

**OUTAGAMIE COUNTY  
CITIZEN REVIEW PANEL  
YEARLY UPDATE  
2003**

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In the past year, Outagamie County's Citizen Review Panel was involved in the Child and Family Services Review (CFSR). Members had participated in the 2002 Mock Review and the actual Federal Review in August of 2003. Panel members reviewed information gained from the focus groups and will be involved in monitoring a Program Enhancement Plan established by the Department of Health and Human Services. A "county kick-off" was held in April of 2003 and all members were invited to attend.

In 2003, a Memorandum of Understanding was established between Harbor House Domestic Violence Center and Outagamie County Department of Health and Human Services, Child Protective Services. Members of the panel participated in writing and reviewing the Memorandum of Understanding which is being used as a model for the State of Wisconsin.

Members of the panel continued to work on, and be updated on, the Child Advocacy Center. Policies and procedures were written and the Child Advocacy Center through Children's Hospital will begin services on July 1, 2004.

April was Child Abuse Prevention and Crime Victim Awareness month. Panel members, along with community agencies, sponsored a Crime Victim Awareness week. A coloring contest was held for child abuse and neglect prevention and blue ribbons were distributed throughout the county.

As a result of a child's death case, panel members discussed possible changes in policies and procedures that the county Child Protective Services Division has made.

A panel member from the Oneida Nation presented a series of Oneida Child Welfare videos for members to view. These Oneida-specific videos were created in conjunction with a parenting manual.

A representative from the State Department of Health and Family Services gave an overview of changes in the State level with a new secretary and division manager for the Department of Health and Family Services. The representative also distributed CAPTA Requirements and discussed Wisconsin's plan to the Federal Government.

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## **Tribal Priorities for Indian Child Welfare Services in Wisconsin**

### DCFS Preface to Tribal Child Welfare Priorities

The attached document describes the seven priorities for Tribal Child Welfare services developed by Wisconsin's 11 federally-recognized tribes in conjunction with the Department of Health and Family Services. These seven tribal priorities were developed through bimonthly meetings of DCFS staff and the Department Tribal Affairs Unit with representatives of the Indian Child Welfare departments of each of the 11 tribes. The work on the tribal priorities began in the Summer of 2003 and the attached document reflects the joint efforts of the tribes and Department staff through February 2004. The attached document is the same version that was attached to the Wisconsin Program Enhancement Plan (PEP) in April 2004.

The tribal priorities document is a "living document" that will continue to develop into specific action plans for each of the priorities. DCFS is committed to using the document as a strategic plan for collaborative efforts with the tribes to improve Indian Child Welfare services in Wisconsin.

As discussed earlier in the Child and Family Services Plan, the current tribal child welfare workgroup will comprise the sixth focus committee of the Program Enhancement Implementation Team. The seven tribal priorities at this time do not include target dates for completion of goals. These target dates will be developed by the tribal child welfare committee through internal discussion and through communication with the other focus committees, to assure coordination with related PEP activities.

DCFS is in the process of filling a new Indian Child Welfare Consultant position in the Bureau of Programs and Policies. The new staff position will work with the tribal child welfare committee to implement the priorities and address other Indian child welfare issues, will greatly enhance the ability of DCFS to establish target dates and accomplish actions in a timely manner.

## TRIBAL CHILD WELFARE ISSUES

### Priority Number 1: Identifying Children as Indian Children

#### Issue Statement

Too often, children are not being identified as Indian children, either at all or at some point later in the child welfare process than should occur. In some cases, if a child does not have an Indian name or does not "look Indian," it is assumed that the child is not Indian. Child welfare practice should be altered so that all children are assumed to be Indian until it is determined that they are not.

#### Outcome Objective

By \_\_\_\_\_, active efforts shall be made, at the point of entry into the child welfare system and at appropriate subsequent points:

- to determine if a child or a member of the child's family is Indian
- to determine what the tribal affiliation is, and
- to notify the appropriate tribe or tribes of the child's involvement in the child welfare system.

This is required by the Indian Child Welfare Act and must be done so that tribes can make informed decisions regarding their desire to be involved, and at what level, with the case.

#### Action Steps

Action	By Whom	PEP Reference	Other Reference
Statewide tool or screen to assist in assuring appropriate questions are asked (check with Montana, NICWA, and Oregon).	Developed by DHFS in collaboration with tribes, counties, and the Court Improvement Program. Utilized by DHFS (adoption) and county staff, and child placing agencies.		
Directory of federally-recognized tribes in Wisconsin and tribal contacts for use by agencies with instructions and technical assistance. Also list BIA regional office for tribes outside of Wisconsin.	Developed by DHFS in collaboration with tribes. Utilized by same agencies as above.		
Specificity of ICWA requirements and sanctions for violations of requirements; draft legislation provided to tribes for comment and suggested revision.	Developed by DHFS in collaboration with tribes and counties.		
Develop a statewide form/template to be used to submit to tribes to determine if the child is covered under ICWA.	Developed by DHFS in collaboration with tribes and counties.		
Provide tribes with access to WISACWIS.	DHFS in collaboration with tribes.		

## TRIBAL CHILD WELFARE ISSUES

### Priority Number 2: Training on ICWA, Tribal Codes/Ordinances, and Cultural Issues

#### Issue Statement

Staff and administrators of a variety of child welfare agencies and organizations do not have adequate knowledge of the intent and content of the ICWA that supports the implementation of the law in either legal or practice situations.

Staff of the Department, the DOC Division of Juvenile Services, counties, private agencies, and tribes, and legal staff (e.g., judges, Guardians ad Litem, District Attorneys/Corporation Counsel) require ongoing training related to the content of the Indian Child Welfare Act and implications for implementation in Wisconsin. All training should include an Indian co-trainer.

#### Outcome Objective

By \_\_\_\_\_, all training participants listed above will demonstrate an understanding of the philosophical and legal concerns around removal of Indian children from their homes, placing Indian children in out-of-home care, terminating parental rights, and placing Indian children for adoption, all recognizing that there are differences among tribes.

#### Action Steps

Action	By Whom	PEP Reference	Other Reference
Require training on the above curricula and require an 80% score in order to be certified as completing ICWA training. [Ref. s. 48.981(8)(d), Stats.]  Include juvenile justice staff in this requirement. [Ref. Ch. DOC 399, Adm. Code]	DHFS and DOC requirement. Applicable to DHFS, DOC, county staff, and child placing agency staff. To be developed in collaboration with the Department of Corrections, tribes and counties.		
Develop training curricula related to the above.	Training Partnerships, DHFS, Counties, Tribes		
Incorporate ICWA into appropriate state statutes and administrative rules.	DHFS in conjunction with counties and tribes.		
The University of Wisconsin schools of social work and related programs should include a component on ICWA required for completion of the degree.	DHFS, DOC, UW, Vocational/Technical System, counties, tribes, Training Partnerships.		
Require that staff and management of counties obtain available training from tribes with which they predominantly work on the laws, customs, and culture of that tribe/those tribes.	Tribes, counties, and Training Partnerships.		
Incorporate into state licensing rules that licensed agencies must coordinate/may not impede* the cultural, religious, and spiritual beliefs of tribes. *For further discussion	DHFS, counties, and tribes		

## TRIBAL CHILD WELFARE ISSUES

### Priority Number 3: Adoptions

#### Issue Statement

Tribes are not always involved in cases involving Indian children and the decisions that affect the outcome of the case, including removal from the home, placement in out-of-home care, termination of parental rights, and adoption. As a result, Indian children may experience outcomes that are not in the best interest of either the child or the tribe or both.

#### Outcome Objective

By -----State DHFS and County Staff and Managers, Private Agency staff, and Legal Counsel must involve tribes in all planning, implementation, and evaluation related to removal from the home, placement in out-of-home care, termination of parental rights, and adoptions to enable Indian children to experience positive measurable outcomes in adoptive services.

This includes the legislative intent of the ICWA relative to paternity and determination of the best interests of the child as defined in the Indian Child Welfare Act of 1978, and assessing the appropriateness of adoptive placements.

#### Action Steps

Action	By Whom	PEP Reference	Other Reference
Provide technical assistance on and strengthen laws and policies regarding efforts to determine paternity, including DNA testing.	DHFS in conjunction with counties and tribes.		
Require documented proof of the Indian heritage of potential adoptive families.	DHFS in conjunction with tribes and counties.		
DHFS will contract with tribes to administer all adoptions involving Indian children.	DHFS in conjunction with tribes.		
Adoption home studies and agreements should specifically state how the child's Indian heritage will be preserved.	DHFS, tribes and counties.		
Provide tribes with listing of DHFS contract agencies doing special needs adoptions.	DHFS		

## TRIBAL CHILD WELFARE ISSUES

### Priority Number 4: 161 Agreements

#### Issue Statement

161 agreements were created pursuant to 1983 Wisconsin Act 161 and were designed to identify the responsibilities of each agency in terms of the funding of placements of children ordered by tribal courts. Problems encountered by Tribes in using 161 Agreement have included:

1. Counties refusing to enter into a 161 Agreement
2. Counties entering into a 161 Agreement and not fully complying with the terms

Over the years, additional issues have been added to 161 Agreements, including identification of which agency will determine IV-E eligibility, which agency will develop and implement case plans, which agency will develop and review permanency plans, etc. In addition, it has been recommended that these agreements also include other child welfare related determinations (e.g., how CPS investigations will be handled) and the inclusion of juvenile justice cases.

In recent times, other issues have arisen, such as the implications of either party not signing the agreement and the lack of sanctions for not abiding by the agreement. In addition, there has been much discussion regarding whether the agreements should be between tribes and the state rather than tribes and counties.

