

**2009 DRAFTING REQUEST**

**Bill**

Received: **01/09/2009**

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-8219**

By/Representing: **Stinebrink**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Children - out-of-home placement**

Extra Copies:

Submit via email: **NO**

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**Pre Topic:**

DOA:.....Stinebrink, BB0353 -

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**Topic:**

Foster parent training

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

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FE Sent For:

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## 2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Foster Parent Training
- Tracking Code: BB0.353
- SBO team: Education, Children & Families
- SBO analyst: Cory Stinebrink
  - Phone: 266-8219
  - Email: Cory.Stinebrink@Wisconsin.gov
- Agency acronym: DCF
- Agency number: 437
- Priority (Low, Medium, High): High

### Intent:

Expansion of the current Title IV-E Foster Parent Training Reimbursement program to include the new pre-placement and foundation curricula and ongoing foster parent training as recommended by the Foster Parent Training Committee. This includes allowing any agency to request pass-through funding for ongoing training regardless of whether or not they provide the approved competency-based curriculums for Pre-Placement and Foundation. This could be done for CY 2009.

Mandate foster parent training to include approved competency-based curriculum for Pre-Placement, Foundation, and Ongoing training as recommended by the Foster Parent Training Committee in August 2008

- \* The department suggests adding a new subsection under subchapter XIV of Chap 48 indicating that foster parents and treatment foster parents must complete training provided by the Department. The department should be directed to specify the training requirements via administrative rule. The language could be similar to 48.981(8)(d) which specifies that training will be provided to child welfare staff and is the basis for the staff training administrative rule DCF 43. In addition to the statutory language, there should be a non-statutory provision authorizing DCF to issue rules for foster parent and treatment foster parent training on an emergency basis so rules can be in place by January 1, 2010.

nonstat

**DEPARTMENT OF CHILDREN AND FAMILIES**  
**2009-11 Biennial Budget**  
**Governor's Budget Issue Paper**

**Issue:** Foster Parent Training

**Problem Statement**

Wisconsin currently does not have a statewide foster parent training program and the agencies that do provide training use a variety of curricula that are not consistent. There are also some counties that provide little or no training to their foster parents. Wisconsin is only one of seven states that does not mandate foster parent training and it is believed that Wisconsin will be required to mandate training by the federal government after the next Child and Family Services Review in the spring of 2010.

**Background**

The current Wisconsin administrative rule for foster parent licensing Ch. 56 does not require foster parents to complete a specific training program, with the extent of training left up to county and private foster care agencies. The rule does specify that the Department must pay for foster parent training should a training requirement be implemented. Training is required for treatment foster parents under the treatment foster care licensing rule Ch. 38.

The Department has encouraged counties to provide a standard 36-hour curriculum designed to achieve basic competencies for foster parents. The competencies are drawn from the PACE foster parent training program and the Department passes through IV-E reimbursement for foster parent training to those counties that use the PACE or equivalent curriculum. The 36-hour training is designed as a pre-service curriculum, with foster parents encouraged to complete the training prior to receiving their first placement. The Bureau of Milwaukee Child Welfare requires foster parents to complete training based on the PACE model. There is no formal program for ongoing training of foster parents, with licensing agencies free to establish their own requirements for ongoing training.

In the first Child and Family Services Review (CFSR) in 2003, Wisconsin was found to be "Not in Substantial Conformity" on Item 34-Foster Parent and Other Caregiver Training due to the lack of a statewide training requirement. In the Program Enhancement Plan (PEP) of 2004 (Action Step K), Wisconsin addressed the federal finding through the formation of a statewide committee to research the impact of mandating statewide foster and adoptive parent pre-service, foundation and ongoing training. In the spring of 2010, Wisconsin will participate in its second CFSR. Given that foster parent training was identified in the first CFSR as an "area needing improvement," Wisconsin will likely be found in non-conformance on foster parent training and be required by the federal government to mandate statewide foster parent training as part of the CFSR II program improvement plan. To avoid the federal CFSR finding, Wisconsin would need to have a statewide training program in place by 2010.

The Foster Parent Training Committee conducted surveys of foster parent training needs to identify how a statewide curriculum could be constructed. The Committee has developed Pre-Placement and Foundation curriculum that are being piloted and made recommendations as to how Wisconsin could mandate foster parent training. The proposal includes providing training to all caregivers including relatives, but begins with mandating foster parent training.

The current limited and inconsistent training provided to foster parents leads to recruitment and retention issues for the Wisconsin foster care program. Research and national standards show that training and supporting foster parents improve foster care recruitment and retention of homes as well as stability of foster care placements. When foster parents have an understanding of the expectations of the child welfare system, they are better able to advocate for the foster children in their care and obtain support they may need as a family to continue to care for foster children.

Training also makes foster parents better prepared to support children in care and work with their birth families to handle the complex issues facing families in the child welfare system. The Division has learned through the experience of the "Title IV-E Pass-Through Funding for Foster Parent Training," that counties which utilized the competency-based curriculum with their foster parents have noticed a marked improvement in the relationships between foster parents and birth families. This has elevated expectations throughout the child welfare system on foster families can do in working with children and families.

Despite the elevated expectations, there remain counties where little to no training is being offered to foster families. In these situations, the children, birth families, foster families, and agencies suffer from the lack of basic and fundamental knowledge about foster care today. Foster Care Coordinators are stretched thin and do not always have the capacity to provide training to the foster parents in their county despite a desire to do so. Many Foster Care Coordinators are also ongoing caseworkers, Kinship Care workers, and providers of the Independent Living Services; so there is not always time left for unfunded, non-mandatory services and supports like foster parent training.

Without moving forward with a mandate for foster parent training, Wisconsin will be at the same position as four years ago after the last CFSR while children, birth families, foster families, and agencies continue to suffer from a lack of basic fundamental knowledge through training. The potential for harm to children in care exists when they are placed in foster homes that have not received basic knowledge and thus are at risk of disruption. In addition, when foster parents do not have sufficient understanding of how to care for children and maintain family connections, foster children can suffer loss of cultural identity and lose contact with their families including sibling relationships.

In addition to the effects on child welfare practice, if the Division is considering implementing Levels of Care (graduated licensing), foster parent training is a critical component of identifying what level of certification the foster parent is approved to provide safe and appropriate care for. Mandating foster parent training should be viewed as a step in moving forward with the levels of care proposal.

## Alternatives

**Option 1. Expand the current Title IV-E Foster Parent Training Reimbursement program to include the new pre-placement and foundation curricula and ongoing foster parent training as recommended by the Foster Parent Training Committee. This includes allowing any agency to request pass-through funding for ongoing training regardless of whether or not they provide the approved competency-based curriculums for Pre-Placement and Foundation. This could be done for CY 2009.**

### **Pros:**

- This would allow more county agencies to provide foster parent training in a flexible format, either in groups or on an individual basis.
- By opening up the option of ongoing training without the new Pre-Placement and Foundation or prior Pre-Service curriculums being a prerequisite to receiving IV-E pass-through funding, the Division could begin to get more buy-in from some of the county agencies that have their own orientation/foster parent training or lack the capacity to implement Pre-Placement and Foundation or Pre-Service in their agency.
- Many agencies support their foster parents in attending trainings outside of their agency and pay for the training. The expanded IV-E pass through would provide additional resources for ongoing training.

### **Cons:**

- This expanded pass-through does not address the concerns related to the lack of or inconsistencies among counties in foster parent training that were cited in the first CFSR.
- The Division revised the Title IV-E pass-through funding for Foster Parent Training memo last year to allow for either the old Pre-Service curriculum or the new Pre-Placement curriculum and did not see much more participation; however, it should be noted that many agencies have been waiting for the Foundation curriculum to be finalized before switching their foster parent training. The Foundation curriculum is set to be finalized by the beginning of 2009.

**Option 2. Mandate foster parent training to include approved competency-based curriculum for Pre-Placement, Foundation, and Ongoing training as recommended by the Foster Parent Training Committee in August 2008 (Appendix A). The recommendation would require the following actions to implement:**

- Modify the foster parent licensing rule Ch. 56 to establish the training requirement. The training requirement would go into effect 1/1/2010.  
Note: other modifications are also necessary to Ch. 56.
- Modify the treatment foster care rule Ch. 38 to incorporate the training requirement into training for treatment foster parents.
- Establish a caregiver training and curriculum manager position with the Wisconsin Child Welfare Training System at UW-Madison.

