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**WISCONSIN LEGISLATIVE COUNCIL  
STAFF MEMORANDUM**

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**TO:** REPRESENTATIVE SUZANNE JESKEWITZ

**FROM:** Joyce L. Kiel, Senior Staff Attorney

**RE:** Description of LRB-4981/4, Relating to Placement of a Child Who is a Custodial Parent or an Expectant Mother in a Supervised Living Arrangement

**DATE:** September 5, 2000

This memorandum describes LRB-4981/4, relating to placement of a child who is a custodial parent or an expectant mother in a supervised living arrangement. The bill draft was prepared to reflect the recommendations of the group of individuals you met with on June 20 and 21 and July 24, 2000. You asked that the bill draft be prepared and distributed to members of the group so that it could be discussed at the next meeting which will be held on September 13, 2000. To assist the group in its discussion, this memorandum briefly describes each SECTION of LRB-4981/4.

The SECTIONS of the draft are as follows:

**SECTION 1.** Defines "supervised living arrangement" in the general definitions section of ch. 48, Stats. (the Children's Code). (Each subsequent use of the term in the Children's Code incorporates this definition.)

The draft provides that "supervised living arrangement" means a placement, supervised by an adult, that needs to be provided to a child who is a custodial parent, as defined under the Wisconsin Works (W-2) program (that is, a parent who resides with the child and, if there has been a determination of legal custody, has legal custody of the child), or who is an expectant mother to protect the well-being of the child and to provide the child with training in parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote the child's long-term economic independence and the well-being of the child's child.

**SECTION 2.** Provides that, if authorized to do so by a judge, a juvenile court commissioner (rather than a judge) may conduct the extension of voluntary placement in a supervised living arrangement hearing (voluntary placement extension hearing) which is discussed in SECTION 22.

**SECTION 3.** Nonsubstantive technical correction to the ground for children in need of protection or services (CHIPS) jurisdiction over a child who is in need of special treatment or care which the

child's parent, guardian or legal custodian is unwilling, neglecting, unable or needs assistance to provide.

**SECTION 4.** Creates a new CHIPS jurisdictional ground over a child who is at least 12 years of age, signs the petition requesting jurisdiction and is in need of a supervised living arrangement (as defined in SECTION 1) which the parent, guardian or legal custodian is unwilling, neglecting, unable or needs assistance to provide.

**SECTION 5.** Provides that a juvenile court has exclusive jurisdiction over the voluntary placement extension hearings under SECTION 22.

**SECTION 6.** Provides that a child who is the subject of a voluntary placement extension hearing under SECTION 22 must be represented by legal counsel.

**SECTIONS 7 and 8.** Applies the more relaxed standards of evidence provisions in the Children's Code to the voluntary placement extension hearings under SECTION 22.

**SECTION 9.** Adds to the list of places where a child may be placed under a CHIPS dispositional order to include a supervised living arrangement in a group home that is specially licensed under SECTION 19 solely to provide a supervised living arrangement.

**SECTION 10.** Amends the cross-references to permanency plans to include reference to the proposed requirement that a permanency plan be prepared for a child under a voluntary placement in a group home that has been specially licensed solely to provide a supervised living arrangement. (See SECTION 22.) This means that information in a permanency plan relating to findings or opinions of the agency that prepared the permanency plan relating to all of the following issues must be disclosed to the operator of the group home if there is such a voluntary placement: (a) mental, emotional, cognitive, developmental or behavioral disability of the child; (b) involvement in a criminal gang; (c) involvement in certain harmful activities; (d) involvement of the child in certain sexual activities; and (e) the religious affiliation or belief of the child.

**SECTION 11.** Specifies that a permanency plan is required for a child placed under a voluntary agreement in a group home that has been specially licensed solely to provide a supervised living arrangement.

**SECTION 12.** Specifies that provisions in current law which require a juvenile court or a permanency plan review panel to review a permanency plan every six months apply to children who are held in custody or placed outside the home under a court order, not to children in a voluntary placement.

**SECTION 13.** Nonsubstantive technical corrections relating to the authority of the Department of Health and Family Services (DHFS) and relating to the use of a defined term. (The authority for DHFS to accept guardianship of children is already included in s. 48.48 (7), Stats.; the draft deletes the unnecessarily duplicative provisions in s. 48.48 (3), Stats. The reference to "special treatment and care" is changed to "special treatment or care," which is the term defined in the general definitions section of the Children's Code.)

**SECTION 14.** Nonsubstantive technical correction to change “special treatment and care” to the defined term “special treatment or care.”

**SECTION 15.** Provides that long-term kinship care payments terminate if a child is placed outside the long-term kinship care relative’s home in a supervised living arrangement in a group home under a voluntary agreement.

**SECTION 16.** In the list of persons who are not required to obtain a child welfare agency license, deletes the exemption for a maternity hospital or maternity home licensed, approved or supervised by DHFS. (Currently, DHFS does not separately license, approve or supervise such facilities.)

This means that a maternity hospital would not have to obtain a CCI license if it were, for example, licensed as a hospital. This also means that a residential facility providing care for four or more children and calling itself a maternity home would have to obtain a CCI license unless the facility fit within one of the other exemptions, for example, unless it had a group home license.

**SECTION 17.** Defines “child” for the purpose of counting the number of children for whom a foster home, treatment foster home or group home may provide care. Under the draft, the definition will include not only a child under 18 years of age (as under current law) but also will include a person who: (a) is 18 years of age; (b) is a full-time student at a secondary school or its vocational or technical equivalent; (c) is reasonably expected to complete the program before reaching 19 years of age; (d) was residing in the foster home, treatment foster home or group home immediately prior to his or her 18th birthday; and (e) continues to reside in the foster home, treatment foster home or group home.

**SECTION 18.** Technical correction in school notification statute to include reference to a treatment foster home.

**SECTION 19.** Provides that DHFS may issue a special license authorizing a group home solely to provide a supervised living arrangement. The draft also requires that DHFS promulgate administrative rules for providing a supervised living arrangement in such a group home. Those rules must require a specially licensed group home to provide for the health, safety and welfare of the child of a child custodial parent who has been placed in the supervised living arrangement (i.e., the minor child’s baby). The rules also must require the group home to have a policy governing visitation between the baby and the baby’s noncustodial parent.

**SECTION 20.** Technical correction to an exemption from the group home licensing statute.

**SECTION 21.** Amends the current voluntary agreement placement statute to reflect the exception created in the draft to allow a group home placement to exceed 15 days if the voluntary placement is of a child in a supervised living arrangement in a group home that has been specially licensed solely to provide a supervised living arrangement.

**SECTION 22.** Contains the following provisions:

1. **Section 48.63 (5) (a).** Specifies that the provisions of current law which apply to voluntary placements in a foster home, treatment foster home or group home do not apply to the

voluntary placement of a child in a supervised living arrangement in a group home that has been specially licensed solely to provide a supervised living arrangement.

2. Section 48.63 (5) (b). Provides that any of the following may voluntarily place a child or arrange the placement of a child in a group home that has been specially licensed solely to provide a supervised living arrangement: (a) a parent or guardian of a child who is: (i) at least 12 years of age; (ii) is a custodial parent or an expectant mother; and (iii) needs a supervised living arrangement; (b) DHFS; (c) the Department of Corrections (DOC); (d) a county department of human services or county department of social services; or (e) a child welfare agency that is licensed to place children in group homes. The consent of the child is required.

The voluntary agreement must be in writing and must state that the agreement may be terminated at any time by the parent, guardian or child.

3. Section 48.63 (5) (c). Provides that a permanency plan is required for each child placed in a supervised living arrangement in such a group home under a voluntary placement. The draft requires that the permanency plan be prepared within 60 days after the placement by the agency that placed the child or arranged the placement of the child. A copy of the permanency plan must be provided to the child and the child's parent or guardian. If the agency intends to seek a court order to extend the voluntary placement, the agency must prepare a revised permanency plan and file it, together with the petition for the extension, with the court before the termination of the placement.
4. Section 48.63 (5) (d). Provides that an initial voluntary placement in a group home for a supervised living arrangement may not exceed 180 days but may be extended. However, the draft specifies that if a child is under 16 years of age at the time of the initial placement, there may be only one extension. The draft establishes the extension procedure which involves the following:
  - a. The agency that placed the child or arranged the placement of the child files a petition with the court, together with the revised permanency plan. (The petition must include the information specified on page 9, lines 18 to 24, through page 10, lines 1 to 10, of the draft.)
  - b. The court sets a time and place for a hearing. If the court is unable to hold the hearing before the termination of the placement, the court may permit the placement to be extended not more than 30 days, not including any period of delay resulting from any of the circumstances specified in s. 48.315 (1), Stats. (which specifies time periods which are excluded in computing time requirements under the Children's Code). At the hearing, the court must also review the revised permanency plan.
  - c. Not less than 10 days before the hearing, the court must provide a copy of the petition and notice of the time and place of the hearing to the child; the child's parent, guardian and legal custodian; the agency that placed the child or that arranged the placement of the child; and the operator of the group home. Not less than 10 days

before the hearing, the court must provide the following to the child; the child's parent, guardian and legal custodian; and the operator of the group home: (1) a copy of the revised permanency plan; (2) notice of the issues to be determined as part of the permanency plan review; and (3) notice of the fact that those persons may have the opportunity to be heard at the review by submitting written comments to the court or agency before the hearing or by participating at the hearing.

- d. At the hearing, any person specified in item c., above, may present evidence about the issue of extension and about the determinations made about the permanency plans.
- e. The court must then make the determinations about the permanency plan specified in s. 48.38 (5) (c), Stats., and must determine whether an extension is in the best interests of the child and whether the child and the child's parent or guardian consent to the extension.
- f. If the court determines that extension is in the child's best interests and that there is consent to the extension, the court must enter a written order extending the placement for a specified period of time not to exceed 180 days and must state the reason for the extension. The draft specifies that, notwithstanding any such order, the child or the child's parent or guardian may terminate the placement at any time during the extension period.
- g. Within 30 days after the hearing, the agency that prepared the revised permanency plan must prepare a written summary of the court's determinations about the permanency plan and provide a copy to: the court; the child; the child's parent, guardian and legal custodian; and the operator of the group home.

**SECTION 23.** Technical correction to the definition of "agency" in the statute relating to the placement of children in foster homes, treatment foster homes and group homes to include a child welfare agency which has a license to place children in a group home.

**SECTION 24.** Technical correction in the school notification statute to include reference to a treatment foster home.

**SECTION 25.** In the statute relating to the confidentiality of records of an "agency" under the Children's Code, deletes a licensed maternity hospital from the definition of "agency."

**SECTION 26.** In the statute relating to disclosing health care records without informed consent, amends the cross-reference to agencies responsible for preparing a permanency plan to include those agencies which prepare a permanency plan for a voluntary placement in a supervised living arrangement in a group home.

**SECTION 27.** In the statute relating to disclosing human immunodeficiency (HIV) test results without informed consent, amends the cross-reference to agencies responsible for preparing a permanency plan to include those agencies which prepare a permanency plan for a voluntary placement in a supervised living arrangement in a group home.

**SECTION 28.** Adds to the list of places where a juvenile who has been adjudicated in need of protection or services (JIPS) (for example, because the child has run away from home or is uncontrollable) or who has been adjudicated delinquent may be placed under a ch. 938, Stats. (Juvenile Justice Code), dispositional order to include a supervised living arrangement in a group home that is specially licensed under SECTION 19 solely to provide a supervised living arrangement.

**SECTION 29.** Provides that if a court places a juvenile who has been adjudicated delinquent in a group home that has been licensed solely to provide a supervised living arrangement, the court must include a finding that the juvenile's current residence will not safeguard the welfare of the juvenile or the community due to the serious nature of the delinquent act.

**SECTION 30.** Expands the provision in the Juvenile Justice Code which currently requires that a permanency plan be prepared for a juvenile who is placed in a foster home, treatment foster home or group home under a voluntary agreement to also include a child placed under a voluntary agreement in a supervised living arrangement in a specially licensed group home.

**SECTION 31.** Specifies that provisions under the current Juvenile Justice Code which require a juvenile court or a permanency plan review panel to review a permanency plan every six months apply to children who are held in custody or placed outside the home under a court order, not to children in a voluntary placement.

Please contact me at 266-3137 at the Legislative Council Staff offices if you have any questions.



## **SECOND CHANCE HOMES CONFERENCE**

**Wednesday, September 13, 2000**  
**10:00 a.m. - 4:00 p.m.**

**Assembly Parlor**  
**State Capitol, Madison, WI**

- ~~I~~) Introductions  
Sue Jeskewitz
- ~~II~~) Report from Funding and Design Subcommittee  
Rachel Carabell (handout will be provided)
- ~~III~~) Comments/Questions about Funding and Design
- ~~IV~~) Review legislative draft  
Joyce Kiel (Memo distributed - Sept. 5<sup>th</sup>)
- ~~V~~) What's Next? Further meetings?  9/29
- ~~VI~~) Other
- ~~VII~~) Adjournment

## SUPPORT OBLIGATIONS

	<b>PARENT</b>	<b>GRANDPARENT</b>
<i>Duty</i>	<p>1. A parent has an obligation to support his or her child who is under 18 years of age (hereinafter a "child"). [s. 49.90 (1m), Stats.] However, in an action affecting the family under ch. 767, Stats., e.g., divorce, separation, paternity judgment or action following voluntary acknowledgement of paternity, the court must order either parent or both to pay support for a child who is under 18 years old, or a child under 19 years old who is pursuing an accredited course of instruction leading to the acquisition of a high school diploma or its equivalent. [ss. 767.25 (4), 767.51 (3) (c), as affected by 1999 Wisconsin Act 9, and 767.62 (4) (b), Stats., as affected by Act 9.]</p>	<p>1. Subject to certain exceptions noted in item 4., below, a parent of a dependent person under 18 years of age has an obligation to support the dependent person's child (the grandchild), so far as the parent is able and to the extent the dependent person is unable to do so. [s. 49.90 (1) (a) 2., Stats.] Each grandparent has an equal obligation to support a grandchild as long as his or her own child (the grandchild's parent) is under 18 years of age. [s. 49.90 (1m), Stats.]</p>
	<p>2. Subject to certain exceptions, liability for past support of a child is limited to support for the period after the paternity action or the action to compel support is filed following voluntary acknowledgement of paternity. [ss. 767.51 (4) (a) and 767.62 (4m) (a), Stats., as affected Act 9.] Liability for past support of the child may not be imposed for any period before the birth of a child. [ss. 767.51 (4) (b) and 767.52 (4m) (b), Stats.]</p>	<p>2. Prior to ordering support by a grandparent of the child, the court must first order the father and mother of the child to provide support if the child's parent has sufficient ability to do so. The court may then order the grandparents to support their grandchild to the extent they are able and to the extent that the dependent person is unable to do so. [s. 49.90 (4), Stats.] The apparent practice is that a grandparent is rarely asked to provide support for a grandchild.</p>
	<p>3. A paternity judgment, or order in an action brought following voluntary acknowledgement of paternity, must include an order requiring the father to pay or contribute to the reasonable expenses of the mother's pregnancy and the child's birth. [ss. 767.51 (3) (e), as affected by Act 9, and 767.62 (4) (d), Stats., as affected by Act 9.]</p>	<p>3. The parent of a dependent person under 18 years of age who is alleged to be the father of a child is responsible for maintenance of the child only if the court has determined paternity. [s. 49.90 (11), Stats.]</p>
	<p>4. In a court action for maintenance of a dependent person's child, a court may specifically assign responsibility for the child's health care expenses to the child's father and direct the manner of payment, subject to certain limitations. [s. 49.90 (4), Stats.]</p>	<p>4. The parent of a dependent person who is the victim of first-degree sexual assault that results in the birth of a child before the dependent person turns 18 years of age is not responsible for maintenance of that grandchild. [s. 49.90 (13) (a), Stats.] However, the parent of a dependent person convicted of first-degree sexual assault that results in the birth of a child before the dependent person turns 18 years of age is solely liable for maintenance of the grandchild. [s. 49.90 (13) (b), Stats.]</p>



<i>Amount</i>	<i>PARENT</i>	<i>GRANDPARENT</i>
	<p>1. In a stipulation for child support, in a judgment of annulment, divorce, legal separation or paternity or in an action to compel child support, for example, following a paternity acknowledgement, a court must order either or both parents to pay in an amount "reasonable or necessary" to fulfill a duty to support a child. [ss. 767.25 (1), 767.51 (3) (c) and 767.62 (4) (b), Stats., all as affected by Act 9.]</p> <p>2. The court determines the amount by using the standards established by the Department of Workforce Development (DWD), which are based on the percentage of a parent's gross income (17% for one child, 25% for two children, 29% for three children, 31% for four children and 34% for five or more children). [ss. 49.22 (9) and 767.25 (1j), Stats., and s. DWD 40.03, Wis. Adm. Code.] However, a parent may ask the court to modify the amount and the court may do so, if after considering various factors such as the financial resources of the parents, the court finds that the percentage of income standard is unfair to the child or either parent. [s. 767.25 (1m), Stats.]</p> <p>3. If support money is ordered for a child committed by a court to an institution or for a child whose legal custody is vested by a juvenile court in an agency, department or relative, the court may order the support payments to be paid to the entity or relative that has custody of the child. [s. 767.29 (3) (a), Stats.]</p> <p>4. If a child who is the beneficiary of a support order is placed by court order in a child caring institution, juvenile correctional institution or state mental institution, the right of the child to support during the period of the child's confinement, including any right to unpaid support accruing during that period, is assigned to the state. [s. 767.29 (3) (b), Stats.] If the support judgment or order includes support for more than one child, the support that is assigned to the state will be the proportionate share for the child placed in the child caring institution, juvenile correctional institution or state mental institution, except as otherwise ordered by the court. [s. 767.29 (3) (b), Stats.]</p>	<p>1. In an action to provide maintenance for a dependent minor's child (the grandchild), a court may require the dependent minor's parents to pay maintenance for the grandchild if they have sufficient ability, considering their own future maintenance and making reasonable allowance for the protection of property and investments from which they derive their living, care and protection in old age. [s. 49.90 (4), Stats.]</p> <p>2. The court will specify an amount that is sufficient to maintain the child of the dependent minor. [s. 49.90 (4), Stats.]</p> <p>3. If the court determines that a relative is unable to provide support alone, the court may direct two or more relatives to pay support and prescribe the proportion that each relative will contribute. If these relatives together are unable to pay the entire amount of support, but are able to contribute, the court must direct a sum to be paid weekly or monthly by each relative in proportion to ability. [s. 49.90 (4), Stats.]</p> <p>4. Contributions directed by court order, if for less than full support, must be paid to the Department of Health and Family Services and distributed as required by state and federal law. [s. 49.90 (4), Stats.]</p>

	<b>PARENT</b>	<b>GRANDPARENT</b>
	<p>5. In a paternity judgment or order in an action brought following voluntary acknowledgement of paternity, the amount the father must pay or contribute to the mother's pregnancy and childbirth expenses is based on his ability to pay or contribute. [ss. 767.51 (3) (e) and 767.62 (4) (d), Stats.]</p>	<p>5. If a parent of a minor dependent person is ordered by a court to pay for the health care expenses of the dependent person's child (the grandchild), the grandparent is liable for all expenses of the grandchild's medical care and treatment, including expenses associated with the childbirth, even if the expenses were incurred before paternity was determined and regardless of whether paternity was determined after the grandchild's father turned 18 years of age. [s. 49.90 (11), Stats.]</p>
<b>Enforcement</b>	<p>1. If a person fails or refuses to provide support, the parent's spouse, child, the person with legal custody of the child or a nonlegally responsible relative (i.e., a relative without legal custody who assumes responsibility to care for the child) may seek a court order to compel the parent to provide child support. [s. 767.08 (2) (a), Stats.]</p> <p>2. If these persons fail or refuse to provide support and the state or any subdivision of the state provides public aid for the dependent child, the person in charge of county welfare activities, the county child support agency or the DWD may initiate a court action to obtain support payments from a parent. [s. 767.08 (3), Stats.]</p> <p>3. If the parent of the dependent minor fails to provide court-ordered maintenance for the dependent minor, the authorities having charge of the child or board<sup>2</sup> of an institution where the child is must submit a report to the county corporation counsel, who must then apply to the circuit court within 60 days for an order to compel the maintenance. [s. 49.90 (2), Stats.]</p>	<p>1. If the parent of the dependent minor fails to provide maintenance for the child of the dependent minor, the authorities having charge of the child or board<sup>1</sup> of the institution where the child is must submit a report to the county corporation counsel, who must then apply to the circuit court within 60 days for an order to compel the maintenance. [s. 49.90 (2), Stats.]</p> <p>2. In addition to the above, if a grandparent fails to provide maintenance for the child of a dependent person, another grandparent who is or may be required to provide maintenance, that child or either of that child's parents may apply to the court for an order to compel maintenance from the grandparent. [s. 49.90 (2g), Stats.]</p> <p>3. A county department of social services, a county department of human services, a county child support agency (IV-D agency) or the DWD may initiate an action to obtain maintenance from the child's grandparent, regardless of whether the child receives public assistance. [s. 49.90 (2g), Stats.] The county must charge, based on a uniform system of fees established by the DWD, for services provided to persons not receiving public benefits or assistance. The system of fees may take into account an individual's ability to pay. [ss. 49.22 (6) and 59.53 (5), Stats.]</p>

<sup>1</sup> This apparently refers to situations in which legal custody of the child has been granted to a county department of human services, county department of social services or the Department of Health and Family Services (DHFS) (in Milwaukee county), or the child is in an institution, such as Central Wisconsin Center for the Developmentally Disabled or the Mendota Mental Health Institute.

<sup>2</sup> This apparently refers to situations in which legal custody of the child has been granted to a county department of human services, county department of social services or the DHFS (in Milwaukee county), or the child is in an institution, such as Central Wisconsin Center for the Developmentally Disabled or the Mendota Mental Health Institute.

<b>GRANDPARENT</b>	<b>PARENT</b>	
4. A grandparent who maintains a child of a dependent person may, after the dependent person is 18 years of age, apply to the circuit court for an order to compel restitution for the amount of maintenance provided to the child. After a hearing, a court may order the child's parent to pay a specific amount. The grandparent may file a restitution order with the clerk of court who docket a judgment and lien in the same manner as a judgment in a civil action. [s. 49.90 (12), Stats.]		

**LIABILITY OF PARENTS FOR OUT-OF-HOME CARE AND SERVICES OTHER THAN PLACEMENT COSTS**

Voluntary Placements	Court-Ordered Placements
<p><b>A. Child Caring Institution, Foster Home, Treatment Foster Home or Group Home:</b></p> <p><u>1. Parent:</u> Arguably, a child's parent, guardian or legal custodian may place the child in a <i>child caring institution (CCI)</i> without a court order. [s. HFS 52.21 (4), Wis. Adm. Code and s. 48.61 (2), Stats.]</p> <ul style="list-style-type: none"> <li>Current rules specify that a service contract with a parent or guardian for placement of a child in a CCI must include the financial arrangements for the child. [s. HFS 52.21 (4) (b), Wis. Adm. Code.] It is assumed, therefore, that the parent pays for services as agreed under the contract.</li> </ul> <p>Parent or guardian or the Department of Health and Family Services (DHFS), the Department of Corrections (DOC), county department of social services, county department of human services or a child welfare agency may place a child in a <i>foster home</i> or <i>treatment foster home</i> for up to 6 months, or <i>group home</i> for up to 15 days. [s. 48.63 (1), Stats.]</p> <ul style="list-style-type: none"> <li>Liability of parent equals the fee times the number of days the child is in a foster home, treatment foster home or group home. [s. HFS 1.02, Wis. Adm. Code.]</li> </ul> <p><u>Assignment of Support:</u> No statutory provisions discuss voluntary agreements to assign support payments to the state.</p> <p><u>2. DHFS or County Department Purchased or Provided Services:</u> No statutory provision regarding liability of the parent or guardian for the bill if the child's placement made <i>without involvement</i> of DHFS, DOC or county department. If DHFS or a county department of social services, county department of developmental disabilities or county department of mental health, alcohol and drug abuse <i>provides or purchases</i> services for a child, liability of a parent determined by a uniform fee schedule established by DHFS. [s. 46.10 (14) (a), Stats., and s. 46.03 (18) (a), (b), Stats.]</p> <ul style="list-style-type: none"> <li>DHFS bills parent up to any amount not paid by an insurer or by other third party benefits, subject to rules regarding ability to pay (i.e. DHFS or the county department of social services, county department of human services, county department of developmental disabilities or county mental health, alcohol and drug abuse services may modify the fee). [s. 46.03 (18) (a), Stats., s. 46.10 (14) (a), Stats., and s. HFS 1.03, Wis. Adm. Code.]</li> <li>If the purpose of the child's care or service would be significantly impaired by imposing liability on a parent, liability (not to exceed 90 days) may be voided in whole or in part by the payment approval authority (i.e. the county social services department). [s. 1.02 (7), Wis. Adm. Code.]</li> </ul>	<p><b>A. CHIPS Dispositional Orders, Change in Placement Orders or Revision of CHIPS Dispositional Orders:</b></p> <p><u>1. Parent:</u> <u>a. Amount of Liability:</u> Under a child in need of protection or services (CHIPS) dispositional order, change in placement order or revisor of dispositional order, liability of parent for care and maintenance of a child placed in a foster home, treatment foster home, group home or CCI determined by the court using child support percentage of income standard established by the Department of Workforce Development (DWD). [s. 46.10 (14) (b), (c) (cm) and (d), s. 48.355 (2) (b) 4., 48.357 (5m) (2), 48.363 (2), 46.03 (18), Stats., s. HFS 1.07 (6) and (7) Wis. Adm. Code.]</p> <ul style="list-style-type: none"> <li>Parent's support obligation is 17% for one child, 25% for 2 children, 29% for 3 children, 31% for 4 children and 34% for 5 or more children. [s. DWD 40.03, Wis. Adm. Code.]</li> <li>On request of a parent, court may modify amount of liability using various factors (e.g. needs of child, financial resources of parents) if applying percentage standard would be unfair to child or either parent. [s. 46.10 (14) (c), Stats., and s. HFS 1.07 (8), Wis. Adm. Code.]</li> </ul> <p><u>b. Assignment of Support:</u> Under a CHIPS dispositional order, change in placement order or revision of dispositional order, support amount paid by parent is assigned to the county department of social services or human services or to DHFS (in Milwaukee County). [s. 46.10 (14) (e) 1., Stats.]</p> <p><u>c. Parent Already Subject to Support Order for Child:</u> Child's share of support redirected to the DOC or county agency responsible for child's custody. Each child entitled to an equal share of support (e.g. if 2 children are on the support order, 1/2 of 25%) unless court modifies. [s. HFS 1.07 (3), Wis. Adm. Code.]</p> <p><u>d. Parent Not Already Subject to Support Order for Child:</u> Agency responsible to recommend support (i.e. DOC, county department of social services, county department of human services or county child support agency) seeks financial information from the parent to determine a recommended support amount. [s. HFS 1.07 (4), Wis. Adm. Code.] Court determines the final amount of liability.</p> <p><u>e. Disposal of Excess Funds:</u> If support amount is more than the cost for the child in a residential, nonmedical facility, the county department of social services or human services or DHFS (in Milwaukee County) to which benefits were assigned must expend or otherwise dispose of any excess funds in a manner that it determines will serve the best interests of the child. [s. 46.10 (14) (f), Stats.]</p>

<p>DHFS may collect from the person best able to pay, or may compromise or waive all or part of the liability. [s. 46.03 (18) (c) and (d), Stats., and s. HFS 1.02 (6), Wis. Adm. Code.]</p> <ul style="list-style-type: none"> <li>• DHFS may delegate the power to collect, compromise or waive liability to county departments of social services or developmental disabilities or mental health, alcohol and drug abuse and other providers of care and services. [s. 46.03 (18) (e), Stats.]</li> <li>• If the purpose of a minor's care or service would be significantly impaired by the imposition of liability, a family's liability (not to exceed 90 days) may be voided in whole or in part by the payment approval authority (e.g. the county social services department). [s. HFS 1.02 (7), Wis. Adm. Code.]</li> </ul>	<p><b>2. <u>Person 17 years or older:</u></b> Who is guilty of contributing to, encouraging, or tending to cause by any act or omission a child being CHIPS, may be ordered by the juvenile court to provide for the maintenance or care of the child. [s. 48.45 (1) (a), Stats.] For example, this provision could be applied to an adult who had sexual intercourse with a child 15 years old or younger as that constitutes ground for CHIPS jurisdiction.</p>
<p><b><u>B. Court-Ordered Placement Other Than CHIPS (e.g. child held in detention before CHIPS determination):</u></b></p> <p>Same liability of parent and fee schedule which apply when DHFS or county provides or purchases placement services for the child under a voluntary placement. [s. 46.03 (18), Stats., and s. 46.10 (14) (a), Stats.]</p>	
<p><b><u>Services Other Than Placement Costs:</u></b></p> <ol style="list-style-type: none"> <li>1. If legal custody <i>not</i> taken from parent or guardian and child receives social services or treatment by court order, the cost of services or treatment is charged to the county or DHFS (in Milwaukee County). Court may order reasonable contribution from the parent or guardian based upon the parent's or guardian's ability to pay. [s. 48.36 (2), Stats.]</li> <li>2. If a child receives special treatment or care (typically alcoholism or other drug abuse treatment or mental health services) under court order, the court may order a parent to pay. [s. 48.362 (3), Stats.]</li> </ol> <ul style="list-style-type: none"> <li>• If the health insurer or third party payer refuses to provide special treatment or care, a court may order the insurer or payer to pay in accordance with the terms of the policy. [s. 48.362 (3), Stats.]</li> <li>• If a court determines that payment by a parent or health insurance is unattainable, a court may order the county to pay for special treatment or care that is provided by or under contract with the county department. [s. 48.362 (4) (a), Stats.] A county may recover a reasonable contribution from the parent calculated by a uniform fee schedule. [s. 48.362 (4) (c), Stats., and s. 46.03 (18), s. HFS 1.07, Wis. Adm. Code.]</li> </ul>	

**Adolescent Parenting Coalition, Inc**  
**Brown County**  
**Summary of the Second Chance Homes**  
**Needs Assessment**  
**1997 – 2000**

	1997	1998	1999	2000	2001	2002	2003
14 yrs	2	1	4	0			
15 yrs	2	3	3	2			
16 yrs	6	10	11	2			
17 yrs	7	15	14	6			
18 yrs	11	7	14	8			
19 yrs	11	2	4	10			
20 yrs	5	1	1	2			

# 2000 Second Chance Homes Needs Survey

## Results Report

Adolescent Parenting Coalition of  
Brown County, Wisconsin  
Second Chance Homes Committee  
P. O. Box 12624  
Green Bay, WI 54307-2624

Compiled by Thalia Shimon  
YWCA, Community Services Director  
920-432-5581

## 2000 SECOND CHANCE HOMES NEEDS SURVEY RESULTS

To determine the continuing need in Brown County for Second Chance Homes, a fourth annual survey of service providers working with pregnant and parenting teens between the ages of 13 and 20 was conducted between May 8 and June 2. Although informal, the results confirmed that the situation may have improved since February of 1999. Those surveyed included school social workers and counselors, School Age Parent Program teachers, Brown County Health Dept. nurses, Learnfare case managers, the coordinator of the Mentor Program, St. Vincent Hospital Prenatal Care Coordination case managers and YWCA Teen Parent Center case managers. These professionals reviewed their caseloads and considered safety, homelessness and/or the serious potential for homelessness as well as abuse. If they were aware, they indicated whether long term or short term shelter and services might be needed and if they perceived that the teen mom would voluntarily live in a Second Chance Home. They also were asked to indicate where the client is currently living and to identify other serious family and client issues which put the teen mom and child at serious risk. To assure confidentiality and avoid duplication of teens being reported, the service providers listed each girl by her own date of birth and the date of birth of her child(ren) or her delivery due date. Categories added this year on the survey were the race of the client, whether she was in school or working and if the client or the child are on Medical Assistance. Results of the survey follow.

A total of 31 surveys were completed and submitted. Of those, **thirty were unduplicated cases of pregnant or parenting teens identified as meeting the criteria of serious risk to the teen mom and her child.** Nineteen were Caucasian, one Southeast Asian, one African American, five Native American and two Hispanic. Two had no race listed. Twenty-one had Medical Assistance for themselves or their child. A further breakdown of survey results showed that:

There were ten girls 17 years old and younger.

0 were 14 years of age	0 parenting
2 were 15 years of age	2 parenting
2 were 16 years of age	0 parenting 2 preg.
6 were 17 years of age	3 parenting 3 preg.

There were twenty young women between 18 to 20 years of age.

8 were 18 years of age	7 parenting 1 pregnant
10 were 19 years of age	8 parenting 2 pregnant
2 were 20 years of age	1 parenting

The following information is a breakdown of current client living situations and whether the placements would be voluntary or involuntary as indicated by those filling out the surveys.

6 living with one or both biological or step parents	23 voluntary placements
4 living with friends	0 involuntary placements
10 living with significant other or spouse	7 no answer given
1 living with relatives	14 long term shelter
1 living on the streets	7 short term shelter
7 living in other situations	2 both kinds of shelter
1 living in a homeless shelter	7 no answer given

A copy of the survey tool is attached with the numbers indicating how many times a family or client issue was identified. Of particular concern is the high number of abusive situations, both physical and sexual and of substance abuse.



# SECOND CHANCE HOMES NEEDS SURVEY

Please complete this survey between May 22, 2000 and June 2, 2000, regarding any current client who meets the following criteria.

1. A female, age 20 or under and pregnant or parenting
2. Homeless or living in a situation that puts the teen mom and child at serious risk.

County: \_\_\_\_\_ Date Submitted: \_\_\_\_\_  
Teen client's date of birth: \_\_\_\_\_ Age: \_\_\_\_\_ Race: \_\_\_\_\_  
Teen's EDC or child's date of birth: \_\_\_\_\_  
Client has # of children: \_\_\_\_\_ Client is pregnant: yes \_\_\_ no \_\_\_  
Client is in school: yes \_\_\_ no \_\_\_ Client is working: yes \_\_\_ no \_\_\_  
Client currently lives with:  
\_\_\_\_ biological parent(s) \_\_\_\_\_ significant other/spouse  
\_\_\_\_ friends \_\_\_\_\_ relatives  
\_\_\_\_ homeless shelter \_\_\_\_\_ on the streets  
\_\_\_\_ other--please explain below

Client or child has Medical Assistance \_\_\_\_\_ yes \_\_\_\_\_ no

Client needs: \_\_\_\_\_ short term shelter \_\_\_\_\_ long term shelter  
In your opinion, client would utilize this on a \_\_\_\_\_ voluntary basis \_\_\_\_\_ involuntary basis.  
If client is a minor, parents would consent to voluntary placement. yes \_\_\_\_\_ no \_\_\_\_\_

## Family Issues

13 physical abuse  
8 sexual abuse  
16 substance abuse  
25 poverty  
5 domestic abuse by spouse or significant other  
7 mental illness  
0 no family member due to TPR  
1 no family member due to death  
5 no family member due to abandonment  
3 overcrowding  
7 neglect  
4 other

## Client Issues

21 lack of life skills  
27 lack of resources  
20 school issues  
9 substance abuse  
1 father of the baby is in jail  
6 father of the baby is 3+ years older than the teen mom  
2 abusive to the child  
4 disabilities  
0 gang affiliation  
0 gang affiliation father of the baby  
3 drug use  
5 mental illness  
8 other

In your own words, why does this client need this service?

Please return form by June 9, 2000 to:

Thal Shimon, Comm. Serv. Dir.  
YWCA  
230 South Madison St.  
Green Bay, WI 54301

**Report of the Subcommittee on Funding and Program Design  
September 13, 2000**

CR GPR  
Reduce DWD GPR (02)  
Increase DWD FED (md)

**Recommendation:** Create a \$2.0 million annual grant program to be administered by DHFS and funded with TANF MOE funds. These are GPR funds that would be appropriated in DHFS, but would be used to meet the state's maintenance-of-effort requirement and therefore must be used in accordance with federal requirements (refer to Joanne Simpson's March 7, 2000 memo). The following provisions would be included in the draft. *Specify that it is TANF MOE?*

what approp?  
CR?  
49.175?

**Funding.** Provide \$2.0 million GPR (TANF MOE funds) annually to fund the development and maintenance of second chance homes and related services for pregnant or parenting youth.

= eligible parents

Funds can be used to support costs for;

*who are children* voluntary only

- ✓ 1. Care and maintenance for "eligible parents" (defined below) residing in a second chance home (will cross reference the group home license created in LRB draft 4981/4);
- ✓ 2. The provision of services to eligible parent, his or her child and his or her family;
- ✓ 3. Agency start-up costs in the first year of the grant period;
- ✓ 4. Services to non-custodial parents.

children only

over 18 too

who has aged out?  
→ previously resided

*what is it?*  
NO  
YES

for-profit too?

**Grant Process.** Require DHFS to award grants on a competitive basis to private agencies.

(Does the committee want to allow tribes or counties to receive a grant?) Specify that, in developing the request-for-proposal, DHFS will consult with DWD, the APPPS Board, community service and public health providers and other agencies that serve pregnant or parenting youth. In awarding grants, DHFS shall consider the need for second chance homes to be distributed across the state as well as in those areas of the state with the highest need for second chance homes. *and need for voluntary as well as cr-ordered slots spaces, both voluntary & cr-ordered*

what?  
schools

*otherwise necessary would grant case*

**Eligibility.** Define an "eligible <sup>person</sup> parent" as a pregnant individual or custodial parent <sup>who</sup> is under 21 years of age, has income at or below 200% of the federal poverty level and meets one of the following:

1. is homeless or <sup>is</sup> living in an unsafe or unstable living environment at the time of referral for services;

meets or

or delinquent (?)

2. is a minor and is at risk of meeting one or more of the CHIPS or JIPS criteria if the individual does not reside in a second chance home (does the committee only want certain CHIPS or JIPS criteria here, if at all?) No - any CHIPS or JIPS

An individual will be determined as meeting one or both of the criteria above according to an assessment tool <sup>developed</sup> approved by DHFS. In determining income, if the individual is a minor, the minor's parents' income will be disregarded.

**Program Requirements.** An agency receiving a second chance home grant shall do all of the following: <sup>including mental health,</sup> intake + assessment + develop case plan prenatal + other healthy care services

1. Ensure that the following core services are provided to eligible persons served by the program: (a) case management services; (b) parenting skills development; (c) independent living skills development; (d) ~~access~~ <sup>purchase or provide</sup> to childcare; and (e) ~~access~~ to transportation.

Provide access <sup>supplemental</sup> to additional services, as needed, including, mental health and substance abuse services, <sup>ADA</sup> job skills training and mentoring.

3. ~~Have~~ <sup>Maintain</sup> a community-wide network for referring eligible parents to the program.

4. In addition to any <sup>record-keeping</sup> reporting requirements developed by DHFS, ~~provide monthly reports~~ <sup>keep monthly records</sup> to DHFS including the name, placement date, discharge date, and the reason for the discharge, for all program participants for that month. ~~This data will be used by DHFS for contract monitoring and evaluation purposes.~~ <sup>DHFS may inspect</sup>

5. ~~Parent enrolled in school, job or working unless good cause~~ <sup>ensure</sup>

**Application Requirements.** In its grant application, the agency shall do the following:

1. Demonstrate its ability to address the needs of pregnant and parenting youth <sup>who</sup> that are placed in a second chance home (either voluntarily or under a court-order.) <sup>and quantify</sup>

2. Identify the need in their service region for services provided in a second chance home.

3. Provide documentation that the application was developed through collaboration among public and private organizations that provide services to pregnant or parenting youth, especially pregnant or parenting youth <sup>who</sup> that are risk of being homeless and a description of how that collaboration effort will support a second chance home program.

4. Demonstrate its ability to provide the core services to be provided under the grant (see above).

5. Have appropriate license or will obtain license

out

is that has been solely licensed  
Operate Register home group that is in substantial compliance w/ licensing requirements  
in good standing  
se non enforcement action  
48 P.S. or 4887  
provision of licensure of

✓ **Match Requirement.** Require grant agencies to provide a match to the grant equivalent to 25% of the grant award. The match can be provided as cash or in-kind donations. <sup>and</sup> <sup>or as cash + in-kind</sup> <sup>contract</sup>

✓ **Use of Funds for Administrative Costs.** Specify that no more than <sup>15%</sup> ~~10%~~ of the grant award may be used for administrative costs of the program.

✓ **Grant Period.** Specify that the grants will be awarded on a <sup>four</sup> ~~three~~ year basis, but must be renewed annually by DHFS based on satisfactory performance of the grant recipient. DHFS shall determine the criteria for satisfactory performance. <sup>(stet)</sup>

✓ **Evaluation.** Require DHFS to conduct an evaluation of the grant program and report on the results of that evaluation. Require DHFS to submit the report to the Governor, the Legislature <sup>and interested parties</sup> by January 1, 2004. <sup>June</sup> <sup>DHFS?</sup> <sup>St. James?</sup> <sup>appropriate standing committees</sup>

Specify that the evaluation will determine the program's effectiveness in addressing these issues:

1. economic self-sufficiency
2. parenting skills
3. independent living skills
4. life choices
5. other criteria <sup>developed</sup> developed by DHFS.

**Other Issues Not Decided by the Subcommittee:**

1. Does the committee want to appropriate any funding or positions for DHFS administrative support of the program? <sup>(No)</sup>
2. Does the committee want to appropriate any funds for an evaluation component?

Yes - but don't know how much

as part of appropriation, not separate approp.

"for grants & for evaluation of program"  
MOE

~~MS~~  
Gannett

- Reduce DWD TAX
- Increase DHS GPR TAX
- What appropriation?

Grants to whom?

Targeted to kids not served by county, i.e., voluntary placement

- = ct. ordered - county pay
- voluntary - grant pays

i. county will stay out → unless extend grant to ct. ordered

\* DHS consider ~~grants~~ in awarding grants, consider need for  
ct-ordered & voluntary slots

group home unlikely to mix voluntary & ct-ordered

Group homes less - keep in home - cost & philosophy

group home more for delinquent & alternative to  
institutionalization

leaves home (not just aging out)

Kids 18 to 21 age out of care - transitional independent living  
short-term place to come back to when desperate

currently - homelessness issue

transitional housing & support services &

Can grants be used for ct-ordered placement? yes  
both

Yes - Grants go to home

Or - if accept both - double dipping?

reporting - show has other revenue

must account what if receive grant for no kids?  
or all county-paid kids?

□ Permit home that receives grant to accept

ct-ordered kids? yes - but don't pay for them

\* Mix kids & adults? - No

□ 18 & over - May fund services, but not care & maintenance

= Independent living in own apartment,  
not living in group home  
do not mix 718 & 418

□ \* Extend to foster homes & treatment foster homes  
(No)

= Competitive - in region

\* ~~Start-up~~ Start-up costs - may not use to purchase building

For under 18

Applicant must provide 2nd chance home, may, in addition, follow-up, provide transitional to over 18 who has aged out of 2nd chance home  
; May not solely provide services

\* { Grant for voluntary kids  
May not for court-ordered kids

Counties may not place involuntary - because would have to charge parents

Comply w/ IV-E

but only if counties involved =

County may not  
make voluntary  
placement

NOT IV-E ∴ do not need review

But - permanency planning?

go to court at some point?

girls not currently being served

present

parenting

~~revising inadequate case~~

grant apps - group homes only  
licensing - group homes only

Public agencies may not place at special group home

∴ only private agencies may = County DDFS  
DOC

∴ No ct. hearing

Independent panel review extension

~~can~~

by county or another child placing agency  
to review + approve

~~ISS <sup>remains</sup> ~~grants for sanctions~~~~

Perm. plan review & extension appeal

- best int

- ~~as~~ voluntary

M = E 46.48 (30)(b)





State of Wisconsin  
1999 - 2000 LEGISLATURE

-0308/

LRB-4981/4

GMM:cjs:km

D. Note

Soon

2001

1999 BILL

grants for the provision of such living arrangements and related services,

who. please proof w/ folio where indicated

Regen

safe and structured

Regenerate

1 AN ACT to renumber and amend 48.299 (4) (b); to amend 48.13 (9), 48.371 (3)  
 2 (intro.), 48.38 (2) (d), 48.38 (5) (a), 48.48 (3), 48.57 (1) (b), 48.57 (3n) (am) 6. c.,  
 3 48.60 (2) (d), 48.62 (3), 48.625 (3), 48.63 (1), 48.64 (1), 48.64 (1r), 48.78 (1),  
 4 146.82 (2) (a) 18m., 252.15 (5) (a) 19., 938.355 (1), 938.38 (2) (d) and 938.38 (5)  
 5 (a); and to create 48.02 (17p), 48.065 (2) (gp), 48.13 (9m), 48.14 (4), 48.23 (1)  
 6 (d), 48.299 (4) (b) 4., 48.345 (3) (cm), 48.619, 48.625 (1m), 48.63 (5) and 938.34  
 7 (3) (cm) of the statutes; relating to: placement of a child who is a custodial  
 8 parent or an expectant mother in a supervised living arrangement in order to  
 9 protect the well-being of the child and to provide the child with training in  
 10 parenting skills and other skills to promote the child's long-term economic  
 11 independence and the well-being of the child's child and granting rule-making  
 12 authority and making an appropriation

Analysis by the Legislative Reference Bureau

Under current law, the court assigned to exercise jurisdiction under the children's code (juvenile court) has jurisdiction over a child who is alleged to be in

**BILL**

is a custodial parent or expectant mother, is receiving inadequate care,

receiving inadequate care and to be

need of protection or services which can be ordered by the juvenile court and who meets certain grounds. Currently, if a juvenile court finds a child to be in need of protection or services, the juvenile court may order certain dispositions to protect the well-being of the child, including placing the child in a group home. Current law also permits a child's parent or guardian to place the child in a group home under a voluntary agreement, but for no longer than 15 days. safe and structured

who is at least 12 years of age and who is a custodial parent or expectant mother

This bill grants to the juvenile court jurisdiction over a child who is at least 12 years of age, signs a petition requesting the juvenile court to exercise its jurisdiction over the child and is in need of a supervised living arrangement, as defined in the bill, which the child's parent, guardian or legal custodian is unwilling, neglecting, unable or needs assistance to provide. The bill defines a "supervised living arrangement" as a placement, supervised by an adult, that needs to be provided to a child who is a custodial parent or who is an expectant mother to protect the well-being of the child and to provide the child with training in parenting skills and other skills to promote the child's long-term economic independence and the well-being of the child's child.

Under the bill, if a child is found to be in need of a supervised living arrangement, as defined in the bill, the juvenile court may order the child to be placed in a group home that has been specially licensed solely to provide such a supervised living arrangement. The bill also permits a child who is in need of such a supervised living arrangement to be placed in such a group home under a voluntary agreement for no longer than 180 days, except that such a placement may be extended if the juvenile court determines that an extension of the placement would be in the best interests of the child and that the child and the child's parent or guardian consent to the extension.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

(no p)

Six months

Safe and structured

(use 3 times)

Insert A

an independent reviewing agency contracted with by the agency that placed the child

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

1 SECTION 1. 48.02 (17p) of the statutes is created to read:  
2 48.02 (17p) "Supervised living arrangement" means a placement, supervised  
3 by an adult, that needs to be provided to a child who is a custodial parent, as defined  
4 in s. 49.141 (1) (b), or who is an expectant mother to protect the well-being of the child  
5 and to provide the child with training in parenting skills, including child  
6 development, family budgeting, health and nutrition, and other skills to promote the  
7 child's long-term economic independence and the well-being of the child's child.

who is at least 12 years of age and who is a custodial parent or expectant mother,

8 SECTION 2. 48.065 (2) (gp) of the statutes is created to read:

For children 12 years of age or over who are custodial parents or expectant mothers and to provide those children with training in parenting skills and other skills to promote those children's long-term economic independence and the well-being of those children

**BILL**

Insert ①  
3-2 2

~~48.065 (2) (gp) Conduct proceedings under s. 48.63 (5) (d).~~

**SECTION 3.** 48.13 (9) of the statutes is amended to read:

48.13 (9) Who is at least age 12 years of age, signs the petition requesting jurisdiction under this subsection and is in need of special treatment or care which the parent, guardian or legal custodian is unwilling, neglecting, unable or needs assistance to provide;

, is a custodial parent, as defined in s. 49.141(1) (b), or an expectant mother, is receiving inadequate care,

**SECTION 4.** 48.13 (9m) of the statutes is created to read:

safe and structured living arrangement

48.13 (9m) Who is at least 12 years of age, signs the petition requesting jurisdiction under this subsection and is in need of a supervised living arrangement which the parent, guardian or legal custodian is unwilling, neglecting, unable or needs assistance to provide;

~~**SECTION 5.** 48.14 (4) of the statutes is created to read:~~

~~48.14 (4) Proceedings under s. 48.63 (5) (d).~~

~~**SECTION 6.** 48.23 (1) (d) of the statutes is created to read:~~

~~48.23 (1) (d) The court may not extend a voluntary placement of a child under s. 48.63 (5) unless the child is represented by counsel at the hearing at which the extension is made.~~

~~**SECTION 7.** 48.299 (4) (b) of the statutes is renumbered 48.299 (4) (b) (intro.) and amended to read:~~

~~48.299 (4) (b) (intro.) Except as provided in s. 901.05, neither common law nor statutory rules of evidence are binding at a any of the following hearings:~~

~~1. A hearing for a child held in custody under s. 48.21, a hearing or for an adult expectant mother held in custody under s. 48.213, a.~~

~~2. A runaway home hearing under s. 48.227 (4), a.~~

Proof w/ photo

✓

**BILL**

1 ~~3. A dispositional hearing, or a hearing about changes on a change in~~  
 2 ~~placement, or a hearing on a revision of dispositional orders, or extension of a~~  
 3 ~~dispositional orders or order.~~

4 ~~5. A hearing on a termination of a guardianship orders order entered under s.~~  
 5 ~~48.977 (4) (h) 2. or (6) or 48.978 (2) (j) 2. or (3) (g).~~

6 ~~(c) At these hearings a hearing specified in par. (b), the court shall admit all~~  
 7 ~~testimony having reasonable probative value, but shall exclude immaterial,~~  
 8 ~~irrelevant or unduly repetitious testimony or evidence that is inadmissible under s.~~  
 9 ~~901.05. Hearsay evidence may be admitted if it has demonstrable circumstantial~~  
 10 ~~guarantees of trustworthiness. The court shall give effect to the rules of privilege~~  
 11 ~~recognized by law. The court shall apply the basic principles of relevancy, materiality~~  
 12 ~~and probative value to proof of all questions of fact. Objections to evidentiary offers~~  
 13 ~~and offers of proof of evidence not admitted may be made and shall be noted in the~~  
 14 ~~record.~~

15 **SECTION 8.** 48.299 (4) (b) 4. of the statutes is created to read:

16 48.299 (4) (b) 4. A hearing on an extension of a voluntary placement in a  
 17 supervised living arrangement under s. 48.63 (5) (d).

18 **SECTION 9.** 48.345 (3) (cm) of the statutes is created to read:

19 ~~48.345 (3) (cm) A supervised living arrangement in a group home that has been~~  
 20 ~~specifically licensed solely to provide a supervised living arrangement.~~

21 **SECTION 10.** 48.371 (3) (intro.) of the statutes is amended to read:

22 48.371 (3) (intro.) At the time of placement of a child in a foster home, treatment  
 23 foster home, group home or child caring institution or, if the information is not  
 24 available at that time, as soon as possible after the date on which the court report  
 25 or permanency plan has been submitted, but no later than 7 days after that date, the

group home described in s. 48.625 (1m) if the child is a  
 custodial parent, as described in s. 49.441 (1)(b), or an expectant mother,  
 is receiving inadequate care, and is in need of a safe and structured,  
 living arrangement which the child's parent, guardian, or legal custodian

is unwilling, neglect-  
 ing, unable, or  
 needs  
 assistance  
 to provide

Insert  
 4-20  
 [initials]

Revised  
 4/20/00

**BILL**

1 agency, as defined in s. 48.38 (1) (a), responsible for preparing the child's permanency  
2 plan shall provide to the foster parent, treatment foster parent or operator of the  
3 group home or child caring institution information contained in the court report  
4 submitted under s. 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2) or 48.837 (4) (c) or  
5 permanency plan submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63  
6 (4) or (5) (c) or 48.831 (4) (e) relating to findings or opinions of the court or agency that  
7 prepared the court report or permanency plan relating to any of the following:

8 **SECTION 11.** 48.38 (2) (d) of the statutes is amended to read:

9 48.38 (2) (d) The child was placed under a voluntary agreement between the  
10 agency and the child's parent under s. 48.63 (1) or (5) (b).

11 **SECTION 12.** 48.38 (5) (a) of the statutes is amended to read:

12 48.38 (5) (a) The court or a panel appointed under this paragraph shall review  
13 the permanency plan every 6 months from the date on which the child was first held  
14 in physical custody or placed outside of his or her home under a court order. If the  
15 court elects not to review the permanency plan, the court shall appoint a panel to  
16 review the permanency plan. The panel shall consist of 3 persons who are either  
17 designated by an independent agency that has been approved by the chief judge of  
18 the judicial administrative district or designated by the agency that prepared the  
19 permanency plan. A voting majority of persons on each panel shall be persons who  
20 are not employed by the agency that prepared the permanency plan and who are not  
21 responsible for providing services to the child or the parents of the child whose  
22 permanency plan is the subject of the review.

23 **SECTION 13.** 48.48 (3) of the statutes is amended to read:

24 48.48 (3) ~~To accept guardianship of children when appointed by the court, and~~  
25 ~~to provide special treatment and or care when directed by the court.~~ A court may not

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1 direct the department to administer psychotropic medications to children who  
2 receive special treatment or care under this subsection.

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3 **SECTION 14.** 48.57 (1) (b) of the statutes is amended to read:

4 48.57 (1) (b) To accept legal custody of children transferred to it by the court  
5 under s. 48.355, to accept supervision over expectant mothers of unborn children who  
6 are placed under its supervision under s. 48.355 and to provide special treatment and  
7 or care for children and expectant mothers if ordered by the court. A court may not  
8 order a county department to administer psychotropic medications to children and  
9 expectant mothers who receive special treatment or care under this paragraph.

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10 **SECTION 15.** 48.57 (3n) (am) 6. c. of the statutes is amended to read:

11 48.57 (3n) (am) 6. c. The date on which the child is placed outside the long-term  
12 kinship care relative's home under a court order or under a voluntary agreement  
13 under s. 48.63 (1) or (5) (b).

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14 **SECTION 16.** 48.60 (2) (d) of the statutes, ~~as affected by 1999 Wisconsin Act 88,~~  
15 is amended to read:

16 48.60 (2) (d) A hospital, ~~maternity hospital, maternity home~~ or nursing home  
17 licensed, approved or supervised by the department.

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18 **SECTION 17.** 48.619 of the statutes is created to read:

19 **48.619 Definition.** In this subchapter, "child" means a person under 18 years  
20 of age and also includes, for purposes of counting the number of children for whom  
21 a foster home, treatment foster home, or group home may provide care and  
22 maintenance, a person 18 years of age or over, but under 19 years of age, who is a  
23 full-time student at a secondary school or its vocational or technical equivalent, who  
24 is reasonably expected to complete the program before reaching 19 years of age, who  
25 was residing in the foster home, treatment foster home, or group home immediately

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prior to his or her 18th birthday, and who continues to reside in that foster home, treatment foster home, or group home.

**SECTION 18.** 48.62 (3) of the statutes is amended to read:

48.62 (3) When the department, a county department or a child welfare agency issues a license to operate a foster home or a treatment foster home, the department, county department or child welfare agency shall notify the clerk of the school district in which the foster home or treatment foster home is located that a foster home or treatment foster home has been licensed in the school district.

**SECTION 19.** 48.625 (1m) of the statutes is created to read:

48.625 (1m) The department may issue a ~~special~~ license under sub. (1) authorizing a group home solely to provide a safe and structured supervised living arrangement. The department shall promulgate rules establishing standards for ~~the provision of a supervised living arrangement~~ described in this subsection by a group home. Such Those rules shall require a group home ~~providing a supervised living arrangement~~ to provide for the health, safety, and welfare of the child of any child custodial parent, ~~as defined in s. 49.141 (1) (b)~~, who has been placed in that ~~supervised living arrangement~~ group home and to have a policy governing visitation between such a child and the child's noncustodial parent.

**SECTION 20.** 48.625 (3) of the statutes is amended to read:

48.625 (3) This section does not apply to a foster home licensed under s. 48.62 (1) (a) ~~in which care and maintenance is provided for more than 4 siblings~~ or to a treatment foster home licensed under s. 48.62 (1) (b).

**SECTION 21.** 48.63 (1) of the statutes is amended to read:

48.63 (1) Acting pursuant to court order or voluntary agreement, the child's parent or guardian or the department of health and family services, the department of corrections, a county department or a child welfare agency licensed to place

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at least 12 yrs  
who is a custodial parent, as defined in s. 49.141 (1) (b), or an expectant mother

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1 children in foster homes or, treatment foster homes or group homes may place a child  
2 or negotiate or act as intermediary for the placement of a child in a foster home,  
3 treatment foster home or group home. Voluntary agreements under this subsection  
4 may not be used for placements in facilities other than foster, treatment foster or  
5 group homes and may not be extended. A foster home or treatment foster home  
6 placement under a voluntary agreement may not exceed 6 months. A group home  
7 placement under a voluntary agreement may not exceed 15 days, except as provided  
8 in sub. (5). These time limitations do not apply to placements made under s. 48.345,  
9 938.183, 938.34 or 938.345. Voluntary agreements may be made only under this  
10 subsection and sub. (5) (b) and shall be in writing and shall specifically state that the  
11 agreement may be terminated at any time by the parent or guardian or by the child  
12 if the child's consent to the agreement is required. The child's consent to the  
13 agreement is required whenever the child is 12 years of age or older.

SECTION 22. 48.63 (5) of the statutes is created to read:

14 48.63 (5) (a) Subsection (1) does not apply to the voluntary placement of a child  
15 in a supervised living arrangement in a group home that has been specially licensed  
16 solely to provide a supervised living arrangement. Such placements may be made  
17 only as provided in this subsection. Par. (b) described in s. 48.625 (1m)  
18 s. 48.625 (1m)

19 (b) A parent or guardian of a child who is at least 12 years of age, who is a  
20 custodial parent, as defined in s. 49.141 (1) (b), or an expectant mother and who is  
21 in need of a safe and structured supervised living arrangement, or the department of health and family  
22 services, the department of corrections, a county department or a child welfare  
23 agency licensed to place children in group homes, may, with the consent of the child,  
24 place the child or arrange the placement of the child in a group home that has been  
25 specially licensed solely to provide a supervised living arrangement. A voluntary

described in s. 48.625 (1m)



- 9 - described in s. 48.625 (1m)

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1 agreement to place a child in a supervised living arrangement in a group home, may  
2 be made only under this paragraph, shall be in writing and shall specifically state  
3 that the agreement may be terminated at any time by the parent, guardian or child.

4 (c) A permanency plan under s. 48.38 is required for each child placed in a  
5 supervised living arrangement under par. (b). The agency that placed the child or  
6 that arranged the placement of the child shall prepare the plan within 60 days after  
7 the placement and shall provide a copy of the plan to the child and the child's parent  
8 or guardian. If the agency that placed the child or that arranged the placement of

9 the child intends to seek an order under par. (d) to extend the placement of the child,  
10 the agency shall prepare a revised permanency plan and file the revised plan  
11 together with the petition under par. (d) 2, with the court before the termination of  
12 the placement.

13 (d) 1. An initial placement under par. (b) may not exceed 180 days, but may be  
14 extended as provided in subds. 2. to 6. An initial placement under par. (b) of a child  
15 who is under 16 years of age on the date of the initial placement may be extended as  
16 provided in subds. 2. to 6. no more than once.

17 2. The agency that placed the child or arranged the placement of the child may  
18 petition the court for an order permitting the placement to be extended. The petition  
19 shall be entitled, "In the interest of (child's name), a person under the age of 18" and  
20 shall set forth with specificity all of the following.

- 21 a. The child's name, birth date and address.
- 22 b. The names and addresses of the child's parent, guardian and legal custodian
- 23 or, if no such person can be identified, the name and address of the child's nearest
- 24 adult relative.

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**SECTION 22**

1 c. The name and address of the group home in which the child is placed, the  
 2 name and address of the agency that placed the child or that arranged the placement  
 3 of the child and the date on which the child was placed in that group home.

4 d. Whether the child may be subject to the federal Indian Child Welfare Act,  
 5 25 USC 1911 to 1963.

6 e. A statement that an extension of the child's placement would be in the best  
 7 interests of the child and reliable and credible information in support of that  
 8 statement.

9 f. A statement that the child and the parent or guardian of the child consent  
 10 to the extension of the child's placement.

11 3. The petition, together with the revised permanency plan under par. (c), shall  
 12 be filed with the court, and the court shall set a time and place for a hearing on the  
 13 petition. If the court is unable to hold the hearing before the termination of the  
 14 placement, the court may permit the placement to be extended not more than 30  
 15 days, not including any period of delay resulting from any of the circumstances  
 16 specified in s. 48.315 (1). At the hearing, the court shall also review the revised  
 17 permanency plan.

18 <sup>Insert</sup> Not less than 10 days before the hearing, the court shall provide a copy of  
 19 the petition and notice of the time and place of the hearing to the child, the parent,  
 20 guardian and legal custodian of the child, the agency that placed the child or that  
 21 arranged the placement of the child and the operator of the group home in which the  
 22 child is placed. Not less than 10 days before the hearing, the court shall provide a  
 23 copy of the revised permanency plan to the child, the parent, guardian and legal  
 24 custodian of the child and the operator of the group home in which the child is placed,  
 25 together with notice of the issues to be determined as part of the permanency plan

revised permanency plan and the request <sup>for review</sup> submitted under subd. 3.

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agency that placed the child or that  
 arranged the placement of the  
 child

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1           **SECTION 24.** 48.64 (1r) of the statutes is amended to read:

2           48.64 (1r) NOTIFICATION OF SCHOOL DISTRICT. When an agency places a  
3 school-age child in a foster home, a treatment foster home or a group home, the  
4 agency shall notify the clerk of the school district in which the foster home, treatment  
5 foster home or group home is located that a school-age child has been placed in a  
6 foster home, treatment foster home or group home in the school district.

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7           **SECTION 25.** 48.78 (1) of the statutes is amended to read:

8           48.78 (1) In this section, unless otherwise qualified, "agency" means the  
9 department, a county department, a licensed child welfare agency, or a licensed day  
10 care center ~~or a licensed maternity hospital.~~

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11           **SECTION 26.** 146.82 (2) (a) 18m. of the statutes, ~~as affected by 1999 Wisconsin~~  
12 ~~Act 32,~~ is amended to read:

13           146.82 (2) (a) 18m. If the subject of the patient health care records is a child  
14 or juvenile who has been placed in a foster home, treatment foster home, group home,  
15 child caring institution or a secured correctional facility, including a placement  
16 under s. 48.205, 48.21, 938.205 or 938.21 or for whom placement in a foster home,  
17 treatment foster home, group home, child caring institution or secured correctional  
18 facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c) or 938.33 (3)  
19 or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1),  
20 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c) or 938.33 (1), to an agency  
21 responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2),  
22 48.837 (4) (c) or 938.365 (2g), to an agency responsible for preparing a permanency  
23 plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4)  
24 (e), 938.355 (2e) or 938.38 regarding the child or juvenile or to an agency that placed  
25 the child or juvenile or arranged for the placement of the child or juvenile in any of

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1 those placements and, by any of those agencies, to any other of those agencies and,  
2 by the agency that placed the child or juvenile or arranged for the placement of the  
3 child or juvenile in any of those placements, to the foster parent or treatment foster  
4 parent of the child or juvenile or the operator of the group home, child caring  
5 institution or secured correctional facility in which the child or juvenile is placed, as  
6 provided in s. 48.371 or 938.371.

7 **SECTION 27.** 252.15 (5) (a) 19. of the statutes is amended to read:

8 252.15 (5) (a) 19. If the test was administered to a child who has been placed  
9 in a foster home, treatment foster home, group home, child caring institution or  
10 secured correctional facility, as defined in s. 938.02 (15m), including a placement  
11 under s. 48.205, 48.21, 938.205 or 938.21 or for whom placement in a foster home,  
12 treatment foster home, group home, child caring institution or secured correctional  
13 facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c) or 938.33 (3)  
14 or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1),  
15 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c) or 938.33 (1), to an agency  
16 responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2),  
17 48.837 (4) (c) or 938.365 (2g), to an agency responsible for preparing a permanency  
18 plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4)  
19 (e), 938.355 (2e) or 938.38 regarding the child or to an agency that placed the child  
20 or arranged for the placement of the child in any of those placements and, by any of  
21 those agencies, to any other of those agencies and, by the agency that placed the child  
22 or arranged for the placement of the child in any of those placements, to the child's  
23 foster parent or treatment foster parent or the operator of the group home, child  
24 caring institution or secured correctional facility in which the child is placed, as  
25 provided in s. 48.371 or 938.371.

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**SECTION 28.** 938.34 (3) (cm) of the statutes is created to read:

~~938.34 (3) (cm) A supervised living arrangement in a group home that has been specially licensed solely to provide a supervised living arrangement, as defined in s. 48.02 (17p).~~

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**SECTION 29.** 938.355 (1) of the statutes ~~was affected by 1999 Wisconsin Act 9,~~

is amended to read:

938.355 (1) INTENT. In any order under s. 938.34 or 938.345, the court shall decide on a placement and treatment finding based on evidence submitted to the court. The disposition shall employ those means necessary to promote the objectives specified in s. 938.01. If the disposition places a juvenile who has been adjudicated delinquent outside the home under s. 938.34 (3) (c), (cm) or (d), the order shall include a finding that the juvenile's current residence will not safeguard the welfare of the juvenile or the community due to the serious nature of the act for which the juvenile was adjudicated delinquent. If the judge has determined that any of the conditions specified in s. 938.34 (4m) (b) 1., 2. or 3. applies, that determination shall be prima facie evidence that a less restrictive alternative than placement in a secured correctional facility, a secured child caring institution or a secured group home is not appropriate. If information under s. 938.331 has been provided in a court report under s. 938.33 (1), the court shall consider that information when deciding on a placement and treatment finding.

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**SECTION 30.** 938.38 (2) (d) of the statutes is amended to read:

938.38 (2) (d) The juvenile was placed under a voluntary agreement between the agency and the juvenile's parent under s. 48.63 (1) or (5) (b).

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**SECTION 31.** 938.38 (5) (a) of the statutes is amended to read:

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1           938.38 (5) PLAN REVIEW. (a) The court or a panel appointed under this  
 2 paragraph shall review the permanency plan every 6 months from the date on which  
 3 the juvenile was first held in physical custody or placed outside of his or her home  
 4 under a court order. If the court elects not to review the permanency plan, the court  
 5 shall appoint a panel to review the permanency plan. The panel shall consist of 3  
 6 persons who are either designated by an independent agency that has been approved  
 7 by the chief judge of the judicial administrative district or designated by the agency  
 8 that prepared the permanency plan. A voting majority of persons on each panel shall  
 9 be persons who are not employed by the agency that prepared the permanency plan  
 10 and who are not responsible for providing services to the juvenile or the parents of  
 11 the juvenile whose permanency plan is the subject of the review.

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(END)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB01-0308/1dn

GMM:.....

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Erin:

In reviewing this draft with Representative Jeskewitz, please note all of the following:

1. That, as we discussed in our follow-up meeting, to give effect to a drafting instruction given toward the end of the working group's meeting, this draft does not give effect to some instructions given earlier in the meeting. Specifically, toward the end of the meeting, the working group decided not to permit counties to place children voluntarily in a 2nd-chance home. The group made that decision due to concerns that parents would not consent to such a placement if they were charged for the placement and to concerns about court involvement in approving extensions of such placements. ✓

The decision to take counties out of the picture, however, contradicts some instructions given earlier in the day. Specifically, the group earlier decided to permit counties to apply for grants to establish 2nd-chance homes. That decision, however, no longer makes sense in light of the later decision in that it would be illogical to permit a county to receive a grant to establish a 2nd-chance home and then to prohibit the county from placing a child in the home. ✓

Similarly, the decision to take counties out of the picture also contradicts an earlier instruction to permit foster homes and treatment foster homes to operate as 2nd-chance homes because it is counties that license foster homes and treatment foster homes. Again, it would be illogical to permit a county to license a foster home or treatment foster home as a 2nd-chance home and then to prohibit the county from placing children in the home. ✓

2. This draft creates a new appropriation for 2nd-chance homes grants. The budget bill, however, repeals and recreates the entire ch. 20 appropriation schedule. As such, if this draft were to be enacted before the budget, the appropriation for 2nd-chance homes grants would be repealed by the budget. Accordingly, to avoid that outcome, you should either have this draft redrafted as a budget draft or as a budget amendment or, if you introduce this draft as separate legislation, you should make sure that the draft is not enacted until after the budget. ✓

3. Rachel will want to review this draft before it goes out and, on review, may very well find some changes to be made. Accordingly, please wait until Rachel signs off before distributing the draft to the group. ✓

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Senior Legislative Attorney  
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E-mail: gordon.malaise@legis.state.wi.us



2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

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CMM.....

(INSERT 3-2)

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

	2001-02	2002-03
<b>20.435 Health and family services, department of</b>		

(3) CHILDREN AND FAMILY SERVICES

(f) Second-chance homes	GPR	A	2,000,000	2,000,000
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SECTION 2. 20.435 (3) (f) of the statutes is created to read:

20.435 (3) (f) *Second-chance homes*. The amounts in the schedule for 2nd-chance home grants under s. 46.997 and for an evaluation of the grant program under s. 46.997. Moneys appropriated under this paragraph may be used to meet the maintenance-of-effort requirement under the federal temporary assistance for needy families program under 42 USC 601 to 619.

SECTION 3. 46.997 of the statutes is created to read:

**46.997 Second-chance homes.** (1) DEFINITIONS. In this section:

(a) "Eligible person" means a person under 21 years of age, who is a custodial parent, as defined in s. 49.141 (1) (b), or an expectant mother, has an income, not including the income of the person's parent, guardian, or legal custodian, that is at or below 200% of the poverty line, as defined in s. 49.001 (5), and who, at the time of referral for services under a program funded under this section, meets any of the following requirements:

12 years of age or over, but

1

1. Is a child and is homeless, receiving inadequate care, living in an unsafe or unstable living environment, or otherwise in need of a safe and structured living arrangement.

2. Is a child and meets one or more of the criteria specified in s. 48.13, 938.12, or 938.13 or would be at risk of meeting one or more of those criteria if the child were not placed in a 2nd-chance home.

(b) "Private agency" means an organization operated for profit or a nonstock corporation organized under ch. 181 that is a nonprofit corporation, as defined in s. 181.0103 (17).

(c) "Second-chance home" means a group home licensed solely to provide a safe and structured living arrangement for children 12 years of age or over who are custodial parents, as defined in s. 49.141 (1) (b), or expectant mothers and to provide those children with training in parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote the long-term economic independence of those children and the well-being of the children of those children.

(2) AWARDING OF GRANTS. (a) From the appropriation under s. 20.435 (3) (f), the department shall distribute not more than \$2,000,000 in each fiscal year as grants to private agencies to provide 2nd-chance homes and related services to eligible persons. A private agency that is awarded a grant under this paragraph may use the amount awarded under the grant to provide care and maintenance to eligible persons who are placed in a 2nd-chance home operated by the private agency; provide services, including the services specified in sub. (3), to eligible persons who are current or former residents of the 2nd-chance home, to the child and family of such an eligible person, and to the noncustodial parent of the child of such an eligible

person; and, in the first year of the grant period, pay for the start-up costs of the private agency's program funded under this paragraph.

(b) The department of health and family services shall award the grants under par. (a) on a competitive basis and according to request-for-proposal procedures that the department of health and family services shall prescribe in consultation with the department of workforce development, the adolescent pregnancy prevention and pregnancy services board, local health departments, as defined in s. 250.01 (4), and other providers of services to eligible persons. In awarding the grants under par. (a), the department of health and family services shall consider the need for those grants to be distributed both on a statewide basis and in the areas of the state with the greatest need for 2nd-chance homes and the need to provide placements for children who are voluntarily placed in a 2nd-chance home as well as for children who are placed in a 2nd-chance home by court order.

(c) A private agency that is awarded a grant under par. (a) shall contribute matching funds equal to 25% of the amount awarded under the grant. The match may be in the form of money or in the form of both money and in-kind services, but may not be in the form of in-kind services only.

(d) A private agency that is awarded a grant under par. (a) may use no more than 15% of the amount awarded under the grant to pay for administrative costs associated with the program funded under the grant.

(e) A grant under par. (a) shall be awarded for a 3-year period, except that annually the department shall review the performance of a private agency that is awarded a grant based on performance criteria that the department shall prescribe and may discontinue a grant to a private agency whose performance is not satisfactory to the department based on those criteria.

(3) PROGRAM REQUIREMENTS. A private agency that receives a grant under sub. (2) (a) shall do all of the following:

(a) Operate a 2nd-chance home for the care and maintenance of eligible persons who are children, as defined in s. 48.619.

(b) Maintain a community-wide network for referring eligible persons to the private agency's program funded under the grant.

(c) Ensure that an eligible person receiving services from the private agency's program funded under the grant is enrolled in a secondary school or its vocational or technical equivalent or in a college or technical college or is working, unless the director of the private agency determines that there is good cause for the eligible person not to be so enrolled or working.

(d) Ensure that an eligible person receiving services from the private agency's program is provided with intake, assessment, case planning, and case management services; skills development training in the areas of economic self-sufficiency, parenting, independent living, and life choice decision making; prenatal and other health care services, including, if necessary, mental health and alcohol and other drug abuse services; child care; and transportation.

(4) EVALUATION. The department shall conduct or shall select an evaluator to conduct an evaluation of the grant program under this section and, by June 1, 2004, shall submit a report on that evaluation to the governor and to the appropriate standing committees under s. 13.172 (3). The evaluation shall measure the economic self-sufficiency, parenting skills, independent living skills, and life choice decision-making skills of the eligible persons who received services under the

program and any other criteria that the department determines to be appropriate for evaluation.

(END OF INSERT)

(INSERT 4-20)

✓ 48.345 (3) (cm) A group home described in s. 48.625 (1m) ✓ if the child is at least 12 years of age, is a custodial parent, as defined in s. 49.141 (1) (b), or an expectant mother, is receiving inadequate care, and is in need of a safe and structured living arrangement which the child's parent, guardian, or legal custodian is unwilling, neglecting, unable, or needs assistance to provide. ✓

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for children 12 years of age or over who are custodial parents, as defined in s. 49.141 (1) (b), or expectant mothers, and to provide those children with training in parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote the long-term economic independence of those children and the well-being of the children of those children.

(END OF INSERT)

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✓ (d) 1. In this paragraph, "independent reviewing agency" means a person ✓ contracted with under subd. 2. to review permanency plans and placements under ✓ subds. 3. to 6.

2. An agency that places children under par. (b) or that arranges ✓ those placements shall contract with another agency licensed under s. 48.61 (3) to place

children or with a county department to review the permanency plans and placements of those children as provided in subds. 3. to 6.

3. If the agency that has placed a child under par. (b) or that has arranged the placement of the child wishes to extend the placement of the child, the agency shall prepare a revised permanency plan and submit the revised permanency plan, together with a request for a review of the revised permanency plan and the child's placement, to the independent reviewing agency before the expiration of the child's placement. The request shall include a statement that an extension of the child's placement would be in the best interests of the child, together with reliable and credible information in support of that statement, a statement that the child and the parent or guardian of the child consent to the extension of the child's placement, and a request that the independent reviewing agency approve an extension of the child's placement. On receipt of a revised permanency plan and a request for review, the independent reviewing agency shall set a time and place for the review and shall advise the agency that placed the child or that arranged the placement of the child of the time and place of the review.

(END OF INSERT)

(INSERT 11-13)

approval, and the agency that placed the child or that arranged the placement of the child may extend the child's placement for the period of time approved. If the independent reviewing agency determines that the extension is not in the best interests of the child or that the child and the parent <sup>or</sup> guardian of the child do not consent to the extension, the independent reviewing agency shall, in writing, disapprove an extension of the placement, stating the reason for the disapproval, and

the agency that placed the child or that arranged the placement of the child may not extend the placement of the child past the expiration date of the voluntary placement unless the agency obtains a court order placing the child in the group home after the expiration date of the voluntary placement.

(END OF INSERT)

(INSERT 14-4)



938.34~~8~~<sup>445</sup>(3) (cm) A group home described in s. 48.625 (1m) if the juvenile is at least 12 years of age, is a custodial parent, as defined in s. 49.141 (1) (b), or an expectant mother, is receiving inadequate care, and is in need of a safe and structured living arrangement which the juvenile's parent, guardian, or legal custodian is unwilling, neglecting, unable, or needs assistance to provide.

(END OF INSERT)

(INSERT 15-11)

**SECTION 9258. Appropriation changes; workforce development.**

(1) SECOND-CHANCE HOMES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of workforce development under section 20.~~005~~<sup>445</sup> (3) (dz) of the statutes, as affected by the acts of 2001, the dollar amount is decreased by \$2,000,000 for fiscal year 2001-02 and the dollar amount is decreased by \$2,000,000 for fiscal year 2002-03 to decrease funding for the purposes for which the appropriation is made.

(END OF INSERT)

(INSERT A)

The bill also requires the department of health and family services to distribute grants to private agencies to provide group homes for children 12 years of age or over

who are custodial parents or expectant mothers, whose income is at or below 200% of the federal poverty line, and who are homeless, receiving inadequate care, living in an unsafe or unstable living environment, or otherwise in need of a safe and structured living arrangement or meet the criteria for the juvenile court's child or juvenile in need of protection or services or delinquency jurisdiction or would be at risk of meeting those criteria if not placed in such a group home. The bill also permits a grant recipient to provide related services to current or former residents of such a group home up to age 21, the children and families of those residents, and the noncustodial parents of the children of those residents and to pay for the start-up costs of the agency's program funded under the grant.

(END OF INSERT)





**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB01-0308/1dn  
GMM:cjs:rs

September 26, 2000

Erin:

In reviewing this draft with Representative Jeskewitz, please note all of the following:

1. That, as we discussed in our follow-up meeting, to give effect to a drafting instruction given toward the end of the working group's meeting, this draft does not give effect to some instructions given earlier in the meeting. Specifically, toward the end of the meeting, the working group decided not to permit counties to place children voluntarily in a 2nd-chance home. The group made that decision due to concerns that parents would not consent to such a placement if they were charged for the placement and to concerns about court involvement in approving extensions of such placements.

The decision to take counties out of the picture, however, contradicts some instructions given earlier in the day. Specifically, the group earlier decided to permit counties to apply for grants to establish 2nd-chance homes. That decision, however, no longer makes sense in light of the later decision in that it would be illogical to permit a county to receive a grant to establish a 2nd-chance home and then to prohibit the county from placing a child in the home.

Similarly, the decision to take counties out of the picture also contradicts an earlier instruction to permit foster homes and treatment foster homes to operate as 2nd-chance homes because it is counties that license foster homes and treatment foster homes. Again, it would be illogical to permit a county to license a foster home or treatment foster home as a 2nd-chance home and then to prohibit the county from placing children in the home.

2. This draft creates a new appropriation for 2nd-chance homes grants. The budget bill, however, repeals and recreates the entire ch. 20 appropriation schedule. As such, if this draft were to be enacted before the budget, the appropriation for 2nd-chance homes grants would be repealed by the budget. Accordingly, to avoid that outcome, you should either have this draft redrafted as a budget draft or as a budget amendment or, if you introduce this draft as separate legislation, you should make sure that the draft is not enacted until after the budget.

3. Rachel will want to review this draft before it goes out and, on review, may very well find some changes to be made. Accordingly, please wait until Rachel signs off before distributing the draft to the group.

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