

Assembly

Committee Report

The committee on **Children and Families**, reports and recommends:

Assembly Bill 587

Relating to: eligibility of second cousins for payments under the kinship care and long-term kinship care programs.

Joint Legislative Council

PASSAGE RECOMMENDED, Ayes 8, Noes 0, Absent 2

Ayes: (9) Representatives Ladwig, Jeskewitz, Freese, Kreibich, Grothman, Kestell, Miller, Colon and Sinicki

Noes: (0) None

Absent: (1) Representative Coggs

Bonnie

Representative Bonnie Ladwig
Chair

Assembly

Record of Committee Proceedings

Committee on Children and Families

Assembly Bill 587

Relating to: eligibility of second cousins for payments under the kinship care and long-term kinship care programs.

Joint Legislative Council

November 10, 1999 Referred to committee on Children and Families

November 30, 1999 **PUBLIC HEARING HELD**

Present: (5) Representatives Ladwig, Freese, Miller, Colon and Sinicki.
Absent: (5) Representatives Jeskewitz, Kreibich, Grothman, Kestell and Coggs.

Appearances for

- State Representative Terry Musser, 92nd Assembly District
- Carol Medaris, Wisconsin Council on Children and Families

Appearances against

- None

Appearances for Information Only

- David Lovell, Legislative Council

Registrations for

- State Representative John LaFave, 23rd Assembly District

Registrations against

- None

January 20, 2000 **EXECUTIVE SESSION**

Present: (9) Representatives Ladwig, Jeskewitz, Kreibich, Freese, Grothman, Kestell, Miller, Colon and Sinicki
Absent: (1) Representative Coggs

Moved by Representative Miller, seconded by Representative Kreibich, that **Assembly Bill 587** be recommended for passage.

Ayes: (9) Representatives Ladwig, Jeskewitz, Freese,
Kreibich, Grothman, Kestell, Miller, Colon
and Sinicki

Noes: (0) None

Absent: (1) Representative Coggs

PASSAGE RECOMMENDED, Ayes 9, Noes 0, Absent 1

A handwritten signature in cursive script that reads "Janine Hale". The signature is written in black ink and is positioned above the printed name and title.

Janine Hale
Committee Clerk

MATERIALS FOR BILLS IN ASSEMBLY RULES COMMITTEE

BILL NUMBER

AB 587

COUNCIL ATTORNEY ~~OR~~
~~ANALYST~~
[ASSEMBLY COMMITTEE]

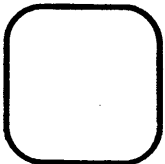
Anne Sappentfield

TELEPHONE

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COUNCIL ATTORNEY OR
ANALYST
[SENATE COMMITTEE]

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NO WRITTEN MATERIALS AVAILABLE IN COUNCIL FILES



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AMERICAN INDIAN
MEMO NO. 98-14
September 17, 1999

TO: MEMBERS OF THE AMERICAN INDIAN STUDY COMMITTEE

FROM: Joyce L. Kiel, Senior Staff Attorney

SUBJECT: Definition of "Relative" Under the Kinship Care Program and the Long-Term Kinship Care Program; and Funding for Assessments Under the Kinship Care Program

This memorandum provides general background information about the kinship care program and the long-term kinship care program and then provides specific information about the following two issues: (a) the definition of "relative" under these programs; and (b) funding for assessments under the kinship care program. The American Indian Study Committee will hear testimony from invited speakers about both issues at its September 24, 1999 meeting.

A. GENERAL INFORMATION ABOUT THE KINSHIP CARE PROGRAM

The kinship care program was created by 1995 Wisconsin Act 289, which also created the Wisconsin Works (W-2) program to replace the Aid to Families With Dependent Children (AFDC) program. Under AFDC, a nonlegally responsible relative (commonly referred to as an NLRR) who provided care for a child was eligible for an AFDC payment based on the income of the child. The kinship care program essentially replaced the AFDC benefits for NLRRs, but the kinship care program set forth eligibility criteria (as discussed below) which had not applied under the AFDC-NLRR program.

In general, the kinship care program provides that a county department of social services or county department of human services (county department) other than in Milwaukee County and, in Milwaukee County, the state Department of Health and Family Services (DHFS) must make payments of \$215 per month to a "kinship care relative" (defined in Section C., item 1., below) if certain conditions are met. DHFS reimburses counties (other than Milwaukee County) for the kinship care payments. [s. 48.57 (3m) (am), Stats.] (The Milwaukee Bureau of Child Welfare, DHFS, makes the payments in Milwaukee County.) DHFS may enter into an agreement with the governing body of a federally recognized American Indian tribe or band (tribe) to allow that governing body to administer the kinship care program within the boundaries of that tribe's reservation. [s. 48.57 (3t), Stats.]

The conditions which must be met are as follows:

1. The county department, DHFS or tribe must determine that there is a need for the child to be placed with the kinship care relative and that the placement is in the best interests of the child. [s. 48.57 (3m) (am) 1., Stats.]
2. The county department, DHFS or tribe must determine that the child meets one or more of the criteria specified in s. 48.13, Stats. (child in need of protection or services (CHIPS)), or s. 938.13, Stats. (juvenile in need of protection or services (JIPS)), or that the child would be at risk of meeting one or more of these criteria if the child were to remain in his or her home. [s. 48.57 (3m) (am) 2., Stats.]
3. The county department, DHFS or tribe must conduct a background investigation of the kinship care relative, any employe and prospective employe of the kinship care relative who has or would have regular contact with the child and any other adult resident of the kinship care relative's home to determine if the kinship care relative, employe, prospective employe or adult relative has any arrests or convictions that could adversely affect the child or the kinship care relative's ability to care for the child. [s. 48.57 (3m) (am) 4., Stats.] Moreover, subject to certain provisions, the kinship care relative must state that there are no such arrests or convictions. [s. 48.57 (3m) (am) 4m., Stats.]
4. The kinship care relative must cooperate with the county department, DHFS or tribe in the application process, including applying for other forms of assistance for which the kinship care relative may be eligible. [s. 48.57 (3m) (am) 5., Stats.]
5. The kinship care relative must not be receiving supplemental security income (SSI) or long-term kinship care payments for the child. [s. 48.57 (3m) (am) 6., Stats.]

If kinship care payments are approved, the child's placement must be reviewed at least once every 12 months to determine whether all eligibility criteria continue to exist. [s. 48.57 (3m) (d), Stats.]

B. GENERAL INFORMATION ABOUT THE LONG-TERM KINSHIP CARE PROGRAM

The long-term kinship care program was created by 1997 Wisconsin Act 105, effective April 29, 1998, on the recommendation of the Joint Legislative Council's Special Committee on Adoption Laws. It is similar to the kinship care program but was intended to recognize circumstances under which there is expected to be a long-term placement with a relative and the relative has been appointed the child's guardian under s. 48.977 (2), Stats. Differences between the kinship care program and the long-term kinship care program center around: (1) the more strenuous eligibility requirements for long-term kinship care; (2) the more extensive initial inspection but less extensive annual review under the long-term kinship care program; (3) the provision for a written agreement between the long-term kinship care relative and administrator of the long-term kinship care program; and (4) the differing process for dealing with any criminal background of the long-term kinship care relative, an employe who has regular contact with the child and any other adult resident of the long-term kinship care relative's home.

In general, like the kinship care program, the long-term kinship care program provides that a county department other than in Milwaukee County and, in Milwaukee County, DHFS, must make payments of \$215 per month to a "long-term kinship care relative" if certain conditions are met. DHFS reimburses counties (other than Milwaukee County) for the long-term kinship care payments. [s. 48.57 (3m) (am), Stats.] (The Milwaukee Bureau of Child Welfare, DHFS, makes the payments in Milwaukee County.) DHFS may enter into an agreement with the governing body of a tribe to allow that governing body to administer the long-term kinship care program within the boundaries of that tribe's reservation. [s. 48.57 (3t), Stats.]

The conditions which must be met are as follows:

1. The long-term kinship care relative must present proof that he or she has been appointed as the child's guardian under s. 48.977 (2), Stats. A relative may be appointed as a child's guardian under s. 48.977 (2), Stats., only if a juvenile court finds all of the following:
 - a. That the child has been adjudged CHIPS (other than CHIPS on the basis of not being immunized) or has been adjudged JIPS under s. 938.13 (4), Stats. (the juvenile's parent or guardian has requested JIPS jurisdiction and is unable or needs assistance to control the juvenile), and has been placed, or continued in a placement, outside of his or her home pursuant to one or more court orders under a CHIPS or JIPS dispositional order, a CHIPS or JIPS change in placement order, a CHIPS or JIPS revision order or a CHIPS or JIPS extension order for a cumulative total period of one year or longer;
 - b. That the person nominated as the guardian of the child is a relative of the child with whom the child has been placed and that it is likely that the child will continue to be placed with that relative for an extended period of time or until the child attains the age of 18 years;
 - c. That, if appointed, it is likely that the relative would be willing and able to serve as the child's guardian for an extended period of time or until the child attains the age of 18 years;
 - d. That it is not in the best interests of the child that a petition to terminate parental rights be filed with respect to the child;
 - e. That the child's parent is neglecting, refusing or unable to carry out the duties of a guardian or, if the child has two parents, both parents are neglecting, refusing or unable to carry out the duties of a guardian; and
 - f. That, unless a statutory exception applies, the agency primarily responsible for providing services to the child under a court order has made reasonable efforts to make it possible for the child to return to his or her home, while assuring that the child's health and safety are the paramount concerns, but that reunification of the child with the child's parent or parents is unlikely or contrary to the best interests of the child and that further reunification efforts are unlikely to be made or are contrary to the best interests of the child.

[ss. 48.57 (3n) (am) 1. and 48.977 (2), Stats.]

2. The county department, DHFS or tribe must inspect the long-term kinship care relative's home, interview the long-term kinship care relative and determine that long-term placement with the long-term kinship care relative is in the best interests of the child. [s. 48.57 (3n) (am) 2., Stats.]

3. The county department, DHFS or tribe must conduct a background investigation of the long-term kinship care relative, any employe and prospective employe of the long-term kinship care relative who has or would have regular contact with the child and any other adult resident of the long-term kinship care relative's home, to determine if the long-term kinship care relative, employe, prospective employe or adult relative has any arrests or convictions that are likely to adversely affect the child or the long-term kinship care relative's ability to care for the child. [s. 48.57 (3n) (am) 4., Stats.] Moreover, subject to certain provisions, the long-term kinship care relative must state that there are no such arrests or convictions. [s. 48.57 (3n) (am) 4m., Stats.]

