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☞ Details: Milwaukee Child Welfare

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2003-04

(session year)

Joint

(Assembly, Senate or Joint)

Committee on Audit...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (November 2012)

Record of Committee Proceedings

Joint Legislative Audit Committee

Informational Hearing,

Milwaukee Child Welfare, Department of Health and Family Services.

August 11, 2004

PUBLIC HEARING HELD

- Present: (9) Senators Roessler, Cowles, Darling, Plale and Lassa; Representatives Jeskewitz, Kaufert, Kerkman and Pocan.
- Absent: (1) Representative Cullen.

Appearances For

- None.

Appearances Against

- None.

Appearances for Information Only

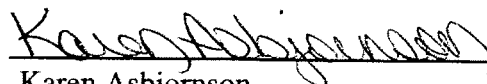
- Helene Nelson, Madison – Secretary, Department of Health and Family Services
- Kitty Kocol, Madison - Administrator, Division of Children and Families, Department of Health and Family Services, Madison
- Denise Revels Robinson, Milwaukee - Director, Bureau of Milwaukee Child Welfare, Department of Health and Family Services.

Registrations For

- None.

Registrations Against

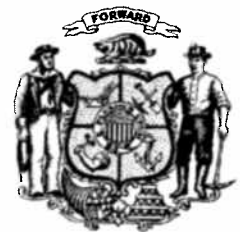
- None.



Karen Asbjornson
Committee Clerk



WISCONSIN STATE LEGISLATURE



Assembly

Record of Committee Proceedings

Joint Legislative Audit Committee

Proposed Audit of the Department of Health and Family Services' Bureau of Milwaukee Child Welfare

September 09, 2004 Referred to Joint Legislative Audit Committee.

September 23, 2004 **PUBLIC HEARING HELD**

Present: (8) Senators Roessler, Cowles, Plale and Lassa;
Representatives Jeskewitz, Kaufert, Kerkman
and Pocan.

Absent: (2) Senator Darling; Representative Cullen.

Appearances For

- Marc Herstand, Madison – Executive Director, National Association of Social Workers, Wisconsin Chapter
- Susan Conwell, Milwaukee – Co-Director, In Their Best Interests, Inc.
- Karyn Rotker, Milwaukee – Attorney, ACLU of Wisconsin

Appearances Against

- None.

Appearances for Information Only

- Janice Mueller, Madison – State Auditor, Legislative Audit Bureau
- Paul Stuibler, Madison – Legislative Audit Bureau
- Diane Welsh, Madison – Executive Assistant, Department of Health and Family Services
- Kitty Kocol, Madison – Administrator, Division of Children and Families, Department of Health and Family Services
- Denise Revels Robinson, Milwaukee – Director, Bureau of Milwaukee Child Welfare, Department of Health and Family Services

Registrations For

- None.

Registrations Against

- None.

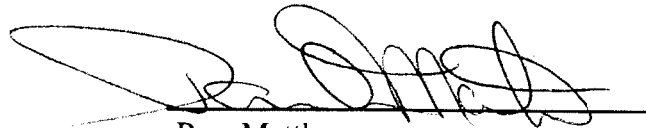
September 23, 2004 **EXECUTIVE SESSION HELD**

Present: (8) Senators Roessler, Cowles, Plale and Lassa;
Representatives Jeskewitz, Kaufert, Kerkman
and Pocan.
Absent: (2) Senator Darling; Representative Cullen.

Moved by Senator Roessler, seconded by Representative Kerkman
to that **Proposed Audit of the Department of Health and Family
Services' Bureau of Milwaukee Child Welfare** be approved
according to the scope statement prepared by the Legislative Audit
Bureau dated September 16, 2004.

Ayes: (8) Senators Roessler, Cowles, Plale and Lassa;
Representatives Jeskewitz, Kaufert, Kerkman
and Pocan.
Noes: (0) None.
Absent: (2) Senator Darling; Representative Cullen.

ADOPTION RECOMMENDED, Ayes 8, Noes 0



Pam Matthews
Committee Clerk

Vote Record

Joint committee on Audit

Date: September 23, 2004

Moved by: Sen. Roessler

Seconded by: Rep. Kerkman

Motion to approve Proposed Audit of the Department of Health and Family Services'
Bureau of Milwaukee Child Welfare according to the scope statement prepared by the
Legislative Audit Bureau dated September 16, 2004.

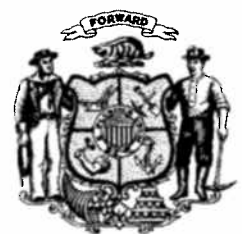
Be recommended for:

- Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Suzanne Jeskewitz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Carol Roessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Cowles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Alberta Darling	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Julie Lassa	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Jeff Plale	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Dean Kaufert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Samantha Kerkman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative David Cullen	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Representative Mark Pocan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>8</u>	<u>0</u>	<u>2</u>	<u>0</u>



WISCONSIN STATE LEGISLATURE



Matthews, Pam

From: Susan Conwell [itbi.conwell@sbcglobal.net]
Sent: Thursday, August 12, 2004 3:41 PM
To: Matthews, Pam
Subject: RE: Update
Follow Up Flag: Follow up
Flag Status: Flagged

Pam,

Thanks so much for this email. Somehow, it got lost in the slew of email and I didn't see it until today.

I really do appreciate all that you and Rep. Jeskowitz are doing.