#### Outcome Objective

By April 15, 2004, counties, in collaboration with DHFS, will consult with tribes to assess the effectiveness of the collaborative planning, implementation, and evaluation of 161 Agreements and implement any corrective action that may include continuance, modification, or elimination.

#### Action Steps

Action	By Whom	PEP Reference	Other Reference
Define the content of 161 Agreements.	DHFS, tribes and counties		
Consider establishing a direct state-tribal relationship for placement funding.	DHFS, tribes and counties		
Establish a grievance process and sanctions for non-compliance with 161 Agreements.	DHFS, tribes and counties		
Identify implications of either a county or a tribe not signing a 161 Agreement.	DHFS, tribes, counties, DOJ		
Include measurable outcomes in 161 Agreements that include timelines and commitment of funds for services.	DHFS, tribes and counties		
Include "full faith and credit" language for tribal-licensed foster homes in 161 Agreements and Ch. HFS 56, Adm. Code.	DHFS, tribes and counties		
Consider replacing 161 Agreements with Tribal/County or Tribal/State child welfare agreements that are more comprehensive	DHFS, tribes and counties		

## TRIBAL CHILD WELFARE ISSUES

### Priority Number 5: Foster Home Placements and Resources

#### Issue Statement

*Currently, there is some disagreement regarding the authority of tribes under the Indian Child Welfare Act to license foster homes outside of the boundaries of reservations or public trust lands. Our statutes and administrative rules are silent on this issue. There should be official determination of whether this authority exists or does not exist and that determination should be formalized in either statute or administrative rule.*

There have also been some concerns related to “full faith and credit” not being given by counties and adoption agencies to foster homes licensed by tribal agencies. To a certain extent, this is due to the fact that tribes may, but are not required to, use the Wisconsin foster home licensing administrative rule.

As well, there is disagreement among counties, and between some counties and DHFS, as to whether relatives may be licensed as foster parents at the discretion of that relative. There is no question that relatives do not need to be licensed to care for a child, but they must be licensed if they wish to receive a foster care payment rather than a Kinship Care payment.

#### Outcome Objective

By April 15, 2004, DHFS will consult with tribes to establish a State Statute or Administrative Rule recognizing “full faith and credit” of the tribal licensing process and foster placement costs “on or off/near” the reservation.

#### Action Steps

Action	By Whom	PEP Reference	Other Reference
Clarify state statutes regarding whether relatives may apply for and be granted a foster home license when a child has been placed with them by court order.	DHFS and counties		
Clarify the authority of tribes to license foster homes on reservation or public trust lands and determine whether this authority extends to homes off of the reservation or public trust lands.	DHFS		
Include “full faith and credit” language for tribal-licensed foster homes in 161 Agreements and Chs. HFS 56 and 38, Adm. Code.	DHFS, tribes, and counties		
Training for county and private agency staff on laws, rules, etc. related to licensure and “full faith and credit.”	DHFS, tribes		

## TRIBAL CHILD WELFARE ISSUES

### Priority Number 6: Title IV-E Funding for Tribes

#### Issue Statement

Tribes can not receive Title IV-E funds directly from the federal government. The federal government is developing a proposal under which a state can opt to receive Title IV-E funds as a block grant rather than an entitlement. Under that proposal, it is clear that the federal government would provide IV-E funds directly to tribes. In addition, other federal legislation has been introduced that would allow tribes to receive Title IV-E funds directly.

In addition, at least some Wisconsin tribes would prefer to have a Title IV-E funding relationship with the state rather than the county(ies) in which they are located.

Tribes in Wisconsin support the legislation proposed by Senator Baucus that allows tribes to contract directly with the federal government.

#### Outcome Objective

By February 15, 2005, enter into a collaborative agreement that allows tribes to contract directly with the State Of Wisconsin for Federal Fiscal Year 2006 Title IV-E funds that may include:

1. Maintenance Costs
2. Training Costs for Child Welfare Staff and Foster Parents,
3. Administrative Costs

#### Action Steps

Action	By Whom	PEP Reference	Other Reference
Research the implication for Tribes of federal regulations on the provision of Title IV-E funds directly to tribes by the federal government.	DHFS and Tribes		
Consider establishing a direct state-tribal relationship for Title IV-E funding.	DHFS, Tribes and Counties		



## TRIBAL CHILD WELFARE ISSUES

### Priority Number 7: Safety of Children in Their Own Homes and in Out-of-Home Care

#### Issue Statement

DHFS has, in recent years, developed policies and provided technical assistance and consultation to county agencies on the concepts involved with the safety of children, including in-home family-managed safety plans, in-home agency-managed safety plans, and out-of-home care. Similar efforts should be undertaken to assure that tribal child welfare agencies are aware of these safety concepts and practices.

Agencies providing services to Indian children must be aware of the higher standard of "active" efforts to prevent unwarranted removal of Indian children from their homes and the court-ordered plan for reunification of children with their families, including the appropriateness of reunification conditions. This concept must be considered when establishing, implementing, and evaluating both family-managed and agency-managed in-home safety plans and both prior to and after any placement of the child in court-ordered Kinship Care or other type of out-of-home care.

#### Outcome Objective

*By July 1, 2004, Tribes and Counties will enter into collaborative planning, implementation, and evaluation of measurable services related to the safety plans for Indian children in their own homes, in court-ordered Kinship Care, and in out-of-home care.*

#### Action Steps

Action	By Whom	PEP Reference	Other Reference
DHFS, counties, and tribes should confer on the development, implementation, and evaluation of all types of safety plans, including plans for reunification.	DHFS, counties, tribes, private consultants		
County agencies must provide the earliest possible notification to tribes when a referral on an Indian child is received, when a case is opened, and at other required steps in the case process.	Counties		
Tribal child welfare staff should attend safety training (including content and use of tools to determine safety) designed specifically for ICW staff.	DHFS, Tribes, Training Partnerships		

**Bureau of Milwaukee Child Welfare**  
**Corrective Action Plan for Jeanine B. v. Doyle Period 1 Settlement Agreement**  
**June 7, 2004**

**Introduction**

The purpose of this document is to identify and describe the corrective actions the Bureau of Milwaukee Child Welfare (BMCW) is taking and plans to take to address the following three Settlement Agreement provisions where compliance was not achieved during Period 1:

1. I. B. 4: requires that no more than 40% of children in BMCW out of home care shall be in care for more than 24 months. (BMCW achieved 44.2%)
2. I. B. 7: requires that at least 20% of children for whom an adoption is finalized within the period shall exit BMCW out of home care within 24 months of entry into care. (BMCW achieved 14.2%)
3. I.D. 9: requires that at least 80% of children in out of home care within the period shall have three or fewer placements after January, 1999, during their current episode in BMCW custody. (BMCW achieved 75.9%)

**Summary of Achievements**

The Bureau of Milwaukee Child Welfare has demonstrated good faith efforts in meeting the terms of the Settlement Agreement during Period 1. For nine of the 12 required provisions, BMCW met or exceeded the performance standards in the following areas:

1. ASFA timeliness requirements. BMCW achieved 76.8% compared to the requirement that at least 65% or above of children in BMCW custody reaching 15 of the last 22 months in out of home care during the period shall have had a TPR petition filed on their behalf, or an available ASFA exception documented in their case, by the end of the 15 month in care.

BMCW achieved 88.5% compared to the requirement that 75% or above of children in BMCW custody more than 15 of the last 22 months in out of home care without a TPR previously filed or an available exception previously documented shall have had a TPR petition filed on their behalf, or an available ASFA exception documented in their case by the end of the period.

2. Face to face contacts with children in out of home care by their case managers; BMCW achieved 90% year to date average. The requirement was 90% or above.
3. Reduction in caseloads of ongoing case managers to an average of 11 families per case manager per site; BMCW achieved a year to date average of 9.8 families per case manager. The requirement was an average of 13 families per case manager per site.

4. Timeliness in processing referrals of abuse and neglect to the independent investigation agency; BMCW achieved 99.8% compared to a requirement of 80% or above to refer reports of abuse and neglect from BMCW intake to the independent investigation agency within three business days.
5. Timeliness in making case assignments and completing independent investigations; BMCW achieved 99.6% compared to the requirement of 80% or above for the independent investigation agency to make an assignment to a staff person within three business days of the independent investigation agency's receipt of the referral. BMCW achieved 97.6% compared to the requirement of 80% or above, for independent investigations to be completed within 60 days of receipt by the independent investigation agency.
6. Reducing substantiation of abuse and neglect of children in out of home care; BMCW achieved 0.57% compared to the requirement that no more than 0.70% of children in BMCW custody shall be the victims of substantiated abuse or neglect allegations by a foster parent or staff of a facility required to be licensed.

The BMCW successfully completed the phase out of temporary shelters by December 31, 2003 as required; we implemented the use of Adolescent Assessment Centers for youth 12-18 years of age who are entering out of home care, and Placement Stabilization Centers for youth already in care who experience a placement disruption.

### **Strategies for Quality Improvement and Compliance**

To build on the outcomes already achieved and the demonstrated progress being made, the BMCW will take the following steps to address the three elements where full compliance was not met in Period I:

- A. Length of stay in Out of Home Care for more than 24 months (I.B.4)  
Target 40% or below. Bureau 2003 year to date performance was 44.2%.

