

1999 DRAFTING REQUEST

Bill

Received: **09/22/98**

Received By: **malaigm**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-2288**

By/Representing: **Fossum**

This file may be shown to any legislator: **NO**

Drafter: **malaigm**

May Contact: **Sherwood Seigel**
DHFS
7-7805

Alt. Drafters:

Subject: **Children - TPR and adoption**

Extra Copies:

Topic:

DOA:.....Fossum - Adoption services appropriation

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	malaigm 09/24/98	jgeller 09/24/98		_____			
/1			jfrantze 09/24/98	_____	lrb_docadmin 09/24/98		

FE Sent For:

<END>

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/?	malaigm	1-9-24-98 JCG	9/24	9/24			

FE Sent For:

<END>

DHFS

Department of Health and Family Services
1997-99 Biennial Budget Statutory Language Request
September 3, 1998

Title: Adoption Services Appropriation

Current Language

The appropriations under s. 20.435 (3)(dd) State foster care and adoption services and s. 20.435 (3)(pd) Federal aid: state foster care and adoption services provide funding for foster care services to children under the state's guardianship, and for adoption assistance payments to parents of the children when they are adopted.

Proposed Change

The Department has requested funds to contract with private adoption agencies to place special needs children with adoptive parents (see decision item 5301). The funds requested would be placed in the appropriations under sections 20.435 (3)(dd) and (3)(pd). The current language describing the use of funds in these appropriations needs to be modified to also cover their use for contracting with private adoption agencies to place children under the state's guardianship. The Department will create separate numeric appropriations in the accounting system (appropriation 312 GPR and appropriation 351 FED) to keep funding for contract services separate from funding for foster care and adoption assistance payments.

For
who are
Dep't's
of the
Dep't

Effect of the Change

child welfare agency licensed under s. 48.60

Appropriations 20.435 (3)(dd) and (3)(pd) could be used to pay the cost of contracting for adoption services.

Rationale for the Change

A state and a federal appropriation are needed to pay the cost of contracting for adoption services.

Desired Effective Date: Passage of budget bill
Agency: DHFS
Agency Contact: Sherwood Seigel
Phone: 267-7805

1. The type of information sought.
2. The reason the information is being sought.
3. The basis for the petitioner's belief that the information is contained in the records.
4. The relevance of the information sought to the petitioner's reason for seeking the information.
5. The petitioner's efforts to obtain the information from other sources.

SECTION 900c. 48.396 (5) (b) of the statutes is repealed.

SECTION 900d. 48.396 (5) (c) of the statutes is renumbered 48.396 (5) (b) and amended to read:

48.396 (5) (b) The circuit court shall notify the child, the child's counsel ~~and~~, the child's parents ~~and~~ appropriate law enforcement agencies in writing of the petition. If any person notified objects to the disclosure, the court may hold a hearing to take evidence relating to the petitioner's need for the disclosure.

SECTION 900e. 48.396 (5) (d) of the statutes is renumbered 48.396 (5) (c) and, 48.396 (5) (c) (intro.), as renumbered, is amended to read:

48.396 (5) (c) (intro.) The circuit court shall make an inspection, which may be in camera, of the child's records. If the court determines that the information sought is essential to the petitioner's for good cause and that it cannot be obtained with reasonable effort from other sources, it shall then determine whether the petitioner's need for the information outweighs society's interest in protecting its confidentiality. In making this determination, the court shall balance the following private and societal interests:

SECTION 900f. 48.396 (5) (e) of the statutes is renumbered 48.396 (5) (d) and amended to read:

48.396 (5) (d) If the circuit court determines that disclosure is warranted, it shall order the disclosure of only as much information as is necessary to permit the petitioner to prosecute the civil action meet the petitioner's need for the information.

SECTION 900g. 48.396 (5) (f) of the statutes is renumbered 48.396 (5) (e) and amended to read:

48.396 (5) (e) The circuit court shall record the reasons for its decision to disclose or not to disclose the child's records. All records related to a decision under this subsection are confidential.

SECTION 900h. 48.396 (6) of the statutes is created to read:

48.396 (6) Notwithstanding sub. (5), a victim of a child's act or alleged act may, with the approval of the court, obtain the names of the child and the child's parents.

SECTION 900j. 48.44 of the statutes is renumbered 48.44 (1).

SECTION 900k. 48.44 (2) of the statutes is created to read:

48.44 (2) The court has jurisdiction over a person subject to an order under s. 48.366 for all matters relating to that order.

SECTION 900L. 48.53 of the statutes is amended to read:

48.53 Duration of control over delinquents. All Except as provided under s. 48.366, all children adjudged delinquent, whose legal custody has been transferred to the department, shall be discharged as soon as the department determines that there is a reasonable probability that it is no longer necessary either for the rehabilitation and treatment of the child or for the protection of the public that the department retain legal custody.

SECTION 914m. 48.545 of the statutes is created to read:

48.545 Adoption services program for children with special needs. (1) The department shall develop a plan in which the adoption services that it provides to children with special needs under its care would be contracted out to private agencies in one specified geographic area of the state. The department shall choose the specified geographic area of the state in which the plan shall be implemented. The department shall continue to provide adoption services to the children with special needs under its care in the specified geographic area if the private agencies with whom the department has contracted are unwilling or unable to place the children.

(2) The department shall submit the plan developed under sub. (1) to the joint committee on finance for review by January 1, 1988.

(3) The plan developed under sub. (1) shall be implemented as a pilot program to begin in fiscal year 1988-89. The pilot program shall be evaluated at the end of its first 2 years.

SECTION 923. 48.627 (title) of the statutes is amended to read:

48.627 (title) Foster parent insurance and liability.

SECTION 923e. 48.627 (1c) of the statutes is created to read:

48.627 (1c) The department shall determine the cost-effectiveness of purchasing private insurance which would provide coverage to foster parents for acts or omissions by or affecting a foster child. If this private insurance is cost-effective and available, the department shall purchase the insurance from the appropriations under s. 20.435 (4) (cf) and (pd). If the insurance is unavailable, payment of claims for acts or omissions by or affecting a foster child shall be in accordance with subs. (1m) to (2).

SECTION 923m. 48.627 (1m) of the statutes is repealed and recreated to read:

48.627 (1m) Within the limits of the appropriations under s. 20.435 (4) (cf) and (pd), the department shall pay claims to the extent not covered by any other insurance and subject to the limitations specified in sub. (2), for bodily injury or property damage sustained by a licensed foster parent or a member of the foster parent's family as a result of the act of a foster child in the foster parent's care.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0272/8
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SOON

DOA:.....Fossum – Adoption services appropriation

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Current law appropriates to the department of health and family services (DHFS) certain state general purpose revenues (GPR) and federal revenues for foster care and for adoption assistance payments to parents who adopt children with special needs. This bill expands the purposes for which GPR and federal foster care and adoption services moneys are appropriated to include the cost of contracting with private adoption agencies to provide adoption services for children with special needs who are under the guardianship of DHFS.

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

2 SECTION 1. 20.435 (3) (dd) of the statutes is amended to read:

3 20.435 (3) (dd) *State foster care and adoption services.* The amounts in the
4 schedule for foster care, treatment foster care, institutional child care and subsidized

1 adoptions under ss. 48.48 (12) and 48.52, for the cost of care for children under s.
2 49.19 (10) (d) ~~and~~[✓] for the cost of the foster care monitoring system and for the cost
3 of contracting with private adoption agencies to provide adoption services for
4 children with special needs who are under the guardianship of the department.[✓]

5 SECTION 2. 20.435 (3) (pd)^X of the statutes is amended to read:

6 20.435 (3) (pd) *Federal aid; state foster care and adoption services.* All federal
7 moneys received for meeting the costs of providing foster care, treatment foster care
8 ~~and~~[✓] institutional child care ~~under s. 48.52, and for~~ and subsidized adoptions under
9 ss. 48.48 (12) and 48.52,[✓] the cost of care for children under s. 49.19 (10) (d) and the
10 cost of contracting with private adoption agencies to provide adoption services for
11 children with special needs who are under the guardianship of the department.[✓]

12 Disbursements for foster care under s. 46.03 (20) and for the purposes described
13 under s. 48.627 may be made from this appropriation.

14 (END)[✓]

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0272/pdn ①

GMM.....
^

Jlg

Note that this draft also conforms s. 20.435 (3) (pd)✓ to s. 20.435 (3) (dd)✓ by inserting in s. 20.435 (3) (pd) a reference to the cost of subsidized adoptions under s. 48.48 (12). The effect is to permit federal funds to be spent on adoption assistance. Is that ok?

Also, do you think that DHFS needs specific statutory authority to contract out special needs adoptions or are you satisfied that DHFS' current general authority is sufficient? If specific language is needed, we can create language that is similar to s. 48.545, 1987 stats., which was created by 1987 Wisconsin Act 27 and repealed by 1993 Wisconsin Act 16.

Gordon M. Malaise
Senior Legislative Attorney
266-9738

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0272/1dn
GMM:jlj:jf

Thursday, September 24, 1998

Note that this draft also conforms s. 20.435 (3) (pd) to s. 20.435 (3) (dd) by inserting in s. 20.435 (3) (pd) a reference to the cost of subsidized adoptions under s. 48.48 (12). The effect is to permit federal funds to be spent on adoption assistance. Is that OK?

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0272/1
GMM:jljgjf

DOA:.....Fossum – Adoption services appropriation

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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2 49.19 (10) (d) ~~and~~, for the cost of the foster care monitoring system and for the cost
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4 children with special needs who are under the guardianship of the department.

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9 ss. 48.48 (12) and 48.52, the cost of care for children under s. 49.19 (10) (d) and the
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14 (END)