from DWD to DHFS for grants for substance abuse services. DHFS to distribute the funding in Milwaukee Cnty to individuals whose income is less than or equal to 200% of poverty level. See attached for detail

other notes

drafting instructions: Paper 1105, Freestanding Motion 862

more instructions:

**WORKFORCE DEVELOPMENT -- ECONOMIC SUPPORT AND CHILD CARE
HEALTH AND FAMILY SERVICES -- CHILDREN AND FAMILY SERVICES**

**Kinship Care -- Fair Hearings
[Paper #1096]**

Motion:

Move to delete current provisions regarding an individual's ability to request a review of a determination that kinship care or long-term kinship care payments or continuation of such benefits be denied based on information obtained by a county or DHFS in background investigations. Instead, specify that an individual that is denied kinship care or long-term kinship care payments or the denial of continuation of such benefits based on information obtained in background investigations, may petition DHFS for a review of that action based on the current review process for denial of kinship care and long-term kinship care on other grounds.

Note:

Under this motion, a denial of benefits or denial of continuation of benefits on grounds of information contained in background investigations would be subject to the review process available under current law for denials based on other criteria.

Under current law, a kinship care relative or long-term kinship care relative can petition DHFS for review of a denial of benefits, or denial of continuation of benefits on grounds other than information obtained by the county or DHFS from a background investigation of the relative, his or her employes or prospective employes who would have regular contact with the child on whose behalf the payment is made, or any other adult resident in the relative's home. Such a review is not available if the denial arose more than 45 days before submission of the applicant's petition for review. Upon receipt of a timely petition, DHFS must give the applicant or recipient reasonable notice and an opportunity for a fair hearing. The Department of Administration's Division of Hearings and Appeals reviews these petitions.

If a recipient requests a hearing within ten days after the date of notice that his or her payments are being discontinued, those payments may not be discontinued until a decision is

rendered after a hearing. Those payments may be recovered by DHFS if the contested action is upheld.

For denial of benefits or denial of continuation of benefits based on information obtained by the county or DHFS from background investigations, the applicant or recipient may request that that denial be reviewed by the director of the county social services or human services agency, or an individual designated by the DHFS Secretary, or an individual designated by the tribe [if the tribe has entered into an agreement with DHFS to administer kinship care or long-term kinship care to tribal populations], as appropriate.

In reviewing a denial based on the background information, the county director, DHFS or tribal designee must consider, but not be limited to, the following factors: (a) the length of time between the date of the arrest, conviction or of the imposition of the penalty and the date of the review; (b) the nature of the violation or penalty and how that violation or penalty affects the ability of the relative to care for the child; and (c) whether making an exception for the denial would be in the best interests of the child. If the county director, DHFS or tribal designee determines that any of the background information on the applicable individuals does not contain any arrests, convictions or penalties that are likely to adversely affect the child or the ability of the relative to care for the child, the director, the DHFS or tribal designee may approve a kinship care payment.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1031/10
GMM.....
JLG

SDC:.....Walter – Caucus #1512 , Kinship care hearings
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 649, line 21: after that line insert:
3 "SECTION 1142g. 48.57 (3m) (f) of the statutes is amended to read:
4 48.57 (3m) (f) Any person whose application for payments under par. (am) is
5 not acted on promptly or is denied on the grounds that a condition any of the
6 conditions specified in par. (am) ^{plain} ~~1, 2, 5, or 6~~ to 6. has not been met and any person
7 whose payments under par. (am) are discontinued under par. (d) may petition the
8 department under par. (g) for a review of that action or failure to act. Review is
9 unavailable if the action or failure to act arose more than 45 days before submission
10 of the petition for review."

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, 237, 252, 292.

1 **2.** Page 650, line 5: after that line insert:

2 “**SECTION 1145g.** 48.57 (3n) (f) of the statutes is amended to read:

3 48.57 (3n) (f) Any person whose application for payments under par. (am) is not
4 acted on promptly or is denied on the grounds that ~~a condition~~ any of the conditions
5 specified in par. (am) ~~1, 2, 5, 5m, or 2~~ ^{plain} ~~to~~ 5r. has not been met and any person whose
6 payments under par. (am) are discontinued under par. (d) may petition the
7 department under par. (g) for a review of that action or failure to act. Review is
8 unavailable if the action or failure to act arose more than 45 days before submission
9 of the petition for review.

