



**SENATE SUBSTITUTE AMENDMENT 1,
TO 1995 SENATE BILL 615**

March 26, 1996 – Offered by JOINT COMMITTEE ON FINANCE.

1 **AN ACT to amend** 46.40 (2); and **to create** 15.197 (24), 20.435 (3) (cw), 20.435 (3)
2 (mw), 46.023, 46.40 (1) (c), 49.45 (44) and 49.46 (2) (b) 12m. of the statutes;
3 **relating to:** transferring the duty and authority to provide child welfare
4 services in Milwaukee County from the Milwaukee County department of
5 social services to the department of health and family services and making
6 appropriations.

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

7 **SECTION 1.** 15.197 (24) of the statutes is created to read:
8 15.197 (24) MILWAUKEE CHILD WELFARE PARTNERSHIP COUNCIL. (a) There is
9 created a Milwaukee child welfare partnership council, attached to the department
10 of health and social services under s. 15.03. The council shall consist of the following
11 members:
12 1. Three members of the Milwaukee County board nominated by the
13 Milwaukee County executive.

SECTION 1

1 2. One representative to the assembly appointed by the speaker of the
2 assembly.

3 3. One representative to the assembly appointed by the minority leader of the
4 assembly.

5 4. One senator appointed by the president of the senate.

6 5. One senator appointed by the minority leader of the senate.

7 6. Ten members who are residents of this state, not less than 6 of whom shall
8 be residents of Milwaukee County.

9 7. Two members nominated by the community advisory committees
10 established under s. 46.023 (2).

11 (b) Notwithstanding s. 15.09 (2), the governor shall designate one of the
12 members appointed under par. (a) 6. as chairperson of the council.

13 (c) The members of the council appointed under par. (a) 1., 6. and 7. shall be
14 appointed for 3-year terms.

15 **SECTION 2.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
16 the following amounts for the purposes indicated:

	1995-96	1996-97
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18 **20.435 Health and family services, department**

19 **of**

20 (3) YOUTH SERVICES

21 (cw) Child welfare services in Mil-

waukeee County	GPR	A	-0-	1,067,100
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23 **SECTION 3.** 20.435 (3) (cw) of the statutes is created to read:

1 20.435 (3) (cw) *Child welfare services in Milwaukee County*. The amounts in
2 the schedule for activities under 1995 Wisconsin Act ... (this act), section 9127 (1),
3 (5), (6) and (7) relating to the assumption by the department of the duty and
4 authority to provide child welfare services in Milwaukee County.

5 **SECTION 4.** 20.435 (3) (mw) of the statutes is created to read:

6 20.435 (3) (mw) *Federal aid; child welfare services in Milwaukee County*. All
7 federal moneys received for activities under 1995 Wisconsin Act ... (this act), section
8 9127 (1), relating to the assumption by the department of the duty and authority to
9 provide child welfare services in Milwaukee County, to carry out the purposes for
10 which received.

11 **SECTION 5.** 46.023 of the statutes is created to read:

12 **46.023 Milwaukee child welfare partnership council and advisory**
13 **committees. (1) MILWAUKEE CHILD WELFARE PARTNERSHIP COUNCIL; DUTIES.** The
14 Milwaukee child welfare partnership council shall do all of the following:

15 (a) Formulate suggested policies and plans for the improvement of the child
16 welfare system in Milwaukee County and make recommendations with respect to
17 those policies and plans to the department and the legislature.

18 (b) Formulate suggested measures for evaluating the effectiveness of the child
19 welfare system in Milwaukee County, including outcome measures, and make
20 recommendations with respect to those measures to the department and the
21 legislature.

22 (c) Formulate suggested funding priorities for the child welfare system in
23 Milwaukee County and make recommendations with respect to those funding
24 priorities to the department and the legislature.

1 (d) Identify innovative public and private funding opportunities for the child
2 welfare system in Milwaukee County and make recommendations with respect to
3 those funding opportunities to the department and the legislature.

4 (e) Advise the department in planning, and providing technical assistance and
5 capacity building to support, a neighborhood-based system for the delivery of child
6 welfare services in Milwaukee County.

7 **(2) MILWAUKEE CHILD WELFARE COMMUNITY ADVISORY COMMITTEES.** The
8 department shall establish community advisory committees for each of the 5
9 neighborhood-based child welfare service delivery sites planned for Milwaukee
10 County under 1993 Wisconsin Act ... (this act), section 9127 (1) (b). Each committee
11 shall provide a forum for communication for those persons who are interested in the
12 delivery of child welfare services in the neighborhood to be served by the service
13 delivery site. Any committee established under this subsection shall continue in
14 existence after the establishment of the service delivery site to make
15 recommendations to the department with respect to the delivery of child welfare
16 services in the neighborhood served by the delivery site.