#### **Action:**

1. Site specific monitoring will continue to track the length of stay of children in out of home care within each supervisory unit. Reports of child specific information regarding length of stay are generated through a monthly data report run by the Data and Reports PEM, and sent to all case management sites for their review and site specific tracking. Data is separated by 6 month intervals and is in a user-friendly table that is separated by supervisory unit at each site.
2. Full implementation of the Coordinated Service Team (CST) process will occur at each site. All families will have opportunities at least quarterly to meet with their CST and discuss progress toward permanency. The BMCW protocol for CST meetings requires a CST meeting to occur at least once every quarter for all open family cases, to coincide with the required quarterly family assessment. For newly open family cases, the first CST meeting is held within 15 days of the court

detention hearing. Timelines are tracked in WiSACWIS by the supervisor and are verified by PEMS as part of contract compliance. A standardized letter is used by all Bureau staff to notify parties of the CST meeting. Training on the values, purpose and benefits of CSTs was provided to all case managers, supervisors and managers between October 2003 – March 2004. The training was facilitated by 2 trainers from Wraparound Milwaukee who are using curriculum that BMCW helped to design. Advanced training on facilitation of CST meetings is being held to provide more specialized content between April 2004 – July 2004.

3. Under state leadership each site will consistently staff and track permanency goal progress every three months. Site specific staffings will be implemented to actively assess the reunification strategies for families to ensure their cases are on track. Staffing for the three month reviews will be site based and facilitated by the state employed site managers of that respective site and the PEM, in collaboration with the contract partner team of selected staff and managers. The selection of cases includes children who are in care at least 9 months, with the first priority of cases being those who have an upcoming 12 month permanency review by the Court. In-service training will be provided to all staff on the case review protocol and preparation for the staffing.

Timeline: Complete protocol development by June 15, 2004

Conduct staff in-service on protocol week of June 28, 2004

Implement staffings July 1 – 31, 2004

4. Adoption staff consultants will join the CST process to ensure effective concurrent planning and as a formal reminder that reunification cannot continue as a primary goal if progress toward reunification is not occurring.
5. CHIPS Assistant District Attorney (ADA) staff will independently and formally review cases in the system at 9 months – 12 months in care to determine if TPR filing is appropriate, thereby expediting the identification of TPR cases instead of just responding to those cases referred by Bureau case managers for TPR. Cases identified by the DA in this process may be moved directly to the TPR track. The District Attorneys will review cases for potential filing of a TPR of when the Bureau staff submits a request to the Court for an extension of the CHIPS court order. These dates occur at 12 month intervals.
6. The Bureau and court personnel will implement Fast Track TPR procedures for new cases entering the system that fit the criteria. Those cases will be tracked and monitored separately. The Assistant District Attorneys are using the federal fast track criteria as described in the 45 C.F.R. §1356.21(i) They include cases wherein: 1) A court of competent jurisdiction has determined that the parent has been convicted of: a) murder of another child of the parent; b) voluntary manslaughter of another child of the parent; c) aiding or abetting, attempting, conspiring or soliciting to commit such a murder or such a voluntary manslaughter; or d) a felony assault that results in serious bodily injury of the

child or another child of the parent; or 2) a court of competent jurisdiction has determined that the parental rights of the parent with respect to a sibling have been terminated involuntarily; or 3) a court of competent jurisdiction has determined that the child is an abandoned infant. Under these circumstances the petition to terminate parental rights must be filed within 60 days of the judicial determination unless an exception applies....” The second type of fast track are cases identified by the intake District Attorneys as part of the detention hearing preparation, including children 3 years old and younger who are entering the child welfare system.

A TPR Assistant District Attorney is assigned at Children’s Court to track the progress of the case in the CHIPS system. The paper cases are also flagged with a color coded form for visual purposes.

7. Under State leadership all cases of children who have been reunified with family but have an open court order of supervision will be staffed and reviewed to determine if their cases can be safely closed, thereby achieving permanency. Staffings will be site based, and facilitated by the state employed site manager of the respective site and the PEM. The Data and Report PEM generates a WiSACWIS report of all children reunified within the last 12 months with an open Court order. Selection criteria for staffing includes cases where reunification occurred at least 90 days ago.

Timeline: Complete review protocol by June 15, 2004  
Conduct staff in-service on protocol by week of June 21, 2004  
Implement staffings July 1 – July 31, 2004

8. Under state leadership at each site, Bureau staff will review the cases of children placed with relatives to determine if cases can be closed either via transfer of guardianship or by adoption. Identified cases include those where reunification has been eliminated as an option, and the placement has been stable for at least 12 months. Based on the results of the review, appropriate follow up will be taken to ensure permanency for each of the children. Case staffings will be site-based, and will be convened and facilitated by the state employed site manager of the respective site and the PEM. Tracking of cases is generated from a WiSACWIS report produced by the Data and Reports PEM. The report is sent to each site for specific follow up by the supervisor and program managers in supervisory work units. Follow up monitoring will be done by the assigned program PEM.

Training regarding transfer of guardianship and adoption has been provided as part of required core training for Bureau staff and the Bureau legal counsel; additional in-service sessions will be held as part of the current corrective action.

Timeline: Complete case review protocol by June 15, 2004  
Conduct staff in-service on protocol during week of June 21, 2004  
Implement staffings July 1 – 31, 2004

B. Adoption within 24 months of entry into care (I.B.7)

Target 20% of children. The Bureau's year to date performance was 14.2%. During calendar year 2003 the BMCW had 585 adoptions finalized, more than any previous year. Although record numbers of adoptions were completed, many of these children had been in out of home care placements for more than 24 months. Thus, the following strategies will focus on finalizing adoptions sooner for children:

**Action:**

1. Site based adoption consultants will identify children who potentially may be adopted as early as possible in the life of the case and provide technical assistance to case managers about the adoption process. Adoption consultants will identify children who may be candidates for adoption. The protocol for involvement of adoption staff with case managers staff are monthly site based meetings convened by the assigned site based adoption consultant from Children's Service Society (CSSW). They use the Adoption and Safe Families (ASFA) tracking information to identify children for staffing. The Bureau's dispute resolution procedure is to be followed if there are areas of disagreement among staff.

Timeline: Full implementation starting June 30, 2004.

2. A joint home study process is being implemented to expedite completion of the adoption homestudy for foster families adopting the foster children in their care. This will eliminate the need for a separate adoption home study. The joint homestudy protocol will be implemented by adoption staff for foster parents who are adopting foster children already in their care. The protocol calls for updates to the existing foster home study instead of having so start an entirely new adoptive home study. For new foster parents, the protocol will be implemented as part of the initial licensing homestudy. The joint protocol does not change any training requirements for foster or adoption applicants.

Timeline: Implement week of June 28, 2004.

3. In cooperation with the Children's Court, the BMCW has made a one year commitment to fund a full time position housed at the court to provide counseling and information for birth parents about the Termination of Parental Rights (TPR) process. The Permanency Counselor position was implemented April 12, 2004. The goal is to have a less adversarial process and more voluntary terminations. This should reduce time to complete TPRs and reduce contested cases and jury trials, which have caused significant delays in finalizing adoptions. Referrals to the Permanency Counselor are made by the case manager or by the Judge during a court hearing. A copy of the Bureau's contract regarding this position, and the first monthly activity report from the position are attached. (Attachment 1, 2 and 3)
4. In cooperation with the CHIPS District Attorneys, Bureau staff will implement Fast Track TPR procedures to identify new children entering care who are most

appropriate for and would be most likely to best fit criteria for adoption (especially infants and children three years of age and younger). This will reduce time to adoption for selected children. These cases will be tracked separately to expedite the TPR process.

Timeline: Starting June 2004

5. Focused and specialized attention will be provided to educate relatives about adoption as a permanency option. The Bureau will target relatives caring for children who are in stable placements, and where reunification is not an option. Adoption consultant staff will team with case managers to meet with relatives, discuss individualized case issues, and objectively inform relatives about the benefits and realities of adoption. Specialized adoption preparation and orientation sessions tailored for relatives will be implemented. Scheduling and presentation of the specialized adoption orientation sessions tailored for relatives will be done by assigned CSSW adoption managers. Input on the content will also be obtained from the BMCW Director and case management leadership staff. These sessions for relatives caring for children will replace the generalized orientation sessions traditionally provided for applicants interested in adopting. The content of the sessions will be provided under separate cover.

*Timeline: Complete content of orientation session materials by  
June 21, 2004*

Implement specialized adoption preparation and orientation for  
relatives starting July 7, 2004.

- C. Placement Stability for children in out of home care (I.D.9)  
Target: 80% of children in care shall have three or fewer placements.  
The Bureau's year to date performance is 75.9%

**Action:**

1. Continue monthly face to face contact with children in out of home care by case managers to strengthen professional relationship, provide support to the child, and improve the quality of documentation about the visit and contact entered in WiSACWIS.
2. As a result of the more comprehensive assessments coming from the newly implemented family assessment homes and adolescent assessment centers, Lutheran Social Services (LSS) will have an enhanced ability to match children to the foster homes that can best meet their needs. This should result in a better match and fewer disruptions;

3. Intensified efforts are being implemented by LSS to develop and implement support and crisis plans for all foster families. Foster parents have current support plans to address their training and skill development needs. LSS is currently completing specific crises plans for each foster parent tailored to the children placed in their care.
4. Timeline: Crisis plans completed for existing foster home placements due July 1, 2004.

New child placements will have a crisis plan developed within 7 days of placement.

5. Respite plans and services will be increased to provide foster parents with additional support and stability. There is sufficient funding to cover respite and foster parent support needs. The Bureau is implementing a pilot with the Child Protection Center to provide mental health screening for new children entering out of home care

Timeline: Complete development of mental health screening tool by September 2004

Implement mental health screening pilot October 2004.

