

2001 DRAFTING REQUEST

Senate Amendment (SA-SB55)

Received: 06/01/2001

Received By: malaigm

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau 6-3847

By/Representing: Arsenault

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Addl. Drafters:

Subject: Children - child welfare

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

LFB:.....Arsenault -

Topic:

Milwaukee child welfare; use of Milwaukee County's contribution; rules relating to administration

Instructions:

See Attached--draft Alternative B-1 of LFB Paper 506 to require DHFS to expend Milwaukee County's contribution first before expending GPR moneys. Also draft Motion #1238 to require DHFS to promulgate rules relating to the administration of the Milwaukee child welfare program.

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 06/01/2001	wjackson 06/03/2001		_____			
/1			jfrantze 06/03/2001	_____	lrb_docadmin 06/03/2001		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	malaigm 06/05/2001	wjackson 06/05/2001	rschlue 06/05/2001	_____	lrb_docadmin 06/05/2001		

FE Sent For:

<END>

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1?	malaigm	1 Wlj 6/3	omlt celz 11				

FE Sent For:

<END>

Malaise, Gordon

From: Arsenault, Yvonne
Sent: Friday, June 01, 2001 1:47 PM
To: Malaise, Gordon
Subject: RE: Children and Families Papers and Motions

Gordon -

We concur on everything except the motion number for paper 506. I wrote up the following before I read your e-mail so some it is repetitive.

Paper 505: Modification, no drafting necessary.

Paper 506: Alternative A1 - no drafting necessary. Alternative B1 needs to be drafted. The PR funds are referring to Milwaukee County's contribution to Milwaukee Child Welfare. Motion 1238 - needs to be drafted. (Gordon - how could this be written differently to ensure that the legislature receives the admin rules in 9 months, not the Legislative Council?)

Paper 507: Alternative 1 - no drafting necessary.

Paper 508: Motion 1040 - (This motion was written in haste and these drafting instructions supercede the language in the motion to represent the intent of JFC.) In session law, require DHFS to: (a) lapse \$2,692,500 FED in 2001-02 and \$2,979,100 FED in 2002-03 from the targeted case management revenue; and (b) allocate remaining targeted case management revenue to 20.435(8)(mb) in 2001-02 and 2002-03 and require DHFS to use these funds to support the county share of WISACWIS implementation costs. In addition, delete from the bill the Governor's provision allowing counties to use 100% of their income augmentation funds to support implementation costs.

Paper 509: Motion 1221 - The language and the amounts in the motion are correct and incorporate Alternative 1 in the paper and these are what should be drafted.

Paper 510: Alternative 1 - no drafting necessary.

Paper 511: Alternative 1 - no change to bill.

I am faxing motions 1040, 1221 and 1238 to you.

If you have any questions, please let me know. I will be in the office over the weekend as well.

Yvonne

Yvonne M. Arsenault
Legislative Fiscal Bureau
(608) 266-3847
Yvonne.Arsenault@legis.state.wi.us

-----Original Message-----

From: Malaise, Gordon
Sent: Friday, June 01, 2001 11:14 AM
To: Arsenault, Yvonne
Subject: Children and Families Papers and Motions

Yvonne:

I see from the Wheeler Report that the JCF took certain actions yesterday with respect to children and families. Some of those actions will not require any drafting, others definitely will, and others may or may not, depending on the content of the motion that was adopted.

Specifically:

- **LFB Paper 506.** Alternative A-1 does not appear to require any drafting, but Alternative B-1 does. Also, the Committee adopted Motion 506. If Motion 506 requires drafting, please provide me with a copy of that motion. If it does not require drafting, please advise, and I will simply draft up Alternative B-1.
- **LFB Paper 507.** Alternative A-1 does not appear to require any drafting.
- **LFB Paper 508.** If Motion 1040 requires drafting, please provide me with a copy of that motion. If it does not, please advise.
- **LFB Paper 509.** Alternative 1 will require a bit of drafting. The Committee also adopted Motion 1221. If that motion requires drafting, please provide me with a copy of that motion. If it does not, please advise.
- **LFB Paper 510.** Alternative 1 does not appear to require any drafting.

In sum, if Motions 506, 1040, or 1221 require drafting, please FAX me a copy of those motions at 4-6948. If any of those motions do not require any drafting, please advise. Also, please advise if I am incorrect in any of my assumptions as to alternatives that do not need any drafting. On receipt of your instructions, I can begin drafting.

