



2009 SENATE BILL 211

May 20, 2009 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Children and Families and Workforce Development.

1 **AN ACT to repeal** 48.983 (1) (i) and (j) and 48.983 (3) (title) and (a); **to renumber**
2 **and amend** 48.983 (3) (b) and 48.983 (8); **to amend** 48.983 (1) (b) 1. c., 48.983
3 (2), 48.983 (4) (a) 4m., 48.983 (4) (am), 48.983 (4) (b) 1., 48.983 (4) (b) 2. and 3.,
4 48.983 (5), 48.983 (6) (intro.), 48.983 (6) (a) (intro.), 48.983 (6) (a) 1., 48.983 (6)
5 (a) 3., 48.983 (6) (a) 6., 48.983 (6) (b) 4., 48.983 (6) (c), 48.983 (6g) (b) and 48.983
6 (8) (title); **to repeal and recreate** 48.983 (7) (c); and **to create** 48.983 (1) (gm),
7 48.983 (6) (f), 48.983 (7) (ag) and (ar) and 48.983 (8) (b) of the statutes; **relating**
8 **to:** child abuse and neglect prevention grants.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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

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JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Strengthening Wisconsin Families.

Under current law, the Department of Children and Families (DCF) distributes grants for the prevention of child abuse and neglect under a program commonly referred to as "Family Foundations." DCF may distribute this funding to six rural counties, three urban counties, and two Indian tribes.

The amount of funding that each county (other than a county with a population of 500,000 or more; currently, only Milwaukee County) or Indian tribe receives in excess of the \$10,000 minimum grant amount is based on the number of births funded by medical assistance (MA) in that county or in the reservation of the tribe in proportion to the number of MA-funded births in all counties and the reservations of all tribes selected to participate in the program. Milwaukee County's grant award is based on 60 percent of the number of MA-funded births in that county in proportion to the number of MA-funded births in all counties and the reservations of all tribes selected to participate in the program.

Except for Milwaukee County, the grant funds may be used for a home visitation program for first-time parents who are eligible for MA and to support the cost of case management. In all counties and tribes, grants may also be used to provide intervention services and flexible funds to participating families for appropriate expenses. DCF is required to provide technical assistance and training to programs receiving a grant.

The bill makes the following changes to current law:

- Provides that a private agency may participate in Family Foundations.
- Deletes the provision requiring funding to be distributed to six rural counties, three urban counties, and two Indian tribes.
- Deletes references to Milwaukee County so that Milwaukee County may use grant funds to provide home visitation and case management services.
- Requires counties, private agencies, and Indian tribes that receive a grant to agree to match at least 25 percent of the grant amount annually in funds or in-kind contributions.
- Deletes the current formula for determining the amount of a grant in excess of the minimum \$10,000 grant amount and instead requires DCF to determine the amount of a grant in excess of \$10,000 based upon the number of MA-funded births in the county, the area in which the private agency is providing services, or the reservation of the tribe.
- Provides that if a family with a child identified as being at risk of abuse or neglect has been continuously receiving home visitation program services for not less than 12 months, those services may continue to be provided until the child reaches three years of age, regardless of whether the child continues to be eligible for MA.
- Requires that DCF give favorable consideration in the application process for a grant to a county, private agency, or Indian tribe that submits a joint application.
- Requires a county, private agency, or Indian tribe, when applying for a grant, to provide information on how the applicant's home visitation program incorporates practice standards and critical elements that have been developed for successful home visitation programs by a nationally recognized home visitation program model and that are acceptable to DCF.
- Requires a private agency that applies for participation in Family Foundations to submit documentation with the grant application that demonstrates that the application is supported by a county and that a county will collaborate with the private agency in providing services.

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- Requires DCF to evaluate the availability of home visitation programs in the state and determine whether there are gaps in home visitation services. DCF must then cooperate with counties, private agencies, and Indian tribes providing home visitation programs to address any gaps identified.

- Requires each county, private agency, and Indian tribe providing a home visitation program to collect and report data as required by DCF, using forms prescribed by DCF.

- Requires each county, private agency, and Indian tribe providing a home visitation program to develop a plan for evaluating the effectiveness of its program for approval by DCF. The bill sets forth outcomes that must be tracked and measured. The evaluation must be used to improve the quality and outcomes of the home visitation program.

- Provides that training provided by DCF to counties, private agencies, and Indian tribes participating in the program may not be limited to a particular home visitation model. Requires the training to include training regarding basic skills, uniform administration of screening and assessment tools, the issues and challenges that families face, and supervision and personnel skills for program managers. The training may also include training on data collection and reporting.

- Requires DCF to cooperate with the Child Abuse and Neglect Prevention Board to ensure that employees and managers of home visitation programs receive training and other services to develop and maintain competencies in providing home visitation services to families.

1 **SECTION 1.** 48.983 (1) (b) 1. c. of the statutes is amended to read:

2 48.983 (1) (b) 1. c. A family that includes a person who has contacted a county
3 department, a private agency, or an Indian tribe that has been awarded a grant
4 under this section or, in a county having a population of 500,000 or more that has
5 been awarded a grant under this section, the department, a private agency, or a
6 licensed child welfare agency under contract with the department requesting
7 assistance to prevent abuse or neglect of a child in the person's family and with
8 respect to which an individual responding to the request has determined that all of
9 the conditions in subd. 2. exist.

NOTE: Adds references to private agencies.

10 **SECTION 2.** 48.983 (1) (gm) of the statutes is created to read:

11 48.983 (1) (gm) "Private agency" means an organization operated for profit or
12 a nonstock corporation organized under ch. 181 that is a nonprofit corporation, as
13 defined in s. 181.0103 (17).

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NOTE: Defines “private agency” for purposes of eligibility for participation in Family Foundations.

1 **SECTION 3.** 48.983 (1) (i) and (j) of the statutes are repealed.

NOTE: Repeals the definitions of “rural county” and “urban county.”

2 **SECTION 4.** 48.983 (2) of the statutes is amended to read:

3 48.983 (2) FUNDS PROVIDED. If a county, private agency, or Indian tribe applies
4 and is selected by the department under sub. (5) to participate in the program under
5 this section, the department shall award, from the appropriation under s. 20.437 (2)
6 (ab), a grant annually to be used only for the purposes specified in sub. (4) (a) and
7 (am). The minimum amount of a grant is \$10,000. The county, private agency, or
8 Indian tribe shall agree to match at least 25 percent of the grant amount annually
9 in funds or in-kind contributions. The department shall determine the amount of
10 a grant awarded to a county, ~~other than a county with a population of 500,000 or more~~
11 private agency, or Indian tribe in excess of the minimum amount based on the
12 number of births that are funded by medical assistance under subch. IV of ch. 49 in
13 that county, the area in which that private agency is providing services, or the
14 reservation of that Indian tribe in proportion to the number of births that are funded
15 by medical assistance under subch. IV of ch. 49 in all of the counties and the
16 reservations of all of the Indian tribes to which grants are awarded under this
17 section. ~~The department shall determine the amount of a grant awarded to a county~~
18 ~~with a population of 500,000 or more in excess of the minimum amount based on 60%~~
19 ~~of the number of births that are funded by medical assistance under subch. IV of ch.~~
20 ~~49 in that county in proportion to the number of births that are funded by medical~~
21 ~~assistance under subch. IV of ch. 49 in all of the counties and the reservations of all~~
22 ~~of the Indian tribes to which grants are awarded under this section.~~

NOTE: Requires a county, private agency, or Indian tribe that receives a grant to agree to match at least 25 percent of the grant amount annually in funds or in-kind

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contributions. Deletes the formula for awarding grants above \$10,000 and, instead, requires DCF to determine the amount of the grant in excess of \$10,000 based upon the number of births that are funded by MA in that county, the area in which the private agency is providing services, or the reservation of the Indian tribe. Deletes the formula for awarding grants to Milwaukee County so that a grant awarded to Milwaukee County is calculated using the same formula as other counties.

1 **SECTION 5.** 48.983 (3) (title) and (a) of the statutes are repealed.

NOTE: Repeals a provision of current law specifying how many counties and Indian tribes may be selected for grants in the 1997-99 state fiscal biennium.

2 **SECTION 6.** 48.983 (3) (b) of the statutes is renumbered 48.983 (3) and amended
3 to read:

4 48.983 (3) JOINT APPLICATION PERMITTED. ~~Two~~ Any combination of 2 or more
5 counties ~~and, private agencies, or~~ Indian tribes may submit a joint application to the
6 department. ~~Each county or Indian tribe in a joint application shall be counted as~~
7 ~~a separate county or Indian tribe for the purpose of limiting the number of counties~~
8 ~~and Indian tribes selected in each state fiscal biennium.~~

NOTE: Repeals language relating to the limit on the number of counties and Indian tribes that may be selected for grants in the 1997-99 state fiscal biennium. Adds private agencies to the list of entities that can submit a joint application.

9 **SECTION 7.** 48.983 (4) (a) 4m. of the statutes is amended to read:

10 48.983 (4) (a) 4m. ~~Other than in a county with a population of 500,000 or more,~~
11 ~~to~~ To reimburse a case management provider under s. 49.45 (25) (b) for the amount
12 of the allowable charges under the medical assistance program that is not provided
13 by the federal government for case management services provided to a medical
14 assistance beneficiary described in s. 49.45 (25) (am) 9. who is a child and who is a
15 member of a family that receives home visitation program services under par. (b) 1.

NOTE: Deletes a reference to Milwaukee County.

16 **SECTION 8.** 48.983 (4) (am) of the statutes is amended to read:

17 48.983 (4) (am) *Grants; start-up costs and capacity building.* In the first year
18 in which a grant under this section is awarded to a county, private agency, or Indian

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1 tribe, the county, private agency, or Indian tribe may use a portion of the grant to pay
2 for start-up costs and capacity building related to the program under this section.
3 The department shall determine the maximum amount of a grant that a county,
4 private agency, or Indian tribe may use to pay for those start-up costs and that
5 capacity building.

NOTE: Adds references to private agencies.

6 **SECTION 9.** 48.983 (4) (b) 1. of the statutes is amended to read:

7 48.983 (4) (b) 1. A county, ~~other than a county with a population of 500,000 or~~
8 ~~more~~ private agency, or an Indian tribe that is selected to participate in the program
9 under this section shall select persons who are first-time parents and who are
10 eligible for medical assistance under subch. IV of ch. 49 and shall offer each of those
11 persons an opportunity to undergo an assessment through use of a risk assessment
12 instrument to determine whether the parent presents risk factors for perpetrating
13 child abuse or neglect. Persons who are selected and who agree to be assessed shall
14 be assessed during the prenatal period, if possible, or as close to the time of the child's
15 birth as possible. The risk assessment instrument shall be developed by the
16 department and shall be based on risk assessment instruments developed by the
17 department for similar programs that are in operation. The department need not
18 promulgate as rules under ch. 227 the risk assessment instrument developed under
19 this subdivision. A person who is assessed to be at risk of abusing or neglecting his
20 or her child shall be offered home visitation program services. Home visitation
21 program services may be provided to a family with a child identified as being at risk
22 of child abuse or neglect until the identified child reaches 3 years of age. If a family
23 has been receiving home visitation program services continuously for not less than
24 12 months, those services may continue to be provided to the family until the

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1 identified child reaches 3 years of age, regardless of whether the child continues to
2 be eligible for medical assistance under subch. IV of ch. 49. If risk factors for child
3 abuse or neglect with respect to the identified child continue to be present when the
4 child reaches 3 years of age, home visitation program services may be provided until
5 the identified child reaches 5 years of age. Home visitation program services may
6 not be provided to a person unless the person gives his or her written informed
7 consent to receiving those services or, if the person is a child, unless the child's
8 parent, guardian, or legal custodian gives his or her written informed consent for the
9 child to receive those services.

NOTE: Deletes a reference to Milwaukee County. Adds a reference to private agencies. Also, specifies that if a family with a child identified as being at risk of child abuse or neglect has been continuously receiving home visitation program services for not less than 12 months, those services may continue to be provided until the identified child reaches three years of age, regardless of whether the child continues to be eligible for MA.

10 **SECTION 10.** 48.983 (4) (b) 2. and 3. of the statutes are amended to read:

11 48.983 (4) (b) 2. The counties, private agencies, and Indian tribes that are
12 selected to participate in the program under this section may permit a person who
13 is not a first-time parent or who is not eligible for medical assistance under subch.
14 IV of ch. 49 to undergo the risk assessment and to participate in the home visitation
15 program if that person presents risk factors for perpetrating child abuse or neglect.
16 No payments from the fund under sub. (6) (b) 1. may be made to a person described
17 in this subdivision. No reimbursement to a case management provider under s. 49.45
18 (25) (b) for services provided to a person described in this subdivision may be made
19 from grant moneys received under this section.

20 3. A county, private agency, or Indian tribe that is providing home visitation
21 program services under subd. 1. or 2. shall provide to a person receiving those

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1 services the information relating to shaken baby syndrome and impacted babies
2 required under s. 253.15 (6).

NOTE: Adds references to private agencies.

3 **SECTION 11.** 48.983 (5) of the statutes is amended to read:

4 48.983 (5) SELECTION OF COUNTIES, PRIVATE AGENCIES, AND INDIAN TRIBES. The
5 department shall provide competitive application procedures for selecting counties,
6 private agencies, and Indian tribes for participation in the program under this
7 section. The department shall establish a method for ranking applicants for
8 selection based on the quality of their applications. In ranking the applications
9 ~~submitted by counties~~, the department shall give favorable consideration to a county,
10 private agency, or Indian tribe that submits a joint application under sub. (3) and to
11 a county that has indicated under sub. (6) (d) 2. that it is willing to use a portion of
12 any moneys distributed to the county under s. 48.565 (2) (a) to provide case
13 management services to a medical assistance beneficiary under s. 49.45 (25) (am) 9.
14 who is a case or who is a member of a family that is a case and that has explained
15 under sub. (6) (d) 2. how the county plans to use that portion of those moneys to
16 promote the provision of those services for the case by using a wraparound process
17 so as to provide those services in a flexible, comprehensive and individualized
18 manner in order to reduce the necessity for court-ordered services. The department
19 shall also provide application requirements and procedures for the renewal of a grant
20 awarded under this section. The application procedures and the renewal application
21 requirements and procedures shall be clear and understandable to the applicants.
22 The department need not promulgate as rules under ch. 227 the application
23 procedures, the renewal application requirements or procedures or the method for
24 ranking applicants established under this subsection.

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NOTE: Requires that DCF give favorable consideration in the application process to a county, private agency, or Indian tribe that submits a joint application.

1 **SECTION 12.** 48.983 (6) (intro.) of the statutes is amended to read:

2 48.983 **(6)** CRITERIA FOR AWARDING GRANTS. (intro.) In addition to any other
3 criteria developed by the department, a county, private agency, or Indian tribe shall
4 meet all of the following criteria in order to be selected for participation in the
5 program under this section:

NOTE: Adds a reference to private agencies.

6 **SECTION 13.** 48.983 (6) (a) (intro.) of the statutes is amended to read:

7 48.983 **(6)** (a) (intro.) The part of an application, other than a renewal
8 application, submitted by a county, ~~other than a county with a population of 500,000~~
9 ~~or more~~ private agency, or an Indian tribe that relates to home visitation programs
10 shall include all of the following:

NOTE: Deletes a reference to Milwaukee County. Adds a reference to private agencies.