6. Full implementation of the CST process will be accomplished during calendar year 2004 to ensure that foster parents are included in all CST meetings. By December 2004 all existing foster parents will receive training on the values and importance of the CST process, and the role of the foster parent as part of the child welfare team. The Bureau's CST protocol was revised in March 2004 to specifically clarify the requirement of foster parents to be invited to CST meetings. Foster parent training on the CST process is being provided by Wraparound Milwaukee trainers under contract with BMCW. Once initial training of foster parents is completed, training for new foster parents on CSTs will be included in the required training for new foster parent applicants. That training is the responsibility of Lutheran Social Services as part of their contract with BMCW.
7. LSS is implementing geographic support groups for foster parents to strengthen communication, identify problems and ensure timely resolution of barriers that may interfere with placement stability. Geographic support groups for foster parents will be implemented by designated staff at LSS in the Foster Family Development section who are specifically responsible for this activity. Implementation will be tracked by the PEM assigned to the LSS contract. Timeline: Full implementation by October 2004.
8. LSS has implemented targeted recruitment efforts to increase placement options for adolescents, and children with emotional and physical concerns to ensure



better placement options. LSS will provide information to the Bureau on current and projected needs by July 2004. Status of the recruitment efforts and assessment of placement needs will be provided under separate cover by June 20, 2004.

9. BMCW Case managers and Licensing staff are conducting joint visits to foster homes to ensure better collaboration and placement stability for children. Case staffing meetings are being implemented to resolve issues.
10. In cooperation with Children's Service Society of Wisconsin (CSSW), the Bureau's adoption program, pre-adoptive families are being identified for infants who are entering out of home care, to minimize the likelihood of a change in the placement if the child will be adopted. Matching and identifying of the child for a potential preadoptive family is the responsibility of the Placement section staff at LSS. Legal risk adoption issues are explained to the family by designated CSSW adoption staff.

Timeline: Already in process

#### **IV. Other Issues (as identified in your May 4, 2004 letter)**

##### **A. Workforce Issues**

The Bureau recognizes the importance of having competent, well trained, stable, child welfare staff. To that end we have taken the following steps to reduce staff turnover and increase retention:

An internal committee was convened by the Bureau Director on March 5, 2004 to discuss, analyze and identify short term (within 6 months) and longer term (6 -12 months) solutions to:

- ? reduce staff turnover
- ? recruit diverse and competent child welfare staff
- ? Retain staff across all Bureau programs.

The committee was also asked to identify strategies to:

- 1) understand why staff leave
- 2) understand why staff stay
- 3) use the findings from items 1 & 2 to support recruitment and retention of Bureau staff.

Committee Membership:

- ? Human resources staff from each contract agency (case management, adoption, out of home care;
- ? CEO or designee from each contract program:
- ? State employed Human Resources staff person
- ? State employed site manager and BMCW Deputy Director

Lessons learned:

- ? The committee was asked to build on the following information, experience, knowledge, and what we already know about BMCW staff turnover and workforce issues:
- ? Turnover of case managers is significantly higher (35% - 40%) in comparison to turnover of state employed, adoption and out of home care staff which is approximately 11%. Thus we need to focus on strategies to stabilize case management staff.
- ? Staff mentors implemented in 2001 for new ongoing case managers, have been helpful in the first 3-6 months of employment, and should be continued.
- ? Reduced caseloads (up to 50% in 2003) for ongoing case managers although helpful and necessary does not go far enough in resolving staff turnover of ongoing case management staff. Caseload reductions have not reduced staff turnover.
- ? Recruitment at career fairs, graduate schools of social work is effective in hiring recent graduates. However, the Bureau needs to target efforts to identify and recruit staff who have experience working in child welfare.
- ? Recent changes made to pre service training for new staff, to make the training more practical hands-on, have been well received by new staff.
- ? Role of supervisors is critical in staff retention. Recommended strategies have to target supervisors
- ? Once new case management staff complete pre service training, case assignments should continue to be phased in over time to allow new case managers time to learn the job.

As part of their assignment, both subcommittees were asked to include recommendations and strategies to standardize recruitment messages across all agencies, for a common format for exit interviews.

Preliminary Recommendations from the Committees received on April 23, 2004 include the following actions which we are in the process of refining:

- 1) Standardize the exit interview protocol (format, content and implementation) for all BMCW program areas. Analyze findings and implement recommendations to address patterns or issues identified by staff who are leaving BMCW.  
Timeline: Implement use of format by July 1, 2004.
- 2) Conduct a survey of Bureau existing staff across all program areas to obtain current information about staff recruitment and retention issues, and to identify what staff need to maximize their success and tenure with BMCW.  
Timeline: Develop draft survey by June 30, 2004.  
Implement use of survey mid July – mid August 2004.  
Analyze findings and prepare response by September 2004.
- 3) Implement targeted recruitment efforts toward more experienced social workers (strategies are still being identified) on how this will be done.  
Timeline: Complete planning by June 1, 2004.

Implement: By July 1, 2004.

Longer term strategies include:

- 1) Seek consultation from the Child Welfare League of America (CWLA). This request has already been made. We are in the process of scheduling times for consultation visits and phone conferences.
- 2) Convene a "Wingspread" type focused meeting discussion dedicated to child welfare workforce issues and potential solutions with a select group of invited participants. (We will keep you updated on our progress. We will also invite your participation in a planned conference on this issue.)
- 3) Developing and implementing specific strategies to support and strengthen the professional skill development of supervisors.

#### **B. Medical and Dental Services**

BMCW has implemented a tracking system to ensure that new children entering out of home care receive a health screen at the Child Protection Center (CPC) within 5 days of removal from their home. The name of children are generated for tracking from the list of children detained. That list is shared with CPC and is matched with the names of children who are seen. If there are no shows or cancellations, CPC notifies BMCW and those children are rescheduled and tracked to ensure the medical appointment is kept.

A similar tracking system has been implemented to ensure that children already in out of home care are receiving ongoing medical and dental care. That data is tracked through a WiSACWIS generated report and monitoring by the PEMS.

The Request for Proposal (RFP) for the managed health care for foster children will be released in mid-June 2004. The proposed managed health care system will increase the capacity for medical and dental health providers to see children in the Bureau's custody.

#### **C. Documentation**

Overall documentation in case files has improved across program areas. Currently, we are focusing on improving the quality of the documentation to ensure staff are more descriptive about the documentation they are entering in WiSACWIS. Training has been provided to staff in March and April 2004. In addition, enhancements are being made to WiSACWIS to provide more guidance and categories to guide case managers information needed for the file.

#### **V. Evaluation of Progress and Follow-Up**

We believe that the strategies identified will be effective in making progress toward and reaching full compliance of the three provisions, however, we will formally evaluate and review performance to confirm the reality. Unless otherwise noted, the documented strategies are already underway. Progress will be reviewed monthly during already established risk management meetings at each site. Based on feedback and ongoing assessments, adjustments will be made. We will report progress to you on these three

provisions at the end of the first semi annual period; i.e., June 30 and monthly thereafter through December 31, 2004.

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# Legislators take surplus from child welfare programs

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By STEVEN WALTERS and GEORGIA PABST  
swalters@journalsentinel.com

Posted: June 30, 2004

**Madison** - Moving money around hours before the end of a state budget year, legislators grabbed a temporary \$2.9 million surplus in Milwaukee County's child welfare program Wednesday and used it to cover deficits in foster care and adoption programs statewide.

Advertisement

Despite warnings from Milwaukee-area legislators of continuing problems in the child-care system in Wisconsin's largest county, the Legislature's Joint Finance Committee unanimously voted to divert \$988,000 in funds earmarked for Milwaukee County to cover a deficit in the statewide programs for fiscal 2004, which ended Wednesday at midnight.

The committee then voted, 8-7, to take \$1.9 million more that had been reserved for Milwaukee County and use it to cover an expected deficit in statewide foster care and adoption programs in the next fiscal year that begins today.

If Milwaukee County programs need more cash next year, state legislators should ask the committee for it then, said Rep. Dean Kaufert (R-Milwaukee), the committee co-chairman. State government took over Milwaukee County's problem-plagued foster care system in 1998.

Kaufert called the \$2.9 million surplus in Milwaukee County's child welfare program "available for redistribution" because it was not part of the one-year period of the 2004-'05 state budget that ended Wednesday.

Since Milwaukee County can ask for help in the future, Kaufert doesn't think we're taking anything away" from its programs.

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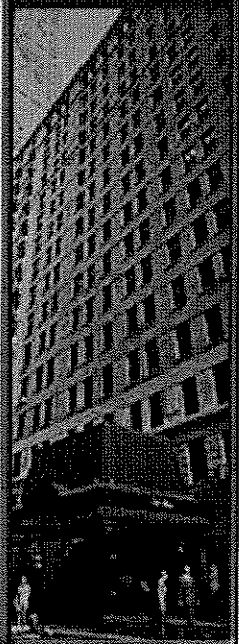
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Kaufert got the committee to kill an attempt by Sen. Alberta De River Hills) to hold the \$1.9 million in reserve for use next year future bills in Milwaukee County or anywhere else in the state.

Seven legislators argued that the \$1.9 million should be set aside Milwaukee County continue to fix its broken foster-care program said the county should not be punished for progress it has made years.

Darling noted that the number of out-of-home placements in Milwaukee County had dropped by more than half - from 5,319 as of 1999 in May of this year. Milwaukee County's child welfare program \$111.3 million this year.

"We've made huge strides," said Darling, co-chairman of the committee. "There are good things happening."

Fighting the diversion of tax funds from Milwaukee County, Sen. Moore (D-Milwaukee) said the county's program "never has enough money - never has enough resources to do a good job."

Sen. Mary Lazich (R-New Berlin) said Milwaukee County does not have enough caseworkers to protect children in its foster care system there is "rapid burnout" among those who work in it.

"The clear history is, there's never enough" resources to protect Milwaukee County at-risk children, added Rep. Pedro Colon (D-Milwaukee).

But Rep. Kitty Rhoades (R-Hudson) said the \$2.9 million surplus should be used to cover deficits in foster care and adoption programs and not held for Milwaukee County.

There are "real families with real needs" outside Milwaukee County are in danger of losing state foster-care and adoption payments, Rhoades added.

Eric Thompson, an attorney with Children's Rights in New York, the organization that filed legal action against the child welfare system in Milwaukee County, observed that the money would have reverted to the state's general fund if it had not been transferred.

Milwaukee County still needs the funds to improve the system, but given the choice of the money redistributed statewide or losing it altogether to the general fund, the former is the lesser of two evils, he said.

"We endorse the funds staying in foster care and adoption," he said Wednesday. In this case, the Bureau of Milwaukee Child Welfare is likely to get funds back because Milwaukee County accounts for half of the caseload in the state, he said.

But this issue should have been resolved sooner, he said.

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"Milwaukee continues to struggle with its settlement obligations," he said. "As the system becomes more efficient, the children in Milwaukee, who are plaintiffs in the lawsuit, benefit from additional services that target continued shortcomings in the system that I think will benefit them, not fewer services."

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WISCONSIN STATE LEGISLATURE  
**Joint Audit Committee**

Committee Co-Chairs:  
State Senator Carol Roessler  
State Representative Suzanne Jeskewitz

August 2, 2004

Ms. Helene Nelson, Secretary  
Department of Health and Family Services  
1 West Wilson Street, Room 650  
Madison, Wisconsin 53703

Dear Ms. Nelson:

In our letter to you, dated March 24, 2004, we outlined a series of steps that the Joint Legislative Audit Committee would follow in determining whether to initiate an independent audit by the Legislative Audit Bureau of the operation, management, and performance of the child welfare program in Milwaukee County. The final step identified in our March correspondence was a request for you to testify before the Committee concerning the current status of the program and the Department's progress in implementing program improvements to address the findings presented in various oversight reports.

The Joint Legislative Audit Committee will hold an informational hearing to discuss the current status of the child welfare program in Milwaukee County on Wednesday, August 11, 2004, at approximately 12:30 p.m. in Room 411 South of the State Capitol. We ask that you and appropriate members of your staff be present at the hearing to offer testimony and respond to questions from Committee members. Please plan to provide each committee member with a written copy of your testimony at the hearing.

We wish to express our appreciation for your responsiveness to our requests for additional information concerning the child welfare program in Milwaukee County. It is our belief that the testimony you will provide at the informational hearing on August 11<sup>th</sup> will best position the Joint Legislative Audit Committee to make an informed decision regarding the scope of a future audit engagement by the Legislative Audit Bureau.

Please contact Ms. Karen Asbjornson in the office of Senator Roessler at 266-5300 to confirm your participation at the hearing. Thank you for your assistance and we look forward to seeing you on August 11<sup>th</sup>.

Sincerely,

Senator Carol A. Roessler, Co-chair  
Joint Legislative Audit Committee

Representative Suzanne Jeskewitz, Co-chair  
Joint Legislative Audit Committee

Enclosure

cc: Janice Mueller  
State Auditor



# Child welfare system faces audit

Associated Press

Leaders of the Joint Legislative Audit Committee plan to call for an audit of the Milwaukee child welfare system in light of high staff turnover and other problems.

Committee co-chairwomen state Sen. Carol Roesler, R-Oshkosh, and state Rep. Suzanne Jeseckwitz, R-Menomonee

Falls, said Monday they'll ask the committee to approve an audit of the Bureau of Milwaukee Child Welfare at a September hearing.

The state took over the bureau in 1998 in response to a federal lawsuit, which alleged the county's foster care system routinely failed to protect children, who often went for years without a permanent home.

A state review in March found 50 percent of ongoing case managers quit their jobs last year. It also found case managers didn't collaborate on identifying mental health problems or domestic violence that could hurt children.

"The area for improvement is considerable," Roesler said in a statement.

Tuesday, August 10, 2004 – PM Wheeler:

**DOYLE VETO OF MILWAUKEE CHILD CARE FUNDS TRANSFER UPHOLD**

Gov. Doyle's veto of a \$1.919 million transfer of funds from the Milwaukee child welfare aids appropriation to the state's foster care and adoption services program has been upheld by the Legislature's Joint Finance Committee, 8-6, with 11 votes necessary to override the veto.

Voting to override the veto were: Sens. Fitzgerald, Harsdorf and Kanavas and Reps. Kaufert, Huebsch, Ward Rhoades and Meyer. Voting against the override were Sens. Darling, Lazich, Decker and Moore and Reps. Stone and Colon. Sen. Welch and Rep. Schooff did not vote because they no longer serve on the committee and no replacement has been named for either.

On June 30, the committee voted 8-7 to transfer the money from the Milwaukee child welfare appropriation for 200-3-04 to the DHFS 2004-05 state foster care and adoption services appropriation. The funds were to be used to address a projected deficit in funding for foster care and adoption assistance payments.

Voting to approve the transfer were: Reps. Kaufert, Huebsch, Ward, Rhoades and Meyer and, Sens. Fitzgerald, Harsdorf and Kanavas. Voting against the transfer were: Reps. Stone, Schooff and Colon and Sens. Darling, Lazich, Decker and Moore. Sen. Welch did not attend the meeting.

Doyle's veto said the funds should remain in the Bureau of Child Welfare appropriation "to ensure the continued success of efforts to meet critical permanence, safety and child well-being performance standards." Doyle said while it appears likely the statewide foster care and adoption assistance program will incur a deficit in 2004-05, the extent of the deficit will not be known until the end of the fiscal year. "At that time the Department of Health and Family Services can request precisely the amount of additional funding needed for the statewide foster care and adoption assistance program."

8-11-04

## 11:00 MILWAUKEE CHILD WELFARE - SEC. NELSON

I want to remind the committee and listeners that we started a deliberative process back in February that brought us to this date.

- 2-11-04 Discussion at Joint Audit Committee hearing about potential audit
- 3-3-04 Co-chairs met w/Diane Welsh, Bill Fiss and Pat Cooper from DHFS
- 3-11-04 Letter from Diane Welsh – chronological list of key milestones of on-going monitoring of BMCW
- 3-24-04 Letter to Sec. Nelson requesting information and outlining a series of steps the committee would follow in determining whether to initiate an independent audit of the operation, management and performance of the child welfare program in Milwaukee County:
  - Ask department to prepare a written background/summary statement of the settlement, enumerating key findings, recommendations, action steps taken, and outcomes achieved as a result of oversight activities by the Department
  - Ask for a copy of Department's Program Enhancement Plan available in June 2004
  - Testify before the Audit Committee in summer/fall 2004 on current status of program and Department's progress in implementing program improvements to address findings in various oversight reports
- 3-25-04 Letter from Sen. Darling
- 4-27-04 Letter from Sec. Nelson: Background, summary of settlement agreement, and compliance with settlement and outcomes achieved.
- 5-26-04 Letter to Sec. Nelson – reiterate steps in process and will be asked to testify
- **Today's hearing brings us to the final step that was outlined in the March 24 letter to Secretary Nelson** – asking the department to testify to gather additional information, answer questions and to see if there is a consensus on future engagement by the LAB.
- Reminder we have set aside September 23 as the potential hearing date on a Milwaukee Child Welfare exec session to approve a scope to audit this program. You may not want to tip your hat on this till after Sec. Nelson speaks and committee members have a chance to ask questions.
- Welcome Sec. Nelson.

Testimony by  
Helene Nelson  
Secretary of the Department of Health and Family Services  
Before the  
**Joint Committee on Audit**  
Wednesday, August 11, 2004

Good morning Sen. Roessler, Rep. Jeskewitz and members of the Committee. I want to thank you for the opportunity to speak to you about the Bureau of Milwaukee Child Welfare (BMCW). With me today are Kitty Kocol, the Division Administrator for Children and Family Services, and Denise Revels-Robinson, the Director of the Bureau of Milwaukee Child Welfare.

Governor Doyle's Administration cares deeply for the children that have been placed in the state's custody in the Bureau of Milwaukee Child Welfare. Although great strides have been made in improving the quality of care the children receive in Milwaukee County, we recognize there is always room for improvement and we are open to any suggestions that may improve the children's quality of life.

We strive for the best possible outcomes for children and families in our state. Governor Doyle and I, as well as Department staff, want to insure that children are safe. This Administration cares deeply about the quality and effectiveness of our efforts. And, I believe that having sound factual data about the Bureau may help us in our efforts to improve quality.

To assist the Committee in identifying issues in the Bureau that may merit further examination, I would like to briefly summarize the Bureau's current systems of oversight and monitoring. I will

follow with a summary of new developments since that time, and review the challenges as we work to achieve increasingly effective outcomes for the children and families we serve.

The Department does not oppose a Legislative Audit of the Bureau of Milwaukee Child Welfare, and we will continue to provide our full cooperation in any review or audit that you may choose to undertake. We encourage the committee and LAB staff, as you collectively think about the scope of an audit, to review the nature and scope of the extensive work that is already being done to monitor the Bureau. We believe that this is a logical first step so that the LAB does not waste valuable resources duplicating work that already exists.

As you know, the Department has previously provided the Audit Committee with a volume of comprehensive information, including a 16-page chronological listing of all of the one-time and recurring evaluations, audits, or monitoring reports the Bureau has undergone. Let me quickly summarize the seven areas in which the Bureau is currently being monitored at the national, state and local levels, involving both the executive and judicial branches of government.

1. Under the supervision of a federal court, the Bureau's performance is monitored under the **Jeanine B. Settlement Agreement**. The Bureau's Program Evaluation Managers regularly assess and report on more than 30 measurable indicators that track the progress of the Bureau in achieving outcomes for children and families. In addition to these substantial quantitative measures, the Bureau conducts extensive case reviews of its work with individual children and families. These reviews are conducted in each program area on an ongoing basis. They are also conducted as an annual comprehensive action across every program in the Bureau

simultaneously. Any findings from these reviews are addressed through corrective action plans, which are routinely provided to Children's Rights, the plaintiff in the Jeanine B. case. (A current summary of the status of Bureau performance on the Jeanine B. Settlement Agreement indicators is attached.)

2. The Bureau is being monitored by the federal **Administration on Children and Families** of the Department of Health and Human Services under its national **Children and Family Service Review** process. The Review was conducted by the Administration on Children and Families in every state. For Wisconsin's review, evaluation teams conducted detailed evaluations of child welfare cases in Milwaukee, Kenosha and Outagamie Counties in August of 2003. They studied 14 indicators that measure the outcomes of our practice with children and families, and 7 systemic factors that are critical to support child welfare (such as quality assurance and child welfare training). They examined data, reviewed county self-assessments of performance, and in each county, conducted extensive stakeholder interviews. As a result, Wisconsin (along with every other state in the nation) was required to prepare a Program Enhancement Plan to address areas of non-conformance with the review. We are currently awaiting approval of the Wisconsin plan and expect to officially begin implementation in October 2004, though we are already at work on many of its initiatives. During the next two years, we must provide quarterly progress reports, and at the end of the two-year period, the Administration on Children and Families will return for another review. Milwaukee will automatically be included in all subsequent federal reviews because it serves the largest number of children of any county in the state.

In July, the **Bureau's Draft operational plan** was shared with the community. The plan describes key strategies and action steps in areas the Bureau needs to strengthen. It also incorporates the critical elements that respond to the federal Children and Family Service Review, to the Settlement Agreement, and initiatives that are part of Governor Doyle's KidsFirst agenda. In August, the Bureau will host a **community forum to discuss the plan** with Bureau staff. The Partnership Council's committees will also review and discuss the plan during the next two months.

3. **A research team from the University of Chicago and the University of Wisconsin-Milwaukee** (Dr. Mark Courtney and Dr. Steve McMurtry) continues its analysis of four extensive, evaluation studies that they conducted of Bureau programs and the impact of those programs on children and families. The panels included in-depth interviews with hundreds of children and families and specifically reviewed the Bureau's work in:
  - a) assessing the needs of children and families;
  - b) providing services in cases where children had been removed from home for more than a year;
  - c) opening new cases in Ongoing Services for children who must be removed from home; and
  - d) providing Safety Services for children at risk of abuse and neglect.

The research is informing Bureau operations and its findings have been, and will continue to be shared in public presentations.

4. As part of the Department's annual single audit, the Legislative Audit Bureau has been monitoring the Division's **claiming of federal Title IV-E funds**, of which the Bureau has the greatest share. Our second federal IV-E reimbursement review will occur in March 2005, and the Division is in the process of preparing for that review.
  
5. The Department's **Program Evaluation and Audit Section** conducts **periodic audits of the financial management** and accountability of private agency contractors, and issues reports with recommendations to which both the Bureau and the private agencies respond.
  
6. The **Bureau produces monthly service reports** on the number of children and families to whom it provides services, the nature of those services, and a comparison of that usage with a previous period of time. It presents these reports at monthly meetings of the Executive Committee of the Bureau's Partnership Council, and at the quarterly meetings of the full Partnership Council. It also responds to requests for information from Council members and Committee chairs.
  
7. As you know, the Bureau also receives extensive scrutiny, on a case-by-case basis, from Milwaukee County Children's Court. Judges routinely review the work of our staff as it impacts individual children and families. These court reviews are often cited by media outlets providing yet another a high level of scrutiny of the Bureau's activities.



Taken together, these activities produce an extensive body of information about the Bureau. In addition to these evaluation and monitoring functions, there are other significant related events that have occurred or will occur since our last correspondence in March 2004.

- At the Bureau's request, the Child Abuse Review Team performed its first child fatality review concerning the death of Jatavious McKillion. The Team issued a verbal report of those findings and recommendations to the Partnership Council Executive Committee (June 18, 2004).
  
- In July, the Bureau conducted an **extensive review of permanency** for more than 700 children in its care. The Bureau's goal was to ensure that any further opportunities for children to be moved more quickly to permanency be acted upon. Staff reviewed the cases of children for whom reunification was not considered possible and who were either in care at home under an order of supervision, or who had been in a stable placement with a relative for at least one year. Staff also reviewed the cases of children for whom reunification remained the goal.
  
- In June and July, the Bureau reviewed its work in three other program areas.
  - a) Staff reviewed all **reports of abuse and neglect that were screened-out for services** at the point of intake to ensure that appropriate decisions are being made when the Bureau receives reports of abuse or neglect.

- b) A team evaluated **referrals to Safety Services to see whether there were any missed opportunities to have provided services**; and
- c) Staff reviewed the **decisions that were made to substantiate child abuse or neglect** in order to determine whether those decisions were consistent with Bureau guidelines on substantiation.
- In July, the Partnership Council and community were presented a **report on the nature and number of services provided to children and families** by the Bureau from January through June of 2004.
  - In August, the Bureau will present its **progress on the outcome measures of the Settlement Agreement**, from the period of January through June 2004.
  - Finally, the Bureau will be creating an **Ombudsman for Children** who will have the authority to respond directly to citizen complaints and inquiries, and to perform an independent review of Bureau actions to determine whether the Bureau followed policy and procedure appropriately. The Ombudsman will have access to all Bureau files as well as the children and family members and staff involved. The Ombudsman will issue case findings and recommendations for response by the Bureau. It will also make recommendations related to desirable change in child welfare policy. I anticipate that the Department will issue a Request for Proposals in September or October.

As you see, the Bureau of Milwaukee Child Welfare is subject to a high level of accountability. I do, however, appreciate the fact that further questions about the Bureau may exist and are worth exploring. I know that the Bureau is facing some significant challenges in several areas. I would like to share these with you.

Staff turnover and stability of the workforce is of great concern to us. As you know, a significant portion of our services: in-home safety services, out-of-home care including foster care and adoption, are provided by private agencies that contract with us for services. Staff turnover is especially high among these agencies, particularly for staff that work with families who have had their children removed. This makes it extremely challenging for us to ensure continuity of contact with the families we serve, and that affects the quality of our outcomes. We have identified this as priority and have engaged the Child Welfare League of America to consult with us in identifying causes and potential solutions for this problem.

A second pressing issue is the underlying problem of poverty faced by the families we serve. The research that Drs. Mark Courtney and Steve McMurtry conducted on the families receiving Bureau in-home safety services has identified a level of homelessness, food insecurity and other very basic family needs that contribute to children being at risk for abuse and neglect. While the child welfare system is certainly not intended to be the sole safety net for the economic stability of families, we find that we have a pressing need to more clearly establish where our responsibilities with families begin and end. This is not a simple matter and we are working with

the researchers on a risk evaluation tool that may assist us, as well as assessing our Safety Services program and the prospective costs associated with a change in the level of service.

On a related issue, we are exploring opportunities for improving service coordination between child welfare, W2, and other vital supports for increasing family stability, such as mental health and substance abuse treatment, and domestic violence services. Through the National Governors Association Policy Academy, we are pursuing opportunities to strengthen our family-centered approach to help us incorporate the range of resources struggling families need to keep their children safe.

A critical element of our service delivery system is the relationship with our contracting agencies. The structure of this relationship has not changed since 1998, when the Bureau began operations. We are taking a close look at this relationship and how we can maximize the benefits it brings to the families we serve. Our goal is to ensure that we are re-enforcing best practices in helping families build a healthy, safe and dignified life.

I hope that the information I have shared with you today has been useful, and that I have provided you with a clearer picture of what the challenges are in the Bureau of Milwaukee Child Welfare. As we assess the needs of the state's children, I look forward to working with each of you on any relevant future legislation.

I want to once again thank you for the opportunity to share with you information regarding the Bureau of Milwaukee Child Welfare.

**Bureau of Milwaukee Child Welfare**  
**Summary of the current progress under the Jeanine B. Settlement Agreement**  
(as of July 1, 2004)

Under supervision of a federal court, Program Evaluation Managers of the Bureau monitor more than 30 performance measures for all children and families under the jurisdiction of the Bureau, and provide a public, community presentation of these outcomes every six months. The Bureau is currently in the eighth month of the second year of a three-year agreement. Areas in which the Bureau has successfully met settlement agreement goals in the past 18 months are:

- **The frequency of face-to-face contact between child welfare workers and the children they serve.** (The Bureau is currently exceeding the goal of ensuring that caseworkers have face-to-face contact with 90% of the children they serve at least once per month. From January through June 2004, caseworkers had contact with 97% of the children they served.)
- **The length time children are in out-of-home care** (BMCW has surpassed the goal for reducing the percentage of children who are in foster care for two years or more. The goal is to ensure that 35% or fewer children in its targeted group are in care more than 24 months. From January through June 2004, about 32% of children were in care for that length of time or longer.)
- **The safety of children in out-of-home care** (BMCW currently meets the goal of ensuring that abuse of children in foster care is a rare occurrence. The target in the Settlement Agreement is that 0.65% or fewer children are substantiated as experiencing abuse or neglect while in foster care. The current experience falls below that number at 0.53%.)
- **The timeliness of investigation of allegations of abuse or neglect of children in out-of-home care** (The Bureau has surpassed the goal of 85% or more of all reports investigated within three business days of referral. The current experience is 98%. BMCW also well exceeds two related standards for timely assignment of investigators and completion of investigation.)
- **The caseload sizes of child welfare workers** (BMCW has exceeded the goal that caseworkers will serve 11 or fewer families at a time. From January through June, caseworkers had a caseload of slightly fewer than 10 families each.)
- **Elements of compliance with the federal Adoption and Safe Families Act (AFSA)** (BMCW is currently exceeding the goal of ensuring that at least 75% of all children have a termination of parental rights filed when they have been in care 15 out of 22 months. From January through June, the Bureau reached 87%.)
- **BMCW successfully completed a permanency plan for 97% of children in its care within 60 days of coming into care.** (The goal is 100%)

**Jeanine B. Settlement Agreement**  
Progress Report Summary (continued)

- **BMCW successfully phased out the use of shelter placements for children in December 2003.**

The areas in which the Bureau **did not meet** its performance measures include:

- **For children who have been in out-of-home care for 15 months or more** (for whom we have not met the AFSA requirements) the goal was to have ensured that 85% or more of these children have a petition filed to terminate their parents' rights (or have a documented exception to the requirements). The Bureau achieved termination for about 80% by June, still 5% short of the targeted outcome. However, this is an increase from 57% in January, so significant progress is being made.
- **The length of time it takes to safely reunify children with their families** (The goal is to reunify at least 65% of children with their parents within one year of their placement in out-of-home care. BMCW currently achieves this outcome for about 59% of these children. This is a significant improvement over the 44% of children reunified during the same period of January to June last year.)
- **The length of time it takes to achieve permanency for children** (The goal is that at least 25% of children will have their adoptions finalized within 24 months of being placed in out-of-home care. The Bureau has achieved this goal for 13.6% of the children we serve, which is well below the target, but has improved significantly from the same period last year, when it met the target for about 9% of children in this group. (Despite the challenge in meeting this objective, BMCW had a record number of completed adoptions in 2003; a total of 587 children were adopted last year.)
- **The stability of children's placements in out-of-home care** (The goal is that 82% of all children will have three or fewer placements in out-of-home care. BMCW achieved this level of placement stability for 71% of the children it served between January and June, and actually lost ground on this target by a few percentage points during the last period. Trends in placement stability show a strong correlation between the increase in the ages of children and an increase in placement instability.)

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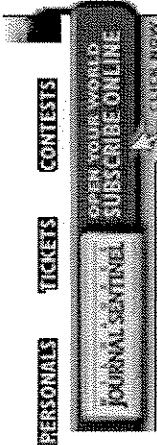
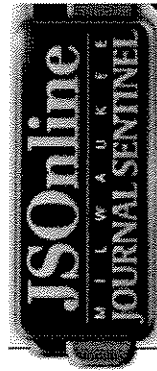
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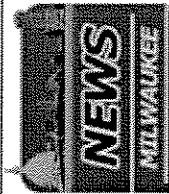


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## Child welfare gains reported

By **GEORGIA PABST** and **STEVEN WALTERS**  
gpabst@journalsentinel.com

Posted: Aug. 11, 2004

State officials told legislators Wednesday that "great strides" have been made in the quality of the care coming from the Bureau of Milwaukee Child Welfare, which is under federal court supervision to improve.

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In spite of the progress, however, the bureau still faces significant problems, including high turnover of caseworkers and the underlying problem of poverty facing families, said Helene Nelson, secretary of the Department of Health and Family Services.

Nelson and other child welfare officials appeared before the legislature's Joint Audit Committee, which is considering an order for a comprehensive study of the bureau since the state took over Milwaukee's child welfare program in 1998.

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After hearing about the progress made and the numerous other federal and state reviews and monitoring mechanisms under way, legislators agreed not to order an audit of the program.

"This is remarkable improvement," said state Sen. Carol Roessler (R-Oshkosh), committee co-chairman. "It is awesome. You are showing dramatic, measurable improvement."

Denise Revels-Robinson, director of the bureau in Milwaukee, said 7,000 children were in Milwaukee County's troubled system when the state took it over, but that number has fallen to 3,400 this year.

A record 587 children were adopted in 2003, she said.

While individual caseworkers in 1998 had a caseload of 25 to 30 families each, those caseloads have been cut to 11 families per worker in 2003 and about 10 families per worker this year, she said.

Under a federal suit brought against the department, the bureau is under court order to monitor and report progress on more than 30 performance measures for all children and families.

A community meeting will be held in Milwaukee from 1 to 4 p.m. Aug. 23 at the Children's Health Education Center, 1533 N. River Center Drive, on the progress made since the court case was filed.

Nelson said the bureau has made progress because a lot of state resources have been put into Milwaukee's system to make improvements. This year, some \$112.1 million will be spent, according to the Legislative Fiscal Bureau.

Nelson said Gov. Jim Doyle is committed to improving the system. That includes creating an ombudsman for children who can respond to citizen complaints and inquiries and perform an independent review of the

bureau's actions.

The Child Welfare League of America has been engaged as a consultant to work with the bureau

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on identifying causes and potential solutions for the high turnover in caseworkers, Nelson said.

Doyle's office is also working with Nelson's department, the Department of Workforce Development, schools and others to look at how to bring various elements together to help families with poverty issues, Nelson said.

"Child protection alone can't solve the problems, which often center on neglect and problems in families," she said.

Sen. Alberta Darling (R-River Hills) said about 6,000 Milwaukee County children are homeless and "bounced around" the child welfare system.

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WISCONSIN STATE LEGISLATURE

## Joint Audit Committee

Committee Co-Chairs:  
State Senator Carol Roessler  
State Representative Suzanne Jeskewitz

For Immediate Release

August 23, 2004

For More Information Contact:

Representative Suzanne Jeskewitz  
Senator Carol Roessler

(608) 266-3796  
(608) 266-5300

### Co-Chairs Call for Audit of the Bureau of Milwaukee Child Welfare

(Madison) At a public hearing in September, Joint Legislative Audit Committee Co-Chairs Suzanne Jeskewitz (R-Menomonee Falls) and Carol Roessler (R-Oshkosh) will ask the Committee to vote to approve an audit of the Bureau of Milwaukee Child Welfare (BMCW) by the nonpartisan Legislative Audit Bureau. Due to ongoing concerns related to the child welfare system and a lawsuit, the State assumed responsibility of child welfare in Milwaukee in January 1998. Approximately 50 percent of all child welfare cases in the State are in Milwaukee.

“There are questions, particularly concerning high staff turnover and contracting practices that have not been fully explored since the State took over the program in 1998,” said Jeskewitz. “We have seen some positive changes in the past year, however child welfare continues to be a problem and the children in Milwaukee and the taxpayers of this State deserve answers to these questions.”

Department of Health and Human Service’s Secretary Helene Nelson testified at an August 11, 2004 informational hearing before the committee that staff turnover and stability of the workforce is of great concern. Staff turnover at BMCW is running at approximately 51%, while a 2003 Child Welfare League of America survey found that private agency turnover nationally is at about 45%.

“While there has been marked improvement in the Milwaukee Child Welfare System, such as the significant increase in the number of completed adoptions, lower caseloads and increased participation in the Safety Services program, questions regarding other areas of the system remain and the area for improvement is considerable,” said Roessler. “For example, the number of kids receiving medical, dental and mental health services should be evaluated and foster parent turnover is a problem that needs to be addressed.”

Roessler continued, “It has been six years since the State took over child welfare in Milwaukee. With a budget of over \$100 million dollars and more than 160 employees, it is prudent to ensure that these resources are well serving the needs of these children and families. Our goal is further improvement leading to greater safety, appropriate service delivery and permanency for these children in need.”

The co-chairs will announce additional information concerning plans for a September hearing shortly.

###

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SENATOR ROESSLER  
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REPRESENTATIVE JESKEWITZ  
P.O. Box 8952 • Madison, WI 53708-8952  
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## Lawmakers plan to call for audit of Milwaukee child welfare

August 24, 2004

MADISON - Leaders of the Joint Legislative Audit Committee plan to call for an audit of the Milwaukee child welfare system in light of high staff turnover and other problems.

Committee co-chairwomen state Sen. Carol Roessler, R-Oshkosh, and state Rep. Suzanne Jesechwitz, R-Menomonee Falls, said Monday they'll ask the committee to approve an audit of the Bureau of Milwaukee Child Welfare at a September hearing.

The state took over the bureau in 1998 in response to a federal lawsuit, which alleged the county's foster care system routinely failed to protect children, who often went for years without a permanent home.

A state review in March found 50 percent of ongoing case managers quit their jobs last year. It also found case managers didn't collaborate on identifying mental health problems or domestic violence that could hurt children.

"The area for improvement is considerable," Roessler said in a statement.