Thanks for your help!

Gordon M. Malaise
Senior Legislative Attorney
Legislative Reference Bureau
Phone: (608) 266-9738



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

May 31, 2001

Joint Committee on Finance

Paper #506

Milwaukee Child Welfare Aids (DHFS -- Children and Families)

[LFB 2001-03 Budget Summary: Page 387, #2]

CURRENT LAW

1997 Wisconsin Act 27 (the 1997-99 biennial budget) provided the Department of Health and Family Services (DHFS) funding and statutory authority to provide child welfare services in Milwaukee County, beginning January 1, 1998. In all other counties, the county department of social services or human services is responsible for providing child welfare services. Milwaukee County is required to contribute \$58,893,500 annually to fund the state costs of administering child welfare services in that county on the county's behalf.

In 2000-01, DHFS is budgeted \$97,653,900 (\$76,707,200 GPR, \$20,764,500 FED and \$182,200 PR) for services to families in the child welfare system. Federal funding is available under Title IV-E of the Social Security Act as partial reimbursement for administrative and placement costs for children from families that meet certain financial eligibility criteria.

GOVERNOR

Delete \$5,407,100 (\$3,481,300 GPR and \$1,925,800 FED) in 2001-02 and \$5,407,100 (\$3,446,600 GPR and \$1,960,500 FED) in 2002-03 to fund projected costs of aids expenses related to the administration of the child protective services program in Milwaukee County. This item includes: (a) projected increases in placement costs (\$2,284,800 GPR and -\$90,900 FED in 2001-02 and \$2,315,300 GPR and -\$121,400 FED in 2002-03); (b) projected decreases in service costs (-\$6,245,600 GPR and -\$335,800 FED in 2001-02 and -\$6,241,400 GPR and -\$340,000 FED); and (c) decreased funding for contracts (\$479,500 GPR and -\$1,499,100 FED annually). These changes are primarily due to caseload reestimates and a projected reduction in the federal financial participation rate.

DISCUSSION POINTS

1. It is currently estimated that service and placement costs for children in Milwaukee County in the child welfare system will total \$92,506,500 (all funds) in each year of the 2001-03 biennium. This estimate differs from the Governor's recommendations due to updated caseload and expenditure data and revised estimates of the amount of federal financial participation rates available as reimbursement for certain costs. Funding in the bill would need to be increased by \$441,900 (\$371,300 GPR and \$70,600 FED) in 2001-02 and \$441,900 (\$391,200 GPR and \$50,700 Fed) in 2002-03 to fully fund these projected costs.

2. However, even though the service and vendor costs are dependent on caseload, the per-case fee is determined by contract and not by statute. Consequently, if the Committee does not wish to increase funding in the bill to fully fund projected service costs, it could approve the funding recommended by the Governor.

3. Under the Governor's bill, \$6,749,100 GPR is anticipated to lapse from the Milwaukee child welfare aids budget at the end of 2000-01 due to underspending in calendar year 1999 contracts. This lapse has been factored in to the Governor's general fund condition statement. DHFS estimates that there is \$9,291,400 in underspending in the calendar year 2000 contracts and has committed to use a portion of these funds to support a portion of the deficits Milwaukee County has incurred by providing services under contract with the state over the past couple of years. Because of this commitment, and restrictions on the use of some of the funds that are currently being counted towards the state's temporary assistance for needy families (TANF) maintenance-of-effort (MOE), the administration has indicated that none of the calendar year 2000 surplus will lapse to the general fund at the end of the fiscal year. However, these levels of underspending indicate that current base funding for the program is much higher than actual costs in the 1999-01 biennium and projected costs in the 2001-03 biennium.

4. The long-time policy of the administration, and the understanding of the Legislature, has been that program revenue (PR) funds contributed by Milwaukee County that are budgeted for Milwaukee child welfare services would be fully expended before GPR funds are expended for this purpose. Therefore, if there was underspending in the program, the unspent funds would be GPR, which would be available as a lapse to the general fund. DHFS indicates that the underspending in the calendar year 2000 contracts are PR funds budgeted in the appropriation where Milwaukee County's contribution for the costs of providing child welfare services in Milwaukee County is deposited. To ensure that the county's contribution is utilized first, the Committee could specify this directive in statute.