17 **SECTION 6.** 46.40 (1) (c) of the statutes is created to read:

18 46.40 (1) (c) The Milwaukee County department of social services shall report
19 to the department in a manner specified by the department on all children under the
20 supervision of the Milwaukee County department of social services who are placed
21 in foster homes and whose foster parents receive funding for child care from the
22 amounts distributed under par. (a) so that the department may claim federal foster
23 care and adoption assistance reimbursement under 42 USC 670 to 679a for the
24 amounts expended by the Milwaukee County department of social services for the
25 provision of child care for those children. Notwithstanding s. 46.49, if the

1 department receives any federal moneys under 42 USC 67 to 679a in reimbursement
2 of the amounts expended by the Milwaukee County department of social services for
3 the provision of child care for children in foster care, the department shall distribute
4 those federal moneys to the Milwaukee County department of social services for the
5 provision of child care for children in foster care.

6 **SECTION 7.** 46.40 (2) of the statutes, as affected by 1995 Wisconsin Act 27,
7 section 2281s, is amended to read:

8 46.40 (2) BASIC COUNTY ALLOCATION. For social services under s. 46.495 (1) (d)
9 and services under s. 51.423 (2), the department shall distribute not more than
10 \$292,368,400 for fiscal year 1995-96 and ~~\$292,109,500~~ \$291,349,200 for fiscal year
11 1996-97.

12 **SECTION 8.** 49.45 (44) of the statutes is created to read:

13 49.45 (44) PRENATAL, POSTPARTUM AND YOUNG CHILD CARE COORDINATION.
14 Providers in Milwaukee County that are certified to provide care coordination
15 services under s. 49.46 (2) (b) 12. may be certified to provide to medical assistance
16 recipients prenatal and postpartum care coordination services and care coordination
17 services for children who have not attained the age of 7. The department shall
18 provide reimbursement for these care coordination services only if at least one of the
19 following conditions is met:

20 (a) The recipient is a resident of Milwaukee County and has received services
21 under s. 49.46 (2) (b) 12. and is pregnant or has given birth within 8 weeks after the
22 individual ceased to receive services under s. 49.46 (2) (b) 12.

23 (b) The recipient is a resident of Milwaukee County, is pregnant and has
24 received a risk assessment approved by the department.

1 (c) The recipient is a resident of Milwaukee County, has given birth within the
2 8 weeks immediately preceding the request for services under s. 49.46 (2) (b) 12m.
3 and has received a risk assessment approved by the department.

4 **SECTION 9.** 49.46 (2) (b) 12m. of the statutes is created to read:

5 49.46 (2) (b) 12m. Prenatal, postpartum and young child care coordination
6 services under s. 49.45 (44).

7 **SECTION 9127. Nonstatutory provisions; health and social services.**

8 (1) TRANSFER OF CHILD WELFARE SERVICES IN MILWAUKEE COUNTY.

9 (a) *Proposed legislation.* By September 15, 1996, the secretary of health and
10 family services shall submit a report to the secretary of administration containing
11 a single piece of proposed legislation to transfer the duty and authority to provide
12 child welfare services in Milwaukee County from the Milwaukee County department
13 of social services to the department of health and family services by no later than
14 January 1, 1998. The proposed legislation shall include all of the following:

15 1. Proposed legislation to provide funding for the department of health and
16 family services to provide those child welfare services in an amount that is not less
17 than the amount expended by the Milwaukee County department of social services
18 from state and federal revenues, the county tax levy and any other source of revenue
19 in 1995 for child welfare services, as determined by the department of health and
20 family services.

21 2. Proposed legislation to reduce the amount of funding provided to the
22 Milwaukee County department of social services to reflect the transfer of that duty
23 and authority to the department of health and family services.

24 3. Proposed legislation to amend all specific statutory provisions that
25 currently authorize or require the Milwaukee County department of social services

1 to provide child welfare services so as to transfer that authority and duty to the
2 department of health and family services by no later than January 1, 1998. Specific
3 child welfare services that the proposed legislation shall transfer include such
4 services as receiving and investigating child abuse or neglect reports, referring
5 children and providing court reports and permanency plans to the court assigned to
6 exercise jurisdiction under chapters 48 and 938 of the statutes for proceedings under
7 chapter 48 of the statutes, providing appropriate protection or services for children
8 and their families, licensing foster homes and treatment foster homes and placing
9 children for adoption.