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, 237, 252, 292.

10 **SECTION 1145h.** 48.57 (3p) (fm) 1. of the statutes is amended to read:

11 48.57 (3p) (fm) 1. The county department or, in a county having a population
12 of 500,000 or more, the department of health and family services may provisionally
13 approve the making of payments under sub. (3m) based on the applicant’s statement
14 under sub. (3m) (am) 4m. The county department or department of health and family
15 services may not finally approve the making of payments under sub. (3m) unless the
16 county department or department of health and family services receives information
17 from the department of justice indicating that the conviction record of the applicant
18 under the law of this state is satisfactory according to the criteria specified in par.
19 (g) 1. to 3. ~~or payment is approved under par. (h) 4.~~ [✓] The county department or
20 department of health and family services may make payments under sub. (3m)
21 conditioned on the receipt of information from the federal bureau of investigation
22 indicating that the person’s conviction record under the law of any other state or
23 under federal law is satisfactory according to the criteria specified in par. (g) 1. to 3.

NOTE: NOTE: Subd. 1. is repealed and recreated eff. the day after publication of the 2001-03 biennial budget by 1997 Wis. Act 27 to read: NOTE:

1 (fm) 1. The county department or, in a county having a population of 500,000 or more, the department of health and family services may provisionally approve the making of payments under sub. (3m) based on the applicant's statement under sub. (3m) and 4m. The county department or department of health and family services may not finally approve the making of payments under sub. (3m) unless the county department or department of health and family services receives information from the department of justice indicating that the conviction record of the applicant under the law of this state is satisfactory according to the criteria specified in par. (g) 1 to 3. The county department or department of health and family services may make payments under sub. (3m) conditioned on the receipt of information from the federal bureau of investigation indicating that the person's conviction record under the law of any other state or under federal law is satisfactory according to the criteria specified in par. (g) 1. to 3.

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. 2573 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 232, 292.

8 SECTION 1145j. 48.57 (3p) (g) (intro.) of the statutes is amended to read:

9 48.57 (3p) (g) (intro.) ~~Except as provided in par. (h),~~ the A county department
 10 or, in a county having a population of 500,000 or more, the department of health and
 11 family services may not make payments to a person applying for payments under
 12 sub. (3m) and a person receiving payments under sub. (3m) may not employ a person
 13 in a position in which that person would have regular contact with the child for whom
 14 those payments are being made or permit a person to be an adult resident if any of
 15 the following applies:

NOTE: NOTE: Par. (g) (Intro.) is repealed and recreated eff. the day after publication of the 2001-03 biennial budget by 1997 Wis. Acts 27 and 252 to read: NOTE:

16 (g) A county department or, in a county having a population of 500,000 or more, the department of health and family services may not make payments to a person
 17 applying for payments under sub. (3m) and a person receiving payments under sub. (3m) may not employ a person in a position in which that person would have regular
 18 contact with the child for whom those payments are being made or permit a person to be an adult resident if any of the following applies:

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. 2573 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 232, 292.

19 SECTION 1145m. 48.57 (3p) (h) of the statutes is repealed.

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

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

- 1 under sub. (3n) shall specify who is to make any determination as to whether a
2 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, 237, 252, 292.

3

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1031/1
GMM;jlg:ksh

SDC:.....Walter – Caucus #1512 , Kinship care hearings

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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6 conditions specified in par. (am) 1., ~~2., 5. or to~~ 6. has not been met and any person
7 whose payments under par. (am) are discontinued under par. (d) may petition the
8 department under par. (g) for a review of that action or failure to act. Review is
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10 of the petition for review.”.

1 **2.** Page 650, line 5: after that line insert:

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18 under the law of this state is satisfactory according to the criteria specified in par.
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22 indicating that the person’s conviction record under the law of any other state or
23 under federal law is satisfactory according to the criteria specified in par. (g) 1. to 3.

24 **SECTION 1145j.** 48.57 (3p) (g) (intro.) of the statutes is amended to read:

