State of Wisconsin
2013 – ~~2014~~ LEGISLATURE

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LRB–0068/3 (4)
GMM:eev:ph
Stays

DOA:.....Major, BB0190 – Title IV–E waiver implementation

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT (don't gen)...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, Title IV–B of the federal Social Security Act permits the secretary of the federal Department of Health and Human Services (federal secretary) to authorize the states to conduct not more than ten demonstration projects to promote the objectives of Titles IV–B and E of that act. The federal secretary may authorize a state to conduct such a demonstration project only if the state identifies one or more goals for the project. Under Title IV–B, those goals may include preventing the reentry of children into foster care.

This bill authorizes DCF to distribute the amount by which such a demonstration project reduces the cost of providing out–of–home care for children in Milwaukee County to other counties for services for children and families to prevent the reentry of children into out–of–home care.

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.** 20.437 (1) (cx) of the statutes is amended to read:

2 20.437 **(1)** (cx) ~~*Milwaukee child*~~ *Child welfare services; aids.* The amounts in
3 the schedule for providing services to children and families under s. 48.48 (17) in a
4 county having a population of 750,000 or more and, to the extent that a
5 demonstration project authorized under 42 USC 1320a–9 reduces the cost of
6 providing out–of–home care for children in that county, for services for children and
7 families under s. 48.563 (4) in other counties.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 2.** 46.21 (1) (d) of the statutes is amended to read:

9 46.21 **(1)** (d) "Human services" means the total range of services to people,
10 including mental illness treatment, developmental disabilities services, physical
11 disabilities services, income maintenance, youth probation, extended supervision
12 and parole services, alcohol and drug abuse services, services to children, youth and
13 families, family counseling, early intervention services for children from birth to the
14 age of 3, and manpower services. "Human services" does not include child welfare
15 services administered by the department of children and families under s. 48.48 (17)
16 ~~administered by the department in a county having a population of 500,000 or more~~.

17 **SECTION 3.** 46.215 (1) (intro.) of the statutes is amended to read:

18 46.215 **(1)** CREATION; POWERS AND DUTIES. (intro.) ~~In~~ Except as provided in ss.
19 49.155 (3g), 49.78 (1r), 49.825, and 49.826, in a county with a population of ~~500,000~~ 750,000
20 or more the administration of welfare services, other than child welfare services
21 administered by the department of children and families under s. 48.48 (17)
22 ~~administered by the department and except as provided in ss. 49.155 (3g), 49.78 (1r),~~
23 ~~49.825, and 49.826~~, is vested in a county department of social services under the

jurisdiction of the county board of supervisors under s. 46.21 (2m) (b) 1. a. Any reference in any law to a county department of social services under this section applies to a county department under s. 46.21 (2m) in its administration under s. 46.21 (2m) of the powers and duties of the county department of social services. Except as provided in ss. 49.155 (3g), 49.78 (1r), 49.825, and 49.826, the county department of social services shall have the following functions, duties, and powers, and such other welfare functions as may be delegated to it:

SECTION 4. 48.06 (1) (title) of the statutes is amended to read:

48.06 **(1)** (title) COUNTIES WITH A POPULATION OF ~~500,000~~ 750,000 OR MORE.

SECTION 5. 48.06 (1) (a) 1. of the statutes is amended to read:

48.06 **(1)** (a) 1. In counties with a population of ~~500,000~~ 750,000 or more, the department shall provide the court with the services necessary for investigating and supervising child welfare and unborn child welfare cases under this chapter. The department is charged with providing child welfare and unborn child welfare intake and dispositional services and with administration of the personnel and services of the child welfare and unborn child welfare intake and dispositional sections of the department. The department shall include investigative services for all children and unborn children alleged to be in need of protection or services to be provided by the department.

SECTION 6. 48.06 (2) (title) of the statutes is amended to read:

48.06 **(2)** (title) COUNTIES WITH A POPULATION UNDER ~~500,000~~ 750,000.

SECTION 7. 48.06 (2) (a) of the statutes is amended to read:

48.06 **(2)** (a) In counties having less than ~~500,000~~ 750,000 population, the county board of supervisors shall authorize the county department or court or both to provide intake services required by s. 48.067 and the staff needed to carry out the

objectives and provisions of this chapter under s. 48.069. Intake services shall be provided by employees of the court or county department and may not be subcontracted to other individuals or agencies, except any county which had intake services subcontracted from the county sheriff's department on April 1, 1980, may continue to subcontract intake services from the county sheriff's department. Intake workers shall be governed in their intake work, including their responsibilities for recommending the filing of a petition and entering into an informal disposition, by general written policies which shall be formulated by the circuit judges for the county, subject to the approval of the chief judge of the judicial administrative district.

SECTION 8. 48.06 (3) of the statutes is amended to read:

48.06 **(3)** INTAKE SERVICES. The court, the department in a county having a population of ~~500,000~~ 750,000 or more, or the county department responsible for providing intake services under s. 48.067 shall specify one or more persons to provide intake services. If there is more than one such worker, one of the workers shall be designated as chief worker and shall supervise other workers.

SECTION 9. 48.06 (4) of the statutes is amended to read:

48.06 **(4)** STATE AID. State aid to any county for court services under this section shall be at the same net effective rate that each county is reimbursed for county administration under s. 48.569. Counties having a population of less than ~~500,000~~ 750,000 may use funds received under s. 48.569 (1) (d), including county or federal revenue sharing funds allocated to match funds received under s. 48.569 (1) (d), for the cost of providing court attached intake services in amounts not to exceed ~~50%~~ 50 percent of the cost of providing court attached intake services or $30,000 per county per calendar year, whichever is less.

1 **SECTION 10.** 48.069 (1) (intro.) of the statutes is amended to read:

2 48.069 **(1)** (intro.) The staff of the department, the court, a county department
3 or a licensed child welfare agency designated by the court to carry out the objectives
4 and provisions of this chapter, or, in a county having a population of ~~500,000~~ 750,000
5 or more, the department or an agency under contract with the department to provide
6 dispositional services, shall:

7 **SECTION 11.** 48.069 (2) of the statutes is amended to read:

8 48.069 **(2)** Except in a county having a population of ~~500,000~~ 750,000 or more,
9 licensed child welfare agencies and the department shall provide services under this
10 section only upon the approval of the agency from whom services are requested. In
11 a county having a population of ~~500,000~~ 750,000 or more, the department or, with the
12 approval of the department, a licensed child welfare agency shall provide services
13 under this section.

14 **SECTION 12.** 48.069 (3) of the statutes is amended to read:

15 48.069 **(3)** A court or county department responsible for disposition staff or, in
16 a county having a population of ~~500,000~~ 750,000 or more, the department may agree
17 with the court or county department responsible for providing intake services that
18 the disposition staff may be designated to provide some or all of the intake services.

19 **SECTION 13.** 48.48 (16m) of the statutes is amended to read:

20 48.48 **(16m)** To employ under the unclassified service in an office of the
21 department that is located in a 1st class city a director of the office of urban
22 development who shall be appointed by the secretary to serve at the pleasure of the
23 secretary and who shall coordinate the provision of child welfare services in a county
24 having a population of ~~500,000~~ 750,000 or more with the implementation of the

Wisconsin works program under ss. 49.141 to 49.161 in a county having a population of ~~500,000~~ 750,000 or more.

SECTION 14. 48.48 (17) (a) (intro.) of the statutes is amended to read:

48.48 **(17)** (a) (intro.) In a county having a population of ~~500,000~~ 750,000 or more, to administer child welfare services and to expend such amounts as may be necessary out of any moneys which may be appropriated for child welfare services by the legislature, which may be donated by individuals or private organizations or which may be otherwise provided. The department shall also have authority to do all of the following:

SECTION 15. 48.56 (title) of the statutes is amended to read:

48.56 (title) **Child welfare services in counties having populations of less than ~~500,000~~ 750,000.**

SECTION 16. 48.56 (1) of the statutes is amended to read:

48.56 **(1)** Each county having a population of less than ~~500,000~~ 750,000 shall provide child welfare services through its county department.

SECTION 17. 48.561 (title) of the statutes is amended to read:

48.561 (title) **Child welfare services in a county having a population of ~~500,000~~ 750,000 or more.**

SECTION 18. 48.561 (1) of the statutes is amended to read:

48.561 **(1)** The department shall provide child welfare services in a county having a population of ~~500,000~~ 750,000 or more.

SECTION 19. 48.561 (2) of the statutes is amended to read:

48.561 **(2)** The department shall employ personnel in a county having a population of ~~500,000~~ 750,000 or more who devote all of their time directly or

1 indirectly to child welfare services. Whenever possible, these personnel shall be
2 social workers certified under ch. 457.

3 **SECTION 20.** 48.561 (3) (a) (intro.) of the statutes is amended to read:

4 48.561 **(3)** (a) (intro.) A county having a population of ~~500,000~~ 750,000 or more
5 shall contribute $58,893,500 in each state fiscal year for the provision of child welfare
6 services in that county by the department. That contribution shall be made as
7 follows:

8 **SECTION 21.** 48.561 (3) (b) of the statutes is amended to read:

9 48.561 **(3)** (b) The department of administration shall collect the amount
10 specified in par. (a) 3. from a county having a population of ~~500,000~~ 750,000 or more
11 by deducting all or part of that amount from any state payment due that county
12 under s. 79.035, 79.04, or 79.08. The department of administration shall notify the
13 department of revenue, by September 15 of each year, of the amount to be deducted
14 from the state payments due under s. 79.035, 79.04, or 79.08. The department of
15 administration shall credit all amounts collected under this paragraph to the
16 appropriation account under s. 20.437 (1) (kw) and shall notify the county from which
17 those amounts are collected of that collection. The department may not expend any
18 moneys from the appropriation account under s. 20.437 (1) (cx) for providing services
19 to children and families under s. 48.48 (17) until the amounts in the appropriation
20 account under s. 20.437 (1) (kw) are exhausted.

21 **SECTION 22.** 48.563 (1) (a) of the statutes is amended to read:

22 48.563 **(1)** (a) Within the limits of available federal funds and of the
23 appropriations under s. 20.437 (1) (b), (cx), (km), and (o), the department shall
24 distribute funds for children and family services to county departments as provided
25 in subs. (2), (3), (4), and (7m) and s. 48.986.

1 **SECTION 23.** 48.563 (4) of the statutes is created to read:

2 48.563 **(4)** POSTREUNIFICATION SERVICES. If a demonstration project authorized
3 under 42 USC 1320a–9 reduces the cost of providing out–of–home care for children
4 in a county having a population of 750,000 or more, from the appropriations under
5 s. 20.437 (1) (cx) and (o) the department may distribute the amount by which that
6 cost is reduced by that demonstration project in each fiscal year to county
7 departments for services for children and families to prevent the reentry of children
8 into out–of–home care.

9 **SECTION 24.** 48.569 (1) (am) of the statutes is amended to read:

10 48.569 **(1)** (am) The department shall reimburse each county from the
11 appropriations under s. 20.437 (1) (b), (cx), (km), and (o) for children and family
12 services as approved by the department under ss. 46.22 (1) (b) 2. f. and (e) 3. b.

13 **SECTION 25.** 48.569 (1) (d) of the statutes is amended to read:

14 48.569 **(1)** (d) From the appropriations under s. 20.437 (1) (b), (cx), (km), and
15 (o), the department shall distribute the funding for children and family services,
16 including funding for foster care or subsidized guardianship care of a child on whose
17 behalf aid is received under s. 48.645 to county departments as provided under s.
18 48.563. County matching funds are required for the distribution under s. 48.563 (2).
19 Each county's required match for the distribution under s. 48.563 (2) shall be
20 specified in a schedule established annually by the department. Matching funds
21 may be from county tax levies, federal and state revenue sharing funds, or private
22 donations to the county that meet the requirements specified in sub. (1m). Private
23 donations may not exceed 25 percent of the total county match. If the county match
24 is less than the amount required to generate the full amount of state and federal
25 funds distributed for this period, the decrease in the amount of state and federal

funds equals the difference between the required and the actual amount of county matching funds.

