

1999 DRAFTING REQUEST**Bill**Received: **12/28/98**Received By: **malaigm**Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget 6-2288**By/Representing: **Fossum**This file may be shown to any legislator: **NO**Drafter: **malaigm**

May Contact:

Alt. Drafters:

Subject: **Children - out-of-home placement**

Extra Copies:

Topic:

DOA:.....Fossum - Kinship care entitlement

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 12/28/98	gilfokm 12/28/98		_____			S&L
/1			martykr 12/29/98	_____	lrb_docadmin 12/29/98		S&L
/2	malaigm 12/30/98	gilfokm 12/30/98	jfrantze 01/4/99	_____	lrb_docadmin 01/4/99		

FE Sent For:

<END>

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/1		<i>12-12-30 King</i> martykr 12/29/98		_____	lrb_docadmin 12/29/98		

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JB 1/4 JB/EP
1 <END>

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1/2	malaigm	1-12-28 King	Am 12/28	dmh 12/28	Am 12/28		

FE Sent For:

<END>

CORRESPONDENCE MEMORANDUM

STATE OF WISCONSIN
Department of Administration

Date: December 22, 1998

To: Steven Miller, Director
Legislative Reference Bureau

From: Gretchen A. Fossum, Budget Analyst
State Budget Office

Subject: Drafting Instructions for the 1999-01 Budget Bill

I have attached the drafting requests for the following two items to be included in the 1999-01 budget bill:

1. Kinship Care Entitlement
2. ~~_____~~

If you have any questions, please contact me at 266-2288.

DRAFTING INSTRUCTIONS
KINSHIP CARE ENTITLEMENT

Background

S. 48.57(3m)(am) requires the Department of Health and Family Services to reimburse counties, from appropriations s. 20.435(3)(cz) and (kc), for payments of \$215 per month to a kinship care relative who is providing care and maintenance for a child if certain conditions are met.

Confusion now exists as to whether the kinship care payment is entitlement. Some argue that the language under s. 48.57(3m)(am) makes the payment an entitlement. Others argue that the payments are constrained by the amounts in the Chapter 20 schedule and thus waiting lists for the payment can occur if requests exceed the funding levels in Chapter 20.

Requested Change

Amend s. 48.57(3m) to clarify that the kinship care payment is not entitlement. This may be able to be accomplished by either of the following:

- amend of the appropriation
to s. 20.435 (3)(cz) & (kc)*
1. Amend s. 48.57(3m)(am) ^(intro) to add the phrase "within the limits of available state and federal funds"; or ^{(3m) (am) (intro)}
 2. Use the type of language in s. 49.141(4) which provides that Wisconsin Works (W2) is not an entitlement.

State Budget Analyst: *Gretchen A. Fossum*

266-2288



State of Wisconsin
1999 - 2000 LEGISLATURE

sm

LRB-14627

GMM...x:....

1
mgy

DOA:.....Fossum – Kinship care entitlement

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1

AN ACT <sup>Don't
Gen. Cat.</sup> relating to: the budget.

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, a county department of human services or social services (county department) or, in a county having a population of 500,000 or more, the department of health and family services (DHFS) must make payments in the amount of \$215 per month to a relative of a child who is providing care and maintenance for the child if certain conditions are met (kinship care and long-term kinship care). Current law also requires DHFS to reimburse a county having a population of less than 500,000 for kinship care and long-term kinship care payments made by the county. Under this bill, a county department or, in a county having a population of 500,000 or more, DHFS must make kinship care and long-term kinship care payments *subject to the availability of funds*, and DHFS must reimburse a county for kinship care and long-term kinship care payments made *within the limits of available state and federal funds*.

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. 48.57 (3m) (am) (intro.) of the statutes is amended to read:

2 48.57 (3m) (am) (intro.) ~~From~~ [✓] Within the limits of available state and federal

3 funds, from the appropriations under s. 20.435 (3) (cz) and (kc), the department shall

4 reimburse counties having populations of less than 500,000 for payments made

5 under this subsection and shall make payments under this subsection in a county

6 having a population of 500,000 or more. ~~A~~ ^{strike spaces} Subject to the availability of funds, a

7 county department and, in a county having a population of 500,000 or more, the

8 department shall make payments in the amount of \$215 per month to a kinship care

9 relative who is providing care and maintenance for a child if all of the following

10 conditions are met:

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292.

11 SECTION 2. 48.57 (3n) (am) (intro.) of the statutes is amended to read:

12 48.57 (3n) (am) (intro.) ~~From~~ [✓] Within the limits of available state and federal

13 funds, from the appropriations under s. 20.435 (3) (cz) and (kc), the department shall

14 reimburse counties having populations of less than 500,000 for payments made

15 under this subsection and shall make payments under this subsection in a county

16 having a population of 500,000 or more. ~~A~~ ^{Strike spaces} Subject to the availability of funds, a

17 county department and, in a county having a population of 500,000 or more, the

18 department shall make monthly payments for each child in the amount specified in

19 sub. (3m) (am) (intro.) to a long-term kinship care relative who is providing care and

20 maintenance for that child if all of the following conditions are met:

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292.

21 (END)

CORRESPONDENCE MEMORANDUM

**STATE OF WISCONSIN
Department of Administration**

Date: December 30, 1998

To: Gordon M. Malaise, Senior Legislative Attorney
Legislative Reference Bureau

From: Gretchen A. Fossum, Budget Analyst *SA7*
State Budget Office

Subject: LRB Draft 1462/1, Kinship Care Entitlement

Upon further consideration and budget developments:

During the FY99/01 biennium kinship care benefits will be completely funded with federal Temporary Assistance to Needy Families (TANF) funds from the Department of Workforce Development. Because there will be some unallocated TANF funds, counties could argue that funds are available over and above the amounts that the Department of Health and Family Services allocates for the benefit.

To ensure that the kinship care benefit is not an entitlement, we will need language similar to s. 49.141(4).

If you have any questions, please contact me at 266-2288.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1462/1 (2)
GMM:kmg:km (RMR)

Soon

DOA:.....Fossum - Kinship care entitlement

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

a county department or DHFS may make those payments if certain conditions are met. The bill also provides that,
Under this bill, notwithstanding fulfillment of the conditions of eligibility for the receipt of kinship care or long-term kinship care payments, a kinship care or long-term kinship care relative who is providing care and maintenance for a child is not entitled to receive those payments

1 AN ACT ^{relating to}; relating to: the budget.

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES
PUBLIC ASSISTANCE

Under current law, a county department of human services or social services (county department) or, in a county having a population of 500,000 or more, the department of health and family services (DHFS) must make payments in the amount of \$215 per month to a relative of a child who is providing care and maintenance for the child if certain conditions are met (kinship care and long-term kinship care). Current law also requires DHES to reimburse a county having a population of less than 500,000 for kinship care and long-term kinship care payments made by the county. Under this bill, a county department or, in a county having a population of 500,000 or more, DHFS must make kinship care and long-term kinship care payments subject to the availability of funds, and DHFS must reimburse a county for kinship care and long-term kinship care payments made within the limits of available state and federal funds.

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. 48.57 (3m) (am) ^(plain)(intro.) of the statutes is amended to read:

2 48.57 (3m) (am) (intro.) ~~From Within the limits of available state and federal~~
 3 ~~funds from~~ the appropriations under s. 20.435 (3) (cz) and (kc), the department shall
 4 reimburse counties having populations of less than 500,000 for payments made ^{par. (ap)}
 5 under this subsection and shall make payments under this subsection in a county
 6 having a population of 500,000 or more. ~~A Subject to the availability of funds, a~~
 7 county department and, in a county having a population of 500,000 or more, the
 8 department ^{may} shall make payments in the amount of \$215 per month to a kinship care
 9 relative who is providing care and maintenance for a child if all of the following
 10 conditions are met:

✓
 Insert
 2-10
 →

11 SECTION 2. 48.57 (3n) (am) ^(plain)(intro.) of the statutes is amended to read:

12 48.57 (3n) (am) (intro.) ~~From Within the limits of available state and federal~~
 13 ~~funds from~~ the appropriations under s. 20.435 (3) (cz) and (kc), the department shall
 14 reimburse counties having populations of less than 500,000 for payments made ^{par. (ap)}
 15 under this subsection and shall make payments under this subsection in a county
 16 having a population of 500,000 or more. ~~A Subject to the availability of funds, a~~
 17 county department and, in a county having a population of 500,000 or more, the
 18 department ^{may} shall make monthly payments for each child in the amount specified in
 19 sub. (3m) (am) (intro.) to a long-term kinship care relative who is providing care and
 20 maintenance for that child if all of the following conditions are met:

✓
 Insert
 2-20
 →

21

(END)

Insert 2-10 ✓

SEC. CR; 49.57 (3m) (ap)

49.57 (3m) (ap) Notwithstanding fulfillment of the conditions of eligibility specified in par. (am) 1. to 6., a kinship care relative ~~is not entitled to receive~~ who is providing care and maintenance for a child is not entitled to receive payments under par. (am) ^{am} ~~(am)~~ (1).

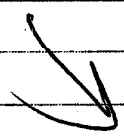
(end of insert)

Insert 2-20 ✓

(3n)
SEC. CR. 49.57 (2)(a) (ap)

(3n)
49.57 (2)(a) (ap) Notwithstanding fulfillment of the
conditions of eligibility specified in par. (am) 1. to ^(5r.) ~~for~~ ✓
long-term
a kinship care relative ~~is not entitled to receive~~ who is
providing care and maintenance for a child is not entitled to
receive payments under par. (am) ^{am} ~~(a) (a)~~ (a)

~~Old insert~~



Insert 2-20

Section #. 48.57 (3n) (ar) (intro.) of the statutes is amended to read:

par. (ap) and

may

48.57 (3n) (ar) (intro.) Subject to sub. (3p) (fm) 1m. and (hm), a county department or, in a county having a population of 500,000 or more, the department ~~shall~~ enter into an agreement under par. (am) 6. if all of the following conditions are met:

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292.

(edotnot)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1462/2
GMM:kmg:jf

DOA:.....Fossum - Kinship care entitlement

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

PUBLIC ASSISTANCE

Under current law, a county department of human services or social services (county department) or, in a county having a population of 500,000 or more, the department of health and family services (DHFS) must make payments in the amount of \$215 per month to a relative of a child who is providing care and maintenance for the child if certain conditions are met (kinship care and long-term kinship care). Under this bill, a county department or DHFS *may* make those payments if certain conditions are met. The bill also provides that, notwithstanding fulfillment of the conditions of eligibility for the receipt of kinship care or long-term kinship care payments, a kinship care or long-term kinship care relative who is providing care and maintenance for a child *is not entitled* to receive those payments.

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:

2 SECTION 1. 48.57 (3m) (am) (intro.) of the statutes is amended to read:

1 48.57 **(3m)** (am) (intro.) From the appropriations under s. 20.435 (3) (cz) and
2 (kc), the department shall reimburse counties having populations of less than
3 500,000 for payments made under this subsection and shall make payments under
4 this subsection in a county having a population of 500,000 or more. ~~A Subject to par.~~
5 ~~(ap), a~~ county department and, in a county having a population of 500,000 or more,
6 the department ~~shall~~ may make payments in the amount of \$215 per month to a
7 kinship care relative who is providing care and maintenance for a child if all of the
8 following conditions are met:

9 **SECTION 2.** 48.57 (3m) (ap) of the statutes is created to read:

10 48.57 **(3m)** (ap) Notwithstanding fulfillment of the conditions of eligibility
11 specified in par. (am) 1. to 6., a kinship care relative who is providing care and
12 maintenance for a child is not entitled to receive payments under par. (am).

13 **SECTION 3.** 48.57 (3n) (am) (intro.) of the statutes is amended to read:

14 48.57 **(3n)** (am) (intro.) From the appropriations under s. 20.435 (3) (cz) and
15 (kc), the department shall reimburse counties having populations of less than
16 500,000 for payments made under this subsection and shall make payments under
17 this subsection in a county having a population of 500,000 or more. ~~A Subject to par.~~
18 ~~(ap), a~~ county department and, in a county having a population of 500,000 or more,
19 the department ~~shall~~ may make monthly payments for each child in the amount
20 specified in sub. (3m) (am) (intro.) to a long-term kinship care relative who is
21 providing care and maintenance for that child if all of the following conditions are
22 met:

23 **SECTION 4.** 48.57 (3n) (ap) of the statutes is created to read:

