

2013 DRAFTING REQUEST

Bill

Received: **10/8/2012** Received By: **gmalaise**
Wanted: **As time permits** Same as LRB:
For: **Administration-Budget 6-2213** By/Representing: **Prager**
May Contact: Drafter: **gmalaise**
Subject: **Children - juvenile justice** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email:
Carbon copy (CC) to:

Pre Topic:

DOA:.....Prager, BB0113 -

Topic:

Juvenile residential aftercare appropriation

Instructions:

See attached

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>
/?	gmalaise 10/8/2012	scalvin 10/9/2012		_____			
/1	gmalaise 11/16/2012		jfrantze 10/9/2012	_____	rosee 10/9/2012		
/2		scalvin 11/27/2012	rschluet 11/27/2012	_____	sbasford 11/27/2012		

FE Sent For:

<END>

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/?	gmalaise 10/8/2012	scalvin 10/9/2012		_____			
/1			10/9/2012	_____	rose 10/9/2012		

FE Sent For:

12 sac
11/27/12

12 sac
11/27/12

2 X
48

<END>

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/?	gmalaise 10/8/2012	scalvin /1 10/9/12	SAC /1 10/9/12	 10/9			

FE Sent For:

<END>

Malaise, Gordon

From: Hanaman, Cathlene
Sent: Monday, October 08, 2012 8:52 AM
To: Malaise, Gordon
Subject: FW: Statutory Language Drafting Request

From: jason.prager@wisconsin.gov [<mailto:jason.prager@wisconsin.gov>]
Sent: Thursday, October 04, 2012 10:06 AM
To: Hanaman, Cathlene
Cc: Wavrunek, Leah J - DOA; Prager, Jason B - DOA; Thornton, Scott - DOA
Subject: Statutory Language Drafting Request

Biennial Budget: 2013-15

DOA Tracking Code: BB0113

Topic: Juvenile Residential Aftercare Appropriation

SBO Team: AEJ

SBO Analyst: Prager, Jason - DOA
Phone: (608) 266-2213
E-mail: jason.prager@wisconsin.gov

Agency Acronym: DOC

Agency Number: 410

Priority: Medium

Intent:

Modify s. 20.410(3)(ho) to allow the Department of Corrections to service all alternate care placements through the juvenile residential aftercare appropriation. This appropriation would no longer be limited to paying only for foster care, group home care, and institutional child care. The department seeks to replace "foster care, group home care, and institutional child care" with "alternate care services."

Attachments: False

Please send completed drafts to statlanguage@wisapps.wi.gov

Topic: Juvenile Residential Aftercare Appropriation Change

Current Language

§20.410 (3) (ho) *Juvenile residential aftercare* permits the Department to credit this appropriation for all moneys received for delinquent juveniles placed in foster care, group home care, and institutional child care.

Proposed Change

The Department would like to be able to directly pay all alternate care invoices out of the Juvenile Residential Aftercare appropriation, including independent living placements. Current language only permits foster care, group home care, and institutional child care placements to be paid by this appropriation.

§20.410 (3) (ho) *Juvenile residential aftercare*. The amounts in the schedule for providing ~~foster care, group home care, and institutional child care~~ alternate care services to delinquent juveniles

Effect of the Change

This change allows the Department to service all alternate care placements through the juvenile residential aftercare appropriation. This appropriation would no longer be limited to paying only for foster care, group home care, and institutional child care.

Rationale for the Change

Currently the Department must separately pay for independent living billings out of the Serious Juvenile Offender appropriation, which leads to less efficiency and a greater likelihood of errors. This change allows the Department to limit the number of appropriations juvenile alternate care placements are serviced through, resulting in more efficient administering of billings.



BB0113
(request sheet has been fixed)
IN 10/8

pe
sac

DOA:.....Prager - Juvenile residential aftercare appropriation

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT *do not gen*; relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM ✓

JUVENILE CORRECTIONAL SYSTEM ✓

Under current law, a sum certain is appropriated to DOC in each fiscal year for providing foster care, group home care, and institutional child care for delinquent juveniles. This bill eliminates the authority of DOC to expend moneys from that appropriation for foster care, group home care, and institutional child care for delinquent juveniles and instead permits moneys from that appropriation to be expended for alternate care services for delinquent juveniles.

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

2 SECTION 1. 20.410 (3) (ho) of the statutes is amended to read:

3 20.410 (3) (ho) *Juvenile residential aftercare* alternate care services. The
4 amounts in the schedule for providing ~~foster care, group home care, and institutional~~
5 ~~child care~~ to alternate care services for delinquent juveniles under ss. 49.19 (10) (d),

1 49.45 (25) (bj), 301.26 (4) (c), 938.48 (4) and (14), and 938.52. All moneys transferred
 2 under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care,
 3 ~~group home care, and institutional child care~~ to alternate care services for delinquent
 4 juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s.
 5 301.26 (4) (d), (e), and (ed) shall be credited to this appropriation account. If moneys
 6 generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year ~~foster care,~~
 7 ~~group home care, and institutional child care~~ alternate care costs, that excess shall
 8 be transferred to the appropriation account under par. (hm) as provided in s. 301.26
 9 (4) (ct), except that, if those moneys generated exceed those costs by more than 2%
 10 2 percent, all moneys in excess of 2% that 2 percent shall be remitted to the counties
 11 during the subsequent calendar year or transferred to the appropriation account
 12 under par. (kx) during the subsequent fiscal year. Each county and the department
 13 shall receive a proportionate share of the remittance and transfer depending on the
 14 total number of days of placement in ~~foster care, group home care, or institutional~~
 15 ~~child~~ alternate care. Counties shall use the funds for purposes specified in s. 301.26.
 16 The department shall deposit in the general fund the amounts transferred under this
 17 paragraph to the appropriation account under par. (kx).

History: 1989 a. 31 ss. 340, 361 to 380, 382 to 392; 1989 a. 107, 122, 359; 1991 a. 39; 1993 a. 16, 98, 377, 437, 490; 1995 a. 27, 77, 416, 440; 1997 a. 4, 27, 35, 237, 252, 275, 283, 284; 1999 a. 9, 89; 2001 a. 16; 2003 a. 33; 2005 a. 25 ss. 287 to 295m, 414t, 415wr; 2005 a. 234 s. 4; 2005 a. 344, 433; 2007 a. 20, 97; 2009 a. 28, 71, 100, 182, 233; 2011 a. 32, 38, 266.

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



18 SECTION 2. 301.26 (4) (e) of the statutes is amended to read:

19 301.26 (4) (e) For ~~foster care, group home care, and institutional child care~~ to
 20 alternate care services for delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4)
 21 and (14), and 938.52 all payments and deductions made under this subsection and

1 uniform fee collections under s. 301.03 (18) shall be credited to the appropriation
2 account under s. 20.410 (3) (ho).

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 382, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20
ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97; 2009 a. 28; 2011 a. 32.

3 **SECTION 3.** 301.26 (4) (ed) of the statutes is amended to read:

4 301.26 (4) (ed) For ~~foster care, group home care, and institutional child care to~~
5 alternate care services for serious juvenile offenders under ss. 49.19 (10) (d), 938.48
6 (4) and (14), and 938.52 all uniform fee collections under s. 301.03 (18) shall be
7 credited to the appropriation account under s. 20.410 (3) (ho).

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20
ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97; 2009 a. 28; 2011 a. 32.