- Establish caregiver training specialists and support staff at the NEW, Western, and Southern Child Welfare Training Partnerships. Note: the Milwaukee Training Partnership already has a foster parent training contract.
- Provide additional funds to the Foster Care and Adoption Resource Center to develop ongoing training materials.
- Allow private foster care and treatment foster care agencies to send foster parents to group sessions but charge for the cost of training.
- Counties and private licensing agencies would continue to be responsible for paying foster parents stipends and mileage for attending training.
- See Appendix A with the specific recommendations from the Foster Parent Training Committee.

**Pros:**

- Improved retention and recruitment for foster families.
- Enhanced and consistent services to children and families.
- This approach allows for consistency of knowledge and training approaches in an already tried format utilizing the partnership model.
- Having the partnerships involved also allows training materials for agency staff and foster parents to remain consistent.
- This gives both large and small agency foster parents access to training opportunities regardless of the specific agencies' ability to provide the training on their own.
- By using the partnerships to support delivery of training, training would be provided in a more cost efficient manner than individual agencies providing training on their own.
- Service delivery could be broadened with the resources of the partnerships to include distance learning and webcasts.
- Allows for group training with other foster families for those small agencies who may only license one family a year.
- Given the demands on many foster care coordinators, this approach would alleviate the responsibility of training from their many responsibilities. It is common for a foster care coordinator to have many other responsibilities including support the foster families, ongoing worker responsibilities, Kinship Care, and Independent Living Coordinator to name a few.
- This could increase the amount of foster parent to foster parent supports and networking as foster parents from an entire region would come together for training opportunities.

**Cons:**

- A loss of local control; some agencies may want to continue to train their own foster parents because they learn valuable information about any needs for support or further education a foster family may have during training.
- Foster parents may lose a sense of belonging to the licensing agency, as training provides a time to get to know the agency staff and foster parents in your area much better.

**Option 3. Maintain the current voluntary approach for foster parent training. Do not require statewide training until cited in the 2010 CFSR and implement training as part of the CFSR II program improvement plan.**

**Pros:**

- The Foster Parent Training Committee can continue to develop the pre-placement and foundation training for use by individual agencies. Once the curricula are finalized, they can be distributed to individual agencies for delivery of training.
- Waiting until after the CFSR would delay the need for funding until the 2011-2013 biennium.

**Cons:**

- Waiting until CY 2012 or later to implement statewide foster parent training would make it difficult to implement the graduated licensing levels of care proposal. Training is an essential part of the level of cares.
- Being force to address foster parent training as part of the CFSR II program improvement plan would result in increased pressure to implement the training to avoid federal financial penalties.

**Stakeholders and Affected Individuals/Organizations**

The Foster Parent Training Committee consists of foster parents, public agency staff, private agency staff, tribal staff, staff from each of the Child Welfare Training Partnerships, Foster Care and Adoption Resource Center staff, state staff from both foster care and adoption. The committee has been working for several years now to create consistent competency-based curriculum that could be used statewide. In addition, since the renewed statewide Youth Advisory Council has been meeting, their input has been shared with the Foster Parent Training Committee, and now both groups are trying to find ways to work together on the issue of foster parent training. The youth have identified foster parent training as one of the issues they are focused on improving.

Given the fact that most if not all stakeholders are at the table engaged in this discussion, most of the groundwork has been done. If there are revisions to Administrative Codes Ch. 56 and 38, which are likely, there will need to be some discussions on how private agency partners could utilize the caregiver training partnership. The recent federal Fostering Connections legislation, PL 110-351, would allow training for private agency foster parents to be more easily included and still claim IV-E reimbursement.

**Recommendation**

Options 1 and 2. Expanding the scope of the IV-E pass through will allow foster parents greater access to training opportunities. Establishing a system foster parent training system will be required as part of the next CFSR and is essential to effectively implement the levels of care graduated licensing system.