5. Under the Governor's bill, \$259,700 GPR annually was budgeted to pay the child care copayment for foster parents and court-ordered kinship care relatives. Effective February 1, 2001, foster parents and kinship care parents no longer have a co-pay responsibility. Therefore, this funding has been deleted from the bill as part of the reestimate.

6. In addition, to reflect the Committee's action on temporary assistance for needy

families (TANF) funds, the reestimate deletes \$182,200 PR annually that would be provided in the Governor's bill to support day care administration for children in foster care. The Committee determined that these funds were unnecessary because the administrative costs are covered under funding provided through the child care subsidy program.

7. Based on a May 18, 2001, communication from the U.S. Department of Health and Human Services, the state will not be permitted to count GPR-funded safety services and prevention services towards the TANF MOE requirement, as proposed by the Governor for the 2001-03 biennium. Consequently, \$8,706,200 budgeted annually in the bill cannot be counted because there are no income limitations on the individuals who receive these services, which is required under the MOE provisions.

8. To avoid a negative impact on TANF MOE, the funding source for these two programs could be shifted from GPR to TANF. These services are eligible under the fourth purpose of TANF (formation and maintenance of two-parent families) and income limitations are not required under this TANF purpose. In addition, \$8,706,200 GPR could be appropriated from DHFS to the Department of Workforce Development (DWD) annually. DWD would use the GPR for elements of Wisconsin Works (W-2) and related programs that are currently funded by TANF. This modification would have no net fiscal effect on the general fund or the TANF program.

ALTERNATIVES TO BILL

A. Funding

1. Approve the Governor's recommendations. In addition, transfer support for safety services and the prevention services contract (\$8,706,200 annually) from GPR to TANF in DHFS and reduce TANF funding and increase GPR funding in DWD by corresponding amounts.

2. Modify the Governor's bill by providing \$441,900 (\$371,300 GPR and \$70,600 FED) in 2001-02 and \$441,900 (\$391,200 GPR and \$50,700 FED) in 2002-03 to reflect reestimates of the funding required to provide child welfare services in Milwaukee County. In addition, transfer support for safety services and the prevention services contract (\$8,706,200 annually) from GPR to TANF in DHFS and reduce TANF funding and increase GPR funding in DWD by corresponding amounts.

<u>Alternative A2</u>	<u>GPR</u>	<u>FED</u>	<u>TOTAL</u>
2001-03 FUNDING (Change to Bill)	\$762,500	\$121,300	\$883,800

B. Use of GPR Funding

1. Require DHFS to first use the appropriated PR funds budgeted for Milwaukee child welfare aids to support benefits provided through BMCW before GPR funds are expended for these services.

