



TYLER VORPAGEL

STATE REPRESENTATIVE • 27TH ASSEMBLY DISTRICT

SB 202: appeals of denials of kinship care payments based on arrest or conviction record

Testimony of State Representative Tyler Vorpapel

Senate Committee on Health and Human Services

October 22nd, 2015

Thank you, Chairperson Vukmir and members of the Health and Human Services Committee for hearing Senate Bill 202. SB 202 was brought to me by the Wisconsin Department of Children and Families. The law currently doesn't allow an administrative appeal hearing in a kinship care that has been denied established by an arrest, conviction or penalty. This State law needs to be updated to comply with federal requirements to continue receiving TANF funding. This bill amends and allows those who are denied kinship care for the above reasons an opportunity for an administrative hearing. Currently state law allows for an administrative hearing if kinship care has been denied for any other reason.

This bill was recommended to us by the Department as they noticed a gap in compliance with the federal fund requirements for TANF. There will be a small increase in cost which the agency is able to absorb within its budget. I apologize that I was unable to attend today's hearing, but I unfortunately had a prior commitment in district. However, Senator LeMahieu or the Department of Children and Families are both excellent resources if you have questions.



DEVIN LEMAHIEU

STATE SENATOR

Testimony on SB 202

RE: Appeals of denials of kinship care payments based on arrest or conviction record October 22, 2015

Thank you Chairwoman Vukmir and Members of the Senate Committee on Health and Human Services for hearing my testimony today on Senate Bill 202.

Senate Bill 202 brings Wisconsin into compliance with federal requirements for Temporary Assistance for Needy Families funding. Kinship care payments are made to relatives of a child who provide care and maintenance if certain conditions are met.

One of those conditions requires that the county department of human services or social services (county department) or, in Milwaukee County, the department of Children and Families (DCF) conducts a background investigation to determine if any arrests or convictions could adversely affect the child or the kinship caregiver's relative's ability to care for the child.

Current law permits a person who is denied kinship care payments based on arrest or conviction record to request a review of that decision by the director of the county department (county director) or, in Milwaukee County, by a person designated by the secretary of children and families to conduct those reviews (secretary's designee). This decision is final and is not subject to further administrative review.

SB 202 permits a person who is aggrieved by a decision of a county director or secretary's designee denial of kinship care payments based on arrest or conviction record to petition DCF for a hearing on that decision.

Under this bill DCF must give the petitioner an opportunity for a fair hearing, and the decision of DCF after the hearing is final, subject to judicial review or to revocation or modification as altered conditions may require.

Thank you for your consideration on Senate Bill 202



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Governor Scott Walker
Secretary Eloise Anderson

Secretary's Office

Date: October 22, 2015
To: Members of the Senate Committee on Health and Human Services
From: Fredi-Ellen Bove, Administrator, Division of Safety and Permanence
Re: Department Position on SB 202 – In Support

Senator Vukmir and Senate Committee on Health and Human Services,

Thank you for the opportunity to testify on SB 202. My name is Fredi Bove and I am the Administrator for the Division of Safety and Permanence at the Wisconsin Department of Children and Families (DCF).

First, I wish to express the Department's deep appreciation for the individuals who support and care for children in need through kinship care. These family members step forward to assist a child of another family member when the child welfare system is involved to ensure that the child is in a safe, stable and nurturing home while the parents work on strengthening their ability to care for their children.

The Kinship Care program is administered by counties, with oversight by the Department of Children and Families. Under Kinship Care, the caretaker relative receives a monthly payment of \$232 to care for the child. Kinship Care is funded with federal Temporary Assistance to Needy Families (TANF) funding and therefore must adhere to federal TANF requirements.

To become eligible for the Kinship Care payment, the relative and other adult members of the household must pass a background check. Current law provides a person denied Kinship Care eligibility due to a past arrest or conviction the right to appeal the denial to the county director or, for Milwaukee, a person within the Division of Milwaukee Child Protective Services. SB 202 allows individuals who disagree with the decision of the county or DMCPD the right to an administrative hearing. This provision reflects the federal TANF regulation which requires that individuals who are denied financial assistance funded by TANF be given an opportunity for an administrative hearing.

The Department thanks Representative Vorpapel and Senator LeMahieu for authoring this bill and thanks the Chair for holding a hearing. We thank the Committee for your consideration of the Department's comments and appreciate the Committee's commitment to support positive outcomes for vulnerable children and families in our state. I am pleased to answer any of your questions.