

2007 ASSEMBLY BILL 663

January 3, 2008 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to
Committee on Children and Family Law.

1 **AN ACT** *to repeal* 46.515 (1) (i) and (j), 46.515 (3) (title), 46.515 (3) (a), 48.983 (1)
2 (i), 48.983 (1) (j), 48.983 (3) (title), 48.983 (3) (a) and 48.983 (7) (c); *to renumber*
3 46.515 (3), 46.515 (4) (a) 4m., 46.515 (4) (b) 1., 46.515 (6) (a) (intro.), 46.515 (6)
4 (a) 1., 46.515 (6) (a) 6., 46.515 (6) (c), 46.515 (7) (ag) and (ar), 46.515 (7) (c),
5 46.515 (8) (title), 46.515 (8) (a) and 46.515 (8) (b); *to renumber and amend*
6 46.515 (2), 46.515 (3) (b) and 46.515 (8); *to amend* 46.515 (2), 46.515 (4) (a) 4m.,
7 46.515 (4) (b) 1., 46.515 (6) (a) (intro.), 46.515 (6) (a) 1., 46.515 (6) (a) 6., 46.515
8 (6) (c) and 46.515 (8) (title); *to repeal and recreate* 46.515 (7) (c); and *to create*
9 46.515 (7) (ag) and (ar) and 46.515 (8) (b) of the statutes; **relating to:** child
10 abuse and neglect prevention grants.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in
the bill.

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

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Strengthening Wisconsin Families.

Under current law, the Department of Health and Family Services (DHFS) distributes grants for the prevention of child abuse and neglect under a program commonly referred to as "Family Foundations". DHFS is required to distribute this funding to six rural counties, three urban counties, and two Indian tribes.

The amount of funding that each county (other than a county with a population of 500,000 or more, currently, only Milwaukee County) or Indian tribe receives in excess of the \$10,000 minimum grant amount is based on the number of births funded by medical assistance (MA) in that county or in the reservation of the tribe in proportion to the number of MA-funded births in all counties and the reservations of all tribes selected to participate in the program. Milwaukee County's grant award is based on 60 percent of the MA-funded births in that county in proportion to the number of MA-funded births in all counties and the reservations of all tribes selected to participate in the program.

Except for Milwaukee County, the grant funds may be used for a primary intervention, home visitation program for first-time parents who are eligible for MA and to support the cost of case management. In all counties and tribes, grants may also be used to provide intervention services and flexible funds to participating families for appropriate expenses. DHFS is required to provide technical assistance and training to programs receiving a grant.

The bill makes the following changes to current law:

- Deletes the provision requiring funding to be distributed to six rural counties, three urban counties, and two Indian tribes.
- Deletes references to Milwaukee County so that Milwaukee County may use grant funds to provide home visitation and case management services.
- Requires counties and Indian tribes that receive a grant to agree to match at least 25 percent of the grant amount in funds or in-kind contributions.
- Deletes the current formula for determining the amount of a grant in excess of the minimum \$10,000 grant amount and instead requires DHFS to determine the amount of a grant in excess of \$10,000 based upon the number of MA-funded births in the county or the reservation of the tribe.
- Provides that if a family with a child identified as being at risk of abuse or neglect has been continuously receiving home visitation program services for not less than 12 months, those services may continue to be provided until the child reaches three years of age, regardless of whether the child continues to be eligible for MA.
- Requires a county or Indian tribe, when applying for a grant, to provide information on how the applicant's home visitation program incorporates practice standards and critical elements that have been developed for successful home visitation programs by a nationally recognized home visitation program model and that are acceptable to DHFS.
- Requires DHFS to evaluate the availability of home visitation programs in the state and determine whether there are gaps in home visitation services. DHFS must then cooperate with counties and Indian tribes providing home visitation programs to address any gaps identified.
- Requires each county and Indian tribe providing a home visitation program to collect and report data as required by DHFS, using forms prescribed by DHFS.

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- Requires each county and Indian tribe providing a home visitation program to develop a plan for evaluating the effectiveness of its program for approval by DHFS. The bill sets forth outcomes that must be tracked and measured. The evaluation must be used to improve the quality and outcomes of the home visitation program.

- Provides that training provided by DHFS to counties and Indian tribes participating in the program may not be limited to a particular home visitation model. Requires the training to include training regarding basic skills, uniform administration of screening and assessment tools, the issues and challenges that families face, and supervision and personnel skills for program managers. The training may also include training on data collection and reporting.

- Requires DHFS to cooperate with the Child Abuse and Neglect Prevention Board to ensure that employees and managers of home visitation programs receive training and other services to develop and maintain competencies in providing home visitation services to families.

1 **SECTION 1.** 46.515 (1) (i) and (j) of the statutes are repealed.

NOTE: Repeals the definitions of “rural county” and “urban county”.

2 **SECTION 2.** 46.515 (2) of the statutes is amended to read:

3 46.515 **(2)** FUNDS PROVIDED. If a county or Indian tribe applies and is selected
4 by the department under sub. (5) to participate in the program under this section,
5 the department shall award, from the appropriation under s. 20.435 (5) (ab), a grant
6 annually to be used only for the purposes specified in sub. (4) (a) and (am). The
7 minimum amount of a grant is \$10,000. The county or Indian tribe shall agree to
8 match at least 25 percent of the grant amount annually in funds or in-kind
9 contributions. The department shall determine the amount of a grant awarded to
10 a county, ~~other than a county with a population of 500,000 or more,~~ or Indian tribe
11 in excess of the minimum amount based on the number of births that are funded by
12 medical assistance under subch. IV of ch. 49 in that county or the reservation of that
13 Indian tribe ~~in proportion to the number of births that are funded by medical~~
14 ~~assistance under subch. IV of ch. 49 in all of the counties and the reservations of all~~
15 ~~of the Indian tribes to which grants are awarded under this section.~~ The department
16 shall determine the amount of a grant awarded to a county with a population of
17 500,000 or more ~~in excess of the minimum amount based on 60% of the number of~~

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1 ~~births that are funded by medical assistance under subch. IV of ch. 49 in that county~~
2 ~~in proportion to the number of births that are funded by medical assistance under~~
3 ~~subch. IV of ch. 49 in all of the counties and the reservations of all of the Indian tribes~~
4 ~~to which grants are awarded under this section.~~

NOTE: Requires a county or Indian tribe that receives a grant to agree to match at least 25 percent of the grant amount annually in funds or in-kind contributions. Also, this SECTION deletes the language setting forth the formula for awarding grants above \$10,000 and, instead, requires DHFS to determine the amount of the grant in excess of \$10,000 based upon the number of births that are funded by MA in that county or the reservation of the Indian tribe.

5 **SECTION 3.** 46.515 (2) of the statutes, as affected by 2007 Wisconsin Act (this
6 act), is renumbered 48.983 (2) and amended to read:

7 **48.983 (2) FUNDS PROVIDED.** If a county or Indian tribe applies and is selected
8 by the department under sub. (5) to participate in the program under this section,
9 the department shall award, from the appropriation under s. ~~20.435 (5)~~ 20.437 (2)
10 (ab), a grant annually to be used only for the purposes specified in sub. (4) (a) and
11 (am). The minimum amount of a grant is \$10,000. The county or Indian tribe shall
12 agree to match at least 25 percent of the grant amount annually in funds or in-kind
13 contributions. The department shall determine the amount of a grant awarded to
14 a county or Indian tribe in excess of the minimum amount based on the number of
15 births that are funded by medical assistance under subch. IV of ch. 49 in that county
16 or the reservation of that Indian tribe.

NOTE: 2007 Wisconsin Act 20 renumbers s. 46.515, stats., as s. 48.983, stats., effective July 1, 2008, as part of the creation of the Department of Children and Families.

17 **SECTION 4.** 46.515 (3) (title) of the statutes is repealed.

NOTE: Repeals a provision of current law specifying how many counties and Indian tribes may be selected for grants in the 1997–99 fiscal biennium.

18 **SECTION 5.** 46.515 (3) of the statutes, as affected by 2007 Wisconsin Act (this
19 act), is renumbered 48.983 (3).

