

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 - miscellaneous
Children - truancy

Extra Copies:

Topic:

DOA:.....Fossum - JIPS/CHIPS

Instructions:

See Attached

Drafting History:

| <u>Vcrs.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|--------------------|--------------------|--------------------|----------------|-------------------------|-----------------|-----------------|
| /1 | malaigm 10/1/98 | gilfokm 10/2/98 | martykr 10/2/98 | _____ | lrb_docadmin 10/2/98 | | S&L |

FE Sent For:

<END>

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 - miscellaneous**
Children - truancy

Extra Copies:

Topic:

DOA:.....Fossum - JIPS/CHIPS

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 | 1-10-2 Kmg | Km 1/2 | 05 10 Km 1/2 | | | |

FE Sent For:

<END>

DHFS

Department of Health and Family Services
1997-99 Biennial Budget Statutory Language Request
September 14, 1998

Title: JIPS/CHIPS

DHFS -- CHIPS

County = Jips

if find both, coordinate

Current Language

Chapter 48 directs The Department to administer child welfare services in Milwaukee County, making children in need of protective services (CHIPS) the responsibility of the Department. Juveniles in need of protective services (JIPS) are covered under the juvenile code under chapter 938.

Proposed Change

938.06 (1)(a) 2.

The proposal is to add language to chapter 938 that clearly states that the Department's child welfare responsibilities in Milwaukee County do not include JIPS. The cases at issue are juveniles who are not adjudicated delinquent by the court but who are uncontrollable or truant from home or school. Language can be added to s. 938.06 prohibiting the court from ordering the Department to provide intake, assessment and services to these juveniles, unless there is information suggesting abuse, neglect, improper care of a child and/or risk of abuse, neglect, improper care of a child, or parents' inability to provide special care or treatment. If evidence of child abuse/neglect was found during county intake and assessment of juvenile cases, services would have to be coordinated between the Department and the County.

CHIPS grounds

Effect of the Change

The intent of the language is to terminate the current requirement established by the Chief Judge of the First Judicial District in Milwaukee that "...the State Bureau of Milwaukee Child Welfare shall provide intake to "... any person seeking to file a pro se petition under Chapter 48 and/or Chapter 938." The intent of the proposed language is also to terminate the judge's directives to complete family needs assessments, and provide services if court intervention is not necessary, for a JIPS case falling under the jurisdiction of ch. 938. The change would eliminate the Department's responsibility to provide services neither intended nor funded by the Legislature.

pro se intake assessment services

Rationale for the Change

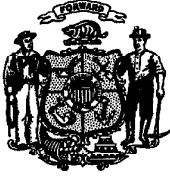
When the Legislature directed the Department to administer the child welfare system in Milwaukee County, it did not intend to include JIPS proceedings under Ch. 938. There is

neither statutory language nor funding for any Ch. 938 proceedings or services. In cases where the juvenile has been found to have committed a delinquent act (e.g. theft), county, state and judicial officials agree it is clear that the Department has no responsibility for intake, assessment or services, unless an assessment determines that there are also child abuse/neglect issues. The cases where there is disagreement among state, county and judicial officials regarding which agency is responsible are those under s. 938.13 for juveniles who are not adjudicated delinquent but

1. whose parents or guardian sign a petition requesting intervention of the court because they need assistance to control the juvenile; or
2. who are habitually truant; or
3. who are school dropouts; or
4. who are habitually truant from home.

Under s. 938.13, the court has exclusive original jurisdiction over the juveniles described above who are in need of protection or services which can be ordered by the court. However, the intake and services for these cases have always been, and should continue to be the responsibility of Milwaukee County. If there are no child abuse/neglect issues associated with these juveniles, the Department should have no responsibility for these cases. In addition to legislative intent that the Department not have JIPS responsibilities or funding for JIPS services, another reason that it is inappropriate for DHFS to have responsibility for JIPS cases is that Bureau of Milwaukee Child Welfare staff and contractor staff are not trained to assess and provide services to these cases.

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



State of Wisconsin
1999 - 2000 LEGISLATURE

Soon

LRB-0276/1

GMM...:.....
KMG

DOA:.....Fossum - JIPS/CHIPS

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1

Don't Gen. Cat.
AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, in a county with a population of 500,000 or more the department of health and family services (DHFS) is required to provide the court assigned to exercise jurisdiction under the children's code and the juvenile justice code (juvenile court) with services necessary for investigating and supervising child welfare cases under the children's code and the county board of supervisors is required to provide the juvenile court with services necessary for investigating and supervising cases under the juvenile justice code by operating a children's court center under the supervision of the director of the county department of social services (county department). Currently, child welfare cases under the children's code include cases in which a child is alleged to have been abused, neglected or otherwise to be in need of protection or services under the children's code and cases under the juvenile justice code include cases in which a juvenile is alleged to be delinquent, ~~take~~ in violation of a civil law or ordinance or ~~to be~~ in need of protection or services under the juvenile justice code, that is, habitually truant from home or school, uncontrollable or a school dropout. Currently, the chief judge of the judicial administrative district covering a county with a population of 500,000 or more must formulate written judicial policy governing intake and juvenile court services for matters under the children's code and the juvenile justice code.

