



### 2007 DRAFTING REQUEST

#### Bill

Received: 12/22/2006

Received By: gmalaise

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Rhodes

This file may be shown to any legislator: NO

Drafter: gmalaise

May Contact:

Adtl. Drafters: pkahler

Subject: Children - abuse and neglect  
Children - child welfare  
Children - day care  
Children - miscellaneous  
Children - out-of-home placement  
Children - TPR and adoption  
Public Assistance - comm. aids  
Public Assistance - misc  
Public Assistance - Wis works  
Dom. Rel. - child support

Extra Copies:

Submit via email: YES

Requester's email:

Carbon copy (CC:) to: samuel.harshner@wisconsin.gov  
pam.kahler@legis.wisconsin.gov

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#### Pre Topic:

DOA:.....Rhodes, BB0258 -

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#### Topic:

Creation of Department of Children and Families

---

#### Instructions:

See Attached

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#### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler	wjackson					

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/7			pgreensl 02/09/2007	_____	cduerst 02/09/2007		

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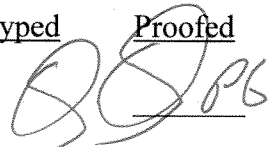
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15 gjs 2/2/07

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Creation of Department of Children and Families

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 12/22/2006 gmalaise 01/19/2007	wjackson 01/24/2007		_____			
/P1			jfrantze	_____	mbarman		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			01/25/2007 _____		01/25/2007		

FE Sent For:

<END>

**2007 DRAFTING REQUEST**

**Bill**

Received: 12/22/2006

Received By: gmalaise

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 6-2288

By/Representing: Rhodes

This file may be shown to any legislator: NO

Drafter: pkahler

May Contact:

Addl. Drafters:

Subject: **Children - abuse and neglect**  
**Children - child welfare**  
**Children - day care**  
**Children - miscellaneous**  
**Children - out-of-home placement**  
**Children - TPR and adoption**  
**Public Assistance - comm. aids**  
**Public Assistance - misc**  
**Public Assistance - Wis works**  
**Dom. Rel. - child support**

Extra Copies:

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

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**Pre Topic:**

DOA:.....Rhodes, BB0258 -

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**Topic:**

Creation of Department of Children and Families

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**Instructions:**

See Attached

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler	/PIWLJ/1/24	J 26 1/25	J 26 1/25			

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

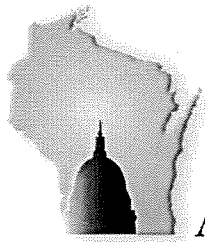
FE Sent For:

<END>



## 2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Creation of a Department of Children and Families
- Tracking Code: 030258
- SBO team: Health/Ins
- SBO analyst: Dennis Rhodes
  - Phone: 6-2288
  - Email: Dennis.Rhodes@Wisconsin.gov
- Agency acronym: DHFS
- Agency number: 435
- Priority: High



**WISCONSIN DEPARTMENT OF  
ADMINISTRATION**

**Jim Doyle**  
GOVERNOR

**Steven E. Bablitch**  
SECRETARY

Division of Executive Budget and Finance  
Post Office Box 7864  
Madison, WI 53707-7864  
Voice (608) 266-1736  
Fax (608) 267-0372  
TTY (608) 267-9629

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**Date:** December 20, 2006

**To:** Steve Miller  
Chief, Legislative Reference Bureau

**From:** Dennis Rhodes and Sam Harshner  
State Budget Office

**Subject:** 2007-09 Biennial Budget Statutory Language Proposal

The following is a statutory language request for the 2007-09 biennial budget. If you have any questions, please contact Sam Harshner at 6-8219 ([samuel.harshner@wisconsin.gov](mailto:samuel.harshner@wisconsin.gov)) or Dennis Rhodes at 6-2288 ([dennis.rhodes@wisconsin.gov](mailto:dennis.rhodes@wisconsin.gov)). The intent of this request is to create a new Department of Children and Families. The new department would be headed by a gubernatorially appointed Secretary, subject to confirmation by the Senate and be authorized a deputy secretary and executive assistant who serve at the pleasure of the Secretary. The new Secretary would be assigned to ESG 6. The department should be authorized three unclassified division administrators.

The new department would include the current DHFS Division of Children and Families and parts of DWD's Division of Workforce Solutions (the Bureaus of Wisconsin Works and Child Support, and the Child Care Section of the Bureau of Workforce Programs). The new department secretary or designee would serve on the Child Abuse and Neglect Prevention Board and additional Board and Councils to be determined.

The appropriation structure for the new department will have three programs: Children and Family Services, Economic Support and Administrative Services. A list of DHFS and DWD appropriations to be renumbered to the new department and new appropriations to be created will be forthcoming.

The new department will have responsibility for administering all of the following statutes: Chapter 48 in its entirety, subchapter III of Chapter 49 in its entirety, and certain section from Chapter 46. Portions of Chapter 46 pertaining to child welfare will be moved to Chapter 48, possibly 48.48 pursuant to a discussion with the Reference Bureau. All references elsewhere in the statutes to DHFS and/or DWD that relate to their responsibility for programs under the sections listed above are to be

Page 2  
December 20, 2006

amended to either add the new department to those references [e.g., s. 49.81) or to replace those references with a reference to the new department (e.g., s. 49.852).

Standard language should be included regarding the transfer of assets, liabilities and incumbent employees related to the functions being transferred (children and families, W-2, child care and child support), as determined by the Secretary of DOA, from DHFS and DWD to the new department.

To help address changes in the number of positions and funding that need to be transferred from DHFS and DWD (e.g., for administrative services functions) to the new department from what was allocated in the 2007-09 budget act, require the secretaries of DHFS and DWD to jointly determine and submit a plan to the JCF at its 4th quarterly meeting for 2007 to transfer moneys between GPR, PR, PR-S and FED appropriations from the respective existing departments, if necessary, to adjust previously allocated costs in accordance with the transfer of personnel.

The new department would be effective July 1, 2008.

**Malaise, Gordon**

---

**From:** Rhodes, Dennis - DOA  
**Sent:** Thursday, December 21, 2006 5:06 PM  
**To:** Malaise, Gordon  
**Cc:** Johnston, James - DOA  
**Subject:** RE: 2 items

Thanks Gordon. We'll strive to be precise!

On a related point, I have some dollar amounts in program 7 appropriations that will go to the new department, but the entire appropriation should not be transferred. Is the appropriate course of action in that case to compile a non-statutory language request that lists the dollar amounts to be moved? I think existing appropriations in Program 3 that we're moving may be flexible enough to receive these funds.

Thanks,

Dennis

---

**From:** Malaise, Gordon [mailto:Gordon.Malaise@legis.wisconsin.gov]  
**Sent:** Thursday, December 21, 2006 4:56 PM  
**To:** Rhodes, Dennis - DOA  
**Cc:** Johnston, James - DOA  
**Subject:** RE: 2 items

Thanks, Dennis. To get an idea of what to move from Program 8, you might want to take a look at 1995 Wisconsin Act 27, section 9126 (23) (f), which moved certain positions relating to juvenile corrections from Program 8 to DOC.

Also, Pam and I spoke this afternoon and we are concerned that because DHFS and DWD are both such huge departments we will need to search not only chs. 46, 48, and 49 for references to those departments but throughout the entire statutes. Then, when we do find a hit of DHFS or DWD we will have to determine whether it is your intent to change the reference to DCF. Most will obviously either change or remain the same. Others will fall into gray areas.

So the more clearly and precisely you can identify what stays and what goes, the better.

Gordon

---

**From:** Rhodes, Dennis - DOA  
**Sent:** Thursday, December 21, 2006 4:43 PM  
**To:** Malaise, Gordon  
**Cc:** Johnston, James - DOA  
**Subject:** 2 items

Gordon,

To confirm, we need all the appropriations under 20.435 (3) Children and Family Services to be attached to the new department of Children and Families. We are in the process of determining what to move from DHFS General Administration in program 8.

Also, on an unrelated point, I'm sending over a request to redraft 0292/6 "Home Visiting Services" from the last budget in its entirety, with the exception of Sections 1 & 2 which were already enacted. I hope that doesn't

01/16/2007

present much additional work for you.

Thanks,

Dennis  
6-2288

**Malaise, Gordon**

---

**From:** Hanle, Bob - DOA  
**Sent:** Thursday, December 28, 2006 4:43 PM  
**To:** Kahler, Pam; Malaise, Gordon  
**Cc:** Johnston, James - DOA; Rhodes, Dennis - DOA; Harshner, Samuel - DOA  
**Subject:** RE: Dept of children and families

I'm fine with these suggestions as well.

---

**From:** Rhodes, Dennis - DOA  
**Sent:** Thursday, December 28, 2006 4:33 PM  
**To:** Kahler, Pam - LEGIS; Harshner, Samuel - DOA  
**Cc:** Hanle, Bob - DOA; Johnston, James - DOA; Malaise, Gordon - LEGIS  
**Subject:** RE: Dept of children and families

Pam, we like all of your suggestions. Keeping Ch. 48 somewhat focused on the formal child welfare system is something we'd like to maintain.

Also, I don't think we've given much direction on what we want moved out of Ch. 46. Can you move the following sections of Chapter 46 under the new Department of Children and Families?

46.023 Milwaukee Partnership Council

46.037 RCC Rates

46.247 Application of Child Support Standard

46.261 Foster Care Aid

46.30 Community Action Agencies

46.481 Children's Community Programs

46.51 Child Abuse and Neglect and Unborn Child Abuse Services

46.513 Services for Children and Families

46.515 Home Visiting (Since another request changes this section, I'm not quite sure what happens first.)

46.95 Domestic Abuse

46.99 Brighter Futures

46.997 Second Chance Homes

Also, can we replicate 46.46, Income Augmentation? And we'll need some parts of Community Aids under 46.40 and 46.45 replicated too.

And we're going to need a net of 4 new unclassified division administrator positions. We need 5 total, but 1

12/28/2006

currently exists at DWD that we can use for the new department.

Thanks,

Dennis

---

**From:** Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]  
**Sent:** Thursday, December 28, 2006 3:48 PM  
**To:** Harshner, Samuel - DOA; Rhodes, Dennis - DOA  
**Cc:** Hanle, Bob - DOA; Johnston, James - DOA; Malaise, Gordon - LEGIS  
**Subject:** Dept of children and families

Sam and Dennis:

We've been kicking around some ideas and wanted to run this by you to see if you had any thoughts on the subject. Gordon was thinking about moving the ch. 46 provisions to subch. III of ch. 49 instead of to ch. 48, partly because there is more room there and partly because the ch. 46 provisions seem to fit better there than in the Children's Code. That move might necessitate some title changes, however.

- 1) Do you have any problem with having the ch. 46 provisions in the "public assistance" chapter?
- 2) If the ch. 46 provisions aren't really "public assistance," the ch. 49 title could be changed to something like "Public Assistance and Children and Family Services."
- 3) The title of subch. III of ch. 49 could be changed to something like "Children and Family Support Services" since you want to de-emphasize the work aspect of the programs.

Any thoughts? Any strong feelings - positive or negative - about any of the above? Any conflicts with anything else that you can think of? Any other suggestions?

*Pamela J. Kahler*

*Legislative Attorney*

*Legislative Reference Bureau*

608-266-2682

**Malaise, Gordon**

---

**From:** Rhodes, Dennis - DOA  
**Sent:** Thursday, January 04, 2007 9:45 AM  
**To:** Malaise, Gordon  
**Subject:** RE: Dept of children and families

Gordon,

Thanks. Yes, we would like to move the programs you mentioned to DCF as well.

Dennis

---

**From:** Malaise, Gordon [mailto:Gordon.Malaise@legis.wisconsin.gov]  
**Sent:** Wednesday, January 03, 2007 6:16 PM  
**To:** Rhodes, Dennis - DOA  
**Subject:** RE: Dept of children and families

Dennis:

There are a couple of other Program 3 programs that you didn't mention. I just want to make sure that the omission is intentional and not an oversight.

Those programs are s. 46.766 Food Pantry Grants funded under s. 20.435 (3) (fp) and s. 46.995 Tribal Adolescent Services funded under s. 20.435 (3) (eg) and (km). I am assuming that because those programs are funded under Program 3 they should go to DCF as well.

Gordon

---

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**Sent:** Thursday, December 28, 2006 4:33 PM  
**To:** Kahler, Pam; Harshner, Samuel - DOA  
**Cc:** Hanle, Bob - DOA; Johnston, James - DOA; Malaise, Gordon  
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Thanks,

Dennis

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Any thoughts? Any strong feelings - positive or negative - about any of the above? Any conflicts with anything else that you can think of? Any other suggestions?

*Pamela J. Kahler*

01/10/2007

*Legislative Attorney*

*Legislative Reference Bureau*

608-266-2682

**Malaise, Gordon**

---

**From:** Rhodes, Dennis - DOA  
**Sent:** Wednesday, January 03, 2007 4:51 PM  
**To:** Malaise, Gordon  
**Subject:** more programs to DCF

Gordon,

A late breaking development, we also would like to move WIC and Home Visiting programs currently in DHFS Public Health to the new DCF.

Thanks,

Dennis  
6-2288

WIC

20.435(1)(gr)  
20.435(5)(em)  
20.435(5)(na)  
253.06 State supplemental food program for women, infants and children.

Home Visiting

20.435(1)(ac)  
20.435(5)(ab)  
46.515 Child abuse and neglect prevention program.

**Malaise, Gordon**

---

**From:** Rhodes, Dennis - DOA  
**Sent:** Thursday, January 04, 2007 12:26 PM  
**To:** Malaise, Gordon  
**Subject:** RE: more programs to DCF

Gordon,

Thanks for all the feedback. I talked to Sue Jablonsky and we agreed to we should move that HIV program to public health. It seems to be an earmark with an origin that's faded from memory, at least around here.

We agree that the IV-E related income augmentation funds and administrative functions for claiming it should go to DCF and the Medicaid related claiming should stay with DHFS. Where it might get a little more complicated is making sure the TCM revenue continues to fund BMCW & WiSACWIS. And we haven't worked if moving any claiming functions related to the RCC initiative make sense.

We'd like language roughly similar to what transferred food stamps to DHFS from DWD in 2001 Act 16 to take care of transferring administrative functions that will take some time to sort through. We'd like this to be done no later than 3 months after the bill is signed and we'd like to handle the transfers administratively since we are thinking only of transferring functions and not creating new expenditure or position authority.

Thanks again,

Dennis

---

**From:** Malaise, Gordon [mailto:Gordon.Malaise@legis.wisconsin.gov]  
**Sent:** Wednesday, January 03, 2007 5:58 PM  
**To:** Rhodes, Dennis - DOA  
**Subject:** RE: more programs to DCF

Dennis:

OK. Just to give you a progress report, I'm plugging away at it and expect to be at it at least through next week and probably into the following week before having something ready for editing. So, as you keep making progress at your end, keep me informed and I can incorporate your decisions into the draft.

By the way, there's an HIV prevention grant program under s. 252.12 (2) (c) that's funded under Program 3, specifically, s. 20.435 (3) (md). It seems that it would make more sense to keep that grant program in DHFS and perhaps move it to public health than to move it to the new DCF.

Also, with respect to income augmentation under s. 46.46, income augmentation covers IV-E moneys relating to foster care and adoption assistance, which I think clearly should go to DCF. Income augmentation, however, also covers Medicare and Medical Assistance moneys under 42 USC 1395 and 1396. I would think that responsibility for recovering those moneys should remain with DHFS.

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01/16/2007

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20.435(5)(ab)

46.515 Child abuse and neglect prevention program.

**Malaise, Gordon**

---

**From:** Rhodes, Dennis - DOA  
**Sent:** Friday, January 05, 2007 9:46 AM  
**To:** Malaise, Gordon  
**Subject:** RE: more programs to DCF

Gordon,

DHFS is using TCM to support a number of programs:

- (3) (kw) for BMCW Aids
- (3) (kx) for WISACWIS & BMCW Operations, and PEP plan operations
- (3) (j) for WISACWIS to defray county contributions towards master lease costs

The Residential Care Center (RCC) initiative was an item in the last budget, but does not have separate statutory existence that I can see. It involves Maximus making MA claims for treatment services provided to non-IV-E eligible children in RCC's. The funds claimed go into Income Aug, and then pay counties for administrative costs, and then the remainder goes to the MA trust fund. A scenario could be envisioned where the funds went directly to support child welfare costs. But that's only a thought at the moment.

On the food stamps language, the thought was if we're not asking for anything additional, that maybe passive review wasn't necessary.

Thanks,

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**Sent:** Thursday, January 04, 2007 1:47 PM  
**To:** Rhodes, Dennis - DOA  
**Subject:** RE: more programs to DCF

Dennis:

What we can do with TCM revenues is amend s. 46.46 (1m) to require DHFS to *transfer* the moneys to DCF for expenditure for SACWIS. What appropriation should DHFS transfer the moneys to? Kx? Ky? Kz?

You'll have to refresh my recollection. What is RCC?

The food stamps administration transfer language is found at 2001 Act 16, section 9158 (9q). Because you are not seeking additional expenditure or position authority, the transfer will be essentially of existing positions and of the funding to support those positions.

Gordon

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01/16/2007

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Dennis

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01/16/2007

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Home Visiting

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20.435(5)(ab)

46.515 Child abuse and neglect prevention program.



**Malaise, Gordon**

---

**From:** Rhodes, Dennis - DOA  
**Sent:** Monday, January 08, 2007 2:02 PM  
**To:** Malaise, Gordon  
**Subject:** RE: more programs to DCF

Gordon,

Please use \$66,268,600 as a working # for the CA BCA funds switched to DCF and as the # for the DCF parallel provision.

Thanks,

Dennis

---

**From:** Malaise, Gordon [mailto:Gordon.Malaise@legis.wisconsin.gov]  
**Sent:** Friday, January 05, 2007 11:48 AM  
**To:** Rhodes, Dennis - DOA  
**Subject:** RE: more programs to DCF

Dennis:

Thanks.

Here is today's question to ponder:

Section 46.40 (2) sets forth in statute the Community Aids Basic County Allocation. You will have to supply me with a number for FY 07-08 that accounts for the moneys taken out of DHFS and switched to DCF. You will also have to supply a corresponding number for a Children and Family Aids BCA as I will be creating a parallel provision to s. 46.40 for DCF.

Also, you will have to take a look at s. 48.561 (3) (a) 1. and perhaps 2. and let me know how you want to handle Milwaukee County's contribution for child welfare services through a reduction in its community aids and/or its children and family aids allocation.

Gordon

---

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01/08/2007

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20.435(5)(em)

20.435(5)(na)

253.06 State supplemental food program for women, infants and children.

Home Visiting

20.435(1)(ac)

20.435(5)(ab)

46.515 Child abuse and neglect prevention program.

01/08/2007

**Kahler, Pam**

**From:** Harshner, Samuel - DOA  
**Sent:** Wednesday, January 10, 2007 4:48 PM  
**To:** Kahler, Pam  
**Cc:** Hanle, Bob - DOA  
**Subject:** Items in the Drafter's Note

Hey Pam,

Here's our initial take on the items you mentioned in the Drafter's Note on LRB-1267.

- First on your question regarding 13.83(4)(a)(9): I believe you have it written up correctly. Theoretically services to families could be integrated even more closely by including Badger Care or Food Stamps. Ultimately there's probably still room for "study" there.
- I will defer to your judgment on 236.335. It certainly strikes me as reasonable upon initial examination.

Citations listed in Drafter's Note:

- 13.83(3)(f)(2) – Keep DWD as a representative, but also add DCF
- 15.155(5) – Keep DWD as a representative, but also add DCF
- All of Chapter 15 – Not sure what specifically I should be looking for in Chapter 15. Should I just go through all references to DWD?
- 38.04(21)(intro.) – Keep DWD and add DCF
- 45.03(6) – Should stay DWD
- 46.10(14)(e)(4), 301.12(14)(e)(4) etc. . . – Should stay DWD, this is a function of the equal rights division.
- 46.997(2)(b) – Consulting the department
- 73.0301(1)(e) – Should stay DWD
- 85.24(3)(a) – Consulting the department
- 115.28(50) – Should stay DWD
- 227.137(1) – Consulting the department.
- 230.08(2)(e)(6) – The number of division administrators for DWD should decrease by one from 7 to 6.
- 230.147(1) and (2) – Should now be DCF
- 940.207(2) – Consulting the department

I'll give the draft a closer look in the near future here. Thanks Pam, this looks like a ton of work for you.