SECTION 26. 48.645 (2) (a) 2. of the statutes is amended to read:

48.645 **(2)** (a) 2. A county or, in a county having a population of ~~500,000~~ 750,000 or more, the department, on behalf of a child in the legal custody of a county department under s. 46.215, 46.22, or 46.23 or the department under s. 48.48 (17) or on behalf of a child who was removed from the home of a relative as a result of a judicial determination that continuance in the home of a relative would be contrary to the child's welfare for any reason when the child is placed in a licensed residential care center for children and youth by the county department or the department. Reimbursement shall be made by the state as provided in subd. 1.

SECTION 27. 48.645 (2) (a) 3. of the statutes is amended to read:

48.645 **(2)** (a) 3. A county or, in a county having a population of ~~500,000~~ 750,000 or more, the department, when the child is placed in a licensed foster home, group home, or residential care center for children and youth or in a subsidized guardianship home by a licensed child welfare agency or by a governing body of an Indian tribe in this state or by its designee, if the child is in the legal custody of the county department under s. 46.215, 46.22, or 46.23 or the department under s. 48.48 (17) or if the child was removed from the home of a relative as a result of a judicial determination that continuance in the home of the relative would be contrary to the child's welfare for any reason and the placement is made under an agreement with the county department or the department.

SECTION 28. 938.06 (1) (title) of the statutes is amended to read:

938.06 **(1)** (title) COUNTIES WITH A POPULATION OF ~~500,000~~ 750,000 OR MORE.

SECTION 29. 938.06 (1) (a) 1. of the statutes is amended to read:

938.06 **(1)** (a) 1. In counties with a population of ~~500,000~~ 750,000 or more, the county board of supervisors shall provide the court with the services necessary for investigating and supervising cases under this chapter by operating a children's court center under the supervision of a director who is appointed as provided in s. 46.21 (1m) (a). Except as otherwise provided in this subsection, the director is the chief administrative officer of the center and of the intake and probation sections and juvenile detention facilities of the center. The director is responsible for managing the personnel of, and administering the services of, the sections and the juvenile detention facilities, and for supervising operation of the physical plant and maintenance and improvement of the buildings and grounds of the center.

SECTION 30. 938.06 (2) (title) of the statutes is amended to read:

938.06 **(2)** (title) COUNTIES WITH A POPULATION UNDER ~~500,000~~ 750,000.

SECTION 31. 938.06 (2) (a) of the statutes is amended to read:

938.06 **(2)** (a) In counties having less than ~~500,000~~ 750,000 population, the county board of supervisors shall authorize the county department or the court, or both, to provide intake services under s. 938.067 and the staff needed to provide dispositional services under s. 938.069. Intake services shall be provided by employees of the court or the county department and may not be subcontracted to other individuals or agencies, except as provided in par. (am). Intake workers shall be governed in their intake work, including their responsibilities for requesting the filing of a petition and entering into a deferred prosecution agreement, by general written policies established by the circuit judges for the county, subject to the approval of the chief judge of the judicial administrative district.

SECTION 32. 938.06 (4) of the statutes is amended to read:

938.06 **(4)** STATE AID. State aid to any county for juvenile delinquency–related court services under this section shall be at the same net effective rate that each county is reimbursed for county administration under s. 48.569, except as provided in s. 301.26. Counties having a population of less than ~~500,000~~ 750,000 may use funds received under ss. 48.569 (1) (d) and 301.26, including county or federal revenue sharing funds allocated to match funds received under s. 48.569 (1) (d), for the cost of providing court attached intake services in amounts not to exceed ~~50%~~ 50 percent of the cost of providing court attached intake services or $30,000 per county per calendar year, whichever is less.

(END)

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2013 – 2014 LEGISLATURE

LN 2/13

LRB–0068/4
GMM:eev:rs

DOA:.....Major, BB0190 – Title IV–E waiver implementation

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

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HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, Title IV–B of the federal Social Security Act permits the secretary of the federal Department of Health and Human Services (federal secretary) to authorize the states to conduct not more than ten demonstration projects to promote the objectives of Titles IV–B and E of that act. The federal secretary may authorize a state to conduct such a demonstration project only if the state identifies one or more goals for the project. Under Title IV–B, those goals may include preventing the reentry of children into foster care.

This bill authorizes DCF to distribute the amount by which such a demonstration project reduces the cost of providing out–of–home care for children in Milwaukee County to other counties for services for children and families to prevent the reentry of children into out–of–home care.

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.** 20.437 (1) (cx) of the statutes is amended to read:

2 20.437 **(1)** (cx) ~~*Milwaukee child*~~ *Child welfare services; aids.* The amounts in
3 the schedule for providing services to children and families under s. 48.48 (17) in a
4 county having a population of 750,000 or more and, to the extent that a
5 demonstration project authorized under 42 USC 1320a–9 reduces the cost of
6 providing out–of–home care for children in that county, for services for children and
7 families under s. 48.563 (4) in other counties.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 2.** 46.21 (1) (d) of the statutes is amended to read:

9 46.21 **(1)** (d) "Human services" means the total range of services to people,
10 including mental illness treatment, developmental disabilities services, physical
11 disabilities services, income maintenance, youth probation, extended supervision
12 and parole services, alcohol and drug abuse services, services to children, youth and
13 families, family counseling, early intervention services for children from birth to the
14 age of 3, and manpower services. "Human services" does not include child welfare
15 services administered by the department of children and families under s. 48.48 (17)
16 ~~administered by the department in a county having a population of 500,000 or more~~.