4. The long-term kinship care relative must cooperate with the county department, DHFS or tribe in the application process, including applying for other forms of assistance for which the long-term kinship care relative may be eligible. [s. 48.57 (3n) (am) 5., Stats.]

5. The long-term kinship care relative must not be receiving kinship care payments or SSI for the child. [s. 48.57 (3n) (am) 5m. and 5r., Stats.]

6. The long-term kinship care relative and the county department, DHFS or tribe must have entered into a written agreement under which the long-term kinship care relative agrees to provide care and maintenance of the child and the county department, DHFS or tribe agrees to continue making payments until one of the conditions enumerated in the statutes which result in termination of benefits occurs. [s. 48.57 (3n) (am) 6., Stats.] (Those conditions which result in termination are that the child has attained the age of 18 years, died, has been placed outside the relative's home under a court order, has ceased to reside with the relative, has moved out of state or the guardianship has terminated.) [s. 48.57 (3n) (am) 6. a. to f., Stats.]

If long-term kinship care payments are approved, the county department, DHFS or tribe must, at least once every 12 months, determine whether any of the events that cause termination of benefits has occurred. [s. 48.57 (3n) (d), Stats.] This is a less annual extensive review than that required under the kinship care program.

C. DEFINITION OF "RELATIVE" UNDER THE KINSHIP CARE PROGRAM AND THE LONG-TERM KINSHIP CARE PROGRAM

1. Definitions

The definition of a "kinship care relative" and the definition of a "long-term kinship care relative" are the same. Both are defined as:

[A] stepparent, brother, sister, stepbrother, stepsister, first cousin, nephew, niece, aunt, uncle or any person of a preceding generation

as denoted by the prefix of grand, great or great-great, whether by consanguinity, direct affinity or legal adoption, or the spouse of any person named in this paragraph, even if the marriage is terminated by death or divorce. [s. 48.57 (3m) (a) and (3n) (a), Stats.]

Moreover, the definition of a "relative" for purposes of a s. 48.977 guardianship (described in Section B., above) also cross-references the definition of a "kinship care relative" in s. 48.57 (3m) (a), Stats. [s. 48.977 (1), Stats.]*

2. Request for Legislation

A request has been made that the Committee consider recommending legislation that would expand the definition of a "kinship care relative" and a "long-term kinship care relative" to include a second cousin. Such a change also would expand the definition of "relative" under the s. 48.977 guardianship provision. The apparent rationale for the request stems from a provision in the federal Indian Child Welfare Act (ICWA), 25 U.S.C. ss. 1191 to 1963.

3. Background Information About ICWA

ICWA relates to "child custody proceedings" involving American Indian children, that is, "foster care placements," "termination of parental rights" proceedings, "preadoptive placements" and "adoptive placements" as defined in ICWA. The general goal of ICWA is to have American Indian children remain in the Indian community. ICWA provides that in foster care, preadoptive and adoptive placements, preference must be given, in the absence of good cause to the contrary, to placement with certain categories of individuals. Unless a tribe establishes a different order of preference by resolution, in general, the first placement preference is "a member of the Indian child's extended family." [25 U.S.C. s. 1915.] ICWA specifies that:

"[E]xtended family member" shall be defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, shall be a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or *second cousin*, or stepparent. [25 U.S.C. s. 1903 (2) (emphasis added).]

Wisconsin statutes provide that ICWA supersedes all inconsistent provisions of ch. 48, Stats. (the Children's Code) and ch. 938, Stats. (the Juvenile Justice Code) in a child custody proceeding governed by ICWA. [ss. 48.028 and 938.028, Stats.] Thus, in general, if there is a child custody proceeding to which ICWA applies, the first placement preference is a member of the American Indian child's extended family unless there is good cause to the contrary.

*Section 48.977 (1), Stats., provides that for purposes of s. 48.977, a relative means a relative as defined in s. 48.02 (15) or a person specified in s. 48.57 (3m) (a), Stats. Section 48.02 (15), Stats., defines a "relative" for purposes of the Children's Code as a parent, grandparent, stepparent, brother, sister, first cousin, nephew, niece or uncle and requires that the relationship be by blood, marriage or adoption.

4. Comments

Kinship care payments may be made for a child who has been placed with a relative under a court order, but a court order is not required for a relative to be eligible for kinship care payments. In cases of long-term kinship care, there always will have been a court order due to the requirement that the relative must have been appointed as the child's guardian under s. 48.977.

Technically, the kinship care program and the long-term kinship care program are payment mechanisms, not "child custody proceedings" under ICWA. Therefore, ICWA does not appear to require that all individuals who may be defined as "extended family members" under ICWA be eligible for kinship care payments or long-term kinship care payments.

A dilemma may occur when a court orders a placement with a second cousin who is an extended family member under ICWA, but the second cousin is not eligible for kinship care payments or long-term kinship care payments. (If the second cousin is eligible to be licensed as a foster parent, foster care payments may be made.)

A dilemma also may occur if arrangements are made on an informal basis to have a child live with a relative who is a second cousin of the child, rather than filing a petition in court. A second cousin would not be eligible for kinship care payments under these circumstances.

If the Committee considers recommending to the Joint Legislative Council that legislation be introduced to include second cousins in the definition of a "relative" for purposes of the kinship care program and the long-term kinship care programs, one point should be noted. Because it does not appear that ICWA requires that second cousins be added, consideration should be given to changing the definition for all children, not just American Indian children. The reason is that a court likely would hold it to be an unconstitutional violation of the Equal Protection Clause to include such a provision only for American Indian children.

D. FUNDING FOR ASSESSMENTS UNDER THE KINSHIP CARE PROGRAM

As noted above, the county department, DHFS or tribe must determine that certain conditions (set forth in Section A., items 1. to 5., above) are met before kinship care payments may be made and must review a placement at least every 12 months after payments are begun to determine whether all the prerequisite conditions continue to exist. These determinations and the associated criminal background investigations are commonly referred to as assessments. A request has also been made that the Committee review the issue of funding provided to tribes for assessments under the kinship care program.

1995 Wisconsin Act 289, which created the kinship care program, also created an appropriation for kinship care assessments and foster care assessments (that is, assessments for which foster care payments resulted from the kinship care applications, commonly referred to as "kinship foster care"). Funding of \$3,000,000 was provided in state fiscal year 1996-97--\$1,200,000 general purpose revenue (GPR) and \$1,800,000 in federal matching payments. [Memorandum, *Wisconsin Works (W-2) 1995 Wisconsin Act 289, Summary of Provisions*, Legislative Fiscal Bureau (June 6, 1996).] County departments were required to complete all assessments and background investigations of individuals receiving AFDC-NLRR payments by

December 31, 1997 to determine if they were eligible for kinship care payments or foster care payments. Thus, a large number of assessments were initially required in order to determine which AFDC-NLRR cases could be converted to kinship care or, in some cases, to foster care.

1997 Wisconsin Act 27 (the 1997-99 Biennial Budget Act) appropriated \$1,735,100 program revenue (PR) in federal funds in state fiscal year 1997-98 and \$1,464,000 PR in state fiscal year 1998-99 to kinship care assessments. [s. 20.435 (3) (kd), Stats.] 1997 Wisconsin Act 105 also required that this appropriation be used for long-term kinship care assessments. Federal funds consisted of funding available under the federal Temporary Assistance to Needy Families (TANF) block grant program. Act 27 also appropriated \$187,000 GPR in state fiscal year 1997-98 and \$112,800 GPR in state fiscal year 1998-99 for assessments of AFDC NLRRs to determine if they were eligible for kinship foster care payments. [s. 20.435 (3) (db), Stats.]

The 1999-01 Biennial Budget Bill (1999 Assembly Bill 133 and 1999 Senate Bill 45) proposes providing \$1,464,000 PR in state fiscal year 1999-00 and the same amount in state fiscal year 2000-01 for kinship care and long-term kinship care assessments and \$112,800 GPR in state fiscal year 1999-00 and the same amount in state fiscal year 2000-01 for kinship foster care assessments. This means that the base funding from state fiscal year 1998-99 would not be changed. As of this date, the 1999-01 Biennial Budget Bill has not yet been enacted.

The following attachments provide information about the amounts allocated to counties and tribes for kinship care assessments and kinship foster care assessments for the last three years. (The amounts listed for the counties are based on calendar year, the amounts listed for the tribes are based on a year which begins October 1 and ends September 30 and the appropriation amounts listed above are based on the state fiscal year which begins July 1 and ends June 30. Thus, there are some discrepancies in the amounts.) **Attachments 1 to 3** provide information about allocations to counties for calendar years 1997, 1998 and 1999, respectively, for kinship care and kinship foster care assessments. **Attachment 4** provides information about allocations to tribes for October 1997 through September 2000 for kinship care assessments. **Tables 1 and 2** summarize these allocations.

TABLE 1
Kinship Care and Foster Kinship Care Assessment Allocations to Counties*

<i>Calendar Year</i>	<i>Kinship Care Assessment Allocations</i>	<i>Foster Kinship Care Assessment Allocations</i>
1997	\$1,689,545	\$223,847
1998	\$1,828,634	\$261,766
1999	\$1,374,152	\$216,550

*Includes amounts allocated to the Bureau of Milwaukee Child Welfare, DHFS, for Milwaukee County.

TABLE 2
Kinship Care Assessment Allocations to Tribes

October 1997 to September 1998	\$111,506
October 1998 to September 1999	\$ 60,094
October 1999 to September 2000	\$ 57,114

DHFS staff did not have information readily available about the number of assessments conducted during the time periods for which these allocations were made or information about the average cost of an assessment or reassessment. The Legislative Audit Bureau conducted an audit of the kinship care program in 1998, which provides some information about the cost of kinship care assessments. Legislative Audit Bureau Report 98-16, *Kinship Care Program* (December 1998), contained the following statement about assessments:

Although [DHFS] has no information that would provide a reliable basis for reviewing the local agencies' assessment costs, financial data are available regarding the amount of funds transferred to each local agency to provide for these costs. A separate set of data indicates the number of assessments completed during the first six months of 1998, as reported by each local agency. Comparing these two figures over the same period for each local agency produces a wide variation of funds claimed per assessment completed. Some local agencies reported performing assessments while claiming no funds, while other agencies had claimed large amounts of funds while reporting few assessments. The four local agencies with the highest ratio of claimed funds to completed assessments received between \$923 and \$2,102 for each completed assessment. Because [DHFS] has not examined the costs being incurred or reported by local agencies, budgeting for assessments in the coming biennium has proceeded without reliable information, and [DHFS] can offer no assurance that local agencies' assessment-related expenditures are reasonable. [Legislative Audit Bureau Report 98-16, pp. 24-25.]