11 **SECTION 14.** 48.983 (6) (a) 1. of the statutes is amended to read:

12 48.983 **(6)** (a) 1. Information on how the applicant's home visitation program
13 is comprehensive and incorporates practice standards and critical elements that
14 have been developed for successful home visitation programs by ~~entities concerned~~
15 ~~with the prevention of child abuse and neglect~~ a nationally recognized home
16 visitation program model and that are acceptable to the department.

NOTE: Modifies current law relating to information that must be provided about an applicant's home visitation program.

17 **SECTION 15.** 48.983 (6) (a) 3. of the statutes is amended to read:

18 48.983 **(6)** (a) 3. An identification of existing child abuse and neglect prevention
19 services that are available to residents of the county, the area in which the private
20 agency is providing services, or the reservation of the Indian tribe and a description

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1 of how those services and any additional needed services will support a
2 comprehensive home visitation program.

NOTE: Adds a reference to the area served by a private agency.

3 **SECTION 16.** 48.983 (6) (a) 6. of the statutes is amended to read:

4 48.983 (6) (a) 6. An identification of how the home visitation program is
5 comprehensive and incorporates the practice standards ~~for~~ and critical elements for
6 successful home visitation programs referred to in subd. 1., including how services
7 will vary in intensity levels depending on the needs and strengths of the
8 participating family.

NOTE: Modifies current law relating to information that must be provided about
an applicant's home visitation program.

9 **SECTION 17.** 48.983 (6) (b) 4. of the statutes is amended to read:

10 48.983 (6) (b) 4. 'Nonentitlement.' No individual is entitled to any payment
11 from a fund established under subd. 1. or 2. Nothing in this section shall be construed
12 as requiring a county, private agency, or Indian tribe to make a determination
13 described in sub. (1) (b) 2. A determination described in sub. (1) (b) 2. may not be
14 construed to be a determination described in s. 48.981 (3) (c) 4.

NOTE: Adds a reference to private agencies.

15 **SECTION 18.** 48.983 (6) (c) of the statutes is amended to read:

16 48.983 (6) (c) *Case management benefit.* The applicant, ~~other than a county~~
17 ~~with a population of 500,000 or more~~, states in the grant application that it has
18 elected, or, if selected, that it will elect, under s. 49.45 (25) (b), to make the case
19 management benefit under s. 49.45 (25) available to the category of beneficiaries
20 under s. 49.45 (25) (am) 9. who are children and who are members of families
21 receiving home visitation program services under sub. (4) (b) 1.

NOTE: Deletes a reference to Milwaukee County.

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1 **SECTION 19.** 48.983 (6) (f) of the statutes is created to read:

2 48.983 **(6)** (f) *Private agency applicant.* If the applicant is a private agency, the
3 applicant submits documentation with the grant application that demonstrates that
4 the application is supported by a county and that a county will collaborate with the
5 private agency in providing services.

NOTE: Requires a private agency that applies for participation in Family Foundations to submit documentation with the grant application that demonstrates that the application is supported by a county and that a county will collaborate with the private agency in providing services.

6 **SECTION 20.** 48.983 (6g) (b) of the statutes is amended to read:

7 48.983 **(6g)** (b) A county, private agency, or Indian tribe that is selected to
8 participate in the program under this section shall provide or shall designate an
9 individual or entity to provide an explanation of the confidentiality requirements
10 under par. (a) to each individual who is offered an assessment under sub. (4) (b) or
11 who is offered services under the home visitation program of the county, private
12 agency, or Indian tribe.

NOTE: Adds a reference to private agencies.

13 **SECTION 21.** 48.983 (7) (ag) and (ar) of the statutes are created to read:

14 48.983 **(7)** (ag) The department shall evaluate the availability of home
15 visitation programs in the state and determine whether there are gaps in home
16 visitation services in the state. The department shall cooperate with counties,
17 private agencies, and Indian tribes providing home visitation programs to address
18 any gaps in services identified.

19 (ar) Each county, private agency, and Indian tribe providing a home visitation
20 program shall collect and report data to the department, as required by the
21 department. The department shall require each county, private agency, and Indian

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1 tribe providing a home visitation program to collect data using forms prescribed by
2 the department.