Just two things:

1) You asked if the system is better or worse now than when the county ran the system. I don't think I did a very good job answering that question. In all fairness, they are doing some things better, and some things worse.

-- Caseloads are much lower (an improvement), but the staff don't stay very long so they often don't have the skills to handle the smaller caseloads. Even with the smaller caseloads, kids and families seem to have more interruption in services and case planning because staff turnover is so high (around 51% -- #1 or #2 in the nation in staff turnover rates) (a negative).

-- There is a lot more money for services (a positive). BMCW now serves just about the same number of kids that Milwaukee County did, but has twice the budget. That lets the agencies buy more services. However, there are lots of questions about whether the structure encourages double-dipping by agencies, and also, whether all the separate contracts haven't created inefficiencies in how services are delivered. (ie casemanagers do not transport kids, they hire transportation agencies to do it) (I will give you more on this) All of the reviews show that very few of the kids are receiving medical, dental or mental health services for example, even with the extra dollars (between 1/3 and 1/2 of kids with identified needs receive the services) The State should be doing better on this than the County did, but it isn't clear that they are.

-- There have been a number of financial scandals among the contracting agencies, but there were financial scandals under the county, too.

-- The creation of Safety Services is a positive. There was a series of stories about how Safety Services were underutilized back in March (ie a big drop in the number of at-risk kids sent to the program). With the media attention, the number of referrals to Safety Services is up again. So, Safety is a positive addition to BMCW -- questions about whether it is used as well as it can be, and whether some families aren't getting too many tries at Safety Services (Safety Services are voluntary -- probably not suitable for some of the more extreme drug cases)

-- The State is doing better at fast track adoptions of young children (a change in federal law also supported this), but hasn't made progress with teens aging out of foster care.

-- Accountability has been one of the primary issues raised by all advocates, foster families, etc. When the county ran the system, you could complain to your county supervisor. Now, you really don't have anyone to go to outside of the system. The Administration is proposing an ombudsman (a good idea). After much public discussion of the lack of accountability, the Partnership Council had almost full attendance at its last meeting. However, it took years to get there -- the Governor just finished making his appointments this summer. Getting the appointments to the council made, and

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getting the appointees to the meetings is a good start. I will wait to say there is accountability, as attendance for one partnership council meeting is not the same as accountability. The administration freely admits that its grievance resolution process needs a lot of work (grievances do not need to be put in writing, they are handled orally, etc.)

-- Safety. Child safety is a question mark. The measures are different. Hard to compare. Mary Zahn, the Journal -Sentinel reporter who wrote the investigative series, thought the State's record on safety was far worse than the State reported -- particularly for kids in foster care. The State's own recent PEM (program evaluation manager) report was pretty tough on its own contractors. This is a good issue for the audit as there are concrete cases and conflicting opinions. I only see the tough cases, so I don't have a good overall perspective on this. I would say the foster parent licensing agency is learning to do a better job, but that foster parents are more unhappy. I think foster parent turnover is as high as it has ever been. There really hasn't been a functioning foster parent association for years (this is definitely worse than it was under the county)

Overall, the State does some things better and some things worse. But the State has twice the money to work with on the same number of children. My hope is that we can learn to do things better so that the kids do better. That is a struggle for child welfare systems around the country. Foster care isn't accomplishing anything if it is just a parking place for children. Healing is the point. When the kids are getting the opportunities they need to heal and grow, then we can all be proud.

2) Is there ever a time when the Joint Audit Committee hears from people affected by the systems subject to audit? I could suggest any number of people including:

- the adoptive parent of a child who was "misplaced" for three years (actually, BMCW had the foster/adoptive family pick up the child at the hospital, told the family they would be able to adopt the child, but never even opened the case -- child and family never received any services, then BMCW threatened to move the child because of the three-year illegal placement (it's own illegal placement).

- the grandmother of a child who was abused in foster care. Child is blind and has cerebral palsy. When grandmother took in the child after the failed foster care placement, she asked for help getting a braille machine and getting some basic help learning braille so she could help her granddaughter. BMCW closed the case without ever getting the braille machine to the family or any help to the grandmother for learning braille. We ended up doing those things for the family a year after the case closed. (By the by, the braille machine was free)

- the grandparents who are now legal guardians of their grandchildren. BMCW placed the grandchildren with the grandparents, then returned the grandchildren to their mother without the mother getting drug treatment. Within two weeks of being returned to Mom, the kids were picked up by the police after Mom left them with the babysitter and didn't come back. BMCW put Mom in safety services. Mom left the kids again. Grandparents gave up on BMCW and brought a private action on behalf of the children.

Anyway, I will write all these things up in a formal manner. Would be happy to have families speak to any members of the committee, or whatever else you may suggest.

Sue

"Matthews, Pam" <Pam.Matthews@legis.state.wi.us> wrote:

Hi Susan,

My brain is not always operating on full steam and I don't think I told you this yet!

The hearing on August 11th regarding the BMCW piece will only be an informational hearing with invited testimony only. The co-chairs decided to hear from the department on how they see things from their

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current perspective as to where they see the problems and how they plan to address them based on the recent federal audit. Based on the testimony and questions asked by committee members, the Audit Bureau will draft an audit scope that will then come before the committee for a vote. Prior to that the co-chairs are hoping to meet with the Audit Bureau for a preview of the scope and possible tweaking. That date is set tentatively for 9/16 so if you can send us your thoughts before then it could be useful to the co-chairs as they decide what they would like to see in the scope that is presented before the committee.

I hope you are having a SUPER vacation!

Pam

*Pamela B. Matthews
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Office of Representative Sue Jeskewitz
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Pam.Matthews@legis.state.wi.us*

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

From: Susan Conwell [mailto:itbi.conwell@sbcglobal.net]
Sent: Wednesday, July 28, 2004 7:48 PM
To: Matthews, Pam
Subject: Update

Hi Pam,

It is 7:45 p.m., and I just finished my little talk for tomorrow morning. Doesn't look like I will have time to pull together a list for tomorrow morning.

Will keep working.

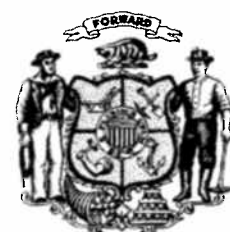
Thanks so much for your interest.

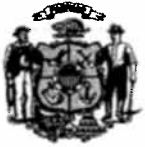
Sue

Susan Conwell
Co-Director
In Their Best Interests, Inc.
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WISCONSIN STATE LEGISLATURE





State of Wisconsin \ LEGISLATIVE AUDIT BUREAU

JANICE MUELLER
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September 16, 2004

Senator Alberta Darling
317 East, State Capitol
Madison, Wisconsin 53702

Dear Senator Darling:

At your request, we have compiled information on the licensing and monitoring of child care and child welfare facilities by the Department of Health and Family Services (DHFS). In fiscal year (FY) 2003-04, DHFS spent \$6.7 million for licensing activities. These funds supported the work of 96.0 full-time equivalent positions responsible for regulating providers and conducting related activities.

The number of child care and child welfare facilities increased 11.6 percent from 1999 through 2003, reaching 5,912 on December 31, 2003. Milwaukee County accounts for 25.2 percent of all regulated facilities. The number of staff positions directly responsible for conducting on-site visits and investigating complaints related to these facilities decreased 7.1 percent from 1999 through 2003. Three more of these positions were reallocated to other bureaus within DHFS after our review period.

We also accumulated statistical information related to complaint and enforcement actions. The number of complaints filed increased 3.8 percent during our review period and totaled 1,706 in 2003. Enforcement actions in response to proven violations of licensing requirements more than doubled.

To accommodate an increased workload resulting from fewer staff, an increase in the number of facilities, and an increase in complaint investigation and enforcement actions, DHFS has reduced the frequency of on-site inspections of certain child care facilities and targets its monitoring efforts to areas of higher risk. While these changes do not violate statutory requirements, they have reduced the number and depth of the monitoring performed.

I hope you find this information useful. Please contact me if you have any questions or desire additional information.

Sincerely,

Janice Mueller
State Auditor

JM/BN/bm

cc: Senator Carol Roessler
Representative Suzanne Jeskewitz

LICENSING AND REGULATION OF CHILD CARE FACILITIES

The Bureau of Regulation and Licensing in the Department of Health and Family Services (DHFS) licenses and regulates two types of facilities that care for children in an out-of-home setting:

- Child care facilities provide less than 24-hour-a-day care and supervision and are required to be licensed if they provide care for four or more children under the age of seven who are unrelated to the provider.
- Child welfare facilities provide supervision, care, and treatment to children who are not living with a parent or guardian, generally as the result of either a court-ordered removal from the home or a voluntary placement agreement. All child welfare facilities must be licensed. Child placing agencies, such as Lutheran Social Services and La Causa in Milwaukee, are also categorized as child welfare facilities.

As of December 2003, the Bureau regulated 5,912 facilities. As shown in Table 1 on the following page, 5,661 child care facilities and 251 child welfare facilities were included in this total.

Statutory authority to license child care and child welfare facilities is established through s. 48.66, Wis. Stats. Statutes also establish licensing fees for each type of facility, require criminal background checks of caregivers, and require DHFS to promulgate rules establishing the minimum requirements for the issuance of licenses and operation standards for facilities. Further, Chapter 48 authorizes DHFS to inspect facilities and investigate complaints.

DHFS has established administrative rules setting forth the minimum licensing requirements and operation standards for each facility type. In addition, internal policies and procedures established by the Bureau of Regulation and Licensing within the Division of Children and Family Services are used in determining the type and frequency of on-site monitoring visits, as well as in performing complaint investigations and issuing sanctions and penalties. In August 2004, DHFS proposed changes to the administrative rules for family and group day care centers, but these proposed changes relate to operational requirements and not to DHFS's internal policies and procedures for monitoring facilities.

The Department of Workforce Development has also established administrative rules under which county and tribal governments may certify child care providers who are not required to be licensed by DHFS, such as providers caring for fewer than four children. However, these rules and the certification and regulation functions performed by county and tribal governments were not included in the scope of our review.