*

or

This bill prohibits the chief judge from directing DHFS to provide intake and juvenile court services in cases in which the referral information indicates that the juvenile should be referred to the juvenile court under the juvenile justice code, unless that information indicates that the juvenile should also be referred to the juvenile court under the children's code. The bill also requires the chief judge to direct DHFS and the county department to coordinate the provision of services in cases in which a DHFS intake worker determines that jurisdiction exists under the juvenile justice code instead of or in addition to the children's code and in cases in which a county department intake worker determines that jurisdiction exists under the children's code instead of or in addition to the juvenile justice code.

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.** 938.06 (1) (a) 2. of the statutes is amended to read:

2 938.06 (1) (a) 2. The Subject to subd. 2m., the chief judge of the judicial
3 administrative district shall formulate written judicial policy governing intake and
4 court services for juvenile matters under this chapter and the director shall be
5 charged with executing the judicial policy. The chief judge shall direct and supervise
6 the work of all personnel of the court, except the work of the district attorney or
7 corporation counsel assigned to the court. The chief judge may delegate his or her
8 supervisory functions under s. 938.065 (1).

9 **SECTION 2.** 938.06 (1) (a) 2m. of the statutes is created to read:

10 938.06 (1) (a) 2m. In formulating judicial policy under subd. 2. governing
11 intake and court services, the chief judge may not direct the department of health
12 and family services to provide those services in any case in which the referral
13 information indicates that a juvenile should be referred to the court as delinquent,
14 in need of protection or services under this chapter or in violation of a civil law or
15 ordinance, unless that information indicates that the juvenile should also be referred

1 to the court as in need of protection or services under ch. 48. The chief judge shall
2 direct the department of health and family services and the county department to
3 coordinate the provision of services in cases in which the intake worker determines
4 under s. 48.24 (1) that prima facie jurisdiction exists under this chapter instead of
5 or in addition to ch. 48 and in cases in which the intake worker determines under s.
6 938.24 (1) that prima facie jurisdiction exists under ch. 48 instead of or in addition
7 to this chapter.

8 (END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0276/1
GMM:kmg:km

DOA:.....Fossum - JIPS/CHIPS

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, in a county with a population of 500,000 or more the department of health and family services (DHFS) is required to provide the court assigned to exercise jurisdiction under the children's code and the juvenile justice code (juvenile court) with services necessary for investigating and supervising child welfare cases under the children's code and the county board of supervisors is required to provide the juvenile court with services necessary for investigating and supervising cases under the juvenile justice code by operating a children's court center under the supervision of the director of the county department of social services (county department). Currently, child welfare cases under the children's code include cases in which a child is alleged to have been abused or neglected or otherwise to be in need of protection or services under the children's code and cases under the juvenile justice code include cases in which a juvenile is alleged to be delinquent, in violation of a civil law or ordinance or in need of protection or services under the juvenile justice code, that is, habitually truant from home or school, uncontrollable or a school dropout. Currently, the chief judge of the judicial administrative district covering a county with a population of 500,000 or more must formulate written judicial policy governing intake and juvenile court services for matters under the children's code and the juvenile justice code.

This bill prohibits the chief judge from directing DHFS to provide intake and juvenile court services in cases in which the referral information indicates that the juvenile should be referred to the juvenile court under the juvenile justice code, unless that information indicates that the juvenile should also be referred to the juvenile court under the children's code. The bill also requires the chief judge to direct DHFS and the county department to coordinate the provision of services in cases in which a DHFS intake worker determines that jurisdiction exists under the juvenile justice code instead of or in addition to the children's code and in cases in which a county department intake worker determines that jurisdiction exists under the children's code instead of or in addition to the juvenile justice code.

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.** 938.06 (1) (a) 2. of the statutes is amended to read:

2 938.06 (1) (a) 2. The Subject to subd. 2m., the chief judge of the judicial
3 administrative district shall formulate written judicial policy governing intake and
4 court services for juvenile matters under this chapter and the director shall be
5 charged with executing the judicial policy. The chief judge shall direct and supervise
6 the work of all personnel of the court, except the work of the district attorney or
7 corporation counsel assigned to the court. The chief judge may delegate his or her
8 supervisory functions under s. 938.065 (1).

9 **SECTION 2.** 938.06 (1) (a) 2m. of the statutes is created to read:

10 938.06 (1) (a) 2m. In formulating judicial policy under subd. 2. governing
11 intake and court services, the chief judge may not direct the department of health
12 and family services to provide those services in any case in which the referral
13 information indicates that a juvenile should be referred to the court as delinquent,
14 in need of protection or services under this chapter or in violation of a civil law or
15 ordinance, unless that information indicates that the juvenile should also be referred

1 to the court as in need of protection or services under ch. 48. The chief judge shall
2 direct the department of health and family services and the county department to
3 coordinate the provision of services in cases in which the intake worker determines
4 under s. 48.24 (1) that prima facie jurisdiction exists under this chapter instead of
5 or in addition to ch. 48 and in cases in which the intake worker determines under s.
6 938.24 (1) that prima facie jurisdiction exists under ch. 48 instead of or in addition
7 to this chapter.

8 (END)