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NOTE: 2007 Wisconsin Act 20 renumbers s. 46.515, stats., as s. 48.983, stats., effective July 1, 2008, as part of the creation of the Department of Children and Families.

1 **SECTION 6.** 46.515 (3) (a) of the statutes is repealed.

NOTE: Repeals a provision of current law specifying how many counties and Indian tribes may be selected for grants in the 1997–99 fiscal biennium.

2 **SECTION 7.** 46.515 (3) (b) of the statutes is renumbered 46.515 (3) and amended
3 to read:

4 46.515 (3) JOINT APPLICATION PERMITTED. Two or more counties and Indian tribes
5 may submit a joint application to the department. ~~Each county or Indian tribe in a~~
6 ~~joint application shall be counted as a separate county or Indian tribe for the purpose~~
7 ~~of limiting the number of counties and Indian tribes selected in each state fiscal~~
8 ~~biennium.~~

NOTE: Repeals language relating to the limit on the number of counties and Indian tribes that may be selected for grants in the 1997–99 fiscal biennium.

9 **SECTION 8.** 46.515 (4) (a) 4m. of the statutes is amended to read:

10 46.515 (4) (a) 4m. ~~Other than in a county with a population of 500,000 or more,~~
11 ~~to~~ To reimburse a case management provider under s. 49.45 (25) (b) for the amount
12 of the allowable charges under the medical assistance program that is not provided
13 by the federal government for case management services provided to a medical
14 assistance beneficiary described in s. 49.45 (25) (am) 9. who is a child and who is a
15 member of a family that receives home visitation program services under par. (b) 1.

NOTE: Deletes a reference to Milwaukee County.

16 **SECTION 9.** 46.515 (4) (a) 4m. of the statutes, as affected by 2007 Wisconsin Act
17 (this act), is renumbered 48.983 (4) (a) 4m.

NOTE: 2007 Wisconsin Act 20 renumbers s. 46.515, stats., as s. 48.983, stats., effective July 1, 2008, as part of the creation of the Department of Children and Families.

18 **SECTION 10.** 46.515 (4) (b) 1. of the statutes is amended to read:

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1 46.515 (4) (b) 1. A county, ~~other than a county with a population of 500,000 or~~
2 ~~more~~, or an Indian tribe that is selected to participate in the program under this
3 section shall select persons who are first-time parents and who are eligible for
4 medical assistance under subch. IV of ch. 49 and shall offer each of those persons an
5 opportunity to undergo an assessment through use of a risk assessment instrument
6 to determine whether the parent presents risk factors for perpetrating child abuse
7 or neglect. Persons who are selected and who agree to be assessed shall be assessed
8 during the prenatal period, if possible, or as close to the time of the child's birth as
9 possible. The risk assessment instrument shall be developed by the department and
10 shall be based on risk assessment instruments developed by the department for
11 similar programs that are in operation. The department need not promulgate as
12 rules under ch. 227 the risk assessment instrument developed under this
13 subdivision. A person who is assessed to be at risk of abusing or neglecting his or her
14 child shall be offered home visitation program services. Home visitation program
15 services may be provided to a family with a child identified as being at risk of child
16 abuse or neglect until the identified child reaches 3 years of age. If a family has been
17 receiving home visitation program services continuously for not less than 12 months,
18 those services may continue to be provided to the family until the identified child
19 reaches 3 years of age, regardless of whether the child continues to be eligible for
20 medical assistance under subch. IV of ch. 49. If risk factors for child abuse or neglect
21 with respect to the identified child continue to be present when the child reaches 3
22 years of age, home visitation program services may be provided until the identified
23 child reaches 5 years of age. Home visitation program services may not be provided
24 to a person unless the person gives his or her written informed consent to receiving
25 those services or, if the person is a child, unless the child's parent, guardian, or legal

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1 custodian gives his or her written informed consent for the child to receive those
2 services.

NOTE: Deletes a reference to Milwaukee County. Also, specifies that if a family with a child identified as being at risk of child abuse or neglect has been continuously receiving home visitation program services for not less than 12 months, those services may continue to be provided until the identified child reaches three years of age, regardless of whether the child continues to be eligible for MA.