Table 1

Regulated Facilities
December 2003

Type	Description	Number
Child Care		
Family Day Care Centers ¹	Provides care for four to eight children, generally in the provider's home.	3,183
Group Day Care Centers	Provides care for nine or more children.	2,409
Day Camps	Provides programs for four or more children and features out-of-door activities.	69
Subtotal Child Care		5,661
Child Welfare		
Group Foster Homes	Provides 24-hour care for five to eight children or youth.	120
Residential Care Centers	Facilities, such as Rawhide Boys Ranch and St. Aemilian, that provide residential care and treatment for children, youth, and adults.	43
Shelter Care	Provides short-term, non-secure residential care and physical custody of children pending court action.	27
Child Placing Agencies	Private organizations, such as Lutheran Social Services and La Causa, that provide case management services for children removed from their homes through court orders or voluntary placement agreements. These organizations are licensed to place children in licensed group foster homes or residential care centers, as well as family foster homes or treatment foster homes licensed by a county agency or child placing agency, and adoptive placements.	61
Subtotal Child Welfare		251
Total Facilities		5,912

¹ Excludes providers certified by county agencies under Department of Workforce Development rules.

Bureau Expenditures and Funding Sources

During FY 2003-04, the Bureau spent \$6,654,900 of which \$5,494,200, or 82.6 percent, funded staff salaries and fringe benefits. Over the past five years, the State has been shifting the Bureau's costs away from general purpose revenue to federal funding. As a result, funding through the federal Child Care and Development Block Grant has increased significantly and, as shown in Table 2, general purpose revenue funding has decreased from \$1,702,400 in FY 1998-99 to \$659,300 in FY 2003-04.

Table 2

Expenditures and Funding Source

Funding Source	FY 1998-99 Expenditures	FY 2003-04 Expenditures	Percentage Increase (Decrease)
General Purpose Revenue	\$1,702,400	\$ 659,300	(61.3%)
Program Revenue			
Federal Child Care and Development Block Grant Fund	2,628,100	4,534,500	72.6
Licensing Fees	695,300	780,600	12.3
Federal Social Services Block Grant	960,900	665,300	(30.1)
Other	0	15,200	100.0
Subtotal Program Revenue	4,284,300	5,995,600	40.0
Total	\$5,986,700	\$6,654,900	11.2

In FY 2003-04, program revenue, which includes both federal funds and fees, funded 90.1 percent of the Bureau's expenditures. The largest source of program revenue funds, the federal Child Care and Development Block Grant Fund, is administered by the Department of Workforce Development. The amount received by the Bureau is established in s. 49.155(1g)(c), Wis. Stats., and is further set forth in a memorandum of understanding between DHFS and the Department of Workforce Development. DHFS requests these funds from the Department on a quarterly basis. In addition to this federal funding, a portion of the Social Services Block Grant, which DHFS uses to fund various social services programs, is allocated to the Bureau for licensing and monitoring purposes.

The Bureau's licensing revenue comes from fees paid by providers who operate child care or child welfare facilities in Wisconsin. Licenses are issued for two-year periods. In addition to license fees, certain facilities also pay a per child fee that is based on the licensed capacity. Licensing fees vary by facility type and are set by statute. They have not changed since FY 1998-99. The current fee structure is shown in Table 3.

Table 3

Licensing Fee Schedule

Facility	Two-Year Licensing Fee	Two-Year per Child Fee, Based on Licensed Capacity
Family Day Care Centers	\$ 60.50	N/A
Group Day Care Centers	30.25	\$ 8.47
Day Camps	30.25	8.47
Group Foster Homes	121.00	18.15
Residential Care Centers	121.00	18.15
Shelter Care	60.50	18.15
Child Placing Agencies	254.10	N/A

During the 2001-03 biennial budget process, the legislature considered increasing the licensing fees, which would have avoided the need to reduce staffing levels within DHFS. At that time, the Legislative Fiscal Bureau estimated that a 27.0 percent increase in the fees, effective October 1, 2001, would have increased fee revenue during the 2001-03 biennium by \$346,700. However, the fee increase was not adopted, and the Legislature eliminated 4.0 full-time-equivalent (FTE) positions from the Bureau. In November 2001, 0.75 positions were added back, under the provisions of s. 16.505(2), Wis. Stats. During the 2003-05 budget process, there was no formal legislative consideration to increase the licensing fees.

Subsequent to the enactment of the 2001-03 budget, 2003 Wisconsin Act 1 required DHFS to lapse \$267,000 from its licensing fee program revenue appropriation to the General Fund during FY 2002-03. This balance was generated primarily as the result of position vacancies, the elimination of 4.0 FTE positions during the FY 2001-03 budget, and a transfer of 0.6 FTE positions to the child care and development block grant fund. As a result of the required lapse, the continuing balance in the licensing fee revenue appropriation was reduced, and the balance in this appropriation as of June 30, 2004, was \$3,200, as shown in Table 4.

Table 4

Licensing Fee Program Revenue Balance
as of June 30

As of End of Fiscal Year	Balance
1999-2000	\$65,000
2000-01	0
2001-02	232,100
2002-03	6,800
2003-04	3,200

Staffing and Workload

As of April 2004, the Bureau had a total of 96.0 FTE positions located in the central office, five regional offices, and three district offices. As shown in Table 5, six staff were located at the central office, and 90.0 FTE were located in the regional and district offices. Staff are categorized as supervisors, licensing specialists, or support staff.

