

State of Wisconsin



1995 Senate Bill 615

Date of enactment: **May 1, 1996**
Date of publication*: **May 15, 1996**

1995 WISCONSIN ACT 303

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

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

SECTION 1. 15.197 (24) of the statutes is created to read:

15.197 (24) MILWAUKEE CHILD WELFARE PARTNERSHIP COUNCIL. (a) There is created a Milwaukee child welfare partnership council, attached to the department of health and social services under s. 15.03. The council shall consist of the following members:

1. Three members of the Milwaukee County board nominated by the Milwaukee County executive.
2. One representative to the assembly appointed by the speaker of the assembly.
3. One representative to the assembly appointed by the minority leader of the assembly.

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

			1995-96	1996-97
20.435	Health and family services, department of			
(3)	YOUTH SERVICES			
(cw)	Child welfare services in Milwaukee County	GPR A	-0-	1,067,100

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 3. 20.435 (3) (cw) of the statutes is created to read:

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

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

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

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

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

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

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

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

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

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

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

service delivery site to make recommendations to the department with respect to the delivery of child welfare services in the neighborhood served by the delivery site.

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

46.40 (1) (c) The Milwaukee County department of social services shall report to the department in a manner specified by the department on all children under the supervision of the Milwaukee County department of social services who are placed in foster homes and whose foster parents receive funding for child care from the amounts distributed under par. (a) so that the department may claim federal foster care and adoption assistance reimbursement under [42 USC 670 to 679a](#) for the amounts expended by the Milwaukee County department of social services for the provision of child care for those children. Notwithstanding s. 46.49, if the department receives any federal moneys under [42 USC 67 to 679a](#) in reimbursement of the amounts expended by the Milwaukee County department of social services for the provision of child care for children in foster care in 1996 and 1997, the department shall distribute those federal moneys to the Milwaukee County department of social services for the provision of child care for children in foster care.

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

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

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

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

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

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

(c) The recipient is a resident of Milwaukee County, has given birth within the 8 weeks immediately preceding the request for services under s. 49.46 (2) (b) 12m.

and has received a risk assessment approved by the department.

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

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

SECTION 9127. Nonstatutory provisions; health and social services.

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

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

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

2. Proposed legislation to reduce the amount of funding provided to Milwaukee County by not more than the amount budgeted in 1995 for child welfare services by the Milwaukee County department of social services to reflect the transfer of that duty and authority to the department of health and family services.

3. Proposed legislation to amend all specific statutory provisions that currently authorize or require the Milwaukee County department of social services to provide child welfare services so as to transfer that authority and duty to the department of health and family services by no later than January 1, 1998. Specific child welfare services that the proposed legislation shall transfer include such services as receiving and investigating child abuse or neglect reports, referring children and providing court reports and permanency plans to the court assigned to exercise jurisdiction under chapters 48 and 938 of the statutes for proceedings under chapter 48 of the statutes, providing appropriate protection or services for children and their families, licensing foster homes and treatment foster homes and placing children for adoption.

(b) *System planning and development activities.* In preparation for assuming the duty and authority to provide child welfare services in Milwaukee County by no later than January 1, 1998, the department of health and social services and, beginning on July 1, 1996, the department of health and family services shall plan and develop a system for providing those services and undertake, or contract for the undertaking of, any other

activities that may be necessary to prepare for assuming that duty and authority. The system developed under this paragraph shall be a neighborhood-based system consisting of 5 service delivery sites in Milwaukee County, each of which shall have a community advisory committee appointed under section 46.023 (2) of the statutes, as created by this act. The department of health and social services shall include a plan for developing that system and for undertaking, or contracting for the undertaking of, those activities in the implementation plan provided in the proposal that the department is required to submit to the governor and the legislature under [1995 Wisconsin Act 27](#), section 9126 (27g).

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

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

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

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

2. Notwithstanding the length of terms specified for the members of the Milwaukee child welfare partnership council appointed under section 15.197 (24) (a) 6. of the statutes, as created by this act, 3 initial members appointed under that subdivision shall be appointed for terms expiring on July 1, 1997, 3 initial members appointed under that subdivision shall be appointed for terms expiring on July 1, 1998, and 4 initial members appointed under that subdivision shall be appointed for terms expiring on July 1, 1999.

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

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

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

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

(5) ADOPTION RESOURCE POOL FOR CHILDREN IN MILWAUKEE COUNTY. From the appropriation under section 20.435 (3) (cw) of the statutes, as created by this act, the department shall distribute not more than \$208,500 in fiscal year 1996–97 to issue requests for proposals to create a pool of potential adoptive families that can provide for the needs of children in Milwaukee County whose permanency plan calls for termination of parental rights.

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

(7) AUTOMATED INFORMATION SYSTEM FOR MANAGING THE CHILD WELFARE SYSTEM IN MILWAUKEE COUNTY. The department of health and family services shall develop a plan for the use of \$3,485,000 appropriated under section 20.865 (4) (a) of the statutes to develop an automated information system to assist that department in managing the child welfare system in Milwaukee County. The department of health and family services shall submit the

plan to the joint committee on finance for consideration. If the cochairpersons of the joint committee on finance do not notify the department of health and family services within 14 working days after the date of the department's submittal of the plan that the committee has scheduled a meeting to review the plan, the appropriation account under section 20.435 (3) (cw) of the statutes, as created by this act, shall be supplemented, the plan may be implemented and the moneys may be expended as proposed by the department. If, within 14 working days after the date of the department's submittal of the plan, the cochairpersons of the committee notify the department that the committee has scheduled a meeting to review the plan, the appropriation account under section 20.435 (3) (cw) of the statutes, as created by this act, may be supplemented and the department may implement the plan and expend the moneys only after the plan has been approved by the committee.

SECTION 9134. Nonstatutory provisions; joint committee on finance.

(1) TERMINATION OF PARENTAL RIGHTS OVER CHILDREN IN MILWAUKEE COUNTY. Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for the purposes of the 1997–99 biennial budget bill, the joint committee on finance shall submit information concerning the appropriation account under section 20.865 (4) (a) of the statutes as though the increase in the dollar amount of that appropriation by SECTION 9234 (1) of this act had not been made.

SECTION 9227. Appropriation changes; health and family services.

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

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

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

SECTION 9234. Appropriation changes; joint committee on finance.

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

(2) AUTOMATED INFORMATION SYSTEM FOR MANAGING THE CHILD WELFARE SYSTEM IN MILWAUKEE COUNTY. In the schedule under section 20.005 (3) of the statutes for the appropriation to the joint committee on finance under

section 20.865 (4) (a) of the statutes, as affected by the acts of 1995, the dollar amount is increased by \$3,485,000 for fiscal year 1996–97 to increase funding for supplementing the appropriation account under section 20.435 (3) (cw) of the statutes, as created by this act, in accordance with the plan submitted under SECTION 9127 (7) of this act.

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

(1) MEDICAL ASSISTANCE; CARE COORDINATION SERVICES. The treatment of sections 49.45 (44) and 49.46 (2) (b) 12m. of the statutes takes effect on July 1, 1996, or on the day after publication, whichever is later.
