

## 2007 DRAFTING REQUEST

### Bill

Received: 12/27/2006

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: gmalaise

May Contact:

Addl. Drafters:

Subject: Children - abuse and neglect

Extra Copies:

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

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### Pre Topic:

DOA:.....Rhodes, BB0261 -

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### Topic:

Home visiting services

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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>
/?	gmalaise 12/27/2006	wjackson 12/29/2006		_____			S&L
/1			nmatzke 12/29/2006	_____	sbasford 12/29/2006		S&L
/2	gmalaise 01/26/2007	wjackson 01/26/2007	rschlue 01/26/2007	_____	cduerst 01/28/2007		S&L
/3	gmalaise	jdyer	rschlue	_____	cduerst		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
01/30/2007	01/31/2007	01/31/2007	_____		01/31/2007		

FE Sent For:

**<END>**

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/2	gmalaise 01/26/2007	wjackson 01/26/2007	rschluet 01/26/2007	_____	cduerst 01/28/2007		

*[Handwritten signature]*  
1317 NW

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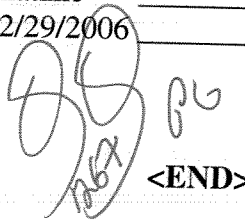
See Attached

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/?	gmalaise 12/27/2006	wjackson 12/29/2006					S&L
/1		1/2 wj 1/26	nmatzke 12/29/2006		sbasford 12/29/2006		

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<END>

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Pre Topic:

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Topic:

Home visiting services

Instructions:

See Attached

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/?	gmalaise	1 wlj 12/29	nwn 12/29	nwn/psh 12/29			

FE Sent For:

<END>

## 2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Home Visiting
- Tracking Code: **BB0261**
- SBO team: Health/Ins
- SBO analyst: Dennis Rhodes
  - Phone: 6-2288
  - Email: Dennis.Rhodes@Wisconsin.gov
- Agency acronym: DHFS
- Agency number: 435
- Priority: Medium

Please redraft LRB 0292/6 "Home Visiting Services" from the 05-07 budget with the exceptions of Sections 1 & 2 which moved existing home visiting appropriations from DHFS Program 3 to DHFS Programs 1 & 5. Sections 1 & 2 from that draft were enacted.

-1270/1

0261

prob

DOA:.....Rhodes, BB0011 - Home visiting services

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

DO NOT GEN

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

*Analysis by the Legislative Reference Bureau*

✓ HEALTH AND HUMAN SERVICES

↓ CHILDREN

Under current law, DHFS administers a child abuse and neglect prevention program under which DHFS awards grants to counties and Indian tribes that offer voluntary home visitation services to first-time parents who are eligible for Medical Assistance. Current law requires DHFS to determine the amount of a grant awarded to a county or an Indian tribe in excess of the statutory minimum grant amount of \$10,000 based on the number of births that are funded by Medical Assistance in that county or the reservation of that Indian tribe in proportion to the number of those births in all of the counties and the reservations of all of the Indian tribes to which grants are awarded. Currently, no more than six rural counties, three urban counties, and two Indian tribes may be selected to participate in the program.

This bill requires DHFS to determine the amount of a grant in excess of the statutory minimum based simply on the number of births that are funded by Medical Assistance in a county or a reservation of an Indian tribe without regard to the number of those births in other counties and reservations. The bill also eliminates the caps on the number of counties and Indian tribes that may be selected to participate in the program.

In addition, the bill directs DHFS to award grants to applying county departments of human services or social services (county departments), local health



and with information about shaken baby syndrome  
and impacted babies

departments, Indian tribes, private nonprofit agencies, and local partnerships consisting of two or more county departments, local health departments, Indian tribes, and private nonprofit agencies (organizations) for the provision to all first-time parents in the community served by the organization of one-time, voluntary home visits. The purposes of the home visits are to provide those parents with basic information regarding infant health and nutrition, the care, safety, and development of infants, and emergency services for infants; to identify the needs of those parents; and to provide those parents with referrals to programs, services, and other resources that may meet those needs. Any information concerning an individual who is offered a home visit or provided with a referral under this bill is confidential, unless disclosure of the information is required or permitted under the child abuse and neglect reporting law, the use or disclosure of the information is connected to the administration of the program, or the individual consents to the use or disclosure of the information.

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

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

1 SECTION 1. 20.435 (3) (de) of the statutes is renumbered 20.435 (5) (ab).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2 SECTION 2. 20.435 (3) (df) of the statutes is renumbered 20.435 (1) (ac).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 SECTION 3. 20.435 (5) (ab) of the statutes, as affected by 2005 Wisconsin Act...

4 (this act), is amended to read:

5 20.435 (5) (ab) *Child abuse and neglect prevention and universal home*  
6 *visitation grants.* The amounts in the schedule for child abuse and neglect  
7 prevention grants under s. 46.515 and for universal home visitation grants under s.  
8 46.516.

NOTE: bud

9 SECTION 4. 46.515 (1) (i) of the statutes is repealed.

10 SECTION 5. 46.515 (1) (j) of the statutes is repealed.

11 SECTION 6. 46.515 (2) of the statutes is amended to read:

1 ~~46.515 (2) FUNDS PROVIDED. If a county or Indian tribe applies and is selected~~  
 2 ~~by the department under sub. (5) to participate in the program under this section,~~  
 3 ~~the department shall award, from the appropriation under s. 20.435 (3) (de) (5) (ab),~~  
 4 ~~a grant annually to be used only for the purposes specified in sub. (4) (a) and (am).~~  
 5 ~~The minimum amount of a grant is \$10,000. The department shall determine the~~  
 6 ~~amount of a grant awarded to a county, other than a county with a population of~~  
 7 ~~500,000 or more, or Indian tribe in excess of the minimum amount based on the~~  
 8 ~~number of births that are funded by medical assistance under subch. IV of ch. 49 in~~  
 9 ~~that county or the reservation of that Indian tribe in proportion to the number of~~  
 10 ~~births that are funded by medical assistance under subch. IV of ch. 49 in all of the~~  
 11 ~~counties and the reservations of all of the Indian tribes to which grants are awarded~~  
 12 ~~under this section. The department shall determine the amount of a grant awarded~~  
 13 ~~to a county with a population of 500,000 or more in excess of the minimum amount~~  
 14 ~~based on 60% of the number of births that are funded by medical assistance under~~  
 15 ~~subch. IV of ch. 49 in that county in proportion to the number of births that are~~  
 16 ~~funded by medical assistance under subch. IV of ch. 49 in all of the counties and the~~  
 17 ~~reservations of all of the Indian tribes to which grants are awarded under this~~  
 18 ~~section.~~

19 SECTION 7. 46.515 (2) of the statutes, as affected by 2005 Wisconsin Act ... (this  
 20 act) is amended to read:

21 46.515 (2) FUNDS PROVIDED. If a county or Indian tribe applies and is selected  
 22 by the department under sub. (5) to participate in the program under this section,  
 23 the department shall award, from the appropriation under s. 20.435 (5) (ab), a grant  
 24 annually to be used only for the purposes specified in sub. (4) (a) and (am). The  
 25 minimum amount of a grant is \$10,000. The department shall determine the amount

1 of a grant awarded to a county, ~~other than a county with a population of 500,000 or~~  
2 ~~more, or Indian tribe in excess of the minimum amount based on the number of births~~  
3 ~~that are funded by medical assistance under subch. IV of ch. 49 in that county or the~~  
4 ~~reservation of that Indian tribe in proportion to the number of births that are funded~~  
5 ~~by medical assistance under subch. IV of ch. 49 in all of the counties and the~~  
6 ~~reservations of all of the Indian tribes to which grants are awarded under this~~  
7 ~~section. The department shall determine the amount of a grant awarded to a county~~  
8 ~~with a population of 500,000 or more in excess of the minimum amount based on 60%~~  
9 ~~of the number of births that are funded by medical assistance under subch. IV of ch.~~  
10 ~~49 in that county in proportion to the number of births that are funded by medical~~  
11 ~~assistance under subch. IV of ch. 49 in all of the counties and the reservations of all~~  
12 ~~of the Indian tribes to which grants are awarded under this section.~~

13 **SECTION 8.** 46.515 (3) (title) of the statutes is repealed.

14 **SECTION 9.** 46.515 (3) (a) of the statutes is repealed.

15 **SECTION 10.** 46.515 (3) (b) of the statutes is renumbered 46.515 (3) and  
16 amended to read:

17 46.515 (3) JOINT APPLICATION PERMITTED. Two or more counties and Indian tribes  
18 may submit a joint application to the department. ~~Each county or Indian tribe in a~~  
19 ~~joint application shall be counted as a separate county or Indian tribe for the purpose~~  
20 ~~of limiting the number of counties and Indian tribes selected in each state fiscal~~  
21 ~~biennium.~~

22 **SECTION 11.** 46.516 of the statutes is created to read:

23 **46.516 Universal home visitation services.** (1) DEFINITIONS. In this  
24 section:

1 (a) "County department" means a county department of human services or  
2 social services under s. 46.215, 46.22, or 46.23.

3 (b) "Indian tribe" means a federally recognized American Indian tribe or band  
4 in this state.

5 (c) "Local health department" has the meaning given in s. 250.01 (4).

6 (d) "Local partnership" means any combination of 2 or more county  
7 departments, local health departments, Indian tribes, and private nonprofit  
8 agencies that have agreed to implement jointly a program of universal home  
9 visitation services under this section.

10 (e) "Organization" means a county department, local health department,  
11 Indian tribe, private nonprofit agency, or local partnership.

12 (f) "Private nonprofit agency" means a nonstock corporation organized under  
13 ch. 181 that is a nonprofit corporation, as defined in s. 181.0103 (17).

14 (2) AWARDING OF GRANTS. From the appropriation account under s. 20.435 (5)  
15 (ab), the department shall award grants to applying organizations for the provision  
16 of the home visitation services specified in sub. (3) (a). The department shall  
17 determine the amount of a grant awarded to an organization based on the number  
18 of first-time births in the community served by the organization. The department  
19 shall provide competitive application procedures for selecting organizations to  
20 receive grants under this subsection and shall establish a method for ranking  
21 applicants based on the quality of their applications. The department shall require  
22 a grant recipient to provide matching funds or in-kind contributions as determined  
23 by the department and shall ensure that a grant recipient does not use any grant  
24 moneys awarded to supplant any other moneys used by the grant recipient at the  
25 time of the awarding of the grant to provide home visitation services.

and with the information relating to shaken baby syndrome and impacted babies required under s. 253.15 (6)

1 (3) PURPOSES OF GRANTS. (a) *Universal home visitation services.* An  
2 organization that receives a grant under sub. (2) shall use the grant moneys awarded  
3 to provide a one-time visit to all first-time parents in the community served by the  
4 organization for the purposes of providing those parents with basic information  
5 regarding infant health and nutrition, the care, safety, and development of infants,  
6 and emergency services for infants; identifying the needs of those parents; and  
7 providing those parents with referrals to programs, services, and other resources  
8 that may meet those needs. An organization may visit a first-time parent only if the  
9 parent or, if the parent is a child, his or her parent, guardian, or legal custodian  
10 consents to the visit. No person who is required or permitted to report suspected or  
11 threatened abuse or neglect under s. 48.981 (2) may make or threaten to make such  
12 a report based on a refusal of a person to receive a home visit under this paragraph.

13 (b) *Start-up costs and capacity building.* In the first year in which a grant  
14 under sub. (2) is awarded to an organization, the organization may use a portion of  
15 the grant to pay for start-up costs and capacity building related to the provision of  
16 home visitation services by the organization. The department shall determine the  
17 maximum amount of a grant that an organization may use to pay for those start-up  
18 costs and that capacity building.

19 (4) CONFIDENTIALITY. (a) *Nondisclosure of information; exceptions.* No person  
20 may use or disclose any information concerning an individual who is offered home  
21 visitation services under sub. (3) (a), including an individual who declines to receive  
22 those services, or concerning an individual who is provided with a referral under sub.  
23 (3) (a), including an individual who declines the referral, unless disclosure of the  
24 information is required or permitted under s. 48.981 (2), the use or disclosure of the  
25 information is connected to the administration of the program under this section, or

1 the individual has given his or her written informed consent to the use or disclosure  
2 of the information.

3 (b) *Explanation of confidentiality requirements.* An organization that receives  
4 a grant under sub. (2) shall provide or shall designate an individual or entity to  
5 provide an explanation of the confidentiality requirements under par. (a) to each  
6 individual who is offered home visitation services under sub. (3) (a) by the  
7 organization.

8 (5) NOTIFICATION OF PARENT PRIOR TO MAKING ABUSE OR NEGLECT REPORT. If a  
9 person who is providing home visitation services under sub. (3) (a) determines that  
10 he or she is required or permitted to make a report under s. 48.981 (2) about a child  
11 in a family to which the person is providing those services, the person shall, prior to  
12 making the report under s. 48.981 (2), make a reasonable effort to notify the child's  
13 parent that a report under s. 48.981 (2) will be made and to encourage the parent to  
14 contact a county department under s. 46.22 or 46.23 or, in a county having a  
15 population of 500,000 or more, the department to request assistance. The  
16 notification requirements under this subsection do not affect the reporting  
17 requirements under s. 48.981 (2).

18 (6) INFORMATIONAL MATERIALS. Any informational materials about the home  
19 visitation services provided under sub. (3) (a) that are distributed to a person who  
20 is offered or who is receiving those services shall state the sources of funding for the  
21 services.

SECTION 9421. Effective dates; health and family services.

22  
Insert  
7-21

1 (1) HOME VISITATION SERVICES. The treatment of sections ~~20.435 (5) (a) (b)~~  
 2 ~~SECTION 3~~, 46.515 (1) (i) and (j), (2) ~~(by SECTION 7)~~, (3) (title), (a), and (b), ~~and~~ 46.516  
 3 of the statutes takes effect on January 1, 2007. 2009

4 (END)

↑ and 253015 (2), (6)<sup>6</sup>, and (7)(e)

D-Note

Dennis

Ⓢ This draft differs from LRB 05-0292/6 in that this draft requires a provider of universal home visitation services to provide information on shaken baby syndrome under 253015, as created by 2005 Wisconsin Act 1650

GMM

Insert 7-21

to all organizations that are providing home visitation services under ~~so~~ 46.516 (3)(a) ^

Section #. 253.15 (2) of the statutes is amended to read:

253.15 (2) INFORMATIONAL MATERIALS. The board shall purchase or prepare or arrange with a non-profit organization to prepare printed and audiovisual materials relating to shaken baby syndrome and impacted babies. The materials shall include information regarding the identification and prevention of shaken baby syndrome and impacted babies, the grave effects of shaking or throwing on an infant or young child, appropriate ways to manage crying, fussing, or other causes that can lead a person to shake or throw an infant or young child, and a discussion of ways to reduce the risks that can lead a person to shake or throw an infant or young child. The materials shall be prepared in English, Spanish, and other languages spoken by a significant number of state residents, as determined by the board. The board shall make those written and audiovisual materials available to all hospitals, maternity homes, and nurse-midwives licensed under s. 441.15 that are required to provide or make available materials to parents under sub. (3) (a) 1., to the department and to all county departments and nonprofit organizations that are required to provide the materials to day care providers under sub. (4), and to all school boards and nonprofit organizations that are permitted to provide the materials to pupils in one of grades 5 to 8 and in one of grades 10 to 12 under sub. (5). The board shall also make those written materials available to all county departments and Indian tribes that are providing home visitation services under s. 46.515 (4) (b) 1. or 2. ~~and to~~ <sup>plain</sup> all providers of prenatal, postpartum, and young child care coordination services under s. 49.45 (4). The board may make available the materials required under this subsection to be made available by making those materials available at no charge on the board's Internet site.

History: 2005 a. 165.

and to all





(Insert 7-21)

Section #. 253.15 (6) of the statutes is amended to read:

an organization that is providing home visitation services under  
SO 46516 (3)(a)

253.15 (6) INFORMATION TO HOME VISITATION OR CARE COORDINATION SERVICES RECIPIENTS. A county department or Indian tribe that is providing home visitation services under s. 46.515 (4) (b) 1. or 2. and a provider of prenatal, postpartum, and young child care coordination services under s. 49.45 (44) shall provide to a recipient of those services, without cost, a copy of the written materials purchased or prepared under sub. (2) and an oral explanation of those materials.

History: 2005 a. 165.



Insert 7-21

Section #. 253.15 (7) (e) of the statutes is amended to read:

an organization that is providing home visitation services  
under s. 46.516 (3) (a)

253.15 (7) (e) A county department or Indian tribe that is providing home visitation services under s. 46.515 (4) (b) 1. or 2. and a provider of prenatal, postpartum, and young child care coordination services under s. 49.45 (44) <sup>are</sup> ~~is~~ immune from liability for any damages resulting from any good faith act or omission in providing or failing to provide the written materials and oral explanation specified in sub. (6).

\*History: 2005 a. 165.

(ed of insert)

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

LRB-1270/1dn  
GMM:wlj:nwn

December 29, 2006

Dennis:

This draft differs from LRB05-0292/6 in that this draft requires a provider of universal home visitation services to provide information on shaken baby syndrome under s. 253.15, as created by 2005 Wisconsin Act 165.

Gordon M. Malaise  
Senior Legislative Attorney  
Phone: (608) 266-9738  
E-mail: [gordon.malaise@legis.wisconsin.gov](mailto:gordon.malaise@legis.wisconsin.gov)



State of Wisconsin  
2007 - 2008 LEGISLATURE

D-NOTE

LRB-1270/I

GMM:wlj:nwn

↑  
STAYS

2  
MR

DOA:.....Rhodes, BB0261 - Home visiting services

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

Do NOT GEN

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

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**CHILDREN**

Under current law, DHFS administers a child abuse and neglect prevention program under which DHFS awards grants to counties and Indian tribes that offer voluntary home visitation services to first-time parents who are eligible for Medical Assistance. Current law requires DHFS to determine the amount of a grant awarded to a county or an Indian tribe in excess of the statutory minimum grant amount of \$10,000 based on the number of births that are funded by Medical Assistance in that county or the reservation of that Indian tribe in proportion to the number of those births in all of the counties and the reservations of all of the Indian tribes to which grants are awarded. Currently, no more than six rural counties, three urban counties, and two Indian tribes may be selected to participate in the program.

This bill requires DHFS to determine the amount of a grant in excess of the statutory minimum based simply on the number of births that are funded by Medical Assistance in a county or a reservation of an Indian tribe without regard to the number of those births in other counties and reservations. The bill also eliminates the caps on the number of counties and Indian tribes that may be selected to participate in the program.