Additional information about allocations for kinship care assessments will be provided by the invited speakers at the Committee's meeting on September 24.

JLK:ksm;jal

Attachments

Revised Kinship Care Allocations for Calendar Year 1997

ATTACHMENT 1

CARS Profile Number	380	377	372	373
	Kinship Assessment Allocation	Kinship Benefit Allocation	Foster Care Assessment Allocation	Foster Care Benefit Allocation
nu tp	Jan.-Dec. 1997	Jul.-Dec. 1997	Jul.-Dec. 1997	Jul.-Dec. 1997
1 14 ADAMS	\$ 8,032	\$ 27,108	\$ 1,023	\$ 12,986
2 14 H ASHLAND	\$ 3,022	\$ 7,057	\$ 1,103	\$ 12,389
3 14 BARRON	\$ 8,218	\$ 24,754	\$ 1,047	\$ 11,859
4 14 BAYFIELD	\$ 4,813	\$ 11,442	\$ 613	\$ 5,481
5 14 H BROWN	\$ 30,729	\$ 84,351	\$ 4,744	\$ 49,475
6 14 H BUFFALO	\$ 2,952	\$ 9,222	\$ 376	\$ 4,418
7 14 BURNETT	\$ 6,713	\$ 21,426	\$ 855	\$ 10,264
8 14 H CALUMET	\$ 1,861	\$ 5,350	\$ 237	\$ 2,563
9 14 H CHIPPEWA	\$ 10,198	\$ 25,062	\$ 1,299	\$ 12,008
10 14 CLARK	\$ 3,360	\$ 9,928	\$ 428	\$ 4,756
11 14 H COLUMBIA	\$ 7,554	\$ 19,527	\$ 963	\$ 9,354
12 14 H CRAWFORD	\$ 2,543	\$ 6,827	\$ 324	\$ 3,270
13 14 H DANE	\$ 71,246	\$ 213,390	\$ 9,078	\$ 102,224
14 14 H DODGE	\$ 8,324	\$ 25,339	\$ 1,061	\$ 12,139
15 14 DOOR	\$ 4,228	\$ 15,329	\$ 539	\$ 7,343
16 14 H DOUGLAS	\$ 13,989	\$ 35,506	\$ 1,783	\$ 17,009
17 14 H DUNN	\$ 5,672	\$ 15,983	\$ 723	\$ 7,657
18 14 H EAU CLAIRE	\$ 15,045	\$ 43,472	\$ 1,917	\$ 20,825
19 14 H FLORENCE	\$ 2,553	\$ 8,949	\$ 325	\$ 4,287
20 14 FOND DU LAC	\$ 10,753	\$ 31,507	\$ 1,370	\$ 15,093
21 14 FOREST	\$ 2,620	\$ 8,616	\$ 835	\$ 9,286
22 14 GRANT	\$ 5,254	\$ 15,728	\$ 670	\$ 7,535
23 14 H GREEN	\$ 5,623	\$ 15,908	\$ 717	\$ 7,620
24 14 H GREEN LAKE	\$ 2,174	\$ 6,861	\$ 277	\$ 3,287
25 14 IOWA	\$ 3,333	\$ 7,547	\$ 425	\$ 3,616
26 14 H IRON	\$ 1,122	\$ 3,068	\$ 143	\$ 1,470
27 14 H JACKSON	\$ 6,734	\$ 20,051	\$ 858	\$ 9,605
28 14 H JEFFERSON	\$ 8,927	\$ 25,848	\$ 1,138	\$ 12,383
29 14 H JUNEAU	\$ 8,431	\$ 28,941	\$ 1,074	\$ 13,864
30 14 H KENOSHA	\$ 53,367	\$ 170,339	\$ 6,800	\$ 81,600
31 14 KEWAUNEE	\$ 1,610	\$ 5,556	\$ 205	\$ 2,661
32 14 H LA CROSSE	\$ 19,548	\$ 55,510	\$ 2,491	\$ 26,592
33 14 H LAFAYETTE	\$ 2,240	\$ 5,139	\$ 285	\$ 2,462
34 14 LANGLADE	\$ 5,372	\$ 16,733	\$ 685	\$ 8,016
35 14 LINCOLN	\$ 7,124	\$ 18,844	\$ 908	\$ 9,027
36 14 H MANITOWOC	\$ 7,876	\$ 23,474	\$ 1,004	\$ 11,245
37 14 MARATHON	\$ 17,835	\$ 53,711	\$ 2,273	\$ 25,730
38 14 H MARINETTE	\$ 6,868	\$ 18,229	\$ 875	\$ 8,733

9/5/97

Revised Kinship Care Allocations for Calendar Year 1997

39 14 C MARQUETTE	\$	2,641	\$	6,459	\$	337	\$	3,094
40 14 C MILWAUKEE	\$	614,843	\$	3,081,077	\$	116,836	\$	1,475,978
BUREAU OF MIL. CHILD WELF.	\$	300,500						
41 14 H MONROE	\$	10,459	\$	29,518	\$	1,333	\$	14,141
42 14 H OCONTO	\$	6,595	\$	20,704	\$	840	\$	9,918
43 14 ONEIDA	\$	8,011	\$	20,306	\$	1,021	\$	9,727
44 14 H OUTAGAMIE	\$	12,078	\$	33,963	\$	2,367	\$	25,337
45 14 OZAUKEE	\$	4,222	\$	12,021	\$	538	\$	5,759
46 14 H PEPIN	\$	575	\$	1,264	\$	73	\$	605
47 14 H PIERCE	\$	2,542	\$	6,889	\$	324	\$	3,300
48 14 POLK	\$	9,404	\$	28,732	\$	1,198	\$	13,764
49 14 H PORTAGE	\$	11,168	\$	30,767	\$	1,423	\$	14,739
50 14 H PRICE	\$	2,690	\$	7,585	\$	343	\$	3,634
51 14 H RACINE	\$	86,106	\$	286,164	\$	10,972	\$	137,086
52 14 C RICHLAND	\$	4,423	\$	12,726	\$	564	\$	6,097
53 14 H ROCK	\$	65,479	\$	199,989	\$	8,343	\$	95,804
54 14 RUSK	\$	3,654	\$	9,690	\$	466	\$	4,642
55 14 H ST CROIX	\$	4,064	\$	14,529	\$	518	\$	6,960
56 14 H SAUK	\$	9,922	\$	28,260	\$	1,264	\$	13,538
57 14 H SAWYER	\$	5,426	\$	13,679	\$	1,808	\$	19,658
58 14 SHAWANO	\$	9,462	\$	26,161	\$	1,458	\$	15,316
59 14 H SHEBOYGAN	\$	12,346	\$	35,808	\$	1,573	\$	17,154
60 14 H TAYLOR	\$	2,447	\$	8,513	\$	312	\$	4,078
61 14 TREMPPEALEAU	\$	5,196	\$	13,573	\$	662	\$	6,502
62 14 H VERNON	\$	5,107	\$	16,028	\$	651	\$	7,678
63 14 VILAS	\$	2,737	\$	8,328	\$	1,173	\$	14,384
64 14 H WALWORTH	\$	9,901	\$	28,049	\$	1,262	\$	13,437
65 14 WASHBURN	\$	3,617	\$	12,383	\$	461	\$	5,932
66 14 WASHINGTON	\$	8,527	\$	21,949	\$	1,087	\$	10,514
67 14 H WAUKESHA	\$	33,607	\$	91,195	\$	4,282	\$	43,687
68 14 H WAUPACA	\$	7,063	\$	21,405	\$	900	\$	10,254
69 14 WAUSHARA	\$	3,752	\$	12,134	\$	478	\$	5,813
70 14 WINNEBAGO	\$	20,183	\$	55,802	\$	2,572	\$	26,732
71 14 WOOD	\$	12,932	\$	38,846	\$	1,648	\$	18,609
MENOMINEE COUNTY					\$	3,492	\$	39,283
TOTAL	\$	1,689,545	\$	5,376,133	\$	223,847	\$	2,673,284

9/5/97

CALENDAR YEAR 1998

FOR CARS ENTRY: ONLY KEY PROGRAMS WITH PROFILE NUMBER

nu	ip	306	380	365	367	382	372	373	377	380	506	
		FAMILY PRESERV	IVE INDP LIVING	FOSTER CARE CONTINUE	COP	COP WAIVER TOTAL	CIP II	KINSHIP FOSTR CR ASSMNT	KINSHIP FOSTR CR BENEFITS	KINSHIP BENEFITS	KINSHIP ASSESSMENTS	BRAIN INJURY
1	52	Adams			71,793			1,197	25,246	90,701	8,893	65700
2	54	Adams			148,744	270,238	14,885	1,290	24,084	23,612	3,271	
3	54	Ashland	6000		248,804	409,008	89,308					131400
3	52	Bar-B-P-R-W			73,553							
3	54	Barton	11500		429,813	414,747	29,769	1,224	23,053	82,826	8,894	65700
4	52	Bayfield			250,471	367,522	148,847					
4	54	Bayfield	5700									65700
5	54	Brown	70000		2,422,715	2,700,644	833,543	717	10,856	38,284	5,209	131400
6	54	Buffalo			215,782	299,389	14,885	5,547	96,181	282,231	33,258	
7	54	Burnett			215,024	265,289	89,308	440	8,588	30,857	3,196	131400
8	54	Celumet	40000		244,900	276,439	14,885	1,000	19,954	71,680	7,265	
9	54	Chippewa	45000		596,501	846,454	74,424	277	4,983	17,902	2,014	131400
10	52	Clark						1519	23,338	85,854	11,037	
10	54	Clark	16400		417,138	611,580	178,816	501	9,245	33,217	3,837	
11	54	Columbia	45000		527,372	523,244	178,516	1,126	18,185	65,335	8,176	131400
12	54	Crawford	30000		233,608	295,301	491,185	379	788,496	22,843	2,753	
13	54	Dane	85000		5,582,988	4,877,887	2,982,065	10,816	198,726	713,984	77,111	459900
14	54	Dodge			606,368	434,283	208,368	1,240	23,598	64,782	8,009	65700
15	52	Door			113,751							65700
15	54	Door	12000		75,614	183,806	29,769	630	14,276	51,289	4,578	
16	54	Douglas	45000		710,618	583,519	583,519	2,084	33,066	118,789	15,141	131400
17	54	Dunn	40000	5,928	395,345	294,913	223,271	845	14,885	53,478	6,139	65700
18	54	Eau Claire	17250		1,479,117	966,919	148,847	2,242	40,485	145,454	18,284	197100
19	54	Florence			70,296	96,316		380	8,334	29,942	2,783	
20	52	Fond du La										65700
20	54	Fond du La	27000		929,361	821,941	238,165	1,802	29,342	105,421	11,838	
21	52	For-On-VI		31,344								65700
21	54	Forest			151,508	133,364	163,732	976	18,053	28,827	2,836	
22	52	Grant-How		13,280	187,724	213,041	133,982					65700
22	54	Grant	45000		588,257	401,863	852,621	783	14,647	52,626	5,687	
23	54	Green	40000	26,184	321,031	192,361	982,390	838	14,814	63,225	6,086	131400
24	54	Green Lake	30000		155,813	115,251	44,854	324	6,389	22,956	2,353	
25	54	Iowa						497	7,029	25,253	3,607	
26	54	Iran			128,322	106,442	74,424	167	2,857	10,268	1,214	
27	54	Jackson			258,193	313,075	357,233	1,003	18,873	67,088	7,289	
28	54	Jefferson	50000	27500	529,442	547,958	1,339,623	1,330	24,072	86,486	9,662	197100

CALCULATION YEAR 1978

	306	380	385	387	388	372	373	377	380	506				
	FAMILY PRESERVA	IVE INDP LIVING	FOSTER CARE CONTINUE	COP WAIVER TOTAL	CIP II	KINSHIP FOSTR CR ASSMNT	KINSHIP FOSTR CR BENEFITS	KINSHIP BENEFITS	KINSHIP ASSESSMENTS	BRAIN INJURY				
61 54 Trempealeau				527,812	0	774	12,640	45,413	5,624					
62 54 Vernon	40000	11400		279,348	104,193	761	14,927	53,630	5,528	65700				
63 54 Vilas		11444		229,567	193,501	1,371	27,963	27,868	2,963					
64 54 Watworth	55000			883,114	550,734	1,475	26,122	93,860	10,717	197100				
65 54 Washburn	35000	10000		209,672	29,769	539	11,532	41,432	3,915					
66 52 Washington			34,800							131400				
67 54 Washington	55000			530,485	29,769	1,271	20,440	73,438	9,229					
68 54 Waukegan	75000		35,220	2,518,870	535,849	5,007	84,928	305,130	36,374	456900				
69 54 Waukegan	45000		7,308	379,703	287,925	1,052	19,934	71,821	7,845					
70 52 Waushara				85,947										
71 52 Waushara	35000	8650		395,869	0	559	11,300	40,596	4,061	65700				
72 52 Winnebago	60000	15000		1,711,655	14,885	3,007	51,967	186,708	21,844					
73 52 Wood	50000	17840		740,841	774,004	1,927	36,177	129,976	13,987	65700				
74 52 Wood				725,552	193,501									
75 52 Wood				729,350	1,489,991									
76 52 Wood				1,489,991										
77 52 Wood				1,489,991										
78 52 Wood				1,489,991										
79 52 Wood				1,489,991										
80 52 Wood				1,489,991										
81 52 Wood				1,489,991										
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98 52 Wood				1,489,991										
99 52 Wood				1,489,991										
100 52 Wood				1,489,991										
30 58 KENOSHA AGE	0	2,045,000	1,094,136	498,286	51,528,937	48,190,071	26,613,848	72,603,919	125,366	2,327,598	7,679,037	837,934	7,686,900	
40 58 MILWAUKEE AGE					1,589,458	1,459,843	1,220,545	2,680,488						
total					7,975,808	12,483,142	1,428,931	13,922,073						
					498,286	61,073,203	60,143,158	29,263,324	89,406,480	125,366	2,327,598	7,679,037	837,934	7,686,900

PHFS
 Bureau of Milwaukee child welfare for Milwaukee County
 136,400
 999,700

CP: 1006 June 1999

FOR CARS ENTRY: ONLY KEY PROGRAMS WITH PROFILE NUMBERS

nu	id	306	342	360	365	367	382	372	373	377	380	502	506	
		FAMILY PRESERV	IV-E INCENTIVE	IV-E INDP LIVING	FOSTER CARE CONTINUE	COP	COP WAIVER TOTAL	CIP II	CIP/II COP-W TOTAL	KINSHIP FOSTR CARE ASSMNT	KINSHIP FOSTR CARE BENEFITS	KINSHIP ASSMENTS	HEALTHY BEGINS	BRAIN INJURY
1	32					105,584								
1	34	30000	64485			155,583	323,453	14,885	338,339	1,029	96,279	5,709	101130	
2	34	30000	68202	6000		328,258	517,030	89,308	606,338	1,109	25,064	2,148		
3	32					79,030								
3	34	45000	87410	11500		475,637	518,954	29,759	548,723	1,053	87,920	5,841	309270	
4	32					261,351	413,848	148,847	562,695					
4	34	30000	66635	5700									194098	
5	34	70000	216467		10,008	2,852,544	3,341,736	848,428	4,190,164	1,172	40,639	3,421		
6	34	30000	62426		2,676	226,919	338,807	14,885	353,692	4,769	299,890	21,843	198203	
7	34	30000	63400			243,002	315,374	89,308	404,682	378	32,755	2,099	63875	
8	34	40000	74314			262,609	339,062	14,885	353,947	860	78,099	4,772		
9	34	45000	97701	22406	6924	633200	775680	74,424	850104	238	19,003	1,323	141957	
10	32									1306	89011	7249	127750	
10	34	15000	85800	16400		440,145	693,046	178,616	871,662	430	35,260	2,389		
11	34	45000	83228			776,164	798,681	133,962	932,643	968	69,353	5,370	206602	
12	34	30000	67706	9500		248,861	335,105	491,195	826,300	326	24,247	1,808		
13	34	85000	265587	88200		6,110,056	6,427,240	2,902,517	9,329,767	9,127	845,617	50,644	1048283	
14	34	50000	103088			692,968	624,815	193,501	818,316	1,096	89,997	5,917	192563	
15	32					178,882								
15	34	35000	71326	12000		79,160	218,467	29,769	249,236	542	54,443	3,006	66855	
16	34	45000	97450	17000		830,166	781,325		781,325	1,792	126,106	9,944		
17	34	40000	81865	19000	5,928	421,208	412,850	223,271	636,121	727	56,767	4,032	93870	
18	34	50000	134798	17250		1,500,096	1,215,983	148,847	1,364,830	1,927	154,400	10,695	103456	
19	34	30000	54874			74,045	109,663		109,663	327	31,784	1,815		
20	32													
20	34	55000	118282	27000		1,048,011	1,239,432	178,616	1,418,046	1,378	111,904	7,644	96511	
21	32				31,344									
21	34	30000	63486										35031	
22	32				13,260	172,095	185,565	163,732	359,297	1,049	45,900	3,027		
22	34	45000	94856	7500		209,074	254,013	119,078	373,091				83562	
23	34	40000	72841			620,450	515,289	1,027,044	1,542,333	673	56,862	3,735		
23	34	30000	65496	8296	26,184	372,617	289,118	982,390	1,271,506	720	74,559	3,997	67421	
24	34	15000	67960			164,892	159,133	44,654	203,787	279	26,948	1,545		
25	34	30000	54535							427	4,804	2,369		
26	34	30000	68457			134,667	125,474	89,308	214,782	144	1,953	787		
27	34	30000	68457			273,028	404,366	357,233	761,599	863	12,762	4,787		
28	34	50000	95477	27500		564,488	671,196	1,473,565	2,144,781	1,144	81,805	6,346	509122	

C.D. W.P.A.S. 5. 21. 1999

ip	306	342	360	365	367	362	372	373	377	380	502	508
	FAMILY PRESERV	IV-E INCENTIVE	IV-E INDP LIVING	FOSTER CARE CONTINUE	COP	COP WAIVER TOTAL	CIP II	KINSHIP FOSTR CRE ASSMNT	KINSHIP FOSTR CRE BENEFITS	KINSHIP ASSMENTS	HEALTHY BEGINS	BRAIN INJURY
29 34 Juneau	35000	70009			304,704	315,687	238,155	1,080	16,420	102,791	5,993	173604
30 34 Kenosha	60000	176466	67000	16932				6837	108415	646272	37935	209726
31 34 Kewaunee	15000	64280			264,359	413,749	29,769	206	3,536	19,732	1,144	41674
32 34 LaCrosse	60000	134190	31000		1,305,641	1,935,182	59,539	2,504	35,330	197,154	13,895	30816
33 34 Lafayette	30000	64788	6000		208,976	286,391	148,847	287	3,271	16,253	1,592	
34 34 Langlade	30000	72016			303,578	293,867	238,155	688	10,650	59,432	3,819	
35 33 Lincoln												
36 34 Lincoln	35000	73144	6160				491,195					109010
37 34 Manitowoc	50000	114113			325,305	307,975	267,925	813	11,994	66,928	5,064	306028
38 34 Marathon	60000	142225	67980		812,556	982,103	714,468	1,009	14,840	83,372	5,598	
39 34 Marinette	45000	86917	17000		1,394,146	1,802,498		2,285	34,185	180,763	12,678	
40 34 Marquette	30000	60589			457,771	591,785	74,424	880	11,602	69,905	4,882	187338
41 34 Menominee		65394			198,801	242,203	59,539	338	4,111	22,941	1,877	
42 34 Milwaukee	45000	91289	9500		8,512,429	5,411,351	1,205,661	3,511	52,192			
43 34 Monroe	40000	77079	10000		440,004	402,876	550,734	1,340	18,787	104,839	7,435	1828911
44 34 Oneida	40000	74873			339,540	303,891	29,789	845	13,177	73,534	4,688	126884
45 32 Ouzaukee	60000	154652	7843		388,012	318,816	1,058,814	1,028	12,924	72,120	5,694	109586
46 34 Ozaukee	50000	86332		19,620	1,379,724	1,587,974	119,078	2,380	33,663	120,626	8,585	135717
47 34 Pierce	40000	78477	19876		564,567	607,819	59,539	541	7,651	42,695	3,001	127750
48 34 Polk	40000	84973	13100	10,440	135,101	137,158	223,271	74	804	4,488	409	
49 34 Portage	55000	103507	20680		405,698	273,984	238,155	326	4,385	24,469	1,807	201120
50 34 Price	30000	62337	11400		478,787	577,133	193,501	1,205	19,287	102,048	6,684	
51 34 Racine	70000	221795	19000		862,596	936,847	253,040	1,431	19,582	109,274	7,938	351362
52 34 Richland	30000	66563			281,116	460,843	119,078	345	4,828	26,940	1,912	442000
53 34 Rock	60000	182346	70345		2,538,351	1,632,970	1,131,237	11,028	182,133	1,225,347	61,207	
54 34 Rusk	15000	67003			230,749	245,880	625,157	587	8,100	45,200	3,144	297394
55 34 St. Croix	45000	88856	20688		1,494,940	2,050,243	2,545,284	8,388	127,286	710,298	46,544	
56 34 Sauk	45000	91631		13,896	825,207	382,972	238,155	488	6,167	34,416	2,597	
57 34 Sawyer	30000	69355	7188		400,358	463,083	684,696	521	9,247	51,603	2,889	282896
58 32 Shawano	15000	83462			486,639	637,182	1,190,776	1,271	17,987	100,373	7,053	477506
59 34 Sheboygan	55000	122092	20000		228,427	239,210	163,732	1,818	26,118	48,582	3,857	53274
60 34 Taylor	30000	69786			240,825	955,699	14,885	1,468	20,349	92,918	6,726	61642
61 32 Trempealeau				29,556	1,397,498	1,142,844	1,205,661	1,582	22,790	127,179	8,776	166961
				14,712	242,796	283,767	74,424	314	5,418	30,235	1,740	84286

KENOSHAN WELFARE BOARD

cy89	306	342	360	365	367	382	372	373	377	380	502	506
	FAMILY PRESERV	IV-E INCENTIVE	IV-E INOP LIVING	FOSTER CARE CONTINUE	COP	COP WAIVER TOTAL	CIP II	CIP II TOTAL	KINSHIP FOSTR CRE BENEFITS ASSMNT	KINSHIP FOSTR CRE BENEFITS ASSMNTS	KINSHIP HEALTHY BEGINS	BRAIN INJURY
61 34 Trempealeau	35000	70753			523,285	868,275		868,275	666	8,639	48,208	3,694
62 34 Vernon	40000	79339	11400		295,063	376,188	74,424	450,612	654	10,202	56,928	3,630
63 34 Vilas	30000	87780	11444		263,325	322,185	223,271	545,456	1,179	19,111	29,580	1,946
64 34 Walworth	55000	89856			697,060	1,138,338	535,848	1,874,187	1,268	17,852	99,622	7,038
65 34 Washburn	35000	65214	10000		193,271	249,365	29,769	279,134	463	7,881	43,980	2,571
66 32 Washington	55000	107685		34,800	896,352	797,114	28,769	826,883	1,082	13,969	77,855	8,062
67 34 Waukesha	75000	221920		35,220	3,402,869	3,533,718	506,080	4,039,798	4,305	58,042	323,897	23,889
68 34 Waupaca	45000	84666		7,308	631,042	523,390	267,925	791,315	905	13,624	76,026	5,021
69 32 Waushara	35000	69413	8550		94,155	507,822	29,769	537,391	481	7,723	43,096	2,667
70 32 Winnebago	60000	151283			1,744,246	2,054,125	14,885	1,235,430	2,585	35,516	198,192	14,346
71 32 Wood	50000	109697	17940		802,058	946,393	223,271	1,090,628	1,657	24,724	137,970	9,193
30 38 KENOSHA AGE	0	2,890,600	6,750,000	462,468	57,986,189	60,081,368	28,295,819	88,377,187	106,550	1,602,203	8,530,409	551,492
40 38 MILKE AGE					1,742,354	2,841,812	1,250,315	4,092,127			175,000	10,570,384
total	2,890,000	779,136	779,136	462,468	67,878,968	80,847,050	31,302,529	112,149,579	106,550	1,602,203	8,530,409	551,492

DHS Bureau of Milwaukee Child Welfare for Milwaukee County

108,000

822,660

Kinship Care Assessment Allocations
 Profile # 65380

	Oct-97 Sep-98	Oct-98 Sep-99	Oct-99 Sep-00	Total
TRIBES				
Bad River	\$9,851	\$4,005	\$4,616	\$18,472
Ho-Chunk	\$0	\$0	\$0	\$0
Lac Courte Oreilles	\$16,431	\$6,231	\$6,980	\$29,642
Lac du Flambeau	\$12,120	\$4,596	\$7,065	\$23,781
Menominee	\$32,698	\$29,903	\$24,261	\$86,862
Oneida	\$24,270	\$9,239	\$9,047	\$42,556
Potawatomi	\$0	\$0	\$0	\$0
Red Cliff	\$8,129	\$3,083	\$2,578	\$13,790
Sokaogon	\$4,297	\$1,630	\$2,051	\$7,978
St. Croix	\$0	\$0	\$0	\$0
Stockbridge-Munsee	\$3,710	\$1,407	\$516	\$5,633
	\$111,506	\$60,094	\$57,114	\$228,714

**REMARKS OF REPRESENTATIVE TERRY MUSSER, CHAIRPERSON,
AMERICAN INDIAN STUDY COMMITTEE,
TO THE ASSEMBLY COMMITTEE ON CHILDREN AND FAMILIES
NOVEMBER 30, 1999**

Good morning. I am Representative Terry Musser, and I chair the American Indian Study Committee, which developed Assembly Bill 587. The bill is described in Joint Legislative Council Report No. 13 to the 1999 Legislature, which you have received. The bill is very simple, and my remarks will be brief.

AB 587 relates to the kinship care and long-term kinship care programs and specifically to inclusion of second cousins in the definition of "relative" under these programs. As you know, these programs provide payments to certain relatives, other than parents, who provide care and maintenance for a child who is CHIPS or JIPS or at risk of being CHIPS or JIPS. The list of relatives who may receive such payments is very extensive but does not include second cousins.

An unrelated federal law, the Indian Child Welfare Act, potentially complicates the application of the kinship care and long-term kinship care programs to American Indian children. That law relates to child custody proceedings affecting Indian children.

The general goal of the law is to have American Indian children remain in the Indian community. It establishes the preference that, absent a good cause to the contrary, foster care and adoptive placements of Indian children should be with certain categories of individuals, the first of which is a member of the child's extended family. Under the Indian Child Welfare Act, an "extended family member" includes a second cousin.

The problem that AB 587 addresses is that an Indian child could be placed in the care of a second cousin under the Indian Child Welfare Act but that second cousin would not be eligible for payments under the kinship care or long-term kinship care program. The bill simply amends the definition of "relative" for these programs to include second cousins. To ensure equal treatment under these programs, the expanded definition is applied to all placements, not just placements of American Indian children.

At this time I, or Legislative Council Staff Attorney Joyce Kiel, who served as one of the staff members assigned to the American Indian Study Committee, would be happy to answer any questions you may have.



**STATE OF WISCONSIN
JOINT LEGISLATIVE COUNCIL**

REPORT NO. 13 TO THE 1999 LEGISLATURE

**LEGISLATION RECOMMENDED BY THE AMERICAN INDIAN
STUDY COMMITTEE**

- 1999 ASSEMBLY BILL 585, Relating to the American Indian Study
Committee
- 1999 ASSEMBLY BILL 586, Relating to Education About American Indians
and Making an Appropriation
- 1999 ASSEMBLY BILL 587, Relating to Eligibility of Second Cousins for
Payments Under the Kinship Care and Long-
Term Kinship Care Programs

Legislative Council Staff
November 18, 1999

One East Main Street, Suite 401
Madison, Wisconsin

RL 99-13

JOINT LEGISLATIVE COUNCIL
REPORT NO. 13 TO THE 1999 LEGISLATURE*

LEGISLATION RECOMMENDED BY THE
AMERICAN INDIAN STUDY COMMITTEE

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* This Report was prepared by David L. Lovell, Senior Analyst, and Joyce L. Kiel, Senior Staff Attorney,
Legislative Council Staff.

PART I

KEY PROVISIONS OF LEGISLATION;
COMMITTEE AND JOINT LEGISLATIVE COUNCIL VOTES

A. 1999 ASSEMBLY BILL 585, RELATING TO THE AMERICAN INDIAN STUDY
COMMITTEE

• Committee Name and Membership

Changes the name of the American Indian Study Committee (AISC) to the Special Committee on State-Tribal Relations. The bill also changes the number of public members on the Committee from six to not fewer than six nor more than 11, allowing the possibility of each American Indian tribe or band in the state to be represented on the Committee.

• Votes

At its May 14, 1999 meeting, the AISC voted to recommend WLCS: 0095/2 to the Joint Legislative Council (JLC) for introduction in the 1999-2000 Session of the Legislature. In addition, by a mail ballot, dated October 15, 1999, the AISC voted to recommend WLCS: 0205/1 to the JLC for introduction in the 1999-2000 Session of the Legislature and to combine that draft with WLCS: 0095/2. The two drafts were subsequently combined as LRB-3362/2.

The vote on WLCS: 0095/2 was *Ayes, 10* (Reps. Musser, Ainsworth, Boyle, Coggs and La Fave; and Public Members Downs, Husby, Martin, Miller and Newago); *Noes, 0*; and *Absent, 3* (Rep. Albers; Sen. George; and Public Member Jordan).

The vote on WLCS: 0205/1 was *Ayes, 11* (Reps. Musser, Ainsworth, Boyle, Coggs, La Fave and Spillner; Sen. George; and Public Members Downs, Husby, Miller and Newago); *Noes, 2* (Public Members Jordan and Martin).

At its November 4, 1999 meeting, the JLC voted to introduce 1999 Assembly Bill 585 (LRB-3362/2) by a vote of *Ayes, 15* (Sens. Risser, Burke, Erpenbach, Grobschmidt, Robson, Rosenzweig and Zien; and Reps. Kelso, Bock, Foti, Freese, Huber, Jensen, Krug and Schneider); *Noes, 3* (Sen. Cowles; and Reps. Gard and Stone); and *Absent, 4* (Sens. Chvala, Ellis and George; and Rep. Seratti).

B. 1999 ASSEMBLY BILL 586, RELATING TO EDUCATION ABOUT AMERICAN
INDIANS AND MAKING AN APPROPRIATION

• Funding for the American Indian Studies Program; Program Audits

Creates a \$250,000 general purpose revenue (GPR) appropriation to the Department of Public Instruction (DPI) for activities related to assisting school boards in complying with the

statutory requirement to provide instruction in the history, culture and tribal sovereignty of the American Indian tribes in Wisconsin, including the development and dissemination of an American Indian studies curriculum. The bill transfers existing appropriations of \$111,800 to the new appropriation, thus, providing net increased funding of \$138,200. The bill also increases positions in DPI for this purpose from 1.6 full-time equivalent (FTE) to 3.0 FTE. The bill directs DPI to conduct annual audits of some or all school districts to monitor compliance with the statutory curriculum requirements.

- Votes

At its July 30, 1999 meeting, the AISC voted to recommend WLCS: 0178/2 to the JLC for introduction in the 1999-2000 Session of the Legislature. The draft was later redrafted as LRB-3565/2. The vote was *Ayes*, 8 (Reps. Musser, Ainsworth, Coggs and La Fave; and Public Members Downs, Husby, Martin and Miller); *Noes*, 0; and *Absent*, 5 (Reps. Albers and Boyle; Sen. George; and Public Members Jordan and Newago).

At its November 4, 1999 meeting, the JLC voted to introduce 1999 Assembly Bill 586 (LRB-3365/2) by a vote of *Ayes*, 15 (Sens. Risser, Burke, Erpenbach, Grobschmidt, Robson, Rosenzweig and Zien; and Reps. Kelso, Bock, Foti, Freese, Huber, Jensen, Krug and Schneider); *Noes*, 3 (Sen. Cowles; and Reps. Gard and Stone); and *Absent*, 4 (Sens. Chvala, Ellis and George; and Rep. Seratti).

C. 1999 ASSEMBLY BILL 587, RELATING TO ELIGIBILITY OF SECOND COUSINS FOR PAYMENTS UNDER THE KINSHIP CARE AND LONG-TERM KINSHIP CARE PROGRAMS

- Definition of "Kinship Care Relative"

Expands the definition of "relative" under the kinship care and long-term kinship care programs to include second cousins, thus, making them eligible to receive kinship care and long-term kinship care payments.

- Votes

By a mail ballot, dated October 15, 1999, the AISC voted to recommend WLCS: 0204/1 to the JLC for introduction in the 1999-2000 Session of the Legislature. The draft was later redrafted as LRB-3795/1. The vote was *Ayes*, 13 (Reps. Musser, Ainsworth, Boyle, Coggs, La Fave and Spillner; Sen. George; and Public Members Downs, Husby, Jordan, Martin, Miller and Newago); and *Noes*, 0.

At its November 4, 1999 meeting, the JLC voted to introduce 1999 Assembly Bill 587 (LRB-3795/1) by a vote of *Ayes*, 15 (Sens. Risser, Burke, Erpenbach, Grobschmidt, Robson, Rosenzweig and Zien; and Reps. Kelso, Bock, Foti, Freese, Huber, Jensen, Krug and Schneider); *Noes*, 3 (Sen. Cowles; and Reps. Gard and Stone); and *Absent*, 4 (Sens. Chvala, Ellis and George; and Rep. Seratti).

PART II

COMMITTEE ACTIVITY

A. ASSIGNMENT

The AISC is a permanent committee of the JLC established under s. 13.83 (3), Stats. The Committee is directed by statute to:

... study the problems and develop specific recommendations and legislative proposals relating to American Indians and the various Indian tribes in this state.

The membership of the AISC, appointed by the JLC, consists of eight legislative members from the Senate and Assembly and six public members appointed from names submitted by the Wisconsin Indian tribes and the Great Lakes Inter-Tribal Council (GLITC). The Committee is assisted by a Technical Advisory Committee (TAC) composed of a representative of each of the following state departments: Health and Family Services; Workforce Development; Justice; Natural Resources; Public Instruction; Revenue; and Transportation. A list of the Committee membership and TAC membership are included as **Appendices 2 and 3**, respectively.

B. SUMMARY OF MEETINGS

The AISC held five meetings during the period covered by this report on the following dates:

March 17, 1999 (State Capitol)
April 19, 1999 (Lac Courte Oreilles Indian Reservation)
May 14, 1999 (Lac du Flambeau Indian Reservation)
July 30, 1999 (Stockbridge-Munsee Indian Reservation)
September 24, 1999 (Menominee Indian Reservation)

At the March 17, 1999 meeting, the Committee was addressed by Tom Maulson, Tribal Chair of the Lac du Flambeau Band of Lake Superior Chippewa Indians and President of the GLITC, regarding state-tribal relations. In addition, gaiashkibos, Tribal Chair of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, and Bob Chicks, Tribal Chair of the Stockbridge-Munsee Band of Mohican Indians, addressed the Committee on this topic. The Committee heard a presentation by Alicia Gibb and Christine Munson, Cochairpersons, Youth "Indian" Mascot and Logo Task Force, regarding school mascots and logos depicting American Indians. The Committee also heard presentations by Mary Husby, Director of Social Services, Menominee Indian Tribe of Wisconsin and public member of the AISC, and from Linda Dawson, Deputy Chief Legal Counsel, Department of Health and Family Services (DHFS), regarding tribal administration of criminal background checks for caregivers. Chairperson Musser asked staff to meet with Ms. Husby, DHFS staff and others to develop options for the Committee to

consider relating to tribal administration of the rehabilitation review process of the caregiver background check. The Committee discussed the name and study assignment of the AISC. Chairperson Musser directed staff to prepare options on this subject for Committee consideration.

At the April 19, 1999 meeting, the Committee heard a presentation from Virginia Nuske, President, Wisconsin Indian Education Association, regarding general Indian education issues. It also heard presentations from J.P. Leary, Consultant, American Indian Studies Program, Equity Mission Team, DPI and a member of the AISC's TAC, and Sharon Cloud, Board of Directors, Wisconsin Indian Education Association, regarding statutory Indian studies curriculum requirements for public schools. The Committee also heard presentations from Mr. Leary; Barbara Munson, Chairperson, "Indian" Mascot and Logo Task Force, Wisconsin Indian Education Association; and Richard Hanson, resident of the Menomonie School District, regarding school mascots and logos depicting American Indian images. Noting that legislation relating to the use of mascots and logos was being proposed for introduction, the Committee voted to direct Chairperson Musser to write to the chairpersons of the standing committees to which the legislation is referred to request that the committees hold public hearings on that legislation. The Committee discussed miscellaneous provisions of the Governor's proposed 1999-2001 biennial budget that relate to American Indian tribes or American Indians. The Committee discussed two bill drafts, WLCS: 0095/1, relating to the American Indian Study Committee, and WLCS: 0097/P1, relating to caregiver background checks.

At the May 14, 1999 meeting, the Committee discussed Memo No. 98-7, *Options Relating to the Statutes Regarding Education About American Indians, Created by 1989 Wisconsin Act 31*, and directed staff to prepare a bill draft that would provide a separate appropriation in DPI's budget for the American Indian studies program. The Committee also directed Chairperson Musser to send a letter to the State Superintendent of Public Instruction requesting that the State Superintendent remind school districts of their obligations to provide instruction about American Indians and asking DPI to conduct a survey of compliance with those obligations. The Committee discussed Memo No. 98-5, *Indian Student Assistance Program*. In addition, the Committee heard a presentation from Christina Rencontre, Education Director, Lac du Flambeau Band of Lake Superior Chippewa Indians, regarding financial assistance for American Indian students attending colleges and universities. The Committee voted to recommend that state funding for the Indian student assistance grant program be increased and funded from tribal gaming revenues, and the Committee directed Chairperson Musser to communicate this recommendation to the Cochairpersons of the Joint Committee on Finance for consideration in the budget deliberations, which were then in progress. The Committee also discussed WLCS: 0097/P1, relating to caregiver background checks, and Memo No. 98-8, *Issues Raised About WLCS: 0097/P1, Relating to Caregiver Background Checks*. The Committee made several changes to the draft and directed Chairperson Musser to seek inclusion of the revised draft in the 1999-2001 biennial budget bill. The Committee discussed WLCS: 0095/1, relating to the American Indian Study Committee. The Committee refined the draft and voted to recommend the draft to the JLC for introduction in the 1999-2000 Legislative Session. The Committee also discussed Memo No. 98-6, *Precedents for a Nonvoting American Indian Delegate to the State Legislature*, and directed Chairperson Musser to form a working group, including additional

tribal representation, to further discuss the concept of nonvoting tribal delegates to the state Legislature.

At the July 30, 1999 meeting, the Committee heard presentations from Lisa Waukau, Tribal Secretary, Menominee Tribal Legislature, and William Kussel, Jr., Program Attorney, Menominee Indian Tribe of Wisconsin; Steven Tinker, Assistant Attorney General and James R. Warren, Administrator, Division of Criminal Investigations, Wisconsin Department of Justice (DOJ); and Robert Schmidt, Sheriff, Shawano County, and Gary Robert Bruno, District Attorney, Shawano and Menominee Counties, regarding extradition and fresh pursuit by law enforcement officers to and from the Menominee Indian Reservation. The Committee urged the DOJ, the tribe and the affected counties to work together to complete an agreement governing these matters. The Committee also heard presentations regarding the cooperative county-tribal law enforcement program from Kelly Kennedy, County-Tribal Law Enforcement Program Coordinator, DOJ, Paul Stenzel, Staff Attorney and Tribal Prosecutor, and Rick Church, Director of Public Safety, Stockbridge-Munsee Band of Mohican Indians; Sheriff Schmidt; and District Attorney Bruno. The Committee discussed Memo No. 98-9, *Enforcement of the Statute Requiring School Districts to Provide Instruction About American Indians* and WLCS: 0178/1, relating to education about American Indians. The Committee voted to recommend WLCS: 0178/1, as modified in Committee discussion, to the JLC for introduction in the 1999-2000 Legislative Session. The Committee also heard a status report about the July 21, 1999 meeting of the Working Group on Tribal Delegates to the State Legislature. The Committee meeting was preceded by a tour of the Stockbridge-Munsee Indian Reservation.

At the September 24, 1999 meeting, the Committee heard presentations by Mark Mitchell, Manager, Child Welfare Services Section, Bureau of Programs and Policies, Division of Child and Family Services, DHFS, and from Dale Wolf, Deputy Director, Health and Human Services, GLITC, regarding a proposal by the DHFS to initiate a program to develop the capacity of American Indian tribes to provide child welfare services, including assigning a DHFS position to this program. The Committee also heard presentations from Mr. Mitchell and Mary Husby, Director of Social Services, Menominee Indian Tribe of Wisconsin and member of the AISC, regarding the definition of "relative" under the kinship care program and long-term kinship care program. In addition, the Committee heard presentations by Mr. Mitchell and Ms. Husby regarding funding for assessments under the kinship care program administered by American Indian tribes. The Committee discussed a proposal to increase the membership of the AISC to allow representation of all tribes on the Committee. The Committee meeting was preceded by a tour of the Menominee Indian Reservation.

C. STAFF MATERIALS AND OTHER MATERIALS

Appendix 4 lists all of the materials received by the AISC in the period covered by this report. In addition to these materials, the Legislative Council Staff prepared several bill drafts for the AISC and a summary of each of the AISC's meetings. The following documents may be of particular interest to persons interested in the work of the AISC:

- Memo No. 98-1, *Statutory Basis of the American Indian Study Committee* (March 10, 1999).
- Memo No. 98-4, *Statutes Relating to Education About American Indians, Created by 1989 Wisconsin Act 31* (April 9, 1999).
- Memo No. 98-14, *Definition of "Relative" Under the Kinship Care Program and Long-Term Kinship Care Program; and Funding for Assessments Under the Kinship Care Program* (September 17, 1999).

PART III

BACKGROUND; DESCRIPTION OF BILLS

This Part of the report provides background information on, and a description of, the bills recommended by the AISC and introduced by the JLC.

A. 1999 ASSEMBLY BILL 585, RELATING TO THE AMERICAN INDIAN STUDY COMMITTEE

1. Background

The JLC is required to create the AISC in each biennium to study the problems of American Indians and American Indian tribes in this state in various subject areas and to develop specific recommendations and legislative proposals for the JLC in these areas. [s. 13.83 (3), Stats.]

The statutes provide that the AISC shall be composed of the following 14 members, appointed by the JLC:

- a. Six members selected from names submitted by the American Indian tribes and bands in this state or GLITC.
- b. Eight legislator members, including at least one member of the majority party and at least one member of the minority party from each house.

2. Description of the Bill

The bill changes the name of the AISC to the Special Committee on State-Tribal Relations. It also increases the number of members that the JLC may appoint on the basis of the recommendations of American Indian tribes and bands, directing the JLC to appoint not fewer than six nor more than 11 such members. It prohibits the JLC from appointing more than one member based on the recommendation of any one tribe or band or of GLITC. Under this proposal, each of the 11 tribes and bands in this state could be represented on the Special Committee.

In addition, the bill updates the statute under which the Special Committee functions, consolidating the provisions of that statute and directing the Special Committee to study "issues related to American Indians and the American Indian tribes and bands in this state," rather than "the problems of American Indians and Indian tribes in this state."

B. 1999 ASSEMBLY BILL 586, RELATING TO EDUCATION ABOUT AMERICAN INDIANS AND MAKING AN APPROPRIATION

1. Background

1989 Wisconsin Act 31 created s. 121.02 (1) (L) 4., Stats., which requires that each school board, as part of the social studies curriculum, include instruction in the history, culture and tribal sovereignty of the federally recognized American Indian tribes and bands in Wisconsin at least twice in the elementary grades and at least once in the high school grades. Act 31 also created s. 115.28 (17) (d), Stats., which requires the State Superintendent of Public Instruction to develop a curriculum for grades 4 to 12 on the Chippewa Indians' treaty-based, off-reservation right to hunt, fish and gather.

In addition, Act 31 provided \$100,000 GPR in state fiscal year 1989-90 and \$200,000 GPR in state fiscal year 1990-91 and authorized 3.0 FTE positions in DPI for those purposes. Act 31 also provided \$50,000 GPR in each of those years to DPI to conduct educational conferences on American Indian treaty rights. These amounts were included in DPI's appropriation for educational leadership--general program operations, i.e., were not a separate line item in DPI's budget.

In response to general budget cuts and staff reductions in the mid-1990's, allocations for this purpose were reduced. In state fiscal year 1998-99, DPI allocated 1.6 FTE positions to the American Indian studies program and expended a total of \$111,744 (\$63,334 for salaries; \$24,741 for fringe benefits; \$20,144 for supplies and services; and \$3,525 for conferences and projects) for the program.

2. Description of the Bill

The bill creates a separate appropriation to DPI specifically for continued implementation of the Act 31 requirements and restores the funding and DPI position authorizations to the levels originally established in Act 31 for the American Indian studies program, as follows:

a. Transfers \$111,800 GPR from an existing appropriation to DPI for educational leadership--general program operations and provides new funding of \$138,200 GPR to create a separate annual appropriation to DPI of \$250,000 GPR beginning in state fiscal year 2000-01 to: (1) develop curriculum relating to Chippewa Indians' treaty-based, off-reservation right to hunt, fish and gather as required under s. 115.28 (17) (d), Stats.; (2) assist school boards in complying with the Act 31 requirement to provide instruction about the American Indian tribes and bands in Wisconsin; and (3) annually audit some or all school districts to determine compliance with the Act 31 requirement to provide instruction about the American Indian tribes and bands in Wisconsin. In addition, the appropriation will fund educational conferences and projects relating to providing instruction about American Indian tribes and bands in Wisconsin.

b. Transfers 1.6 FTE positions in DPI funded by the educational leadership--general program operations appropriation and adds 1.4 FTE positions for a total of 3.0 FTE positions to be funded by the separate annual appropriation described in item a., above.

In addition, the bill:

a. Requires DPI, in each school year (that is, between July 1 and June 30), to audit some or all school districts to monitor compliance with the Act 31 requirement to provide instruction about the American Indian tribes and bands in Wisconsin. Under the bill, DPI determines the number of school districts to audit each year. The bill does not require an on-site audit.

b. Requires DPI to annually report the results of the audits to the AISC.

C. 1999 ASSEMBLY BILL 587, RELATING TO ELIGIBILITY OF SECOND COUSINS FOR PAYMENTS UNDER THE KINSHIP CARE AND LONG-TERM KINSHIP CARE PROGRAMS

1. Background

a. General background about the kinship care and long-term kinship care programs

Under current law, the kinship care program and the long-term kinship care program provide that a county department of social services, county department of human services or, in Milwaukee County, the DHFS, must make payments to a relative of a child, other than the child's parents, who provides care and maintenance for the child if certain conditions are met. Some children are placed in the care of a relative by court order; in other cases, the living arrangement is made on an informal basis without a court order. Current law provides that DHFS may enter into an agreement with the governing body of an American Indian tribe to administer the kinship care program or the long-term kinship care program.

Currently, for purposes of the kinship care and long-term kinship care programs, a "relative" means a stepparent, brother, sister, stepbrother, stepsister, first cousin, nephew, niece, aunt, uncle or any person of a preceding generation as denoted by the prefix of grand, great or great-great, whether by consanguinity, direct affinity or legal adoption, or the spouse of any of these persons, even if the marriage is terminated by death or divorce. This means that a child's *second cousin* is not considered a relative for purposes of these programs and is not entitled to a kinship care or long-term kinship care payment.

b. General background about the Federal Indian Child Welfare Act

The Federal Indian Child Welfare Act (ICWA) relates to "child custody proceedings" involving American Indian children, that is, "foster care placements," "termination of parental rights" proceedings, "preadoptive placements" and "adoptive placements," as defined in ICWA. The general goal of ICWA is to have American Indian children remain in the Indian community. ICWA provides that in foster care, preadoptive and adoptive placements, preference must be

given, in the absence of good cause to the contrary, to placement of the child with certain categories of individuals. Unless a tribe establishes a different order of preference by resolution, in general, the first placement preference is "a member of the Indian child's extended family." [25 U.S.C. s. 1915.] Under ICWA, a child's *second cousin* is considered to be a member of the child's extended family. This means that, among others, preference may be given to having an Indian child placed with his or her second cousin.

c. Committee discussion

Technically, the kinship care program and the long-term kinship care program are payment mechanisms, not "child custody proceedings" under ICWA. Therefore, ICWA does not appear to require that all individuals who may be defined as "extended family members" under ICWA be eligible for kinship care payments or long-term kinship care payments.

The Committee discussed the situation which occurs when a court orders placement of an Indian child with a second cousin who is an extended family member under ICWA, or if arrangements are made on an informal basis to have an Indian child live with a relative who is a second cousin of the child, rather than filing a petition in court, but the second cousin is not eligible for kinship care payments or long-term kinship care payments.

The Committee recommended that second cousins be included in the definition of a "relative" for purposes of the kinship care program and the long-term kinship care programs. In order to avoid possible constitutional issues, the Committee recommended changing the definition for all children, not just American Indian children.

2. Description of the Bill

The bill adds second cousins to the list of persons who are defined as a kinship care relative or long-term kinship care relative and, thus, permits them to receive payments for providing care and maintenance to a child under these programs.

DLL:JLK:jal:tlu;rv

JOINT LEGISLATIVE COUNCIL

s. 13.81, Stats.

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This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the cochairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees.

**AMERICAN INDIAN STUDY COMMITTEE,
SPECIAL COMMITTEE ON**

OFFICERS

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STUDY ASSIGNMENT: The Committee is directed to study the problems and develop specific recommendations and legislative proposals relating to American Indians and the various Indian Tribes in this state.

Established biennially, pursuant to s. 13.83 (3), Stats. Membership of the Committee appointed by a December 10, 1998 mail ballot.

13 MEMBERS: 1 Senator; 6 Representatives and 6 Public Members.

LEGISLATIVE COUNCIL STAFF: Joyce Kiel, Senior Staff Attorney; David Lovell, Senior Analyst; and Tracey Uselman, Administrative Staff.

- (1) Appointed by a March 4, 1999 mail ballot to fill the vacancy created by the completion of Rep. Rebecca Young's legislative term.
- (2) Appointed by an April 8, 1999 mail ballot as the Vice Chairperson of the Committee.
- (3) Appointed by an October 12, 1999 mail ballot to replace Rep. Sheryl Albers, who resigned from the Committee on September 15, 1999.

AMERICAN INDIAN STUDY COMMITTEE

TECHNICAL ADVISORY COMMITTEE

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ASSIGNMENT: Established pursuant to s. 13.83 (3) (f), Stats., to assist the American Indian Study Committee in performing its statutory functions.

7 MEMBERS: One representative designated by the following Departments: Health and Family Services; Justice; Natural Resources; Public Instruction; Revenue; Transportation; and Workforce Development.

COMMITTEE MATERIALS

Staff Materials

1. Memo No. 98-1, *Statutory Basis of the American Indian Study Committee* (March 10, 1999).
2. Memo No. 98-2, *Reports Regarding Cooperative County-Tribal Law Enforcement Programs* (March 10, 1999).
3. Memo No. 98-3, *Caregiver Background Checks* (March 10, 1999).
4. Memo No. 98-4, *Statutes Relating to Education About American Indians, Created by 1989 Wisconsin Act 31* (April 9, 1999).
5. Memo No. 98-5, *Indian Student Assistance Program* (May 7, 1999).
6. Memo No. 98-6, *Precedents for a Nonvoting American Indian Delegate to the State Legislature* (May 7, 1999).
7. Memo No. 98-7, *Options Relating to the Statutes Regarding Education About American Indians, Created by 1989 Wisconsin Act 31* (May 7, 1999).
8. Memo No. 98-8, *Issues Raised About WLCS: 0097/P1, Relating to Caregiver Background Checks* (May 7, 1999).
9. Memo No. 98-9, *Enforcement of the Statute Requiring School Districts to Provide Instruction About American Indians* (July 14, 1999).
10. Memo No. 98-10, *Status of the American Indian Study Committee's Recommendations Regarding Tribal Administration of the Rehabilitation Review Process for Caregiver Background Checks* (July 21, 1999).
11. Memo No. 98-11, *Background Information Relating to Extradition From and To the Menominee Reservation and Fresh Pursuit by Law Enforcement Officers To and From the Menominee Reservation* (July 23, 1999).
12. Memo No. 98-12, *Tribal Delegates to the State Legislature; Discussion of Issues* (August 27, 1999).
13. Memo No. 98-13, *Proposal of the Department of Health and Family Services to Initiate a Program to Develop the Capacity of American Indian Tribes to Provide Child Welfare Services* (September 17, 1999).
14. Memo No. 98-14, *Definition of "Relative" Under the Kinship Care Program and the Long-Term Kinship Care Program; and Funding for Assessments Under the Kinship Care Program* (September 17, 1999).

Other Materials

1. Handout, *Appendix A Crimes List*, submitted by Linda Dawson, Department of Health and Family Services (DHFS) (February 1999).
2. Handout, *Summary of Changes to Chapters HFS 12 & 13 Emergency Rules Effective February 28, 1999*, submitted by Linda Dawson, DHFS (undated).
3. Handout, *People as School Mascots, Honorable Tradition or Institutional Bigotry?*, submitted by Alicia Gibb and Christine Munson, Youth "Indian" Mascot and Logo Taskforce (undated).
4. LRB-0195/3, relating to the use of ethnic names, nicknames, logos and mascots by school boards, granting rule-making authority and providing a penalty, submitted by Alicia Gibb and Christine Munson, Youth "Indian" Mascot and Logo Taskforce. (Distributed to Committee members only.)
5. Packet of materials submitted by Barbara E. Munson, Chair, Wisconsin Indian Education Association "Indian" Mascot and Logo Taskforce:
 - a. *Wisconsin Indian Education Association "Indian" Mascot and Logo Taskforce Invites You to Join the Effort to Stop the Use of "Indian" Mascots and Logos in Wisconsin Schools By the Year 2000* (undated).
 - b. *Common Themes and Questions About the Use of "Indian" Logos* (1997).
 - c. *Chronology of Attempts to Remove Indian Mascots and Logos From Wisconsin Schools* (undated).
 - d. Great Lakes Inter-Tribal Council, Inc., Resolution No. 99-01.05 (undated).
6. Handout, *The Role of the Wisconsin Department of Public Instruction With Regard to School Nicknames, Mascots, and Logos*, Department of Public Instruction (DPI) (April 19, 1999).
7. Packet of materials submitted by Regina Dahms, Resident, Menomonie School District:
 - a. Letter, from Lewis Taylor, St. Croix Tribal Chairman, to Larry Sylte (October 7, 1996).
 - b. Menomonie School Board Policy on Use of Indian Logo (August 10, 1998).
 - c. Wisconsin Court of Appeals Unpublished Decision, *Barbara Munson and Students A, B, and C v. State Superintendent of Public Instruction and School District of Mosinee*, No. 97-1450 (February 17, 1998).
 - d. Example of Indian Logo (undated).

8. Excerpt from Informational Paper #79, *Legal Gambling in Wisconsin*, pp. 34-36, relating to the intended use of additional state revenues from the gaming compacts, Legislative Fiscal Bureau (LFB) (January 1999).
9. Excerpt from *1999-01 Wisconsin State Budget, Summary of Governor's Budget Recommendations*, pp. 67-71, relating to tribal gaming revenue allocations, LFB (March 1999).
10. Letter, from Representative Terry Musser, Chairperson, American Indian Study Committee (AISC), to Attorney General James E. Doyle, regarding the proposed Indian law initiative at the Department of Justice (DOJ) (March 29, 1999).
11. Letter, from Representative Terry Musser, Chairperson, AISC, to Secretary Cate Zeuske, Department of Revenue, and Secretary Mark Bugher, Department of Administration, regarding provisions in the 1999-2001 Biennial Budget Bill relating to cigarette and tobacco products taxes (March 29, 1999).
12. Letter, from Attorney General James E. Doyle, to Representative Terry Musser, Chairperson, AISC, regarding Indian-related litigation at the DOJ (April 15, 1999).
13. Letter, from Secretary Mark Bugher, Department of Administration, to Representative Terry Musser, Chairperson, AISC, regarding provisions in the 1999-2001 Biennial Budget Bill relating to cigarette and tobacco products taxes (April 19, 1999).
14. Letter, from Representative Terry Musser, Chairperson, AISC, to Representative John Gard and Senator Brian Burke, Cochairpersons, Joint Committee on Finance (JFC), regarding certain provisions of the 1999-2001 Biennial Budget Bill (April 27, 1999).
15. Memorandum, *Certain Provisions of the 1999-01 Biennial Budget Bill of Interest to Indian Tribes*, from Representative Terry Musser, Chairperson, AISC (April 27, 1999).
16. Packet of materials submitted by J.P. Leary, DPI:
 - a. *A Brief History of the American Indian Studies Program at the Department of Public Instruction, 1987-Present* (April 19, 1999).
 - b. *Responsibilities and Tasks Assigned to the DPI American Indian Studies Program* (April 19, 1999).
 - c. Letter, from John Benson, State Superintendent of Public Instruction (April 1, 1994).
 - d. *American Indian Studies Program Information Packet* (April 1999).
17. Handout, *W.I.E.A. Issues to be Presented to American Indian Studies Committee*, submitted by Sharon Cloud, Board of Directors, Wisconsin Indian Education Association (April 19, 1999).
18. Handout, *Testimony of Robert Chicks, Chairman, Stockbridge-Munsee Community Band of Mohican Indians*, submitted by Leah Miller (March 26, 1999).

19. Letter from Robert Chicks, Tribal President, Stockbridge-Munsee Band of Mohican Indians, to Representative John Gard, Cochairperson, JFC, government-to-government relations and the 1999-2001 Biennial Budget Bill, submitted by Leah Miller (March 30, 1999).
20. Letter from Representative Terry Musser, Chairperson, AISC, to Representative John Gard and Senator Brian Burke, Cochairpersons, JFC, relating to Indian Student Assistance Grants (May 18, 1999).
21. Great Lakes Inter-Tribal Council Resolution No. 99-05.07, relating to supporting retention of programs within the consolidated Family Services Program (May 12, 1999).
22. Letter, to John Benson, State Superintendent of Public Instruction, from Representative Terry Musser, Chairperson, AISC, relating to education about American Indians (July 14, 1999).
23. Handout, *American Indian Study Committee*, submitted by Kelly Kennedy, County-Tribal Law Enforcement Program Coordinator, DOJ, regarding the county-tribal law enforcement program (July 30, 1999).
24. *Legislative Report on 1989 Wisconsin Act 31*, submitted by Virginia Nuske, Wisconsin Indian Education Association (September 25, 1996).
25. Handout, *LdF Higher Education Stats*, submitted by Christina Rencontre, Education Director, Lac du Flambeau Band of Lake Superior Chippewa Indians (February 24, 1998).
26. Letter, to John Benson, State Superintendent of Public Instruction, from Representative Terry Musser, Chairperson, AISC, relating to education about American Indians (July 14, 1999).
27. Letter, from John Benson, State Superintendent of Public Instruction, to Representative Terry Musser, Chairperson, AISC, regarding education about American Indians in public schools (July 30, 1999).
28. Letter, from Representative Terry Musser, Chairperson, AISC, to Representative Stephen Nass, Chairperson of the Assembly Committee on Education Reform, and Senator Richard Grobschmidt, Chairperson of the Senate Committee on Education, regarding legislation relating to the use of ethnic names, nicknames, logos and mascots by school boards (August 24, 1999).
29. Letter, from Representative Stephen Nass, Chairperson of the Assembly Committee on Education Reform, to Representative Terry Musser, Chairperson, AISC, regarding legislation relating to the use of ethnic names, nicknames, logos and mascots by school boards (August 24, 1999).
30. Letter, from Senator Gary George to Representative Terry Musser, Chairperson, AISC, regarding legislation relating to the use of ethnic names, nicknames, logos and mascots by school boards (August 25, 1999).
31. Letter, from John Benson, State Superintendent of Public Instruction, to Chairperson Terry Musser, Chairperson, AISC, regarding education about American Indians in public schools (September 14, 1999).

32. Section 13.83 (3), Stats., relating to the American Indian Study Committee.
33. Letter, to Attorney General James E. Doyle, from Representative Terry Musser, Chairperson, AISC, regarding extradition and fresh pursuit from and to the Menominee Reservation (August 4, 1999).
34. Letters, from Attorney General James E. Doyle, to Representative Terry Musser, Chairperson, AISC, and to Apesanahkwat, Chairperson, Menominee Indian Tribe of Wisconsin, regarding extradition and fresh pursuit from and to the Menominee Reservation (September 1, 1999).
35. Memorandum, from Kelly Kennedy, Coordinator, County-Tribal Law Enforcement Program, DOJ, *Review of county-tribal law enforcement program activities* (September 15, 1999).
36. Letter, from Michael W. Allen, Sr., Executive Director, Great Lakes Inter-Tribal Council, relating to the proposal of the DHFS to initiate a program to develop the capacity of American Indian tribes to provide child welfare services (September 13, 1999) (without attachment).
37. Handout from Kelly Kennedy, County-Tribal Law Enforcement Program Coordinator, DOJ (July 30, 1999).
38. Materials submitted by Rick Church, Director of Public Safety (DPS) and Tribal Councilman, Stockbridge-Munsee Tribe of Mohican Nation:
 - a. Letter from Rick Church to Attorney General Janet Reno, U.S. DOJ (February 24, 1999).
 - b. Memorandum to Gary Ehman, Editor Mohican News, from Rick Church, DPS, *Increase In Request For Police Services* (September 23, 1998).
39. Handout, *Tribal Gaming Revenue Allocations*, prepared by the Legislative Fiscal Bureau (September 21, 1999).
40. Handout, *Cooperative Tribal/County Law Enforcement Agreement Shawano County and Stockbridge-Munsee Community*, submitted by Rick Church, DPS, Stockbridge-Munsee Band of Mohican Indians (January 1, 1999).
41. Handout, *County-Tribal Law Enforcement Funding Program*, submitted by Mary Husby (September 24, 1999).
42. Handout, submitted by Dale Wolf, Great Lakes Inter-Tribal Council, relating to DHFS proposal to develop the capacity of American Indian tribes to provide child welfare services (September 24, 1999).