17 **SECTION 3.** 46.215 (1) (intro.) of the statutes is amended to read:

18 46.215 **(1)** CREATION; POWERS AND DUTIES. (intro.) ~~In~~ Except as provided in ss.
19 49.155 (3g), 49.78 (1r), 49.825, and 49.826, in a county with a population of ~~500,000~~
20 750,000 or more the administration of welfare services, other than child welfare
21 services administered by the department of children and families under s. 48.48 (17)
22 ~~administered by the department and except as provided in ss. 49.155 (3g), 49.78 (1r),~~
23 ~~49.825, and 49.826~~, is vested in a county department of social services under the

jurisdiction of the county board of supervisors under s. 46.21 (2m) (b) 1. a. Any reference in any law to a county department of social services under this section applies to a county department under s. 46.21 (2m) in its administration under s. 46.21 (2m) of the powers and duties of the county department of social services. Except as provided in ss. 49.155 (3g), 49.78 (1r), 49.825, and 49.826, the county department of social services shall have the following functions, duties, and powers, and such other welfare functions as may be delegated to it:

SECTION 4. 48.06 (1) (title) of the statutes is amended to read:

48.06 **(1)** (title) COUNTIES WITH A POPULATION OF ~~500,000~~ 750,000 OR MORE.

SECTION 5. 48.06 (1) (a) 1. of the statutes is amended to read:

48.06 **(1)** (a) 1. In counties with a population of ~~500,000~~ 750,000 or more, the department shall provide the court with the services necessary for investigating and supervising child welfare and unborn child welfare cases under this chapter. The department is charged with providing child welfare and unborn child welfare intake and dispositional services and with administration of the personnel and services of the child welfare and unborn child welfare intake and dispositional sections of the department. The department shall include investigative services for all children and unborn children alleged to be in need of protection or services to be provided by the department.

SECTION 6. 48.06 (2) (title) of the statutes is amended to read:

48.06 **(2)** (title) COUNTIES WITH A POPULATION UNDER ~~500,000~~ 750,000.

SECTION 7. 48.06 (2) (a) of the statutes is amended to read:

48.06 **(2)** (a) In counties having less than ~~500,000~~ 750,000 population, the county board of supervisors shall authorize the county department or court or both to provide intake services required by s. 48.067 and the staff needed to carry out the

objectives and provisions of this chapter under s. 48.069. Intake services shall be provided by employees of the court or county department and may not be subcontracted to other individuals or agencies, except any county which had intake services subcontracted from the county sheriff's department on April 1, 1980, may continue to subcontract intake services from the county sheriff's department. Intake workers shall be governed in their intake work, including their responsibilities for recommending the filing of a petition and entering into an informal disposition, by general written policies which shall be formulated by the circuit judges for the county, subject to the approval of the chief judge of the judicial administrative district.

SECTION 8. 48.06 (3) of the statutes is amended to read:

48.06 **(3)** INTAKE SERVICES. The court, the department in a county having a population of ~~500,000~~ 750,000 or more, or the county department responsible for providing intake services under s. 48.067 shall specify one or more persons to provide intake services. If there is more than one such worker, one of the workers shall be designated as chief worker and shall supervise other workers.

SECTION 9. 48.06 (4) of the statutes is amended to read:

48.06 **(4)** STATE AID. State aid to any county for court services under this section shall be at the same net effective rate that each county is reimbursed for county administration under s. 48.569. Counties having a population of less than ~~500,000~~ 750,000 may use funds received under s. 48.569 (1) (d), including county or federal revenue sharing funds allocated to match funds received under s. 48.569 (1) (d), for the cost of providing court attached intake services in amounts not to exceed ~~50%~~ 50 percent of the cost of providing court attached intake services or $30,000 per county per calendar year, whichever is less.

1 **SECTION 10.** 48.069 (1) (intro.) of the statutes is amended to read:

2 48.069 **(1)** (intro.) The staff of the department, the court, a county department
3 or a licensed child welfare agency designated by the court to carry out the objectives
4 and provisions of this chapter, or, in a county having a population of ~~500,000~~ 750,000
5 or more, the department or an agency under contract with the department to provide
6 dispositional services, shall:

7 **SECTION 11.** 48.069 (2) of the statutes is amended to read:

8 48.069 **(2)** Except in a county having a population of ~~500,000~~ 750,000 or more,
9 licensed child welfare agencies and the department shall provide services under this
10 section only upon the approval of the agency from whom services are requested. In
11 a county having a population of ~~500,000~~ 750,000 or more, the department or, with the
12 approval of the department, a licensed child welfare agency shall provide services
13 under this section.

14 **SECTION 12.** 48.069 (3) of the statutes is amended to read:

15 48.069 **(3)** A court or county department responsible for disposition staff or, in
16 a county having a population of ~~500,000~~ 750,000 or more, the department may agree
17 with the court or county department responsible for providing intake services that
18 the disposition staff may be designated to provide some or all of the intake services.

19 **SECTION 13.** 48.48 (16m) of the statutes is amended to read:

20 48.48 **(16m)** To employ under the unclassified service in an office of the
21 department that is located in a 1st class city a director of the office of urban
22 development who shall be appointed by the secretary to serve at the pleasure of the
23 secretary and who shall coordinate the provision of child welfare services in a county
24 having a population of ~~500,000~~ 750,000 or more with the implementation of the

Wisconsin works program under ss. 49.141 to 49.161 in a county having a population of ~~500,000~~ 750,000 or more.

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48.56 (title) **Child welfare services in counties having populations of less than ~~500,000~~ 750,000.**

SECTION 16. 48.56 (1) of the statutes is amended to read:

48.56 **(1)** Each county having a population of less than ~~500,000~~ 750,000 shall provide child welfare services through its county department.

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48.561 **(1)** The department shall provide child welfare services in a county having a population of ~~500,000~~ 750,000 or more.

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48.561 **(2)** The department shall employ personnel in a county having a population of ~~500,000~~ 750,000 or more who devote all of their time directly or

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SECTION 20. 48.561 (3) (a) (intro.) of the statutes is amended to read:

48.561 **(3)** (a) (intro.) A county having a population of ~~500,000~~ 750,000 or more shall contribute $58,893,500 in each state fiscal year for the provision of child welfare services in that county by the department. That contribution shall be made as follows:

SECTION 21. 48.561 (3) (b) of the statutes is amended to read:

48.561 **(3)** (b) The department of administration shall collect the amount specified in par. (a) 3. from a county having a population of ~~500,000~~ 750,000 or more by deducting all or part of that amount from any state payment due that county under s. 79.035, 79.04, or 79.08. The department of administration shall notify the department of revenue, by September 15 of each year, of the amount to be deducted from the state payments due under s. 79.035, 79.04, or 79.08. The department of administration shall credit all amounts collected under this paragraph to the appropriation account under s. 20.437 (1) (kw) and shall notify the county from which those amounts are collected of that collection. The department may not expend any moneys from the appropriation account under s. 20.437 (1) (cx) for providing services to children and families under s. 48.48 (17) until the amounts in the appropriation account under s. 20.437 (1) (kw) are exhausted.

SECTION 22. 48.563 (1) (a) of the statutes is amended to read:

48.563 **(1)** (a) Within the limits of available federal funds and of the appropriations under s. 20.437 (1) (b), (cx), (km), and (o), the department shall distribute funds for children and family services to county departments as provided in subs. (2), ~~(3),~~ (4), and (7m) and s. 48.986.

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XXXX NOTE This is reconciled w. 48.563 (1)(a). This section has been affected by drafts with the following LRB #s: LRB-0068 and LRB-0070.

1 **SECTION 23.** 48.563 (4) of the statutes is created to read:

2 48.563 **(4)** POSTREUNIFICATION SERVICES. If a demonstration project authorized
3 under 42 USC 1320a–9 reduces the cost of providing out–of–home care for children
4 in a county having a population of 750,000 or more, from the appropriations under
5 s. 20.437 (1) (cx) and (o) the department may distribute the amount by which that
6 cost is reduced by that demonstration project in each fiscal year to county
7 departments for services for children and families to prevent the reentry of children
8 into out–of–home care.

9 **SECTION 24.** 48.569 (1) (am) of the statutes is amended to read:

10 48.569 **(1)** (am) The department shall reimburse each county from the
11 appropriations under s. 20.437 (1) (b), (cx), (km), and (o) for children and family
12 services as approved by the department under ss. 46.22 (1) (b) 2. f. and (e) 3. b.

13 **SECTION 25.** 48.569 (1) (d) of the statutes is amended to read:

14 48.569 **(1)** (d) From the appropriations under s. 20.437 (1) (b), (cx), (km), and
15 (o), the department shall distribute the funding for children and family services,
16 including funding for foster care or subsidized guardianship care of a child on whose
17 behalf aid is received under s. 48.645 to county departments as provided under s.
18 48.563. County matching funds are required for the distribution under s. 48.563 (2).
19 Each county's required match for the distribution under s. 48.563 (2) shall be
20 specified in a schedule established annually by the department. Matching funds
21 may be from county tax levies, federal and state revenue sharing funds, or private
22 donations to the county that meet the requirements specified in sub. (1m). Private
23 donations may not exceed 25 percent of the total county match. If the county match
24 is less than the amount required to generate the full amount of state and federal
25 funds distributed for this period, the decrease in the amount of state and federal

funds equals the difference between the required and the actual amount of county matching funds.

SECTION 26. 48.645 (2) (a) 2. of the statutes is amended to read:

48.645 **(2)** (a) 2. A county or, in a county having a population of ~~500,000~~ 750,000 or more, the department, on behalf of a child in the legal custody of a county department under s. 46.215, 46.22, or 46.23 or the department under s. 48.48 (17) or on behalf of a child who was removed from the home of a relative as a result of a judicial determination that continuance in the home of a relative would be contrary to the child's welfare for any reason when the child is placed in a licensed residential care center for children and youth by the county department or the department. Reimbursement shall be made by the state as provided in subd. 1.

SECTION 27. 48.645 (2) (a) 3. of the statutes is amended to read:

48.645 **(2)** (a) 3. A county or, in a county having a population of ~~500,000~~ 750,000 or more, the department, when the child is placed in a licensed foster home, group home, or residential care center for children and youth or in a subsidized guardianship home by a licensed child welfare agency or by a governing body of an Indian tribe in this state or by its designee, if the child is in the legal custody of the county department under s. 46.215, 46.22, or 46.23 or the department under s. 48.48 (17) or if the child was removed from the home of a relative as a result of a judicial determination that continuance in the home of the relative would be contrary to the child's welfare for any reason and the placement is made under an agreement with the county department or the department.

SECTION 28. 938.06 (1) (title) of the statutes is amended to read:

938.06 **(1)** (title) COUNTIES WITH A POPULATION OF ~~500,000~~ 750,000 OR MORE.

SECTION 29. 938.06 (1) (a) 1. of the statutes is amended to read:

938.06 **(1)** (a) 1. In counties with a population of ~~500,000~~ 750,000 or more, the county board of supervisors shall provide the court with the services necessary for investigating and supervising cases under this chapter by operating a children's court center under the supervision of a director who is appointed as provided in s. 46.21 (1m) (a). Except as otherwise provided in this subsection, the director is the chief administrative officer of the center and of the intake and probation sections and juvenile detention facilities of the center. The director is responsible for managing the personnel of, and administering the services of, the sections and the juvenile detention facilities, and for supervising operation of the physical plant and maintenance and improvement of the buildings and grounds of the center.

SECTION 30. 938.06 (2) (title) of the statutes is amended to read:

938.06 **(2)** (title) COUNTIES WITH A POPULATION UNDER ~~500,000~~ 750,000.

