



1995 SENATE BILL 615

March 12, 1996 – Introduced by Senators DARLING, HUELSMAN, FARROW, BUETTNER, MOORE and ROSENZWEIG, cosponsored by Representatives SCHNEIDERS, LADWIG and KRUG. Referred to 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, 49.45 (44) and 49.46 (2) (b) 17. of the statutes; **relating to:**
3 transferring the duty and authority to provide child welfare services in
4 Milwaukee County from the Milwaukee County department of social services
5 to the department of health and family services and making appropriations.

Analysis by the Legislative Reference Bureau

Under current law, the Milwaukee County department of social services (Milwaukee County department) has the duty and authority to provide child welfare services in Milwaukee County. Those services 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 the children's code (juvenile court) for proceedings under the children's code, providing appropriate protection or services for children and their families, licensing foster homes and treatment foster homes and placing children for adoption. The 1995-97 biennial budget act, however, requires the department of health and social services (DHSS) (to be renamed the department of health and family services (DHFS) effective on July 1, 1996), to submit to the legislature and the governor a proposal to transfer the duty and authority to provide child welfare services in Milwaukee County from the Milwaukee County department to DHFS beginning on January 1, 1998.

This bill requires or authorizes DHSS and, after July 1, 1996, DHFS to undertake certain activities before January 1, 1998, to plan and prepare for that transfer. Specifically, the bill does all of the following:

1. Directs the secretary of health and family services to submit proposed legislation to the secretary of administration by September 15, 1996, to transfer that duty and authority by no later than January 1, 1998, including proposed legislation

to provide funding for DHFS to provide those services in an amount that is not less than the amount expended by the Milwaukee County department in 1995 for those services and proposed legislation to amend all specific statutory provisions that currently authorize or require the Milwaukee County department to provide those services so as to transfer that authority and duty to DHFS by no later than January 1, 1998.

2. Requires DHSS and, beginning on July 1, 1996, DHFS to plan and develop a system for providing those services and undertake, or contract for the undertaking of, any other activities that may be necessary for assuming that duty and authority. The bill requires the system developed to be a neighborhood-based system consisting of 5 service delivery sites in Milwaukee County, each of which must have a community advisory council to provide a forum for communication for persons who are interested in child welfare services in the neighborhood.

3. Authorizes DHSS and, beginning on July 1, 1996, DHFS, to request proposals or bids and enter into contracts as necessary for assuming that duty and authority.

4. Provides funding and positions beginning on July 1, 1996, for DHFS to conduct the activities specified in items 1 to 3, above.

5. Creates a Milwaukee child welfare partnership council to make recommendations to DHFS and the legislature with respect to policies and plans for the improvement of the child welfare system in Milwaukee County, evaluating the effectiveness of that child welfare system, funding priorities for that child welfare system and innovative public and private funding opportunities for that child welfare system and to advise DHFS in planning, and providing technical assistance and capacity building to support, a neighborhood-based system for the delivery of those child welfare services.

The bill also provides medical assistance coverage for care coordination services to a medical assistance recipient if that recipient is a pregnant woman, a woman with a child 6 years of age or younger or a child who is 6 years of age or younger and if the recipient is a resident of Milwaukee County.

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:

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

2 15.197 (24) MILWAUKEE CHILD WELFARE PARTNERSHIP COUNCIL. (a) There is
3 created a Milwaukee child welfare partnership council, attached to the department
4 of health and social services under s. 15.03. The council shall consist of the following
5 members:

1 1. Three members of the Milwaukee County board nominated by the
2 Milwaukee County executive.

3 2. One representative to the assembly appointed by the speaker of the
4 assembly.

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

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

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

9 6. Ten members who are residents of this state.

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

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

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

16 **SECTION 2.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
17 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 Mil-		
waukee County	GPR A	-0- 5,118,500

24 **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 relating to the assumption by the department of the duty and authority to provide
4 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 (2) of the statutes, as affected by 1995 Wisconsin Act 27,
18 section 2281s, is amended to read:

19 46.40 **(2) BASIC COUNTY ALLOCATION.** For social services under s. 46.495 (1) (d)
20 and services under s. 51.423 (2), the department shall distribute not more than
21 \$292,368,400 for fiscal year 1995-96 and ~~\$292,109,500~~ \$291,349,200 for fiscal year
22 1996-97.

