

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/21/2001

Received By: malaigm

Wanted: Soon

Identical to LRB:

For: Assembly Republican Caucus 6-1452

By/Representing: Raschka

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact: LFB

Addl. Drafters:

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Subject: Children - out-of-home placement

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Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Raschka - AM22,

Topic:

Court-ordered placements of children

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 06/21/2001	jdye 06/22/2001		_____ _____			
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/?	malaigm	1/22 jld	6/22 ps	6/22 ps/chr			
FE Sent For:							
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(b) *Family Medicine and practice.* The amounts in the schedule for the development and operation of programs to support the recruitment and training of medical students and residents in Family and Community Medicine.

18. DHFS Provision Requests:

Include the following provisions at the request of DHFS:

MM
+
MGD
RLR
ISR
a) **Court-Ordered Placements (Jeskewitz Request # 261)**

- Require that all out of home care placement orders include the language necessary under the new federal regulations to receive IV-E reimbursement. The language would require courts to specifically state that they have given due consideration to county or state recommendations when placing a child in a foster home or other setting.

b) ~~Permanency Plans for Court-Ordered Placements with a Relative (Jeskewitz Request #261, Ladwig Request #23)~~

- Require that an agency responsible for a child who, under the order of a juvenile court is living in the home of a relative to prepare a permanency plan for the child. Also require the agency, upon request of a guardian or grandparent in whose home a child is placed under a juvenile court order to issue a foster care license to the grandparent or guardian. The requirement would first apply to children and juveniles who are placed in the home of a relative under a court's order on the bill's general effective date.

MGD
RLR
c) **Sexually Violent Persons Patient Rights- Sand Ridge Treatment Center Operational Plan (Information attached)**

ISR
19. Governor's BadgerCare Revision Language:

Require DHFS to request a waiver from the DHHS to: (a) permit DHFS to verify whether a family or a child has access or has had access to employer-subsidized health care prior to enrolling the family or child in BadgerCare; and (b) increase the time period a family or a child is required to be without coverage to employer-subsidized health care before the family or child would be eligible for BadgerCare.

Specify that the waiver would propose to increase the time period that a family must not have had coverage under employer-subsidized health care from three months to six months, with the following exceptions:

- If the family or child, lost employer-subsidized health care coverage through no fault of the family or child as determined by DHFS, the waiting period would be 45 days.
- If the family or child, lost employer-subsidized health care coverage, but no longer has access because they have exhausted their COBRA coverage, the waiting period would at least be three months.
- If the family or child had employer-subsidized health care but no longer has access because employment was terminated, the waiting period would at least be three months.

Currently, families or children meeting the above requirements would have no waiting period.

DAK
20. Intergovernmental Transfers - MA Trust Account

(Leibham Request # 91)

Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

Statement of Intent Restore court ordered juvenile placements provisions removed from the Governor's budget as policy items.

Legislator Jeskewitz

Amendment 22

Legislator 2

Pass or Fail Pass

Legislator 3

Spending Cut

Legislator 4

Withdrawn

Staff contact Erin

Package

Agency Health and Family Services

Summary Require that an agency responsible for a child who, under the order of a juvenile court, is living in the home of a relative to prepare a permanency plan for the child. Also require the agency, upon request of a guardian or grandparent in whose home a child is placed under a juvenile court order to issue a foster care license to the grandparent or guardian.

In addition, require that all out of home care placement orders include the language necessary under the new federal regulations to receive IV-E reimbursement. The language would require courts to specifically state that they have given due consideration to county or state recommendations when placing a child in a foster home or other setting.

Fiscal Impact No fiscal impact.

Drafting Inst LFB summary from the Governor's budget provided.

ARC Analyst Raschka

~~WAFB~~
GMM?

Request # 261

2001

Date (time) needed

G-MMM ←

LRB b 1428 11

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

^ : jld :

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page 576, line 2.1.: after that line insert:

~~#. Page , line :~~

~~#. Page , line :~~

~~#. Page , line :~~

~~#. Page , line :~~

~~#. Page , line :~~



DOA:.....Fossum - Court-ordered placements

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, the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) may, in a temporary custody order, a dispositional order, or a change-in-placement order, designate an out-of-home placement as the placement for a child who is within the jurisdiction of the juvenile court. The state receives federal foster care and adoption assistance funding under Title IV-E of the federal Social Security Act (generally referred to as IV-E funds) in reimbursement of moneys expended to provide care for children placed in out-of-home placements. The federal government recently, however, changed its regulations relating to eligibility for IV-E funds to provide that IV-E funds are not available when a court orders a child to be placed in a specific out-of-home placement, except that those funds are available when a court orders a child to be placed in a specific out-of-home placement recommended by the agency primarily responsible for providing services for the child (agency) or when a court, after considering the evidence presented by the agency and all parties relating to a child's placement, orders the child to be placed in a specific out-of-home placement other than a placement recommended by the agency. Accordingly, this bill requires an order of the juvenile court placing a child outside the home in a placement recommended by the agency to include a statement that the juvenile court approves



the placement recommended by the agency and an order of the juvenile court placing a child outside the home in a placement other than a placement recommended by the agency to include a statement that the juvenile court has given bona fide consideration to the recommendations made by the agency and all parties relating to the child's placement.

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:

1578 ✓

1 SECTION 1. 48.21 (5) (b) of the statutes is renumbered 48.21 (5) (b) (intro.) and
2 amended to read:

3 48.21 (5) (b) (intro.) An order relating to a child held in custody outside of his
4 or her home shall also ~~describe~~ include all of the following:

5 1. A description of any efforts that were made to permit the child to remain
6 safely at home and the services that are needed to ensure the child's well-being, to
7 enable the child to return safely to his or her home, and to involve the parents in
8 planning for the child.

1579 ✓

9 SECTION 2. 48.21 (5) (b) 2. of the statutes is created to read:

10 48.21 (5) (b) 2. If the child is held in custody outside the home in a placement
11 recommended by the intake worker, a statement that the court approves the
12 placement recommended by the intake worker or, if the child is placed outside the
13 home in a placement other than a placement recommended by the intake worker, a
14 statement that the court has given bona fide consideration to the recommendations
15 made by the intake worker and all parties relating to the placement of the child. "

16 SECTION 3. 48.355 (2) (b) 6m. of the statutes is created to read:

1583 ✓

17 48.355 (2) (b) 6m. If the child is placed outside the home in a placement
18 recommended by the agency designated under s. 48.33 (1), a statement that the court

Page 576, line 24: after that line insert:

1584

1 approves the placement recommended by the agency or, if the child is placed outside
2 the home in a placement other than a placement recommended by that agency, a
3 statement that the court has given bona fide consideration to the recommendations
4 made by the agency and all parties relating to the child's placement.

5 SECTION 4. 48.357 (2v) of the statutes is created to read:

6 48.357 (2v) If a hearing is held under sub. (1) or (2m) and the change in
7 placement would place the child outside the home in a placement recommended by
8 the person or agency primarily responsible for implementing the dispositional order,
9 the change in placement order shall include a statement that the court approves the
10 placement recommended by that person or agency or, if the child is placed outside the
11 home in a placement other than a placement recommended by that person or agency,
12 a statement that the court has given bona fide consideration to the recommendations
13 made by that person or agency and all parties relating to the child's placement.

3887

14 SECTION 5. 938.21 (5) (b) of the statutes is renumbered 938.21 (5) (b) (intro.)
15 and amended to read:

16 938.21 (5) (b) (intro.) An order relating to a juvenile held in custody outside of
17 his or her home shall also describe include all of the following:

18 1. A description of any efforts that were made to permit the juvenile to remain
19 at home and the services that are needed to ensure the juvenile's well-being, to
20 enable the juvenile to return safely to his or her home, and to involve the parents in
21 planning for the juvenile.

3888

22 SECTION 6. 938.21 (5) (b) 2. of the statutes is created to read:

23 938.21 (5) (b) 2. If the juvenile is held in custody outside the home in a
24 placement recommended by the intake worker, a statement that the court approves
25 the placement recommended by the intake worker or, if the juvenile is placed outside

#. Page 1223, line 4 - after that line insert:

#. Page 1223, line 7 : after that line insert:

3897 ✓

1 the home in a placement other than a placement recommended by the intake worker,
2 a statement that the court has given bona fide consideration to the recommendations
3 made by the intake worker and all parties relating to the placement of the juvenile.

④ SECTION 9. 938.355 (2) (b) 6m. of the statutes is created to read:

5 938.355 (2) (b) 6m. If the juvenile is placed outside the home in a placement
6 recommended by the agency designated under s. 938.33 (1), a statement that the
7 court approves the placement recommended by the agency or, if the juvenile is placed
8 outside the home in a placement other than a placement recommended by that
9 agency, a statement that the court has given bona fide consideration to the
10 recommendations made by the agency and all parties relating to the juvenile's
11 placement.

3901 ✓

⑫ SECTION 9. 938.357 (2v) of the statutes is created to read:

13 938.357 (2v) If a hearing is held under sub. (1) or (2m) and the change in
14 placement would place the juvenile outside the home in a placement recommended
15 by the person or agency primarily responsible for implementing the dispositional
16 order, the change in placement order shall include a statement that the court
17 approves the placement recommended by the person or agency or, if the juvenile is
18 placed outside the home in a placement other than a placement recommended by that
19 person or agency, a statement that the court has given bona fide consideration to the
20 recommendations made by that person or agency and all parties relating to the
21 juvenile's placement.

(END)

#. Page 1223, line 20 : after that line insert:

ARC:.....Raschka – AM22, Court-ordered placements of children

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 576, line 21: after that line insert:

3 **“SECTION 1578.** 48.21 (5) (b) of the statutes is renumbered 48.21 (5) (b) (intro.)

4 and amended to read:

5 48.21 (5) (b) (intro.) An order relating to a child held in custody outside of his
6 or her home shall also ~~describe~~ include all of the following:

7 1. A description of any efforts that were made to permit the child to remain
8 safely at home and the services that are needed to ensure the child’s well-being, to
9 enable the child to return safely to his or her home, and to involve the parents in
10 planning for the child.

1 **SECTION 1579.** 48.21 (5) (b) 2. of the statutes is created to read:

2 48.21 (5) (b) 2. If the child is held in custody outside the home in a placement
3 recommended by the intake worker, a statement that the court approves the
4 placement recommended by the intake worker or, if the child is placed outside the
5 home in a placement other than a placement recommended by the intake worker, a
6 statement that the court has given bona fide consideration to the recommendations
7 made by the intake worker and all parties relating to the placement of the child.”.

8 **2.** Page 576, line 24: after that line insert:

9 **“SECTION 1583.** 48.355 (2) (b) 6m. of the statutes is created to read:

10 48.355 (2) (b) 6m. If the child is placed outside the home in a placement
11 recommended by the agency designated under s. 48.33 (1), a statement that the court
12 approves the placement recommended by the agency or, if the child is placed outside
13 the home in a placement other than a placement recommended by that agency, a
14 statement that the court has given bona fide consideration to the recommendations
15 made by the agency and all parties relating to the child’s placement.

16 **SECTION 1584.** 48.357 (2v) of the statutes is created to read:

17 48.357 (2v) If a hearing is held under sub. (1) or (2m) and the change in
18 placement would place the child outside the home in a placement recommended by
19 the person or agency primarily responsible for implementing the dispositional order,
20 the change in placement order shall include a statement that the court approves the
21 placement recommended by that person or agency or, if the child is placed outside the
22 home in a placement other than a placement recommended by that person or agency,
23 a statement that the court has given bona fide consideration to the recommendations
24 made by that person or agency and all parties relating to the child’s placement.”.

1 **3.** Page 1223, line 4: after that line insert:

2 “**SECTION 3887.** 938.21 (5) (b) of the statutes is renumbered 938.21 (5) (b)
3 (intro.) and amended to read:

4 938.21 (5) (b) (intro.) An order relating to a juvenile held in custody outside of
5 his or her home shall also ~~describe~~ include all of the following:

6 **1.** A description of any efforts that were made to permit the juvenile to remain
7 at home and the services that are needed to ensure the juvenile’s well-being, to
8 enable the juvenile to return safely to his or her home, and to involve the parents in
9 planning for the juvenile.

10 **SECTION 3888.** 938.21 (5) (b) 2. of the statutes is created to read:

11 938.21 (5) (b) 2. If the juvenile is held in custody outside the home in a
12 placement recommended by the intake worker, a statement that the court approves
13 the placement recommended by the intake worker or, if the juvenile is placed outside
14 the home in a placement other than a placement recommended by the intake worker,
15 a statement that the court has given bona fide consideration to the recommendations
16 made by the intake worker and all parties relating to the placement of the juvenile.”.

17 **4.** Page 1223, line 7: after that line insert:

18 “**SECTION 3897.** 938.355 (2) (b) 6m. of the statutes is created to read:

19 938.355 (2) (b) 6m. If the juvenile is placed outside the home in a placement
20 recommended by the agency designated under s. 938.33 (1), a statement that the
21 court approves the placement recommended by the agency or, if the juvenile is placed
22 outside the home in a placement other than a placement recommended by that
23 agency, a statement that the court has given bona fide consideration to the

1 recommendations made by the agency and all parties relating to the juvenile's
2 placement."

3 **5.** Page 1223, line 20: after that line insert:

4 "SECTION 3901. 938.357 (2v) of the statutes is created to read:

5 938.357 (2v) If a hearing is held under sub. (1) or (2m) and the change in
6 placement would place the juvenile outside the home in a placement recommended
7 by the person or agency primarily responsible for implementing the dispositional
8 order, the change in placement order shall include a statement that the court
9 approves the placement recommended by the person or agency or, if the juvenile is
10 placed outside the home in a placement other than a placement recommended by that
11 person or agency, a statement that the court has given bona fide consideration to the
12 recommendations made by that person or agency and all parties relating to the
13 juvenile's placement."

14 (END)