3 **SECTION 11.** 46.515 (4) (b) 1. of the statutes, as affected by 2007 Wisconsin Act
4 (this act), is renumbered 48.983 (4) (b) 1.

NOTE: 2007 Wisconsin Act 20 renumbers s. 46.515, stats., as s. 48.983, stats., effective July 1, 2008, as part of the creation of the Department of Children and Families.

5 **SECTION 12.** 46.515 (6) (a) (intro.) of the statutes is amended to read:

6 46.515 **(6)** (a) (intro.) The part of an application, other than a renewal
7 application, submitted by a county, ~~other than a county with a population of 500,000~~
8 ~~or more~~, or an Indian tribe that relates to home visitation programs shall include all
9 of the following:

NOTE: Deletes a reference to Milwaukee County.

10 **SECTION 13.** 46.515 (6) (a) (intro.) of the statutes, as affected by 2007 Wisconsin
11 Act (this act), is renumbered 48.983 (6) (a) (intro.).

NOTE: 2007 Wisconsin Act 20 renumbers s. 46.515, stats., as s. 48.983, stats., effective July 1, 2008, as part of the creation of the Department of Children and Families.

12 **SECTION 14.** 46.515 (6) (a) 1. of the statutes is amended to read:

13 46.515 **(6)** (a) 1. Information on how the applicant's home visitation program
14 is comprehensive and incorporates practice standards and critical elements that
15 have been developed for successful home visitation programs by ~~entities concerned~~
16 ~~with the prevention of child abuse and neglect~~ a nationally recognized home
17 visitation program model and that are acceptable to the department.

NOTE: Modifies current law relating to information that must be provided in an application by a home visitation program.

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1 **SECTION 15.** 46.515 (6) (a) 1. of the statutes, as affected by 2007 Wisconsin Act
2 (this act), is renumbered 48.983 (6) (a) 1.

NOTE: 2007 Wisconsin Act 20 rennumbers s. 46.515, stats., as s. 48.983, stats., effective July 1, 2008, as part of the creation of the Department of Children and Families.

3 **SECTION 16.** 46.515 (6) (a) 6. of the statutes is amended to read:

4 46.515 **(6)** (a) 6. An identification of how the home visitation program is
5 comprehensive and incorporates the practice standards ~~for~~ and critical elements for
6 successful home visitation programs referred to in subd. 1., including how services
7 will vary in intensity levels depending on the needs and strengths of the
8 participating family.

NOTE: Modifies current law relating to information that must be provided in an application by a home visitation program.

9 **SECTION 17.** 46.515 (6) (a) 6. of the statutes, as affected by 2007 Wisconsin Act
10 (this act), is renumbered 48.983 (6) (a) 6.

NOTE: 2007 Wisconsin Act 20 rennumbers s. 46.515, stats., as s. 48.983, stats., effective July 1, 2008, as part of the creation of the Department of Children and Families.

11 **SECTION 18.** 46.515 (6) (c) of the statutes is amended to read:

12 46.515 **(6)** (c) *Case management benefit.* The applicant, ~~other than a county~~
13 ~~with a population of 500,000 or more,~~ states in the grant application that it has
14 elected, or, if selected, that it will elect, under s. 49.45 (25) (b), to make the case
15 management benefit under s. 49.45 (25) available to the category of beneficiaries
16 under s. 49.45 (25) (am) 9. who are children and who are members of families
17 receiving home visitation program services under sub. (4) (b) 1.

NOTE: Deletes a reference to Milwaukee County.

18 **SECTION 19.** 46.515 (6) (c) of the statutes, as affected by 2007 Wisconsin Act ...
19 (this act), is renumbered 48.983 (6) (c).

NOTE: 2007 Wisconsin Act 20 rennumbers s. 46.515, stats., as s. 48.983, stats., effective July 1, 2008, as part of the creation of the Department of Children and Families.

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1 **SECTION 20.** 46.515 (7) (ag) and (ar) of the statutes are created to read:

2 46.515 (7) (ag) The department shall evaluate the availability of home
3 visitation programs in the state and determine whether there are gaps in home
4 visitation services in the state. The department shall cooperate with counties and
5 Indian tribes providing home visitation programs to address any gaps in services
6 identified.

7 (ar) Each county and Indian tribe providing a home visitation program shall
8 collect and report data to the department, as required by the department. The
9 department shall require each county and Indian tribe providing a home visitation
10 program to collect data using forms prescribed by the department.

NOTE: Requires DHFS to evaluate the availability of home visitation programs in the state and determine whether there are gaps in home visitation services. Requires DHFS to cooperate with counties and Indian tribes providing home visitation programs to address any gaps identified.

Also provides that DHFS must require each county and Indian tribe providing a home visitation program to collect data using forms prescribed by DHFS. Under the bill, each county and Indian tribe providing a home visitation program must collect and report data to DHFS as required by DHFS.

11 **SECTION 21.** 46.515 (7) (ag) and (ar) of the statutes, as created by 2007
12 Wisconsin Act (this act), are renumbered 48.983 (7) (ag) and (ar).

NOTE: 2007 Wisconsin Act 20 renumbers s. 46.515, stats., as s. 48.983, stats., effective July 1, 2008, as part of the creation of the Department of Children and Families.

13 **SECTION 22.** 46.515 (7) (c) of the statutes is repealed and recreated to read:

14 46.515 (7) (c) Each county and Indian tribe providing a home visitation
15 program shall develop a plan for evaluating the effectiveness of its program for
16 approval by the department. The plan shall demonstrate how the county or Indian
17 tribe will use the evaluation of its program to improve the quality and outcomes of
18 the program and to ensure continued compliance with the home visitation program
19 criteria under sub. (6) (a). The plan must demonstrate how the outcomes will be
20 tracked and measured. The outcomes must be related to all of the following:

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1 1. Parents receiving home visitation services acquiring knowledge of early
2 learning and child development and interacting with their children in ways that
3 enhance the children's development and early learning.

4 2. Children receiving home visitation services being healthy.

5 3. Children receiving home visitation living in a safe environment.

6 4. Families receiving home visitation services accessing formal and informal
7 support networks.

8 5. Children receiving home visitation services achieving milestones in
9 development and early learning.

10 6. Children receiving home visitation services who have developmental delays
11 receiving appropriate intervention services.

NOTE: Repeals language requiring DHFS to determine the most appropriate way to evaluate strengthened family functioning, enhanced child development, and positive parenting practices and to evaluate those criteria as part of its evaluation of home visitation programs. Instead, under the bill, each county and Indian tribe providing a home visitation program must develop a plan for evaluating the effectiveness of its program for approval by DHFS. The plan must demonstrate how the county or Indian tribe will use the evaluation to improve the quality and outcomes of the program and to ensure continued compliance with the home visitation program criteria required to be demonstrated when applying for a grant. The plan must also demonstrate how the outcomes will be tracked and measured. The outcomes to be measured are set forth in the SECTION.

12 **SECTION 23.** 46.515 (7) (c) of the statutes, as affected by 2007 Wisconsin Act
13 (this act), is renumbered 48.983 (7) (c).

NOTE: 2007 Wisconsin Act 20 renumbers s. 46.515, stats., as s. 48.983, stats., effective July 1, 2008, as part of the creation of the Department of Children and Families.

14 **SECTION 24.** 46.515 (8) (title) of the statutes is amended to read:

15 46.515 (8) (title) TECHNICAL ASSISTANCE AND TRAINING; COMPETENCY TRAINING.

16 **SECTION 25.** 46.515 (8) (title) of the statutes, as affected by 2007 Wisconsin Act
17 (this act), is renumbered 48.983 (8) (title).

NOTE: 2007 Wisconsin Act 20 renumbers s. 46.515, stats., as s. 48.983, stats., effective July 1, 2008, as part of the creation of the Department of Children and Families.

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1 **SECTION 26.** 46.515 (8) of the statutes is renumbered 46.515 (8) (a) and
2 amended to read:

3 46.515 **(8)** (a) Technical assistance and training. The department shall provide
4 technical assistance and training to counties and Indian tribes that are selected to
5 participate in the program under this section. The training may not be limited to a
6 particular home visitation model. The training shall include training in best
7 practices regarding basic skills, uniform administration of screening and
8 assessment tools, the issues and challenges that families face, and supervision and
9 personnel skills for program managers. The training may also include training on
10 data collection and reporting.

NOTE: Specifies that training for counties and Indian tribes selected to receive home visitation grants may not be limited to a particular home visitation model. This SECTION requires the training to include training in best practices regarding basic skills, uniform administration of screening and assessment tools, the issues and challenges that families face, and supervision and personnel skills for program managers. The training may also include training on data collection and reporting.

11 **SECTION 27.** 46.515 (8) (a) of the statutes, as affected by 2007 Wisconsin Act
12 (this act), is renumbered 48.983 (8) (a).

NOTE: 2007 Wisconsin Act 20 rennumbers s. 46.515, stats., as s. 48.983, stats., effective July 1, 2008, as part of the creation of the Department of Children and Families.

13 **SECTION 28.** 46.515 (8) (b) of the statutes is created to read:

14 46.515 **(8)** (b) Competency training. The department shall cooperate with the
15 child abuse and neglect prevention board to ensure that employees and managers of
16 home visitation programs receive training and other services to develop and
17 maintain competencies in providing home visitation services to families.

NOTE: Requires DHFS to cooperate with the Child Abuse and Neglect Prevention Board to ensure that employees and directors of home visitation programs receive training and other services to develop and maintain competencies in providing home visitation services to families.

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SECTION 29

1 **SECTION 29.** 46.515 (8) (b) of the statutes, as created by 2007 Wisconsin Act ...
2 (this act), is renumbered 48.983 (8) (b).

NOTE: 2007 Wisconsin Act 20 renumbers s. 46.515, stats., as s. 48.983, stats., effective July 1, 2008, as part of the creation of the Department of Children and Families.

3 **SECTION 30.** 48.983 (1) (i) of the statutes, as affected by 2007 Wisconsin Act 20,
4 is repealed.

NOTE: 2007 Wisconsin Act 20 renumbers s. 46.515, stats., as s. 48.983, stats., effective July 1, 2008, as part of the creation of the Department of Children and Families.

5 **SECTION 31.** 48.983 (1) (j) of the statutes, as affected by 2007 Wisconsin Act 20,
6 is repealed.

NOTE: 2007 Wisconsin Act 20 renumbers s. 46.515, stats., as s. 48.983, stats., effective July 1, 2008, as part of the creation of the Department of Children and Families.

7 **SECTION 32.** 48.983 (3) (title) of the statutes, as affected by 2007 Wisconsin Act
8 20, is repealed.

NOTE: 2007 Wisconsin Act 20 renumbers s. 46.515, stats., as s. 48.983, stats., effective July 1, 2008, as part of the creation of the Department of Children and Families.

9 **SECTION 33.** 48.983 (3) (a) of the statutes, as affected by 2007 Wisconsin Act 20,
10 is repealed.

NOTE: 2007 Wisconsin Act 20 renumbers s. 46.515, stats., as s. 48.983, stats., effective July 1, 2008, as part of the creation of the Department of Children and Families.

11 **SECTION 34.** 48.983 (7) (c) of the statutes, as affected by 2007 Wisconsin Act 20,
12 is repealed.

NOTE: 2007 Wisconsin Act 20 renumbers s. 46.515, stats., as s. 48.983, stats., effective July 1, 2008, as part of the creation of the Department of Children and Families.

13 **SECTION 35. Effective dates.** This act takes effect on the day after publication,
14 except as follows:

15 (1) PREVENTION OF CHILD ABUSE AND NEGLECT GRANTS. The repeal of section
16 48.983 (1) (i) and (j), (3) (title) and (a), and (7) (c) of the statutes, the renumbering of
17 section 46.515 (3), (4) (a) 4m. and (b) 1., (6) (a) (intro.), 1., and 6. and (c), (7) (ag), (ar),

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1 and (c), and (8) (title), (a), and (b) of the statutes, and the renumbering and
2 amendment of section 46.515 (2) of the statutes take effect on July 1, 2008.

3 (END)