2. **Maintain current law.**

**Prepared by: Yvonne M. Arsenault
Attachment**

ATTACHMENT

**Milwaukee Child Welfare Services Aids Funding Summary
Reestimate for 2001-03 Biennium**

	<u>2001-02</u>			<u>2002-03</u>		
	<u>GPR</u>	<u>FED</u>	<u>All Funds</u>	<u>GPR</u>	<u>FED</u>	<u>All Funds</u>
Placement Costs						
Foster care	\$15,770,400	\$9,742,900	\$25,513,300	\$15,811,500	\$9,701,800	\$25,513,300
Treatment foster care	329,600	203,600	533,200	330,400	202,800	533,200
CCIs	3,716,600	929,100	4,645,700	3,720,500	925,200	4,645,700
Group homes	925,500	231,300	1,156,800	926,400	230,400	1,156,800
Shelter	<u>3,290,100</u>	<u>0</u>	<u>3,290,100</u>	<u>3,290,100</u>	<u>0</u>	<u>3,290,100</u>
Subtotal	\$24,032,200	\$11,106,900	\$35,139,100	\$24,078,900	\$11,060,200	\$35,139,100
Service Costs						
Safety services	\$7,216,600	\$0	\$7,216,600	\$7,216,600	\$0	\$7,216,600
Ongoing services	13,829,600	480,900	14,310,500	13,831,600	478,900	14,310,500
Wraparound services	8,954,200	1,398,300	10,352,500	8,960,100	1,392,400	10,352,500
Safety evaluations	<u>256,500</u>	<u>0</u>	<u>256,500</u>	<u>256,500</u>	<u>0</u>	<u>256,500</u>
Subtotal	\$30,256,900	\$1,879,200	\$32,136,100	\$30,264,800	\$1,871,300	\$32,136,100
Vendor Costs						
Case mgmt. contract	\$10,783,300	\$3,062,800	\$13,846,100	\$10,783,300	\$3,062,800	\$13,846,100
Out-of-home placement unit	4,070,100	1,156,000	5,226,100	4,070,100	1,156,000	5,226,100
Adoption contract	1,718,500	1,406,000	3,124,500	1,718,500	1,406,000	3,124,500
FISS unit	206,600	0	206,600	206,600	0	206,600
Independent investigations	232,000	0	232,000	232,000	0	232,000
Prevention services contract	1,489,600	0	1,489,600	1,489,600	0	1,489,600
Other	<u>808,000</u>	<u>298,400</u>	<u>1,106,400</u>	<u>808,000</u>	<u>298,400</u>	<u>1,106,400</u>
Subtotal	\$19,308,100	\$5,923,200	\$25,231,300	\$19,308,100	\$5,923,200	\$25,231,300
Grand Total*	\$73,597,200	\$18,909,300	\$92,506,500	\$73,651,800	\$18,854,700	\$92,506,500
2000-01 Base	<u>\$76,707,200</u>	<u>\$20,764,500</u>	<u>\$97,471,700</u>	<u>\$76,707,200</u>	<u>\$20,764,500</u>	<u>\$97,471,700</u>
Change to Base	-\$3,110,000	-\$1,855,200	-\$4,965,200	-\$3,055,400	\$1,909,800	-\$4,965,200
Governor's Bill	-\$3,481,300	-\$1,925,800	-\$5,407,100	-\$3,446,600	-\$1,960,500	-\$5,407,100
Change to Bill	\$371,300	\$70,600	\$441,900	\$391,200	\$50,700	\$441,900

* Does not include TANF MOE funding change.

Senator Moore

HEALTH AND FAMILY SERVICES -- CHILDREN AND FAMILIES

Milwaukee Child Welfare Aids

[LFB Paper #506]

Motion:

Move to direct DHFS to promulgate rules regarding the administration of Milwaukee child welfare, including, but not limited to: (a) contracting processes; (b) grievance procedures; (c) caseload ratios; (d) provision of services; and (e) citizen participation. Direct DHFS to submit the administrative rules to the staff of the Legislative Council no later than nine months after the effective date of this bill.

Moore adopted 14-2

Approved

MO#				
Burke	Y	Y	N	N
Decker	Y	Y	N	N
Moore	Y	Y	N	N
Shibilski	Y	Y	N	N
Plache	Y	Y	N	N
Wirch	Y	Y	N	N
Darling	Y	Y	N	N
Welch	Y	Y	N	N
Gard	Y	Y	N	N
Kaufert	Y	Y	N	N
Albers	Y	Y	N	N
Duff	Y	Y	N	N
Ward	Y	Y	N	N
Huebsch	Y	Y	N	N
Huber	Y	Y	N	N
Coggs	Y	Y	N	N



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb0554/4
GMM.../.....
Wlj

(Sun)

LFB:.....Arsenault – Milwaukee child welfare; use of Milwaukee County’s contribution; rules relating to administration

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

1 At the locations indicated, amend the bill as follows:

2 1. Page 778, line ~~4~~³: after that line insert:

3 “SECTION 1618r. 48.48 (17) (e)^v of the statutes is created to read:

4 48.48 (17) (e) The department shall promulgate rules regulating the
5 administration of child welfare services in a county having a population of 500,000
6 or more. Those rules shall include rules providing for all of the following:

child welfare

7 1. The process by which the department contracts for the provision of services
8 that the department is authorized to provide under this chapter.

9 2. Grievance procedures under which any person who is aggrieved by any act
10 or omission of the department, or of a person contracting to provide child welfare

1 services under this chapter, relating to the provision of those services may grieve that
2 act or omission.

3 3. Case load ratios for staff providing direct child welfare services under this
4 chapter.

5 4. Standards for the provision of child welfare services under this chapter.

6 5. The use of an open public participation process for the planning, monitoring,
7 ^{evaluating} and evaluation of ~~the~~ child welfare services provided under this chapter.”.

8 2. Page 779, line 3: delete lines 3 to 12 and substitute:

9 “SECTION 1624d. 48.561 (3) (b) of the statutes is amended to read:

10 48.561 (3) (b) The department of administration shall collect the amount
11 specified in par. (a) 3 from a county having a population of 500,000 or more by
12 deducting all or part of that amount from any state payment due that county under
13 s. ~~46.40~~, 79.03, 79.04, 79.058, 79.06, or 79.08. The department of administration
14 shall notify the department of revenue, by September 15 of each year, of the amount
15 to be deducted from the state payments due under s. 79.03, 79.04, 79.058, 79.06, or
16 79.08. The department of administration shall credit all amounts collected under
17 this paragraph to the appropriation account under s. 20.435 (3) (kw) and shall notify
18 the county from which those amounts are collected of that collection. The
19 department may not expend any moneys from the appropriation account under s.
20 20.435 (3) (cx) for providing services to children and families under s. 48.48 (17) until
21 the amounts in the appropriation account under s. 20.435 (3) (kw) are exhausted.”.

History: 1997 a. 27, 237; 1999 a. 9.

22 3. Page 1750, line 23: after that line insert:

23 ⁴
~~(12z)~~ MILWAUKEE CHILD WELFARE ADMINISTRATION; RULES. The department of
24 health and family services shall submit in proposed form the rules required under

1 section 48.48 (17) (e) of the statutes, as created by this act, to the legislature under
2 section 227.19 of the statutes, as affected by this act, no later than the first day of the
3 9th month beginning after the effective date of this ^{Subsection} ~~paragraph~~.”.

4

(END)

6/5/01

60554

Yvonne,

P 2, Q 4 Specify that caseload ratios are for

staff of DAFS and contractors



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb0554/1 (2) RMR
GMM:wlj:cmh

500

(p 2, 84)

LFB:.....Arsenault – Milwaukee child welfare; use of Milwaukee County’s contribution; rules relating to administration

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5 administration of child welfare services in a county having a population of 500,000
6 or more. Those rules shall include rules providing for all of the following:

7 1. The process by which the department contracts for the provision of child
8 welfare services that the department is authorized to provide under this chapter.

9 2. Grievance procedures under which any person who is aggrieved by any act
10 or omission of the department, or of a person contracting to provide child welfare

1 services under this chapter, relating to the provision of those services may grieve that
2 act or omission.

3 3. Caseload ratios for staff providing direct child welfare services under this
4 chapter, *whether employed by the department or by a person*
contracting to provide child welfare services under this chapter

5 4. Standards for the provision of child welfare services under this chapter.

6 5. The use of an open public participation process for the planning, monitoring,
7 and evaluation of child welfare services provided under this chapter.”.

8 **2.** Page 779, line 3: delete lines 3 to 12 and substitute:

9 “SECTION 1624d. 48.561 (3) (b) of the statutes is amended to read:

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11 specified in par. (a) 3. from a county having a population of 500,000 or more by
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17 this paragraph to the appropriation account under s. 20.435 (3) (kw) and shall notify
18 the county from which those amounts are collected of that collection. The
19 department may not expend any moneys from the appropriation account under s.
20 20.435 (3) (cx) for providing services to children and families under s. 48.48 (17) until
21 the amounts in the appropriation account under s. 20.435 (3) (kw) are exhausted.”.

22 **3.** Page 1750, line 23: after that line insert:

23 “(12zk) MILWAUKEE CHILD WELFARE ADMINISTRATION; RULES. The department of
24 health and family services shall submit in proposed form the rules required under

1 section 48.48 (17) (e) of the statutes, as created by this act, to the legislature under
2 section 227.19 of the statutes, as affected by this act, no later than the first day of the
3 9th month beginning after the effective date of this subsection.”.

4 (END)

LFB:.....Arsenault – Milwaukee child welfare; use of Milwaukee County’s
contribution; rules relating to administration

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19 the county from which those amounts are collected of that collection. The
20 department may not expend any moneys from the appropriation account under s.
21 20.435 (3) (cx) for providing services to children and families under s. 48.48 (17) until
22 the amounts in the appropriation account under s. 20.435 (3) (kw) are exhausted.”.

23 **3.** Page 1750, line 23: after that line insert:

1 “(12zk) MILWAUKEE CHILD WELFARE ADMINISTRATION; RULES. The department of
2 health and family services shall submit in proposed form the rules required under
3 section 48.48 (17) (e) of the statutes, as created by this act, to the legislature under
4 section 227.19 of the statutes, as affected by this act, no later than the first day of the
5 9th month beginning after the effective date of this subsection.”.

6

(END)