23 **SECTION 7.** 49.45 (44) of the statutes is created to read:

24 49.45 **(44) CARE COORDINATION.** An agency that is certified as a medical
25 assistance provider in Milwaukee County may elect to become certified by the

1 department as a provider of care coordination services. If the agency elects to become
2 certified as a provider of care coordination services, the agency may provide care
3 coordination services to a medical assistance recipient who is a resident of
4 Milwaukee County, has received a risk assessment approved by the department and
5 meets any of the following conditions:

6 (a) The recipient is pregnant.

7 (b) The recipient has a child who is 6 years of age or younger.

8 (c) The recipient is a child who is 6 years of age or younger.

9 **SECTION 8.** 49.46 (2) (b) 17. of the statutes is created to read:

10 49.46 (2) (b) 17. Care coordination services under s. 49.45 (44).

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

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

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

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

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

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

1 submit to the governor and the legislature under 1995 Wisconsin Act 27, section 9126
2 (27g).

3 (c) *Requests for proposals or bids.* In preparation for assuming the duty and
4 authority to provide child welfare services in Milwaukee County by no later than
5 January 1, 1998, the department of health and social services and, beginning on July
6 1, 1996, the department of health and family services may request proposals or bids
7 and enter into contracts as necessary for assuming that duty and authority.

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

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

17 1. Notwithstanding the length of terms specified for the members of the
18 Milwaukee child welfare partnership council appointed under section 15.197 (24) (a)
19 1. of the statutes, as created by this act, one initial member appointed under that
20 subdivision shall be appointed for a term expiring on July 1, 1997, one initial member
21 appointed under that subdivision shall be appointed for a term expiring on July 1,
22 1998, and one initial member appointed under that subdivision shall be appointed
23 for a term expiring on July 1, 1999.

24 2. Notwithstanding the length of terms specified for the members of the
25 Milwaukee child welfare partnership council appointed under section 15.197 (24) (a)

1 6. of the statutes, as created by this act, 3 initial members appointed under that
2 subdivision shall be appointed for terms expiring on July 1, 1997, 3 initial members
3 appointed under that subdivision shall be appointed for terms expiring on July 1,
4 1998, and 4 initial members appointed under that subdivision shall be appointed for
5 terms expiring on July 1, 1999.

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

12 (2) CARE COORDINATION SERVICES. The department of health and family services
13 shall allocate \$1,698,900 in fiscal year 1996-97 from the appropriation under section
14 20.435 (1) (o) of the statutes for the cost of care coordination services provided under
15 section 49.45 (44) of the statutes, as created by this act.

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

21 (4) MILWAUKEE COUNTY COMMUNITY AIDS REDUCTION. The department of health
22 and family services shall reduce the amount distributed to Milwaukee County for
23 child welfare services under section 46.40 (2) of the statutes by \$563,700 in fiscal year
24 1996-97.

1 (5) TERMINATION OF PARENTAL RIGHTS AND ADOPTION RESOURCE POOL IN
2 MILWAUKEE COUNTY. From the appropriation under section 20.435 (3) (cw) of the
3 statutes, as created by this act, the department shall distribute not more than
4 \$566,400 in fiscal year 1996-97 to Milwaukee County to contract for legal and
5 support staff to identify and prosecute cases in which termination of parental rights
6 over a child would be appropriate and not more than \$208,500 in fiscal year 1996-97
7 to issue requests for proposals to create a pool of potential adoptive families that can
8 provide for the needs of children whose permanency plan calls for termination of
9 parental rights.

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

11 (1) COMMUNITY AIDS. In the schedule under section 20.005 (3) of the statutes for
12 the appropriation to the department of health and family services under section
13 20.435 (7) (b) of the statutes, as affected by the acts of 1995, the dollar amount is
14 decreased by \$760,300 for fiscal year 1996-97 to decrease funding for the purposes
15 for which the appropriation is made.

16 (2) CHILD WELFARE SERVICES IN MILWAUKEE COUNTY. There is transferred from
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, to the appropriation to
19 that department under section 20.435 (3) (cw) of the statutes, as created by this act,
20 \$760,300 in fiscal year 1996-97.

21 (3) CARE COORDINATION SERVICES. In the schedule under section 20.005 (3) of the
22 statutes for the appropriation to the department of health and family services under
23 section 20.435 (1) (b) of the statutes, as affected by the acts of 1995, the dollar amount
24 is increased by \$1,148,300 for fiscal year 1996-97 to increase funding for care
25 coordination services under section 49.45 (44), as created by this act.