In addition, the bill directs DHFS to award grants to applying county departments of human services or social services (county departments), local health

departments, Indian tribes, private nonprofit agencies, and local partnerships consisting of two or more county departments, local health departments, Indian tribes, and private nonprofit agencies (organizations) for the provision to all first-time parents in the community served by the organization of one-time, voluntary home visits. The purposes of the home visits are to provide those parents with basic information about infant health and nutrition, the care, safety, and development of infants, and emergency services for infants and with information about shaken baby syndrome and impacted babies; to identify the needs of those parents; and to provide those parents with referrals to programs, services, and other resources that may meet those needs. Under this bill, any information concerning an individual who is offered a home visit or provided with a referral is confidential, unless disclosure of the information is required or permitted under the child abuse and neglect reporting law, the use or disclosure of the information is connected to the administration of the program, or the individual consents to the use or disclosure of the information.

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

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

1           **SECTION 1.** 20.435 (5) (ab) of the statutes is amended to read:

2           20.435 (5) (ab) *Child abuse and neglect prevention and universal home*  
3 *visitation grants.* The amounts in the schedule for child abuse and neglect  
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          \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6           **SECTION 2.** 46.515 (1) (i) of the statutes is repealed.

7           **SECTION 3.** 46.515 (1) (j) of the statutes is repealed.

8           **SECTION 4.** 46.515 (2) of the statutes is amended to read:

9           46.515 (2) FUNDS PROVIDED. If a county or Indian tribe applies and is selected  
10 by the department under sub. (5) to participate in the program under this section,  
11 the department shall award, from the appropriation under s. 20.435 (5) (ab), a grant  
12 annually to be used only for the purposes specified in sub. (4) (a) and (am). The

1 minimum amount of a grant is \$10,000. The department shall determine the amount  
2 of a grant awarded to a county, ~~other than a county with a population of 500,000 or~~  
3 ~~more, or Indian tribe in excess of the minimum amount based on the number of births~~  
4 ~~that are funded by medical assistance under subch. IV of ch. 49 in that county or the~~  
5 ~~reservation of that Indian tribe in proportion to the number of births that are funded~~  
6 ~~by medical assistance under subch. IV of ch. 49 in all of the counties and the~~  
7 ~~reservations of all of the Indian tribes to which grants are awarded under this~~  
8 ~~section. The department shall determine the amount of a grant awarded to a county~~  
9 ~~with a population of 500,000 or more in excess of the minimum amount based on 60%~~  
10 ~~of the number of births that are funded by medical assistance under subch. IV of ch.~~  
11 ~~49 in that county in proportion to the number of births that are funded by medical~~  
12 ~~assistance under subch. IV of ch. 49 in all of the counties and the reservations of all~~  
13 ~~of the Indian tribes to which grants are awarded under this section.~~

14 **SECTION 5.** 46.515 (3) (title) of the statutes is repealed.

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

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21 ~~of limiting the number of counties and Indian tribes selected in each state fiscal~~  
22 ~~biennium.~~

23 **SECTION 8.** 46.516 of the statutes is created to read:

24 **46.516 Universal home visitation services.** (1) **DEFINITIONS.** In this  
25 section:

1 (a) "County department" means a county department of human services or  
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3 (b) "Indian tribe" means a federally recognized American Indian tribe or band  
4 in this state.

5 (c) "Local health department" has the meaning given in s. 250.01 (4).

6 (d) "Local partnership" means any combination of 2 or more county  
7 departments, local health departments, Indian tribes, and private nonprofit  
8 agencies that have agreed to implement jointly a program of universal home  
9 visitation services under this section.

10 (e) "Organization" means a county department, local health department,  
11 Indian tribe, private nonprofit agency, or local partnership.

12 (f) "Private nonprofit agency" means a nonstock corporation organized under  
13 ch. 181 that is a nonprofit corporation, as defined in s. 181.0103 (17).

14 (2) AWARDING OF GRANTS. From the appropriation account under s. 20.435 (5)  
15 (ab), the department shall award grants to applying organizations for the provision  
16 of the home visitation services specified in sub. (3) (a). The department shall  
17 determine the amount of a grant awarded to an organization based on the number  
18 of first-time births in the community served by the organization. The department  
19 shall provide competitive application procedures for selecting organizations to  
20 receive grants under this subsection and shall establish a method for ranking  
21 applicants based on the quality of their applications. The department shall require  
22 a grant recipient to provide matching funds or in-kind contributions as determined  
23 by the department and shall ensure that a grant recipient does not use any grant  
24 moneys awarded to supplant any other moneys used by the grant recipient at the  
25 time of the awarding of the grant to provide home visitation services.

1           **(3) PURPOSES OF GRANTS.** (a) *Universal home visitation services.* An  
2 organization that receives a grant under sub. (2) shall use the grant moneys awarded  
3 to provide a one-time visit to all first-time parents in the community served by the  
4 organization for the purposes of providing those parents with basic information  
5 regarding infant health and nutrition, the care, safety, and development of infants,  
6 and emergency services for infants and with the information relating to shaken baby  
7 syndrome and impacted babies required under s. 253.15 (6); identifying the needs of  
8 those parents; and providing those parents with referrals to programs, services, and  
9 other resources that may meet those needs. An organization may visit a first-time  
10 parent only if the parent or, if the parent is a child, his or her parent, guardian, or  
11 legal custodian consents to the visit. No person who is required or permitted to report  
12 suspected or threatened abuse or neglect under s. 48.981 (2) may make or threaten  
13 to make such a report based on a refusal of a person to receive a home visit under this  
14 paragraph.