10 (b) *System planning and development activities.* In preparation for assuming
11 the duty and authority to provide child welfare services in Milwaukee County by no
12 later than January 1, 1998, the department of health and social services and,
13 beginning on July 1, 1996, the department of health and family services shall plan
14 and develop a system for providing those services and undertake, or contract for the
15 undertaking of, any other activities that may be necessary to prepare for assuming
16 that duty and authority. The system developed under this paragraph shall be a
17 neighborhood-based system consisting of 5 service delivery sites in Milwaukee
18 County, each of which shall have a community advisory committee appointed under
19 section 46.023 (2) of the statutes, as created by this act. The department of health
20 and social services shall include a plan for developing that system and for
21 undertaking, or contracting for the undertaking of, those activities in the
22 implementation plan provided in the proposal that the department is required to
23 submit to the governor and the legislature under 1995 Wisconsin Act 27, section 9126
24 (27g).

1 (c) *Requests for proposals or bids.* In preparation for assuming the duty and
2 authority to provide child welfare services in Milwaukee County by no later than
3 January 1, 1998, the department of health and social services and, beginning on July
4 1, 1996, the department of health and family services may request proposals or bids
5 and enter into contracts as necessary for assuming that duty and authority.

6 (d) *Position authorization.* The authorized FTE positions for the department
7 of health and family services are increased by 28.0 GPR positions on July 1, 1996,
8 to be funded from the appropriation under section 20.435 (3) (cw) of the statutes, as
9 created by this act, and by 12.0 FED positions on July 1, 1996, to be funded from the
10 appropriation under section 20.435 (3) (mw) of the statutes, as created by this act,
11 for the purpose of conducting activities under paragraphs (a), (b) and (c) relating to
12 the assumption by that department of the duty and authority to provide child welfare
13 services in Milwaukee County by no later than January 1, 1998.

14 (e) *Milwaukee child welfare partnership council; initial terms.*

15 1. Notwithstanding the length of terms specified for the members of the
16 Milwaukee child welfare partnership council appointed under section 15.197 (24) (a)
17 1. of the statutes, as created by this act, one initial member appointed under that
18 subdivision shall be appointed for a term expiring on July 1, 1997, one initial member
19 appointed under that subdivision shall be appointed for a term expiring on July 1,
20 1998, and one initial member appointed under that subdivision shall be appointed
21 for a term expiring on July 1, 1999.

22 2. Notwithstanding the length of terms specified for the members of the
23 Milwaukee child welfare partnership council appointed under section 15.197 (24) (a)
24 6. of the statutes, as created by this act, 3 initial members appointed under that
25 subdivision shall be appointed for terms expiring on July 1, 1997, 3 initial members

1 appointed under that subdivision shall be appointed for terms expiring on July 1,
2 1998, and 4 initial members appointed under that subdivision shall be appointed for
3 terms expiring on July 1, 1999.

4 3. Notwithstanding the length of terms specified for the members of the
5 Milwaukee child welfare partnership council appointed under section 15.197 (24) (a)
6 7. of the statutes, as created by this act, one initial member appointed under that
7 subdivision shall be appointed for a term expiring on July 1, 1998, and one initial
8 member appointed under that subdivision shall be appointed for a term expiring on
9 July 1, 1999.

10 (2) CARE COORDINATION SERVICES. The department of health and family services
11 shall allocate \$1,708,300 in fiscal year 1996-97 from the appropriation under section
12 20.435 (1) (o) of the statutes for the cost of care coordination services provided under
13 section 49.45 (44) of the statutes, as created by this act.

14 (3) FEDERAL AID; CHILD WELFARE SERVICES IN MILWAUKEE COUNTY. Of the federal
15 moneys received under 42 USC 670 to 679a, the department of health and family
16 services, with the approval of the governor, shall credit to the appropriation account
17 under section 20.435 (3) (mw) of the statutes, as created by this act, \$5,811,100 in
18 fiscal year 1996-97.

19 (4) MILWAUKEE COUNTY COMMUNITY AIDS REDUCTION. The department of health
20 and family services shall reduce the amount distributed to Milwaukee County for
21 child welfare services under section 46.40 (2) of the statutes by \$563,700 in fiscal year
22 1996-97.

23 (5) ADOPTION RESOURCE POOL FOR CHILDREN IN MILWAUKEE COUNTY. From the
24 appropriation under section 20.435 (3) (cw) of the statutes, as created by this act, the
25 department shall distribute not more than \$208,500 in fiscal year 1996-97 to issue

1 requests for proposals to create a pool of potential adoptive families that can provide
2 for the needs of children in Milwaukee County whose permanency plan calls for
3 termination of parental rights.

4 (6) TERMINATION OF PARENTAL RIGHTS OVER CHILDREN IN MILWAUKEE COUNTY. The
5 department of health and family services shall develop a plan for the use of \$566,400
6 appropriated under section 20.865 (4) (a) of the statutes to distribute in fiscal year
7 1996-97 to contract for legal and support staff to identify and prosecute cases in
8 Milwaukee County in which termination of parental rights over a child would be
9 appropriate. The department of health and family services shall submit the plan to
10 the joint committee on finance for consideration. If the joint committee on finance
11 approves the plan, that committee may supplement the appropriation account under
12 section 20.435 (3) (cw) of the statutes, as created by this act, in accordance with the
13 plan.

14 (7) AUTOMATED INFORMATION SYSTEM FOR MANAGING THE CHILD WELFARE SYSTEM IN
15 MILWAUKEE COUNTY. The department of health and family services shall develop a
16 plan for the use of \$3,485,000 appropriated under section 20.865 (4) (a) of the statutes
17 to develop an automated information system to assist that department in managing
18 the child welfare system in Milwaukee County. The department of health and family
19 services shall submit the plan to the joint committee on finance for consideration.
20 If the cochairpersons of the joint committee on finance do not notify the department
21 of health and family services within 14 working days after the date of the
22 department's submittal of the plan that the committee has scheduled a meeting to
23 review the plan, the appropriation account under section 20.435 (3) (cw) of the
24 statutes, as created by this act, shall be supplemented, the plan may be implemented
25 and the moneys may be expended as proposed by the department. If, within 14

1 working days after the date of the department's submittal of the plan, the
2 cochairpersons of the committee notify the department that the committee has
3 scheduled a meeting to review the plan, the appropriation account under section
4 20.435 (3) (cw) of the statutes, as created by this act, may be supplemented and the
5 department may implement the plan and expend the moneys only after the plan has
6 been approved by the committee.

7 **SECTION 9134. Nonstatutory provisions; joint committee on finance.**

8 (1) TERMINATION OF PARENTAL RIGHTS OVER CHILDREN IN MILWAUKEE COUNTY.

9 Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information
10 under section 16.42 of the statutes for the purposes of the 1997-99 biennial budget
11 bill, the joint committee on finance shall submit information concerning the
12 appropriation account under section 20.865 (4) (a) of the statutes as though the
13 increase in the dollar amount of that appropriation by SECTION 9234 (1) of this act
14 had not been made.

15 **SECTION 9227. Appropriation changes; health and family services.**

16 (1) COMMUNITY AIDS. In the schedule under section 20.005 (3) of the statutes for
17 the appropriation to the department of health and family services under section
18 20.435 (7) (b) of the statutes, as affected by the acts of 1995, the dollar amount is
19 decreased by \$760,300 for fiscal year 1996-97 to decrease funding for the purposes
20 for which the appropriation is made.

21 (2) CHILD WELFARE SERVICES IN MILWAUKEE COUNTY. There is transferred from
22 the appropriation to the department of health and family services under section
23 20.435 (7) (b) of the statutes, as affected by the acts of 1995, to the appropriation to
24 that department under section 20.435 (3) (cw) of the statutes, as created by this act,
25 \$760,300 in fiscal year 1996-97.

1 (3) CARE COORDINATION SERVICES. In the schedule under section 20.005 (3) of the
2 statutes for the appropriation to the department of health and family services under
3 section 20.435 (1) (b) of the statutes, as affected by the acts of 1995, the dollar amount
4 is increased by \$1,154,700 for fiscal year 1996-97 to increase funding for care
5 coordination services under section 49.45 (44), as created by this act.

6 **SECTION 9234. Appropriation changes; joint committee on finance.**

7 (1) TERMINATION OF PARENTAL RIGHTS OVER CHILDREN IN MILWAUKEE COUNTY. In
8 the schedule under section 20.005 (3) of the statutes for the appropriation to the joint
9 committee on finance under section 20.865 (4) (a) of the statutes, as affected by the
10 acts of 1995, the dollar amount is increased by \$566,400 for fiscal year 1996-97 to
11 increase funding for supplementing the appropriation account under section 20.435
12 (3) (cw) of the statutes, as created by this act, in accordance with the plan submitted
13 under SECTION 9127 (6) of this act.

14 (2) AUTOMATED INFORMATION SYSTEM FOR MANAGING THE CHILD WELFARE SYSTEM
15 IN MILWAUKEE COUNTY. In the schedule under section 20.005 (3) of the statutes for
16 the appropriation to the joint committee on finance under section 20.865 (4) (a) of the
17 statutes, as affected by the acts of 1995, the dollar amount is increased by \$3,485,000
18 for fiscal year 1996-97 to increase funding for supplementing the appropriation
19 account under section 20.435 (3) (cw) of the statutes, as created by this act, in
20 accordance with the plan submitted under SECTION 9127 (7) of this act.

21 **SECTION 9427. Effective dates; health and family services.** This act takes
22 effect on the day after publication, except as follows:

