

2001 DRAFTING REQUEST

Bill

Received: **01/05/2001**

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:

Pre Topic:

DOA:.....Fossum -

Topic:

Kinship care background review

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 01/05/2001	gilfokm 01/05/2001		_____			S&L
/1			jfrantze 01/06/2001	_____	lrb_docadmin 01/07/2001		

FE Sent For:

<END>

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1?	malaigm	1-15-01 ^{king}	J 6/1/6	J 1/4			

FE Sent For:

<END>



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

TOMMY G. THOMPSON
GOVERNOR

GEORGE LIGHTBOURN
SECRETARY

Office of the Secretary
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1741
Fax (608) 267-3842
TTY (608) 267-9629

Date: January 4, 2001

To: Steve Miller, Director
Legislative Reference Bureau

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

GAF

Subject: Drafting Instructions for the 2001-03 Budget Bill

Please arrange for the following item to be included in the 2001-31 budget bill:

Kinship Care Criminal Background Review

Background:

Under current law, a person denied a kinship care payment because of the results of a criminal background check may request that the denial of the payments be reviewed by the director of the county or, in a county having a population of 500,000 or more, the person designated by the Secretary of Health and Family Services. This provision is repealed effective the day after publication of the 2001-03 biennial budget.

Requested Change:

Repeal the sunset provision.

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

48.57 (3p) (fm) 1.	RC & 97 Act 27, sections
2.	RC
(g) (impro.)	RC
(h)	RP

ESC. Date



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1825/1
GMM...
[Signature]

[Handwritten mark]

DOA:.....Fossum – Kinship care background review

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

Print
w/gline #15

AN ACT ^{DON'T GEN. CAT.} relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, certain relatives of a child who provide care and maintenance for the child and who meet certain other conditions (kinship care relatives) are eligible for payments in the amount of \$215 per month under the kinship care program. Those conditions include a condition that the county department of human services or social services (county department) or, in Milwaukee County, DHFS conduct a background investigation of the kinship care relative, any employee or prospective employee of the kinship care relative who has or would have regular contact with the child, and any adult resident of the kinship care relative's home to determine if the kinship care relative, employee, prospective employee, or adult resident has any arrests or convictions that could adversely affect the child or the kinship care relative's ability to care for the child. Currently, a kinship care relative who is denied kinship care payments or who is prohibited from employing a person or permitting a person to reside in the kinship care relative's home based on, arrest or conviction record may request the director of the county department or, in Milwaukee County, a person designated by the secretary of health and family services to review that denial. That review procedure expires on the day

whether

am

FE-SL

after publication of the 2001-03 biennial budget. This bill eliminates that expiration date.

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

SECTION 1. 48.57 (3p) (fm) 2. of the statutes is amended to read:

48.57 (3p) (fm) 2. A person receiving payments under sub. (3m) may provisionally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or provisionally permit a person to be an adult resident if the person receiving those payments states to the county department or, in a county having a population of 500,000 or more, the department of health and family services that the employee or adult resident does not have any arrests or convictions that could adversely affect the child or the ability of the person receiving payments to care for the child. A person receiving payments under sub. (3m) may not finally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or finally permit a person to be an adult resident until the county department or, in a county having a population of 500,000 or more, the department of health and family services receives information from the department of justice indicating that the person's conviction record under the law of this state is satisfactory according to the criteria specified in par. (g) 1. to 3. and the county department ~~so advises or, in a county having a population of 500,000 or more, the department of health and family services and so advises~~ the person receiving payments under sub. (3m) ~~or the department of health and family services so advises that person~~ ^{or} until a decision is made under par. (h) 4. to permit a person who is receiving payments under sub. (3m) to employ a person in a position in which that person would have regular contact

plain

with the child for whom payments are being made or to permit a person to be an adult resident and the county department or, in a county having a population of 500,000 or more, the department of health and family services so advises the person receiving payments under sub. (3m). A person receiving payments under sub. (3m) may finally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or finally permit a person to be an adult resident conditioned on the receipt of information from the county department or, in a county having a population of 500,000 or more, the department of health and family services that the federal bureau of investigation indicates that the person's conviction record under the law of any other state or under federal law is satisfactory according to the criteria ^{plain} specified in par. (g) 1. to 3.

~~NOTE: NOTE: Subd. 2. is repeated and recreated eff. the day after publication of the 2001-03 biennial budget by 1997 Wis. Act 27 to read: NOTE:~~

~~2. A person receiving payments under sub. (3m) may provisionally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or provisionally permit a person to be an adult resident if the person receiving those payments states to the county department or, in a county having a population of 500,000 or more, the department of health and family services that the employee or adult resident does not have any arrests or convictions that could adversely affect the child or the ability of the person receiving payments to care for the child. A person receiving payments under sub. (3m) may not finally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or finally permit a person to be an adult resident until the county department or, in a county having a population of 500,000 or more, the department of health and family services receives information from the department of justice indicating that the person's conviction record under the law of this state is satisfactory according to the criteria specified in par. (g) 1. to 3. and the county department so advises the department of health and family services and the person receiving payments under sub. (3m) or the department of health and family services so advises that person. A person receiving payments under sub. (3m) may finally employ a person in a position in which that person would have regular contact with the child for whom those payments are being made or finally permit a person to be an adult resident conditioned on the receipt of information from the county department or, in a county having a population of 500,000 or more, the department of health and family services that the federal bureau of investigation indicates that the person's conviction record under the law of any other state or under federal law is satisfactory according to the criteria specified in par. (g) 1. to 3.~~

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; 1999 a. 9, 103, 133, 162; s. 13.93 (2) (c).

SECTION 2. 1997 Wisconsin Act 27, section 1622d is repealed.

SECTION 3. 1997 Wisconsin Act 27, section 1623d is repealed.

SECTION 4. 1997 Wisconsin Act 27, section 1624d is repealed.

SECTION 5. 1997 Wisconsin Act 27, section 9423 (10f) is repealed.

SECTION 6. 1997 Wisconsin Act 252, section 53 is repealed.

SECTION 9123. Nonstatutory provisions; health and family services.

SEC. 1997 Wisconsin Act 252, section 201 (1) is repealed.

SEC. 1997 Wisconsin Act 252, section 51 is repealed.

sections 51,

SECTION 9123

(1) KINSHIP CARE BACKGROUND REVIEWS. The repeal of 1997 Wisconsin Act 27, sections 1622d, 1623d, 1624d, and 9423 (10f) and 1997 Wisconsin Act 252, section 53, by this act applies notwithstanding section 990.03 (3) of the statutes.

(END)

and 201 (1),



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1825/1
GMM:kmg:jf

DOA:.....Fossum – Kinship care background review

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, certain relatives of a child who provide care and maintenance for the child and who meet certain other conditions (kinship care relatives) are eligible for payments in the amount of \$215 per month under the kinship care program. Those conditions include a condition that the county department of human services or social services (county department) or, in Milwaukee County, DHFS conduct a background investigation of the kinship care relative, any employee or prospective employee of the kinship care relative who has or would have regular contact with the child, and any adult resident of the kinship care relative's home to determine whether the kinship care relative, employee, prospective employee, or adult resident has any arrests or convictions that could adversely affect the child or the kinship care relative's ability to care for the child. Currently, a kinship care relative who is denied kinship care payments or who is prohibited from employing a person or permitting a person to reside in the kinship care relative's home based on an arrest or conviction record may request the director of the county department or, in Milwaukee County, a person designated by the secretary of health and family services to review that denial. That review procedure expires on the day after publication of the 2001-03 biennial budget. This bill eliminates that expiration date.

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 (3p) (fm) 2. of the statutes is amended to read:

2 48.57 **(3p)** (fm) 2. A person receiving payments under sub. (3m) may
3 provisionally employ a person in a position in which that person would have regular
4 contact with the child for whom those payments are being made or provisionally
5 permit a person to be an adult resident if the person receiving those payments states
6 to the county department or, in a county having a population of 500,000 or more, the
7 department of health and family services that the employee or adult resident does
8 not have any arrests or convictions that could adversely affect the child or the ability
9 of the person receiving payments to care for the child. A person receiving payments
10 under sub. (3m) may not finally employ a person in a position in which that person
11 would have regular contact with the child for whom those payments are being made
12 or finally permit a person to be an adult resident until the county department or, in
13 a county having a population of 500,000 or more, the department of health and family
14 services receives information from the department of justice indicating that the
15 person's conviction record under the law of this state is satisfactory according to the
16 criteria specified in par. (g) 1. to 3. and the county department ~~so advises or, in a~~
17 county having a population of 500,000 or more, the department of health and family
18 services and so advises the person receiving payments under sub. (3m) or the
19 ~~department of health and family services so advises that person~~ until a decision is
20 made under par. (h) 4. to permit a person who is receiving payments under sub. (3m)
21 to employ a person in a position in which that person would have regular contact with

1 the child for whom payments are being made or to permit a person to be an adult
2 resident and the county department or, in a county having a population of 500,000
3 or more, the department of health and family services so advises the person receiving
4 payments under sub. (3m). A person receiving payments under sub. (3m) may finally
5 employ a person in a position in which that person would have regular contact with
6 the child for whom those payments are being made or finally permit a person to be
7 an adult resident conditioned on the receipt of information from the county
8 department or, in a county having a population of 500,000 or more, the department
9 of health and family services that the federal bureau of investigation indicates that
10 the person's conviction record under the law of any other state or under federal law
11 is satisfactory according to the criteria specified in par. (g) 1. to 3.

12 **SECTION 2.** 1997 Wisconsin Act 27, section 1622d is repealed.

13 **SECTION 3.** 1997 Wisconsin Act 27, section 1623d is repealed.

14 **SECTION 4.** 1997 Wisconsin Act 27, section 1624d is repealed.

15 **SECTION 5.** 1997 Wisconsin Act 27, section 9423 (10f) is repealed.

16 **SECTION 6.** 1997 Wisconsin Act 252, section 51 is repealed.

17 **SECTION 7.** 1997 Wisconsin Act 252, section 53 is repealed.

18 **SECTION 8.** 1997 Wisconsin Act 252, section 201 (1) is repealed.

19 **SECTION 9123. Nonstatutory provisions; health and family services.**

20 (1) **KINSHIP CARE BACKGROUND REVIEWS.** The repeal of 1997 Wisconsin Act 27,
21 sections 1622d, 1623d, 1624d, and 9423 (10f) and 1997 Wisconsin Act 252, sections
22 51, 53, and 201 (1), by this act applies notwithstanding section 990.03 (3) of the
23 statutes.

24 (END)