SECTION 31. 938.06 (2) (a) of the statutes is amended to read:

938.06 **(2)** (a) In counties having less than ~~500,000~~ 750,000 population, the county board of supervisors shall authorize the county department or the court, or both, to provide intake services under s. 938.067 and the staff needed to provide dispositional services under s. 938.069. Intake services shall be provided by employees of the court or the county department and may not be subcontracted to other individuals or agencies, except as provided in par. (am). Intake workers shall be governed in their intake work, including their responsibilities for requesting the filing of a petition and entering into a deferred prosecution agreement, by general written policies established by the circuit judges for the county, subject to the approval of the chief judge of the judicial administrative district.

SECTION 32. 938.06 (4) of the statutes is amended to read:

938.06 **(4)** STATE AID. State aid to any county for juvenile delinquency–related court services under this section shall be at the same net effective rate that each county is reimbursed for county administration under s. 48.569, except as provided in s. 301.26. Counties having a population of less than ~~500,000~~ 750,000 may use funds received under ss. 48.569 (1) (d) and 301.26, including county or federal revenue sharing funds allocated to match funds received under s. 48.569 (1) (d), for the cost of providing court attached intake services in amounts not to exceed ~~50%~~ 50 percent of the cost of providing court attached intake services or $30,000 per county per calendar year, whichever is less.

(END)

DNSTE
date

Katie Major:

This draft reconciles LRB-0068/4 and LRB-0070/3.

Both LRB-0068 and LRB-0070 should continue to appear in the compiled bill.

GMM

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0068/5dn
GMM:eev:jf

February 13, 2013

Katie Major:

This draft reconciles LRB-0068/4 and LRB-0070/3. Both LRB-0068 and LRB-0070 should continue to appear in the compiled bill.

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State of Wisconsin
2013 - 2014 LEGISLATURE

LRB-0068/5
GMM:eev:jf

DOA:.....Major, BB0190 – Title IV-E waiver implementation

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, Title IV-B of the federal Social Security Act permits the secretary of the federal Department of Health and Human Services (federal secretary) to authorize the states to conduct not more than ten demonstration projects to promote the objectives of Titles IV-B and E of that act. The federal secretary may authorize a state to conduct such a demonstration project only if the state identifies one or more goals for the project. Under Title IV-B, those goals may include preventing the reentry of children into foster care.

This bill authorizes DCF to distribute the amount by which such a demonstration project reduces the cost of providing out-of-home care for children in Milwaukee County to other counties for services for children and families to prevent the reentry of children into out-of-home care.

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.** 20.437 (1) (cx) of the statutes is amended to read:

2 20.437 **(1)** (cx) ~~*Milwaukee child*~~ *Child welfare services; aids.* The amounts in
3 the schedule for providing services to children and families under s. 48.48 (17) in a
4 county having a population of 750,000 or more and, to the extent that a
5 demonstration project authorized under 42 USC 1320a–9 reduces the cost of
6 providing out–of–home care for children in that county, for services for children and
7 families under s. 48.563 (4) in other counties.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 2.** 46.21 (1) (d) of the statutes is amended to read:

9 46.21 **(1)** (d) "Human services" means the total range of services to people,
10 including mental illness treatment, developmental disabilities services, physical
11 disabilities services, income maintenance, youth probation, extended supervision
12 and parole services, alcohol and drug abuse services, services to children, youth and
13 families, family counseling, early intervention services for children from birth to the
14 age of 3, and manpower services. "Human services" does not include child welfare
15 services administered by the department of children and families under s. 48.48 (17)
16 ~~administered by the department in a county having a population of 500,000 or more~~.

17 **SECTION 3.** 46.215 (1) (intro.) of the statutes is amended to read:

18 46.215 **(1)** CREATION; POWERS AND DUTIES. (intro.) ~~In~~ Except as provided in ss.
19 49.155 (3g), 49.78 (1r), 49.825, and 49.826, in a county with a population of ~~500,000~~
20 750,000 or more the administration of welfare services, other than child welfare
21 services administered by the department of children and families under s. 48.48 (17)
22 ~~administered by the department and except as provided in ss. 49.155 (3g), 49.78 (1r),~~
23 ~~49.825, and 49.826~~, is vested in a county department of social services under the

jurisdiction of the county board of supervisors under s. 46.21 (2m) (b) 1. a. Any reference in any law to a county department of social services under this section applies to a county department under s. 46.21 (2m) in its administration under s. 46.21 (2m) of the powers and duties of the county department of social services. Except as provided in ss. 49.155 (3g), 49.78 (1r), 49.825, and 49.826, the county department of social services shall have the following functions, duties, and powers, and such other welfare functions as may be delegated to it:

SECTION 4. 48.06 (1) (title) of the statutes is amended to read:

48.06 **(1)** (title) COUNTIES WITH A POPULATION OF ~~500,000~~ 750,000 OR MORE.

SECTION 5. 48.06 (1) (a) 1. of the statutes is amended to read:

48.06 **(1)** (a) 1. In counties with a population of ~~500,000~~ 750,000 or more, the department shall provide the court with the services necessary for investigating and supervising child welfare and unborn child welfare cases under this chapter. The department is charged with providing child welfare and unborn child welfare intake and dispositional services and with administration of the personnel and services of the child welfare and unborn child welfare intake and dispositional sections of the department. The department shall include investigative services for all children and unborn children alleged to be in need of protection or services to be provided by the department.

SECTION 6. 48.06 (2) (title) of the statutes is amended to read:

48.06 **(2)** (title) COUNTIES WITH A POPULATION UNDER ~~500,000~~ 750,000.

SECTION 7. 48.06 (2) (a) of the statutes is amended to read:

48.06 **(2)** (a) In counties having less than ~~500,000~~ 750,000 population, the county board of supervisors shall authorize the county department or court or both to provide intake services required by s. 48.067 and the staff needed to carry out the

objectives and provisions of this chapter under s. 48.069. Intake services shall be provided by employees of the court or county department and may not be subcontracted to other individuals or agencies, except any county which had intake services subcontracted from the county sheriff's department on April 1, 1980, may continue to subcontract intake services from the county sheriff's department. Intake workers shall be governed in their intake work, including their responsibilities for recommending the filing of a petition and entering into an informal disposition, by general written policies which shall be formulated by the circuit judges for the county, subject to the approval of the chief judge of the judicial administrative district.

SECTION 8. 48.06 (3) of the statutes is amended to read:

48.06 **(3)** INTAKE SERVICES. The court, the department in a county having a population of ~~500,000~~ 750,000 or more, or the county department responsible for providing intake services under s. 48.067 shall specify one or more persons to provide intake services. If there is more than one such worker, one of the workers shall be designated as chief worker and shall supervise other workers.

SECTION 9. 48.06 (4) of the statutes is amended to read:

48.06 **(4)** STATE AID. State aid to any county for court services under this section shall be at the same net effective rate that each county is reimbursed for county administration under s. 48.569. Counties having a population of less than ~~500,000~~ 750,000 may use funds received under s. 48.569 (1) (d), including county or federal revenue sharing funds allocated to match funds received under s. 48.569 (1) (d), for the cost of providing court attached intake services in amounts not to exceed ~~50%~~ 50 percent of the cost of providing court attached intake services or $30,000 per county per calendar year, whichever is less.

1 **SECTION 10.** 48.069 (1) (intro.) of the statutes is amended to read:

2 48.069 **(1)** (intro.) The staff of the department, the court, a county department
3 or a licensed child welfare agency designated by the court to carry out the objectives
4 and provisions of this chapter, or, in a county having a population of ~~500,000~~ 750,000
5 or more, the department or an agency under contract with the department to provide
6 dispositional services, shall:

7 **SECTION 11.** 48.069 (2) of the statutes is amended to read:

8 48.069 **(2)** Except in a county having a population of ~~500,000~~ 750,000 or more,
9 licensed child welfare agencies and the department shall provide services under this
10 section only upon the approval of the agency from whom services are requested. In
11 a county having a population of ~~500,000~~ 750,000 or more, the department or, with the
12 approval of the department, a licensed child welfare agency shall provide services
13 under this section.

14 **SECTION 12.** 48.069 (3) of the statutes is amended to read:

15 48.069 **(3)** A court or county department responsible for disposition staff or, in
16 a county having a population of ~~500,000~~ 750,000 or more, the department may agree
17 with the court or county department responsible for providing intake services that
18 the disposition staff may be designated to provide some or all of the intake services.

19 **SECTION 13.** 48.48 (16m) of the statutes is amended to read:

20 48.48 **(16m)** To employ under the unclassified service in an office of the
21 department that is located in a 1st class city a director of the office of urban
22 development who shall be appointed by the secretary to serve at the pleasure of the
23 secretary and who shall coordinate the provision of child welfare services in a county
24 having a population of ~~500,000~~ 750,000 or more with the implementation of the

1 Wisconsin works program under ss. 49.141 to 49.161 in a county having a population
2 of ~~500,000~~ 750,000 or more.

3 **SECTION 14.** 48.48 (17) (a) (intro.) of the statutes is amended to read:

4 48.48 **(17)** (a) (intro.) In a county having a population of ~~500,000~~ 750,000 or
5 more, to administer child welfare services and to expend such amounts as may be
6 necessary out of any moneys which may be appropriated for child welfare services
7 by the legislature, which may be donated by individuals or private organizations or
8 which may be otherwise provided. The department shall also have authority to do
9 all of the following:

10 **SECTION 15.** 48.56 (title) of the statutes is amended to read:

11 **48.56** (title) **Child welfare services in counties having populations of**
12 **less than ~~500,000~~ 750,000.**

13 **SECTION 16.** 48.56 (1) of the statutes is amended to read:

14 48.56 **(1)** Each county having a population of less than ~~500,000~~ 750,000 shall
15 provide child welfare services through its county department.

16 **SECTION 17.** 48.561 (title) of the statutes is amended to read:

17 **48.561** (title) **Child welfare services in a county having a population of**
18 **~~500,000~~ 750,000 or more.**

19 **SECTION 18.** 48.561 (1) of the statutes is amended to read:

20 48.561 **(1)** The department shall provide child welfare services in a county
21 having a population of ~~500,000~~ 750,000 or more.

22 **SECTION 19.** 48.561 (2) of the statutes is amended to read:

23 48.561 **(2)** The department shall employ personnel in a county having a
24 population of ~~500,000~~ 750,000 or more who devote all of their time directly or

indirectly to child welfare services. Whenever possible, these personnel shall be social workers certified under ch. 457.

SECTION 20. 48.561 (3) (a) (intro.) of the statutes is amended to read:

48.561 **(3)** (a) (intro.) A county having a population of ~~500,000~~ 750,000 or more shall contribute $58,893,500 in each state fiscal year for the provision of child welfare services in that county by the department. That contribution shall be made as follows:

SECTION 21. 48.561 (3) (b) of the statutes is amended to read:

48.561 **(3)** (b) The department of administration shall collect the amount specified in par. (a) 3. from a county having a population of ~~500,000~~ 750,000 or more by deducting all or part of that amount from any state payment due that county under s. 79.035, 79.04, or 79.08. The department of administration shall notify the department of revenue, by September 15 of each year, of the amount to be deducted from the state payments due under s. 79.035, 79.04, or 79.08. The department of administration shall credit all amounts collected under this paragraph to the appropriation account under s. 20.437 (1) (kw) and shall notify the county from which those amounts are collected of that collection. The department may not expend any moneys from the appropriation account under s. 20.437 (1) (cx) for providing services to children and families under s. 48.48 (17) until the amounts in the appropriation account under s. 20.437 (1) (kw) are exhausted.

SECTION 22. 48.563 (1) (a) of the statutes is amended to read:

48.563 **(1)** (a) Within the limits of available federal funds and of the appropriations under s. 20.437 (1) (b), (cx), (km), and (o), the department shall distribute funds for children and family services to county departments as provided in subs. (2), ~~(3),~~ (4), and (7m) and s. 48.986.

****NOTE: This is reconciled s. 48.563 (1) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB–0068 and LRB–0070.

1 **SECTION 23.** 48.563 (4) of the statutes is created to read:

2 48.563 **(4)** POSTREUNIFICATION SERVICES. If a demonstration project authorized
3 under 42 USC 1320a–9 reduces the cost of providing out–of–home care for children
4 in a county having a population of 750,000 or more, from the appropriations under
5 s. 20.437 (1) (cx) and (o) the department may distribute the amount by which that
6 cost is reduced by that demonstration project in each fiscal year to county
7 departments for services for children and families to prevent the reentry of children
8 into out–of–home care.

9 **SECTION 24.** 48.569 (1) (am) of the statutes is amended to read:

10 48.569 **(1)** (am) The department shall reimburse each county from the
11 appropriations under s. 20.437 (1) (b), (cx), (km), and (o) for children and family
12 services as approved by the department under ss. 46.22 (1) (b) 2. f. and (e) 3. b.

13 **SECTION 25.** 48.569 (1) (d) of the statutes is amended to read:

14 48.569 **(1)** (d) From the appropriations under s. 20.437 (1) (b), (cx), (km), and
15 (o), the department shall distribute the funding for children and family services,
16 including funding for foster care or subsidized guardianship care of a child on whose
17 behalf aid is received under s. 48.645 to county departments as provided under s.
18 48.563. County matching funds are required for the distribution under s. 48.563 (2).
19 Each county's required match for the distribution under s. 48.563 (2) shall be
20 specified in a schedule established annually by the department. Matching funds
21 may be from county tax levies, federal and state revenue sharing funds, or private
22 donations to the county that meet the requirements specified in sub. (1m). Private
23 donations may not exceed 25 percent of the total county match. If the county match

is less than the amount required to generate the full amount of state and federal funds distributed for this period, the decrease in the amount of state and federal funds equals the difference between the required and the actual amount of county matching funds.

SECTION 26. 48.645 (2) (a) 2. of the statutes is amended to read:

48.645 **(2)** (a) 2. A county or, in a county having a population of ~~500,000~~ 750,000 or more, the department, on behalf of a child in the legal custody of a county department under s. 46.215, 46.22, or 46.23 or the department under s. 48.48 (17) or on behalf of a child who was removed from the home of a relative as a result of a judicial determination that continuance in the home of a relative would be contrary to the child's welfare for any reason when the child is placed in a licensed residential care center for children and youth by the county department or the department. Reimbursement shall be made by the state as provided in subd. 1.

SECTION 27. 48.645 (2) (a) 3. of the statutes is amended to read:

48.645 **(2)** (a) 3. A county or, in a county having a population of ~~500,000~~ 750,000 or more, the department, when the child is placed in a licensed foster home, group home, or residential care center for children and youth or in a subsidized guardianship home by a licensed child welfare agency or by a governing body of an Indian tribe in this state or by its designee, if the child is in the legal custody of the county department under s. 46.215, 46.22, or 46.23 or the department under s. 48.48 (17) or if the child was removed from the home of a relative as a result of a judicial determination that continuance in the home of the relative would be contrary to the child's welfare for any reason and the placement is made under an agreement with the county department or the department.

SECTION 28. 938.06 (1) (title) of the statutes is amended to read:

938.06 **(1)** (title) COUNTIES WITH A POPULATION OF ~~500,000~~ 750,000 OR MORE.

SECTION 29. 938.06 (1) (a) 1. of the statutes is amended to read:

938.06 **(1)** (a) 1. In counties with a population of ~~500,000~~ 750,000 or more, the county board of supervisors shall provide the court with the services necessary for investigating and supervising cases under this chapter by operating a children's court center under the supervision of a director who is appointed as provided in s. 46.21 (1m) (a). Except as otherwise provided in this subsection, the director is the chief administrative officer of the center and of the intake and probation sections and juvenile detention facilities of the center. The director is responsible for managing the personnel of, and administering the services of, the sections and the juvenile detention facilities, and for supervising operation of the physical plant and maintenance and improvement of the buildings and grounds of the center.

SECTION 30. 938.06 (2) (title) of the statutes is amended to read:

938.06 **(2)** (title) COUNTIES WITH A POPULATION UNDER ~~500,000~~ 750,000.

SECTION 31. 938.06 (2) (a) of the statutes is amended to read:

938.06 **(2)** (a) In counties having less than ~~500,000~~ 750,000 population, the county board of supervisors shall authorize the county department or the court, or both, to provide intake services under s. 938.067 and the staff needed to provide dispositional services under s. 938.069. Intake services shall be provided by employees of the court or the county department and may not be subcontracted to other individuals or agencies, except as provided in par. (am). Intake workers shall be governed in their intake work, including their responsibilities for requesting the filing of a petition and entering into a deferred prosecution agreement, by general written policies established by the circuit judges for the county, subject to the approval of the chief judge of the judicial administrative district.

1 **SECTION 32.** 938.06 (4) of the statutes is amended to read:

2 938.06 **(4)** STATE AID. State aid to any county for juvenile delinquency–related
3 court services under this section shall be at the same net effective rate that each
4 county is reimbursed for county administration under s. 48.569, except as provided
5 in s. 301.26. Counties having a population of less than ~~500,000~~ 750,000 may use
6 funds received under ss. 48.569 (1) (d) and 301.26, including county or federal
7 revenue sharing funds allocated to match funds received under s. 48.569 (1) (d), for
8 the cost of providing court attached intake services in amounts not to exceed ~~50%~~ 50
9 percent of the cost of providing court attached intake services or $30,000 per county
10 per calendar year, whichever is less.

11 **(END)**