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#### **AUDIT OF BUREAU OF MILWAUKEE CHILD WELFARE SOUGHT**

The co-chairs of the Legislature's Joint Audit Committee will ask for an audit of the DHFS Bureau of Milwaukee Child Welfare when the panel meets in September. Sen. Carol Roessler and Rep. Suzanne Jeskewitz announced the proposal today, noting the program has not been audited since the state took it over in 1998.

Earlier this month, DHFS Secretary Nelson told the committee staff turnover and stability of the workforce is a concern. The program has a budget exceeding \$100 million and more than 160 employees.

In June, the Legislature's Joint Finance Committee, acting under its S. 13.10 authority, proposed taking nearly \$2 million of the program's funding and putting it into the state's adoption and foster parent program. Gov. Doyle vetoed that proposal and the committee failed to override the veto.



DIVISION OF CHILDREN AND FAMILY SERVICES

Jim Doyle  
Governor

Helene Nelson  
Secretary

State of Wisconsin  
Department of Health and Family Services

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MADISON WI 53708-8916

Telephone: 608-267-3905  
FAX: 608-266-6836  
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August 26, 2004

Senator Carol Roessler  
Co-Chair, Joint Committee on Audit  
P.O. Box 7882  
Madison, WI 53707

Representative Suzanne Jeskewitz  
Co-Chair, Joint Committee on Audit  
P.O. Box 8952  
Madison, WI 53708

Dear Senator Roessler and Representative Jeskewitz,

On Wednesday, August 11, 2004, Secretary Helene Nelson and I testified before the Joint Committee on Audit regarding the Bureau of Milwaukee Child Welfare. At the hearing, your Committee requested additional information on the Milwaukee Partnership Council. For your information, I'm attaching the following:

1. Milwaukee Partnership Council meeting schedule;
2. 1995 Senate Bill 615, which created the Milwaukee Partnership Council; and
3. Partnership Council membership list.

Please feel free to contact me at 608-267-3905 if you need additional information.

Sincerely,

  
Kitty Kocol  
Administrator

CC: ✓ Senator Robert Cowles  
Senator Alberta Darling  
Senator Jeffrey Plale  
Senator Julie Lassa  
Representative Samantha Kerkman  
Representative Dean Kaufert  
Representative David Cullen  
Representative Mark Pocan

Enclosures



DIVISION OF CHILDREN AND FAMILY SERVICES

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Governor

Helene Nelson  
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State of Wisconsin

Department of Health and Family Services

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dhfs.wisconsin.gov

**DATE:** January 12, 2004  
**TO:** Milwaukee Child Welfare Partnership Council  
**FROM:** Denise Revels Robinson, Director  
Bureau of Milwaukee Child Welfare *Denise*  
**RE:** 2004 Meeting Schedule

I am writing to confirm the 2004 Council meeting schedule for the remainder of the year.  
The full Council will meet quarterly on the following dates:

March 19, 2004  
July 9, 2004  
October 15, 2004  
December 10, 2004 (if needed)

All meetings will be held at the BMCW Sites 1 & 2 Office located at 1730 W. North Ave.;  
8:30 am – 11:00 am.

Thank you for your kind consideration.

cc: Sharon Dossett  
Frank Gaunt  
Mike Kenitz  
Elaine Reis  
Community Participants



SECTION 3. 20.435 (3) (cw) of the statutes is created to read:

20.435 (3) (cw) *Child welfare services in Milwaukee County.* The amounts in the schedule for activities under 1995 Wisconsin Act .... (this act), section 9127 (1), (5), (6) and (7) relating to the assumption by the department of the duty and authority to provide child welfare services in Milwaukee County.

SECTION 4. 20.435 (3) (mw) of the statutes is created to read:

20.435 (3) (mw) *Federal aid; child welfare services in Milwaukee County.* All federal moneys received for activities under 1995 Wisconsin Act .... (this act), section 9127 (1), relating to the assumption by the department of the duty and authority to provide child welfare services in Milwaukee County, to carry out the purposes for which received.

SECTION 5. 46.023 of the statutes is created to read:

46.023 **Milwaukee child welfare partnership council and advisory committees.** (1) **MILWAUKEE CHILD WELFARE PARTNERSHIP COUNCIL: DUTIES.** The Milwaukee child welfare partnership council shall do all of the following:

(a) Formulate suggested policies and plans for the improvement of the child welfare system in Milwaukee County and make recommendations with respect to those policies and plans to the department and the legislature.

(b) Formulate suggested measures for evaluating the effectiveness of the child welfare system in Milwaukee County, including outcome measures, and make recommendations with respect to those measures to the department and the legislature.

(c) Formulate suggested funding priorities for the child welfare system in Milwaukee County and make recommendations with respect to those funding priorities to the department and the legislature.

(d) Identify innovative public and private funding opportunities for the child welfare system in Milwaukee County and make recommendations with respect to those funding opportunities to the department and the legislature.

(e) Advise the department in planning, and providing technical assistance and capacity building to support, a neighborhood-based system for the delivery of child welfare services in Milwaukee County.

(2) **MILWAUKEE CHILD WELFARE COMMUNITY ADVISORY COMMITTEES.** The department shall establish community advisory committees for each of the 5 neighborhood-based child welfare service delivery sites planned for Milwaukee County under 1993 Wisconsin Act .... (this act), section 9127 (1) (b). Each committee shall provide a forum for communication for those persons who are interested in the delivery of child welfare services in the neighborhood to be served by the service delivery site. Any committee established under this subsection shall continue in existence after the establishment of the

service delivery site to make recommendations to the department with respect to the delivery of child welfare services in the neighborhood served by the delivery site.

SECTION 6. 46.40 (1) (c) of the statutes is created to read:

46.40 (1) (c) The Milwaukee County department of social services shall report to the department in a manner specified by the department on all children under the supervision of the Milwaukee County department of social services who are placed in foster homes and whose foster parents receive funding for child care from the amounts distributed under par. (a) so that the department may claim federal foster care and adoption assistance reimbursement under 42 USC 670 to 679a for the amounts expended by the Milwaukee County department of social services for the provision of child care for those children. Notwithstanding s. 46.49, if the department receives any federal moneys under 42 USC 67 to 679a in reimbursement of the amounts expended by the Milwaukee County department of social services for the provision of child care for children in foster care in 1996 and 1997, the department shall distribute those federal moneys to the Milwaukee County department of social services for the provision of child care for children in foster care.

SECTION 7. 46.40 (2) of the statutes, as affected by 1995 Wisconsin Act 27, section 2281s, is amended to read:

46.40 (2) **BASIC COUNTY ALLOCATION.** For social services under s. 46.495 (1) (d) and services under s. 51.423 (2), the department shall distribute not more than \$292,368,400 for fiscal year 1995-96 and \$292,109,500 \$291,349,200 for fiscal year 1996-97.

SECTION 8. 49.45 (44) of the statutes is created to read:

49.45 (44) **PRENATAL, POSTPARTUM AND YOUNG CHILD CARE COORDINATION.** Providers in Milwaukee County that are certified to provide care coordination services under s. 49.46 (2) (b) 12. may be certified to provide to medical assistance recipients prenatal and postpartum care coordination services and care coordination services for children who have not attained the age of 7. The department shall provide reimbursement for these care coordination services only if at least one of the following conditions is met:

(a) The recipient is a resident of Milwaukee County and has received services under s. 49.46 (2) (b) 12. and is pregnant or has given birth within 8 weeks after the individual ceased to receive services under s. 49.46 (2) (b) 12.

(b) The recipient is a resident of Milwaukee County, is pregnant and has received a risk assessment approved by the department.

(c) The recipient is a resident of Milwaukee County, has given birth within the 8 weeks immediately preceding the request for services under s. 49.46 (2) (b) 12m.

2004 Partnership Council Members Appointees

July 2004

Name	Address	City/State	Zip Code	Telephone #
Julius F. Agara	161 W. Wisconsin, Suite 4000	Milwaukee WI	53233	(414) 291-9622 – work (414) 224-0151 – fax jagara@ymcanke.org
*Castellon, Elisa	2503 E. Olive St.	Milwaukee WI	53211	(414) 332-0095 – home elisa@execpc.com
* Cogggs, Senator Spencer	P O Box 7882	Madison WI	53707	(608) 266-6670 – work (608) 282-3546 – fax sen.cogggs@legis.state.wi.us
Darling, Senator Alberta	N88 W16621 Appleton Ave.	Menomonee Falls	53051	(262) 250-9440 – work (262) 250-8510 – fax sen.darling@legis.state.wi.us
* Davis, Linda	127 E. Trillium Ct.	Megunon WI	53092	(262) 241-7769 – home davis127@aol.com
Donegan, Thomas Presiding Judge	10201 W. Watertown Plank Road	Milwaukee WI	53226	(414) 257-7740 –work (414) 454-4411 – fax Thomas.donegan@wicourts.gov
Green, Doris	4828 W. Fond du Lac Ave.	Milwaukee WI	53216	(414) 874-7859 – work (414) 444-2863 – fax Dgreen@oic-gm.org
* Hoffman, David	2702 S. Shore Dr.	Milwaukee WI	53207	(414) 769-0840 – home dhof@wi.rr.com
* Howard-Johnstone, Mary	230 West Wells, Ste. 801	Milwaukee WI	53233	(414) 273-2422 – work (414) 486-0157 - home Mhojo@juno.com
* Ivy, Pastor Archie	7439 North 90 <sup>th</sup> St.	Milwaukee WI	53224	(414) 354-8794- home (414) 871-4219 – fax (414) 871-0350 – work newhopebc@ameritech.net

\* New Appointee