Table 5

FTE Classifications
April 2004

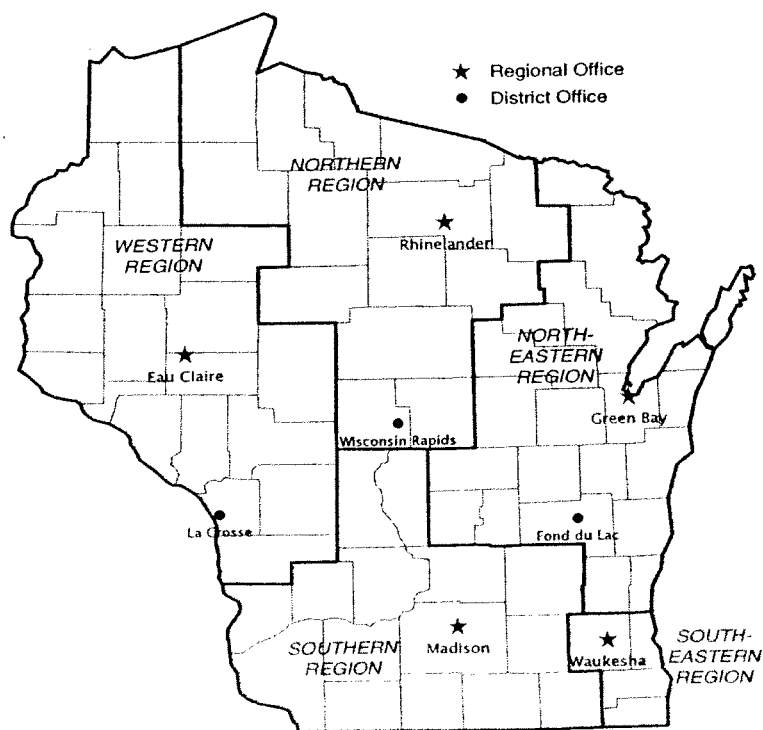
Classification	Authorized Positions
Central Office Staff	6.0
Regional/District Staff	
Supervisors	7.0
Licensing Specialists	57.6
Support Staff	25.4
Total	96.0

The six central office staff included the Bureau's director, two program specialists, one compliance specialist, and two support staff. Central office staff assist the field offices and provide information to child care and child welfare providers. The two program specialists, one for child care and one for child welfare, consult and provide information related to procedures and enforcements in their respective areas.

The five regions accounted for the remaining 90.0 FTE positions. Each region is responsible for monitoring child care and child welfare facilities in several counties, as shown in Figure 1, and three regions have both regional and district offices.

Figure 1

Regional and District Offices



In addition, the Bureau contracts with the Wisconsin Child Care Improvement Project, a nonprofit organization located in Hayward, whose staff provide pre-licensing technical assistance for applicants across Wisconsin. The services provided under this contract have been reduced. As a result, contracted payments were also reduced, from \$307,200 under the FY 1999-2000 contract to \$287,000 under the FY 2003-04 contract.

Regional and district staff are directly responsible for regulating and licensing child care and child welfare facilities. In April 2004, at the time of our fieldwork, there were 57.6 licensing specialist positions in the regional/district offices, of which 3.0 positions were vacant. Licensing specialists are responsible for:

- evaluating license applications;
- conducting background checks and performing pre-licensing studies;
- making license decisions and issuing licenses;
- conducting license continuation determinations;
- conducting on-site monitoring visits;
- investigating complaints and preparing complaint findings;
- providing technical assistance and consultation; and
- taking enforcement actions, including issuing compliance orders, assessing forfeitures, and denying, suspending, and revoking licenses.

There has been an increase in the number of facilities licensed and regulated by the Bureau since 1999. One reason for the increase has been increased participation in the Department of Workforce Development's child care subsidy program, also referred to as the Wisconsin Shares program. As shown in Table 6, the most significant increase in the number of licensed facilities occurred in Milwaukee County.

Table 6

Facilities Regulated, by Region

Region	Calendar Year 1999	Calendar Year 2003	Increase in Facilities	Percentage Increase (Decrease)
Northeastern	952	1,099	147	15.4%
Northern	521	574	53	10.2
Southeastern				
Milwaukee County	932	1,490	558	59.9
Remaining Counties ¹	818	571	(247)	(30.2)
Subtotal Southeastern	1,750	2,061	311	17.8
Southern	1,220	1,271	51	4.2
Western	856	907	51	6.0
Statewide Total	5,299	5,912	613	11.6

¹ In 2000 and 2002, responsibility for approximately 275 facilities that had been the responsibility of the Southeastern Region offices shifted to other regional offices. As a result, the number of facilities in the remaining counties of the Southeastern Region decreased.

During this same period, as the result of various budget reductions, the number of licensing specialists regulating facilities has decreased. In 1999 there were 62.0 licensing specialist positions, and in 2003 there were 57.6, for a decrease of 7.1 percent. This decrease, along with the increase in the number of facilities being regulated, has increased the average number of facilities per licensing specialist from 85.5 per specialist in 1999 to 102.7 per licensing specialist in 2003. Table 7 shows the average number of facilities per licensing specialist position for each region in 2003.

Table 7

Average Facilities per Licensing Specialist, by Region
Calendar Year 2003

Region	Facilities	Licensing Specialists	Average Facilities/Specialist
Northeastern	1,099	10.5	104.7
Northern	574	5.5	104.4
Southeastern	2,061	19.8	104.1
Southern	1,271	12.8	99.3
Western	907	9.0	100.8
Total	5,912	57.6	102.7

These caseloads exceed standards developed by national associations. The National Association for the Education of Young Children, an organization that promotes excellence in early childhood education, recommends that child care facility caseloads should not exceed 75 facilities and indicates caseloads of 50 facilities are more desirable. For child welfare facilities, the National Association for Regulatory Administration, an organization that promotes excellence and care in licensing and regulation, recommends that the average caseload should not exceed 30 child welfare facilities.

The workload of licensing specialists has also increased as the result of complaints and enforcement actions. As shown in Table 8, at least 1,600 complaints were filed with the Bureau during each of the past five calendar years. The number of proven violations increased 24.5 percent, and the number of enforcement actions doubled during this same period.

Table 8

Complaints and Enforcement Actions, Statewide

	1999	2000	2001	2002	2003	Percentage Increase, 1999 to 2003
Complaints Filed	1,643	1,696	1,699	1,627	1,706	3.8%
Proven Violations	963	1,058	1,194	1,130	1,199	24.5
Unfounded/ Unsubstantiated Violations	1,735	1,783	1,830	1,671	2,107	21.4
Total Alleged Violations	2,698	2,841	3,024	2,801	3,306	22.5
Enforcement Actions	220	256	273	312	443	100.4

Each complaint received by the Bureau may involve several alleged violations. For example, a complaint may require the Bureau to determine whether the facility has enough staff for the number of children in care and also whether the staff are qualified. These would be separate violations of the licensing rules, and each would require investigation.

The Bureau requires investigation of complaints suggesting imminent danger to the health, safety, and welfare of children to begin no later than the next day after the complaint is received. For all other complaints, investigation must begin within ten days. Licensing specialists are directed to follow the Bureau's policies and procedures in interviewing facility staff and reviewing each complaint to either prove a violation occurred or to determine if the potential violation is unfounded or unsubstantiated. We were not able to readily obtain information on whether these time requirements are being met, because monitoring of this requirement is completed at each regional office.

Enforcement actions may also arise from sources other than complaints, such as media reports and routine on-site inspections by the licensing specialist. Enforcement actions in response to proven violations may range from a warning letter to immediate closure of a facility. The most common enforcement actions taken by licensing specialists in 2003 were compliance orders requiring facilities to correct proven violations. For example, a facility may be required to implement a corrective action plan, such as providing additional staff training, if a violation is related to staff qualifications.

As noted, the number of enforcement actions has more than doubled over the past five years. Both increases in the number of regulated facilities and changes in the Bureau's monitoring procedures may be contributing factors to this increase.

Monitoring of Facilities

The Bureau's monitoring policies and procedures require on-site visits or inspections by licensing specialists. The Bureau views these on-site visits as a preventive and proactive approach to identifying problems and providing necessary technical assistance. Before a facility is granted a two-year license, it must first receive a six-month probationary license. Bureau procedures require an on-site visit before the start of the probationary period, and another on-site visit during the probationary period to test any requirements that could not be tested until the facility was in operation. If it successfully passes the probationary period, the facility receives a two-year license.

During a facility's first two-year licensing period, the Bureau performs two on-site visits. For the second licensing period, the Bureau decides on one of three monitoring levels:

- 1) a maximum level of monitoring requiring multiple on-site visits in a year;
- 2) a moderate level of monitoring requiring two or more on-site visits a year; and
- 3) a minimum level of monitoring requiring one to two on-site visits a year.

Facilities placed in the minimum level of monitoring include only family child care centers and group child care centers licensed to care for 50 or fewer children. All other facilities are in the maximum or moderate level of monitoring and are to receive at least two on-site visits a year.

Because of limitations in the information system used to track monitoring visits, the Bureau was not able to readily provide us with information on whether the planned number of on-site visits to facilities actually occurred. On-site monitoring is conducted at the regional level, and compliance with a facility monitoring plan is a regional responsibility. A centralized review of each region's compliance with the on-site monitoring requirement is not formally conducted. However, based upon an informal review they conducted, the Bureau's central staff estimate that 97 percent of facilities statewide were monitored according to plans. Further, they estimated that a majority of the facilities that were not monitored according to the plan were in the Southeastern Region.

Changes to Monitoring Standards

To address the increased workload and reductions in staffing that have occurred over the past several years, the Bureau has adjusted its regulatory standards and procedures on three separate occasions.

First, in 1998, DHFS became responsible for the administration of child welfare services in Milwaukee County. As a result of this change, DHFS began contracting with private organizations to provide child welfare services in Milwaukee, all of whom needed to be licensed as a child placing agency. The pre-licensing workload involved with child placing agencies requires a significant amount of time on the part of the licensing specialist. Unlike the pre-licensing work performed for child care facilities, which is performed by Wisconsin Child Care Improvement Project staff under contract with DHFS, the pre-licensing workload for child placing agencies is performed by the Bureau's regional staff. Pre-licensing activities for child placing agencies include a review of the site/building selection, facility policies, organization, and staffing. It requires multiple visits. Four new child placing agencies were licensed in 1999 and 2000. Two had licensed capacities to provide services for 3,600 children, and an existing child placing agency amended its licensed capacity to serve 2,200 children. In total, these nonprofit organizations were licensed to serve nearly 6,000 children. This more than doubled the child placing agency capacity from 1998. To adjust to these developments, the Bureau made changes in its staffing responsibilities and moved the regulation of three counties from the Southeastern Region to other regions. At the same time, it reallocated three licensing positions from other regional offices to the Southeastern Regional Office.

Second, in response to a DHFS workload study completed in September 2000, the Bureau revised its regulatory standards and reduced the number of required unannounced on-site monitoring visits for certain facilities. Before this time, each facility was subject to two unannounced on-site visits during its second and any subsequent licensing periods. After this change, group day care centers with a capacity of 9 to 50 children were only subject to one annual unannounced on-site visit. This allowed the Bureau to prioritize its workload to ensure that complaint, enforcement, monitoring, and other statutorily required functions would be met with current staffing.

Finally, in February 2002, following the elimination of 4.0 licensing positions under 2003 Wisconsin Act 33, the Bureau's licensing staff began to review only a sample of child and staff records as part of unannounced on-site monitoring visits. Previously, all child and staff records were reviewed during unannounced on-site visits.

While adjustments in these regulatory standards have not violated statutory requirements, they have served to reduce the amount of time that licensing staff spend on preventative efforts at each facility. Lessening the amount of preventive activity may have been a factor in the increase in enforcement actions shown in Table 8.

The Bureau is planning to further adjust its regulatory standards in response to a recent reallocation of 3.0 vacant licensing specialist positions and 1.0 vacant program assistant position. While this reallocation to other bureaus in the Division of Children and Family Services enables DHFS to address concerns raised during a recent federal review of Wisconsin's Child Welfare System, it reduces the number of staff dedicated to licensing activities. To address the increased workload for licensing specialists caused by staffing reductions, the Bureau is planning to review 978 part-time child care facilities once every two years, at the time of their license continuation reviews, rather than annually as is currently done. In addition, the Bureau may eliminate the requirement that child care facilities prepare a written correction plan for deficiencies noted during the on-site visit. In lieu of this written plan, licensing specialists would verify corrections during the next monitoring visit.

Other Issues

During our review, limited information was available from the computerized system that tracks issued licenses and information on these licenses. Information in the system includes license continuation and expiration dates, conditions of the license, visits to the facilities, complaints and enforcement actions, and fees and background check information. The system also contains data pertaining to unlicensed providers against whom complaints have been lodged. Because of the limitations of the system, the Bureau was not readily able to provide documentation that it performed on-site visits in accordance with the facilities monitoring plans. Further, information regarding proven violations and enforcement actions is not available to the general public through the Internet. This information is available only through the Bureau's staff.

In addition to the limitations of the system, staff indicate there is currently no support for ongoing maintenance and enhancement to the system. A DHFS assessment, completed in April 2004, indicates that the system does not provide the functions needed by the Bureau in carrying out its licensing activities. This assessment further identified system requirements for the Bureau to process licensing information and included recommendations to either improve the existing system or develop a new one. Costs associated with the identified options range from \$468,000 to \$788,000. DHFS staff are currently considering potential sources of funding that would enable them to implement one of the options.

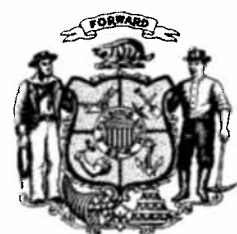
Bureau of Milwaukee Child Welfare

Given the information the LAB provided in a letter to Senator Darling on licensing and monitoring of child care and child welfare facilities, is the Audit Bureau planning to review the Bureau's monitoring of child welfare facilities?

- Reduction and changes in monitoring standards
- Compliance with standards in frequency of monitoring visits
- Complaints filed and enforcement actions
- Proposed further changes licensing activities



WISCONSIN STATE LEGISLATURE



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Child welfare gains reported

By **GEORGIA PABST** and **STEVEN WALTERS**
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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.

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.

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.

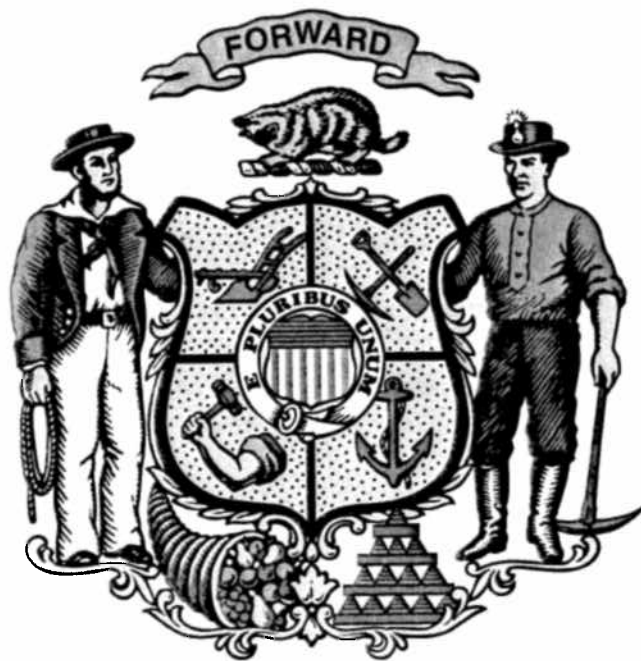
The Child Welfare League of America has been engaged as a consultant to work with the bureau on identifying causes and potential solutions for the high turnover in caseworkers, Nelson said.

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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Green Bay Press-Gazette June 4, 2004

IN OUR VIEW

Don't let our children down

Wisconsin can do a better job of caring for its kids, a new study suggests.

That's a message state residents should not take lightly. Wisconsin still ranks in the top third of states nationally when it comes to the well being of children, the study found, but it has been slipping. The Kids Count study by the Annie E. Casey Foundation ranked Wisconsin No. 11 overall, based on 2001 data — down from No. 10 in 2000.

Here's how Wisconsin ranked nationally by category, with No. 1 being the best and No. 50 the worst:

- No. 19 with 21 deaths per 100,000 children ages 1-14.
- No. 26 with 7.1 deaths per 1,000 live births.

Issue

Wisconsin's children

Our view

Government can help to improve the status of kids but the basic responsibility lies with parents.

- No. 14 with a 6.6 percent rate of low birth-weight babies.
- No. 18 with 47 deaths per 100,000 teens by accident, homicide or suicide.
- No. 10 with 18 births per 100,000 girls ages 15-17.
- No. 7 with 7 percent of teens ages 16-19 who dropped out of high school.
- No. 3 with 5 percent of teens ages 16-19 not attending school and not working.
- No. 13 with 21 percent of

children living in families where no parent had full-time, year-round employment.

- No. 4 with 11 percent of children in poverty.
 - No. 11 with 26 percent of families with children headed by a single parent.
- The Kids Count report, which covered the period from 1996 to 2001, found increases in the percentages of teens who were high school dropouts and teens not attending school or working. Increases also occurred in the percentages of children in families headed by a single parent and families with no parent employed full-time, year-round.
- Gov. Jim Doyle recently announced a state initiative to address many of the issues raised in the report, including

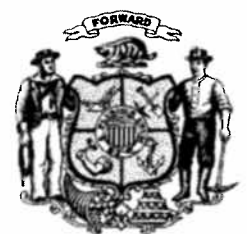
the 56,000 Wisconsin teens who are neither working nor in school, equivalent to about half the population of Green Bay.

And Helene Nelson, Wisconsin's health and human services secretary, said she was focused on improving the disparity between blacks and whites for infant mortality and low birth weights. State statistics say the rates for blacks are 2.5 times higher than for whites.

Government has a role to play in improving the status of kids, and its initiatives are helpful. But the real solution lies with parents — rich and poor, single and married, employed and unemployed — to treasure and nurture their kids because they are our future.



WISCONSIN STATE LEGISLATURE



Milwaukee Journal Sentinel June 6, 2004

Why is there reluctance to monitor child welfare here?

By SUSAN CONWELL

What is the difference between the state-run motor pool and the state-run Bureau of Milwaukee Child Welfare?

Apparently, this question is giving the Legislature a little trouble.

Consider:

■ One attorney general drives one state car off the highway in a much publicized drunken driving incident. Within weeks, the entire state motor pool is subject to an audit.

■ The state pioneers a new child welfare system affecting more than 20,000 Milwaukee children in the first six years of operation. A motion made by Sen. Gwendolynne Moore (D-Milwaukee), adopted unanimously by the Joint Finance Committee in 1999, requested that the Legislative Audit Bureau audit this new child welfare system and report back by Jan. 1, 2003.

The audit did not happen. The Journal Sentinel investigates this system one year after the audit was supposed to happen and notes editorially that "the foster care system is failing its mission in Milwaukee County."

Still no audit.

Could it be that the motor pool inspires more political will than Milwaukee children? Is an unauthorized \$60 car wash really more scandalous than a 7-year-old covered in feces with "almost feral" behavior? Or is it just that we know what to look for in the motor pool but feel overwhelmed by foster care?

I'm hoping it is the latter. Child welfare is more complex than the motor pool. Still, it isn't really that much more complex than W-2, which is on its second comprehensive audit (one in 2001, and one ongoing, plus several smaller targeted audits).

Let me give you the skinny. The State of Wisconsin undertook a bold experiment to improve Milwaukee's child welfare system nearly a decade ago. Legislation in 1995 authorized the state takeover of Milwaukee County's child protection system and created the Bureau of Milwaukee Child Welfare. BMCW contracts with private agencies to provide foster care and in-home safety services.

Several years of upheaval followed implementation of the plan. Few of the original contractors remain — some agencies no longer exist, others were forced to withdraw.

Now that the dust has settled, here's where we are: In 1994, there were 3,323 children on average per month in foster care. In 2004, there are 3,368. But the annual budget in 1994 was \$59 million. And in 2004, it is \$112 million.



The odd thing is that the system cost just about the same at its peak in 1999 when the system had 7,900 children in foster care.

Perhaps you are wondering where the money goes. Or thinking that child protection is not about money, but about children.

We all have our biases here. Let me state mine:

I am a child advocate. I want kids to be doing well and I believe in investing in children. If kids were coming out of this system and doing well or at least completing school, I would be nominating the system for an award, not writing this article. There are still plenty of kids and families who need more help, not less.

There are no easy answers to what goes wrong in families or in society. Government should be encouraged to try new ideas, and we the electorate cannot expect infallibility. There will be mistakes. The issue is whether we have suitable systems in place to keep mistakes to a minimum and to remedy mistakes when they occur.

That being said, I can't explain why the Legislature has consistently taken a pass on auditing the Bureau of Milwaukee Child Welfare. Yes, we should be investing in children, but we should be taking the usual precautions to make sure that our investment is providing the returns that we are looking for such as child safety and well-being.

Caring about kids doesn't mean that we should forget about the dollars. We should be asking where the money goes — particularly since we know where it *isn't* going.

The rate received by foster parents for caring for children hasn't really changed in the