

Fiscal Estimate Narratives

DCF 9/8/2015

LRB Number	15-1939/1	Introduction Number	SB-202	Estimate Type	Original
Description Appeals of denials of kinship care payments based on arrest or conviction record					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person may be denied kinship care payments based on an arrest or conviction that could adversely affect the child or the kinship care relative's ability to care for the child. A person who is denied kinship care payments based on arrest or conviction record may request a review of that decision by the director of the county department or, in Milwaukee County, by a person designated by the Secretary of the Department of Children and Families (DCF). The decision of the county director or Secretary's designee is final and is not subject to further administrative review.

The bill would allow a person who receives an adverse decision from the county director or Secretary's designee to deny kinship care payments based on arrest or conviction record to petition DCF for a hearing on that decision. The bill requires DCF to give the petitioner an opportunity for a fair hearing. The bill also subjects the fair hearing decision to judicial review or to revocation or modification as altered conditions may require.

Information from the Bureau of Milwaukee Child Welfare (BMCW) in DCF shows that approximately 60 kinship care applications are denied annually due to the arrest or conviction record. Of these, about half appeal this decision (30 cases). Assuming this is half of the statewide denials that would be appealed, 60 new cases per year would have the opportunity for a fair hearing, subject to judicial review, that currently do not have that opportunity.

The Division of Hearings and Appeals (DHA) in the Department of Administration provided information regarding the cost of hearing 60 new cases. DHA indicates that 0.2 FTE administrative law judge and 0.2 FTE program assistant would handle a caseload of 60. DHA would bill these costs to DCF.

Using an hourly attorney salary of \$24.15 for the administrative law judge, an hourly salary of \$13.70 for the program assistant, a fringe rate of 38.24%, and the average supplies and services of \$11,500 per FTE, total costs for DCF would be approximately \$26,400. DCF anticipates that these costs can be absorbed.

Long-Range Fiscal Implications