**Fiscal Impact**

There is no fiscal impact to the state to implement Option 1 alone, except for the training and technical assistance associated with rolling out the new Foundation Training. This has already been incorporated into the Foster Parent Training Committee's items for next year and the Out-

of-Home Care Specialist is already beginning to schedule meetings with regional supervisors for the beginning of next year to explain the up coming changes to Title IV-E pass-through funding.

The fiscal effect of Option 2 include supporting contracted staff through the training partnerships and providing additional funding to support training sessions for foster parents. Of the costs, about 31.5% is IV-E reimbursable at the enhanced training reimbursement rate.

<i>Caregiver Training Manager</i>	\$100,000	(Start 10/1/09)
<i>Caregiver Training Specialists (3)</i>	\$270,000	(\$90,000 each, Start 1/1/10)
<i>Training Support Staff</i>	\$210,000	(\$70,000 each, Start 1/1/10)
Foster Parent Training Costs	\$75,000	(split among partnerships)
<i>Development of Ongoing Training</i>	\$50,000	(to FC&A Resource Center)
<b>Total</b>	<b>\$705,000</b>	

**eWiSACWIS Impact**

The Out-of-Home Care Specialist is already working with CGI staff and eWiSACWIS staff to make improvements to the Provider Page in eWiSACWIS. The enhancements to the provider page include:

- Drop-down values for the identified Pre-Placement, Foundation, and Ongoing training,
- Differentiation of caregiver’s who have participated in training within a household, and
- A report to track foster parent training.

The system changes could be made under the existing maintenance contract.



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1415/2 ①

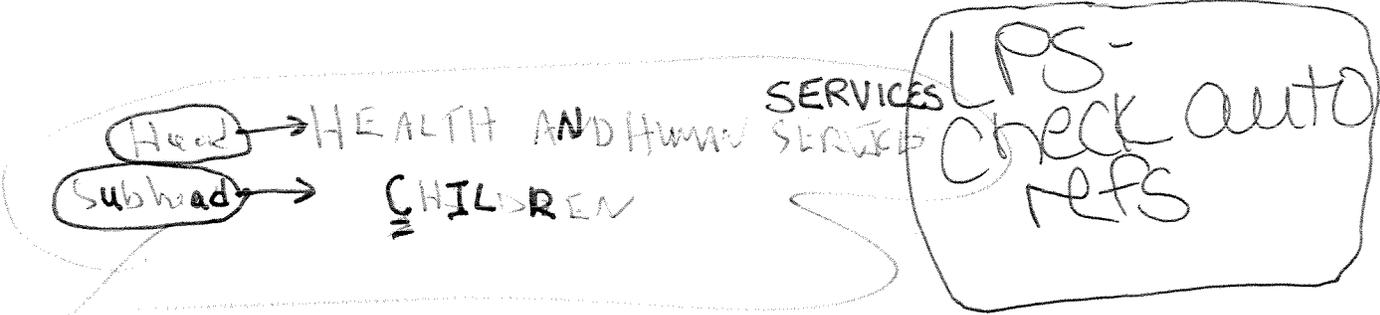
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DOA:.....Stinebrink, BB0353 - Foster parent training ✓

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION



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AN ACT ...; relating to: the budget. ✓

Additionally,

**Analysis by the Legislative Reference Bureau**

Under current DCF rules, a treatment foster parent, that is, a person who provides care and maintenance and structured, professional treatment for a child, is required to receive initial training before placement of the first child in his or her home and ongoing training in the specific needs of the treatment foster parent after licensing, and a foster parent, that is, a person who provides care and maintenance, but not structured, professional treatment, for a child, or a treatment foster parent caring for a child with special needs may voluntarily participate in a foster care education program approved by DCF. This bill requires all foster parents and treatment foster parents to successfully complete training in the care and support needs of children who are placed in foster care or treatment foster care that has been approved by DCF. The bill requires DCF to promulgate rules prescribing the training that is required under the bill and to monitor compliance with the training requirement according to those rules.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

1           **SECTION 1.** 48.67 (4) of the statutes is created to read:

2           48.67 (4) That all foster parents and treatment foster parents<sup>✓</sup> successfully  
3 complete training in the care and support needs of children who are placed in foster  
4 care or treatment foster care<sup>✓</sup> that has been approved by the department.<sup>✓</sup> The  
5 department shall promulgate rules prescribing the training that is required under  
6 this subsection<sup>✓</sup> and shall monitor compliance with this subsection according to those  
7 rules.<sup>✓</sup>

8           **SECTION 9108.** Nonstatutory provisions; Children and Families.<sup>✓</sup>

9           (1) FOSTER PARENT TRAINING.<sup>✓</sup>

10          (a) Rules.<sup>✓</sup>

11          1. 'Permanent rules.'<sup>✓</sup> The department of children and families shall submit in  
12 proposed form the rules required under section 48.67 (4)<sup>✓</sup> of the statutes, as created  
13 by this act, to the legislative council staff under section 227.15 (1)<sup>✓</sup> of the statutes no  
14 later than the first day of the 7th<sup>✓</sup> month beginning after the effective date of this  
15 subdivision.<sup>✓</sup>

16          2. 'Emergency rules.'<sup>✓</sup> Using the procedure under section 227.24<sup>✓</sup> of the statutes,  
17 the department of children and families may promulgate the rules required under  
18 section 48.67 (4)<sup>✓</sup> of the statutes, as created by this act, for the period before the  
19 effective date of the rules submitted under subdivision 1., but not to exceed the period  
20 authorized under section 227.24 (1) (c)<sup>✓</sup> and (2)<sup>✓</sup> of the statutes. Notwithstanding  
21 section 227.24 (1) (a),<sup>✓</sup> (2) (b),<sup>✓</sup> and (3)<sup>✓</sup> of the statutes, the department<sup>✓</sup> is not required  
22 to provide evidence that promulgating a rule under this subdivision<sup>✓</sup> as an emergency  
23 rule is necessary for the preservation of the public peace, health, safety, or welfare  
24 and is not required to provide a finding of emergency for a rule promulgated under  
25 this subdivision.<sup>✓</sup>

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**SECTION 9408. Effective dates; Children and Families.**

(1) FOSTER PARENT TRAINING. The treatment of section 48.67 (4) of the statutes takes effect on January 1, 2010.

(END)



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1415/1  
GMM:jld:ph

DOA:.....Stinebrink, BB0353 - Foster parent training

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**CHILDREN**

Under current DCF rules, a treatment foster parent, that is, a person who provides care and maintenance and structured, professional treatment for a child, is required to receive initial training before placement of the first child in his or her home and ongoing training in the specific needs of the treatment foster parent after licensing. Additionally, a foster parent, that is, a person who provides care and maintenance, but not structured, professional treatment, for a child, or a treatment foster parent caring for a child with special needs may voluntarily participate in a foster care education program approved by DCF. This bill requires all foster parents and treatment foster parents to successfully complete training in the care and support needs of children who are placed in foster care or treatment foster care that has been approved by DCF. The bill requires DCF to promulgate rules prescribing the training that is required under the bill and to monitor compliance with the training requirement according to those rules.

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5 department shall promulgate rules prescribing the training that is required under  
6 this subsection and shall monitor compliance with this subsection according to those  
7 rules.

8           **SECTION 9108. Nonstatutory provisions; Children and Families.**

9           (1) FOSTER PARENT TRAINING.

10          (a) *Rules.*

11           1. 'Permanent rules.' The department of children and families shall submit in  
12 proposed form the rules required under section 48.67 (4) of the statutes, as created  
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14 later than the first day of the 7th month beginning after the effective date of this  
15 subdivision.

16           2. 'Emergency rules.' Using the procedure under section 227.24 of the statutes,  
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18 section 48.67 (4) of the statutes, as created by this act, for the period before the  
19 effective date of the rules submitted under subdivision 1., but not to exceed the period  
20 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding  
21 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required  
22 to provide evidence that promulgating a rule under this subdivision as an emergency  
23 rule is necessary for the preservation of the public peace, health, safety, or welfare  
24 and is not required to provide a finding of emergency for a rule promulgated under  
25 this subdivision.