NOTE: Requires DCF to evaluate the availability of home visitation programs in the state and determine whether there are gaps in home visitation services. Requires DCF to cooperate with counties, private agencies, and Indian tribes providing home visitation programs to address any gaps identified.

Also requires each county, private agency, and Indian tribe providing a home visitation program to collect and report data as required by DCF, using forms prescribed by DCF.

3 **SECTION 22.** 48.983 (7) (c) of the statutes is repealed and recreated to read:

4 48.983 (7) (c) Each county, private agency, and Indian tribe providing a home
5 visitation program shall develop a plan for evaluating the effectiveness of its
6 program for approval by the department. The plan shall demonstrate how the
7 county, private agency, or Indian tribe will use the evaluation of its program to
8 improve the quality and outcomes of the program and to ensure continued
9 compliance with the home visitation program criteria under sub. (6) (a). The plan
10 shall demonstrate how the outcomes will be tracked and measured. Under the plan,
11 the extent to which all of the following outcomes are achieved shall be tracked and
12 measured:

13 1. Parents receiving home visitation services acquiring knowledge of early
14 learning and child development and interacting with their children in ways that
15 enhance the children's development and early learning.

16 2. Children receiving home visitation services being healthy.

17 3. Children receiving home visitation services living in a safe environment.

18 4. Families receiving home visitation services accessing formal and informal
19 support networks.

20 5. Children receiving home visitation services achieving milestones in
21 development and early learning.

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1 6. Children receiving home visitation services who have developmental delays
2 receiving appropriate intervention services.

NOTE: Repeals language requiring DCF to determine the most appropriate way to evaluate strengthened family functioning, enhanced child development, and positive parenting practices and to evaluate those criteria as part of its evaluation of home visitation programs. Instead, under the bill, each county, private agency, and Indian tribe providing a home visitation program must develop a plan for evaluating the effectiveness of its program for approval by DCF. The plan must demonstrate how the county, private agency, or Indian tribe will use the evaluation to improve the quality and outcomes of the program and to ensure continued compliance with the home visitation program criteria required to be demonstrated when applying for a grant. The plan must also demonstrate how the outcomes will be tracked and measured. The outcomes to be measured are set forth in the SECTION.

3 **SECTION 23.** 48.983 (8) (title) of the statutes is amended to read:

4 48.983 (8) (title) TECHNICAL ASSISTANCE AND TRAINING; COMPETENCY TRAINING.

5 **SECTION 24.** 48.983 (8) of the statutes is renumbered 48.983 (8) (a) and
6 amended to read:

7 48.983 (8) (a) Technical assistance and training. The department shall provide
8 technical assistance and training to counties, private agencies, and Indian tribes
9 that are selected to participate in the program under this section. The training may
10 not be limited to a particular home visitation model. The training shall include
11 training in best practices regarding basic skills, uniform administration of screening
12 and assessment tools, the issues and challenges that families face, and supervision
13 and personnel skills for program managers. The training may also include training
14 on data collection and reporting.

NOTE: Specifies that training for counties, private agencies, and Indian tribes selected to receive home visitation grants may not be limited to a particular home visitation model. Requires that the training include training in best practices regarding basic skills, uniform administration of screening and assessment tools, the issues and challenges that families face, and supervision and personnel skills for program managers. The training may also include training on data collection and reporting.

15 **SECTION 25.** 48.983 (8) (b) of the statutes is created to read:

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1 48.983 (8) (b) *Competency training.* The department shall cooperate with the
2 child abuse and neglect prevention board to ensure that employees and managers of
3 home visitation programs receive training and other services to develop and
4 maintain competencies in providing home visitation services to families.

NOTE: Requires DCF to cooperate with the Child Abuse and Neglect Prevention Board to ensure that employees and directors of home visitation programs receive training and other services to develop and maintain competencies in providing home visitation services to families.

5

(END)