8 (END)

11/16/12

Jason Prager

Also AM s. 938.42(14) to specifically authorize
add expenditures for placements in independent living situations



IN 1116



(2) RMR
[Signature]

DOA:.....Prager, BB0113 - Juvenile residential aftercare appropriation

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION

g, which include not only foster care, group home care, and institutional child care but also placement in an independent living situation under the supervision of an appropriate person or agency

1 AN ACT ^{do not gen} relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

Under current law, a sum certain is appropriated to DOC in each fiscal year for providing foster care, group home care, and institutional child care for delinquent juveniles. This bill eliminates the authority of DOC to expend moneys from that appropriation for foster care, group home care, and institutional child care for delinquent juveniles and instead permits moneys from that appropriation to be expended for alternate care services for delinquent juveniles.

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1 49.45 (25) (bj), 301.26 (4) (c), 938.48 (4) and (14), and 938.52. All moneys transferred
2 under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care,
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4 juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s.
5 301.26 (4) (d), (e), and (ed) shall be credited to this appropriation account. If moneys
6 generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year foster care,
7 ~~group home care, and institutional child care~~ alternate care costs, that excess shall
8 be transferred to the appropriation account under par. (hm) as provided in s. 301.26
9 (4) (ct), except that, if those moneys generated exceed those costs by more than ~~2%~~
10 2 percent, all moneys in excess of ~~2%~~ that 2 percent shall be remitted to the counties
11 during the subsequent calendar year or transferred to the appropriation account
12 under par. (kx) during the subsequent fiscal year. Each county and the department
13 shall receive a proportionate share of the remittance and transfer depending on the
14 total number of days of placement in ~~foster care, group home care, or institutional~~
15 ~~child~~ alternate care. Counties shall use the funds for purposes specified in s. 301.26.
16 The department shall deposit in the general fund the amounts transferred under this
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****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

18 **SECTION 2.** 301.26 (4) (e) of the statutes is amended to read:

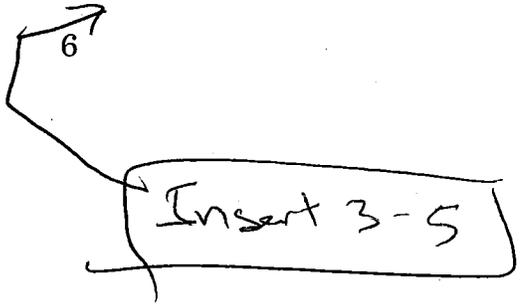
19 301.26 (4) (e) For ~~foster care, group home care, and institutional child care~~ to
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5 credited to the appropriation account under s. 20.410 (3) (ho).

(END)

6



Insert 3-5

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0238/2ins
GMM.....

(INSERT 3-5)

1 **SECTION 1.** 938.48 (4) of the statutes is amended to read:

2 938.48 (4) CARE, TRAINING, AND PLACEMENT. Provide appropriate care and
3 training for juveniles under its supervision under s. 938.183, 938.34 (4h), (4m), or
4 (4n), or 938.357 (4), including serving those juveniles in their own homes, placing
5 them in licensed foster homes or licensed group homes under s. 48.63 or in
6 independent living situations as provided in s. 938.34 (3) (e), contracting for their
7 care by licensed child welfare agencies, or replacing them in juvenile correctional
8 facilities or secured residential care centers for children and youth in accordance
9 with rules promulgated under ch. 227, except that the department may not purchase
10 the educational component of private day treatment programs for a juvenile in its
11 custody unless the department, the school board, as defined in s. 115.001 (7), and the
12 state superintendent of public instruction all determine that an appropriate public
13 education program is not available for the juvenile. Disputes between the
14 department and the school district shall be resolved by the state superintendent of
15 public instruction.

History: 1995 a. 77; 1997 a. 27; 2001 a. 38; 2005 a. 344; 2009 a. 28, 233; 2011 a. 258.

(END OF INSERT)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0238/2
GMM:sac:rs

DOA:.....Prager, BB0113 – Juvenile residential aftercare appropriation

FOR 2013-2015 BUDGET – NOT READY FOR INTRODUCTION

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

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21

(END)