



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2015 Wisconsin Act 172
[2015 Assembly Bill 440]

**Miscellaneous Children and
Families Provisions**

2015 Wisconsin Act 172 (the Act) contains various miscellaneous provisions related to the home visiting grant program, child or family support or maintenance obligation orders, deferred prosecution agreements, child safety alarm inspections, statutory references to Milwaukee County, income augmentation funds, and children and family aids appropriations.

Home Visiting Grant Program. The home visiting grant program is administered by the Department of Children and Families (DCF). The home visiting grant program provides a pregnant woman who is eligible for Medical Assistance (MA) with an opportunity to undergo a risk assessment to determine whether she presents risk factors for poor birth outcomes or for perpetrating child abuse or neglect. **Under prior law**, DCF was able to provide home visiting grants to a county, private agency¹, or Indian tribe, but not to a city. **The Act** authorizes DCF to award a home visiting grant to a city.

The Act also, authorizes DCF to determine the amount of a home visiting grant based upon: (1) the need of the county, city, private agency, or Indian tribe; and (2) the capacity of the county, city, private agency, or Indian tribe to participate in the program. In doing so, **the Act** eliminates the requirement that DCF promulgate a formula to determine the need of the county, city, private agency, or Indian tribe by rule. **Under prior law**, DCF was required to promulgate a formula by rule to determine the need of a county, private agency, or Indian tribe which was based upon: (1) the number of births that are funded by MA in the county, service area of the private agency, or reservation of the tribe; and (2) the rate of poor birth outcomes, including infant mortality, premature births, low birth weights, and racial or ethnic disproportionality in

¹ A “private agency” is an organization operated for profit or a nonstock corporation organized under state law as a nonprofit corporation. [s. 48.983 (1) (gm), Stats.]

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

the rates of the outcomes in the county, the service area of the private agency, or reservation of the Indian tribe.

Child or Family Support or Maintenance Obligation Orders. The Act requires a child or family support or maintenance obligation court order to set forth a dollar amount that the payer must pay in order to satisfy the support obligation, regardless of whether the parties have stipulated that the amount may be calculated as a percentage of the payer's income.

Preferred Prosecution Agreements. The Act provides that a deferred prosecution agreement may include, as a condition of the agreement, that a person subject to the agreement pay the domestic abuse surcharge and, if applicable, the global positioning surcharge, if he or she is an adult who was accused of or charged with either: (1) a certain crime related to domestic abuse against an adult that may be subject to a deferred prosecution agreement²; or (2) a violation of a domestic abuse restraining order or injunction. In doing so, **the Act** also eliminates the ability for a deferred prosecution agreement to include, as a condition of the agreement, that a person subject to the agreement pay these surcharges if the person was accused of or charged with child sexual abuse. Under **prior law**, the domestic abuse surcharge, and in certain circumstances a global positioning surcharge, was allowed as a condition of deferred prosecution agreements for certain cases of child sexual abuse but not for deferred prosecution agreements involving domestic abuse offenses.

Child Safety Alarm Inspections. The Act requires an agency with whom DCF contracts to certify child care providers, whenever it inspects a child care provider certified under state law, to inspect the child safety alarm of each child care vehicle that is used to transport children to and from the child care provider to determine whether the child safety alarm is in good working order. Under **prior law**, this child safety alarm inspection requirement was placed upon DCF and county departments, but not an agency under contract with DCF to certify child care providers.

Statutory References to Milwaukee County. The Act amends statutory references to Milwaukee County to more accurately reflect the most recent population estimates of Wisconsin counties by increasing the county's population size from "a county that has a population of 500,000 or more" to "a county that has a population of 750,000 or more".

Income Augmentation Funds. The Act repeals the statutory requirements related to the spending of federal "income augmentation funds" by the Department of Health Services (DHS)

²For purposes of requiring, as a condition of a deferred prosecution agreement, a person to pay a domestic abuse surcharge, and if applicable, a global positioning system tracking surcharge, the crime accused or charged must be one of following crimes: (1) battery; (2) battery by a person subject to a domestic abuse injunction to the petitioner of the injunction; (3) battery or threat to a witness; (4) first-, second-, or third-degree sexual assault; (5) reckless injury; (6) abuse of individuals at risk; (6) false imprisonment; (7) misdemeanor or felony intimidation of witnesses; (8) misdemeanor or felony intimidation of victims; (9) violation of court orders; (10) endangering safety by use of a dangerous weapon; (11) recklessly endangering safety; (12) damage to property; (13) damage or threat to property of a witness; (14) criminal trespass to dwellings; (15) entry onto a construction site or into a locked building, dwelling, or room; (16) bail jumping; (17) disorderly conduct; (18) unlawful use of telephone; or (19) unlawful use of computerized communication systems. [s. 971.37 (1m) (a) 2., Stats.]

and DCF. Income augmentation funds, also known as “targeted case management funds,” come from federal MA reimbursements for certain case management activities conducted by child welfare caseworkers. DHS received this money and transferred it to DCF to reimburse the cost of providing targeted case management services to children whose care is ineligible for reimbursement from Title IV-E of the federal Social Security Act. DCF is no longer claiming targeted case management funds because of the implementation of programming under the Care4Kids program.

Children and Family Aids. **The Act** repeals various children and family aids appropriations that are either obsolete or unnecessary and modifies other children and family aids appropriations to simplify the appropriation structure. **The Act** also repeals or modifies statutory language related to children and family aids appropriations to more closely align the statutes with current DCF practices.

Effective date: In general, this Act went into effect on March 2, 2016. However, changes made to income augmentation funding and some of the changes made to children and family aids appropriations took effect on July 14, 2015. Other changes made to the children and family aids appropriations take effect on July 1, 2016.

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