15           (b) *Start-up costs and capacity building.* In the first year in which a grant  
16 under sub. (2) is awarded to an organization, the organization may use a portion of  
17 the grant to pay for start-up costs and capacity building related to the provision of  
18 home visitation services by the organization. The department shall determine the  
19 maximum amount of a grant that an organization may use to pay for those start-up  
20 costs and that capacity building.

21           **(4) CONFIDENTIALITY.** (a) *Nondisclosure of information; exceptions.* No person  
22 may use or disclose any information concerning an individual who is offered home  
23 visitation services under sub. (3) (a), including an individual who declines to receive  
24 those services, or concerning an individual who is provided with a referral under sub.  
25 (3) (a), including an individual who declines the referral, unless disclosure of the



1 information is required or permitted under s. 48.981 (2), the use or disclosure of the  
2 information is connected to the administration of the program under this section, or  
3 the individual has given his or her written informed consent to the use or disclosure  
4 of the information.

5 (b) *Explanation of confidentiality requirements.* An organization that receives  
6 a grant under sub. (2) shall provide or designate an individual or entity to provide  
7 an explanation of the confidentiality requirements under par. (a) to each individual  
8 who is offered home visitation services under sub. (3) (a) by the organization.

9 (5) NOTIFICATION OF PARENT PRIOR TO MAKING ABUSE OR NEGLECT REPORT. If a  
10 person who is providing home visitation services under sub. (3) (a) determines that  
11 he or she is required or permitted to make a report under s. 48.981 (2) about a child  
12 in a family to which the person is providing those services, the person shall, prior to  
13 making the report under s. 48.981 (2), make a reasonable effort to notify the child's  
14 parent that a report under s. 48.981 (2) will be made and to encourage the parent to  
15 contact a county department under s. 46.22 or 46.23 or, in a county having a  
16 population of 500,000 or more, the department to request assistance. The  
17 notification requirements under this subsection do not affect the reporting  
18 requirements under s. 48.981 (2).

19 (6) INFORMATIONAL MATERIALS. Any informational materials about the home  
20 visitation services provided under sub. (3) (a) that are distributed to a person who  
21 is offered or who is receiving those services shall state the sources of funding for the  
22 services.

23 **SECTION 9.** 253.15 (2) of the statutes is amended to read:

24 253.15 (2) INFORMATIONAL MATERIALS. The board shall purchase or prepare or  
25 arrange with a nonprofit organization to prepare printed and audiovisual materials

1 relating to shaken baby syndrome and impacted babies. The materials shall include  
2 information regarding the identification and prevention of shaken baby syndrome  
3 and impacted babies, the grave effects of shaking or throwing on an infant or young  
4 child, appropriate ways to manage crying, fussing, or other causes that can lead a  
5 person to shake or throw an infant or young child, and a discussion of ways to reduce  
6 the risks that can lead a person to shake or throw an infant or young child. The  
7 materials shall be prepared in English, Spanish, and other languages spoken by a  
8 significant number of state residents, as determined by the board. The board shall  
9 make those written and audiovisual materials available to all hospitals, maternity  
10 homes, and nurse-midwives licensed under s. 441.15 that are required to provide or  
11 make available materials to parents under sub. (3) (a) 1., to the department and to  
12 all county departments and nonprofit organizations that are required to provide the  
13 materials to day care providers under sub. (4), and to all school boards and nonprofit  
14 organizations that are permitted to provide the materials to pupils in one of grades  
15 5 to 8 and in one of grades 10 to 12 under sub. (5). The board shall also make those  
16 written materials available to all county departments and Indian tribes that are  
17 providing home visitation services under s. 46.515 (4) (b) 1. or 2., to all organizations  
18 that are providing home visitation services under s. 46.516 (3) (a), and to all  
19 providers of prenatal, postpartum, and young child care coordination services under  
20 s. 49.45 (44). The board may make available the materials required under this  
21 subsection to be made available by making those materials available at no charge on  
22 the board's Internet site.

23 **SECTION 10.** 253.15 (6) of the statutes is amended to read:

24 253.15 (6) INFORMATION TO HOME VISITATION OR CARE COORDINATION SERVICES  
25 RECIPIENTS. A county department or Indian tribe that is providing home visitation

1 services under s. 46.515 (4) (b) 1. or 2., an organization that is providing home  
2 visitation services under s. 46.516 (3) (a), and a provider of prenatal, postpartum, and  
3 young child care coordination services under s. 49.45 (44) shall provide to a recipient  
4 of those services, without cost, a copy of the written materials purchased or prepared  
5 under sub. (2) and an oral explanation of those materials.

6 **SECTION 11.** 253.15 (7) (e) of the statutes is amended to read:

7 253.15 (7) (e) A county department or Indian tribe that is providing home  
8 visitation services under s. 46.515 (4) (b) 1. or 2., an organization that is providing  
9 home visitation services under s. 46.516 (3) (a), and a provider of prenatal,  
10 postpartum, and young child care coordination services under s. 49.45 (44) is are  
11 immune from liability for any damages resulting from any good faith act or omission  
12 in providing or failing to provide the written materials and oral explanation specified  
13 in sub. (6).

14 **SECTION 9421. Effective dates; Health and Family Services.**

15 (1) HOME VISITATION SERVICES. The treatment of sections 46.515 (1) (i) and (j),  
16 (2), (3) (title), (a), and (b), 46.516, and 253.15 (2), (6), and (7) (e) of the statutes takes  
17 effect on January 1, 2009.

18 (END)

200-135 (5) (a,b)

D-Note

Dennis ☺

=

④ This redraft simply corrects the effective date

provision to include a <sup>Cross-</sup>reference to <sup>5</sup>so 200 435 (5)(ab),<sup>1</sup>

which was inadvertently ~~was~~ omitted from LRB 1270/10

GMM

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

LRB-1270/2dn  
GMM:wlj:rs

January 26, 2007

Dennis:

This redraft simply corrects the effective date provision to include a cross-reference to s. 20.435 (5) (ab), which was inadvertently omitted from LRB-1270/1.

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State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1270/2

GMM:wlj:rs

NOTE

3  
PM2  
+jd

DOA:.....Rhodes, BB0261 - Home visiting services

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

The Department of Children and Families (DCF)

1 AN ACT... *don't gen* relating to: the budget. ✓

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**CHILDREN**

Under current law, DHFS administers a child abuse and neglect prevention program under which DHFS awards grants to counties and Indian tribes that offer voluntary home visitation services to first-time parents who are eligible for Medical Assistance. Current law requires DHFS to determine the amount of a grant awarded to a county or an Indian tribe in excess of the statutory minimum grant amount of \$10,000 based on the number of births that are funded by Medical Assistance in that county or the reservation of that Indian tribe in proportion to the number of those births in all of the counties and the reservations of all of the Indian tribes to which grants are awarded. Currently, no more than six rural counties, three urban counties, and two Indian tribes may be selected to participate in the program.

This bill requires ~~DHFS~~ to determine the amount of a grant in excess of the statutory minimum based simply on the number of births that are funded by Medical Assistance in a county or a reservation of an Indian tribe without regard to the number of those births in other counties and reservations. The bill also eliminates the caps on the number of counties and Indian tribes that may be selected to participate in the program.

In addition, the bill directs ~~DHFS~~ to award grants to applying county departments of human services or social services (county departments), local health

DCF

note: reconciliation

XXX NOTE: This is reconciled s. 20.437 (2) (ab).  
This section has been affected by drafts with the following LRB #s:  
LRB-1261 and LRB-1270.

departments, Indian tribes, private nonprofit agencies, and local partnerships consisting of two or more county departments, local health departments, Indian tribes, and private nonprofit agencies (organizations) for the provision to all first-time parents in the community served by the organization of one-time, voluntary home visits. The purposes of the home visits are to provide those parents with basic information about infant health and nutrition, the care, safety, and development of infants, and emergency services for infants and with information about shaken baby syndrome and impacted babies; to identify the needs of those parents; and to provide those parents with referrals to programs, services, and other resources that may meet those needs. Under this bill, any information concerning an individual who is offered a home visit or provided with a referral is confidential, unless disclosure of the information is required or permitted under the child abuse and neglect reporting law, the use or disclosure of the information is connected to the administration of the program, or the individual consents to the use or disclosure of the information.

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:

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SECTION 1. ~~20.435 (5)~~ (ab) of the statutes is amended to read:

~~20.435 (5)~~ (ab) Child abuse and neglect prevention and universal home visitation grants. The amounts in the schedule for child abuse and neglect prevention grants under s. ~~46.515~~ and for universal home visitation grants under s. ~~46.516~~.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2. ~~46.515 (1) (i)~~ of the statutes is repealed.

SECTION 3. ~~46.515 (1) (j)~~ of the statutes is repealed.

SECTION 4. ~~46.515 (2)~~ of the statutes is amended to read:

46.515 (2) FUNDS PROVIDED. If a county or Indian tribe applies and is selected by the department under sub. (5) to participate in the program under this section, the department shall award, from the appropriation under s. ~~20.435 (5) (ab)~~, a grant annually to be used only for the purposes specified in sub. (4) (a) and (am). The

note: reconciliation

note: reconciliation

\*\*\*NOTE: This is reconciled s. 48.983 (1)(i). This section has been affected by drafts with the following LRB #s: LRB-1261 and LRB-1270.

\*\*\*NOTE: This is reconciled s. 48.983 (1)(j). This section has been affected by drafts with the following LRB #s: LRB-1261 and LRB-1270.

xxxx NOTE: This is reconciled s. 48.983 (3) (title). This section has been affected by drafts with the following LRB #s: LRB-1261 and LRB-1270.

1 minimum amount of a grant is \$10,000. The department shall determine the amount  
2 of a grant awarded to a county, other than a county with a population of 500,000 or  
3 more, or Indian tribe in excess of the minimum amount based on the number of births  
4 that are funded by medical assistance under subch. IV of ch. 49 in that county or the  
5 reservation of that Indian tribe in proportion to the number of births that are funded  
6 by medical assistance under subch. IV of ch. 49 in all of the counties and the  
7 reservations of all of the Indian tribes to which grants are awarded under this  
8 section. The department shall determine the amount of a grant awarded to a county  
9 with a population of 500,000 or more in excess of the minimum amount based on 60%  
10 of the number of births that are funded by medical assistance under subch. IV of ch.  
11 49 in that county in proportion to the number of births that are funded by medical  
12 assistance under subch. IV of ch. 49 in all of the counties and the reservations of all  
13 of the Indian tribes to which grants are awarded under this section. (use 3 times) ✓

14 SECTION 5. <sup>48.983</sup> 46.515(3) (title) of the statutes is repealed. (was affected by 2007 Wisconsin Act ... (this act) ✓)

15 SECTION 6. <sup>48.983</sup> 46.515(3) (a) of the statutes is repealed.

16 SECTION 7. <sup>48.983</sup> 46.515(3) (b) of the statutes is renumbered <sup>48.983</sup> 46.515(3) and amended

17 to read:

<sup>48.983</sup> 46.515(3) JOINT APPLICATION PERMITTED. Two or more counties and Indian tribes  
18 may submit a joint application to the department. Each county or Indian tribe in a  
19 joint application shall be counted as a separate county or Indian tribe for the purpose  
20 of limiting the number of counties and Indian tribes selected in each state fiscal  
21 biennium.

22 SECTION 8. <sup>48.984</sup> 46.516 of the statutes is created to read:

23 <sup>48.984</sup> 46.516 Universal home visitation services. (1) DEFINITIONS. In this  
24 section:  
25

xxxx NOTE: This is reconciled s. 48.983 (3) (a). This section has been affected by drafts with the following LRB #s: LRB-1261 and LRB-1270.

xxxx NOTE: This is reconciled s. 48.983 (3). This section has been affected by drafts with the following LRB #s: LRB-1261 and LRB-1270.



1 (a) "County department" means a county department of human services or  
2 social services under s. 46.215, 46.22, or 46.23.

3 (b) "Indian tribe" means a federally recognized American Indian tribe or band  
4 in this state.

5 (c) "Local health department" has the meaning given in s. 250.01 (4).

6 (d) "Local partnership" means any combination of 2 or more county  
7 departments, local health departments, Indian tribes, and private nonprofit  
8 agencies that have agreed to implement jointly a program of universal home  
9 visitation services under this section.

10 (e) "Organization" means a county department, local health department,  
11 Indian tribe, private nonprofit agency, or local partnership.

12 (f) "Private nonprofit agency" means a nonstock corporation organized under  
13 ch. 181 that is a nonprofit corporation, as defined in s. 181.0103 (17).

14 (2) AWARDING OF GRANTS. From the appropriation account under s. ~~20.435 (5)~~ 20.437 (2)

15 (ab), the department shall award grants to applying organizations for the provision  
16 of the home visitation services specified in sub. (3) (a). The department shall  
17 determine the amount of a grant awarded to an organization based on the number  
18 of first-time births in the community served by the organization. The department  
19 shall provide competitive application procedures for selecting organizations to  
20 receive grants under this subsection and shall establish a method for ranking  
21 applicants based on the quality of their applications. The department shall require  
22 a grant recipient to provide matching funds or in-kind contributions as determined  
23 by the department and shall ensure that a grant recipient does not use any grant  
24 moneys awarded to supplant any other moneys used by the grant recipient at the  
25 time of the awarding of the grant to provide home visitation services.

1           (3) PURPOSES OF GRANTS. (a) *Universal home visitation services.* An  
2 organization that receives a grant under sub. (2) shall use the grant moneys awarded  
3 to provide a one-time visit to all first-time parents in the community served by the  
4 organization for the purposes of providing those parents with basic information  
5 regarding infant health and nutrition, the care, safety, and development of infants,  
6 and emergency services for infants and with the information relating to shaken baby  
7 syndrome and impacted babies required under s. 253.15 (6); identifying the needs of  
8 those parents; and providing those parents with referrals to programs, services, and  
9 other resources that may meet those needs. An organization may visit a first-time  
10 parent only if the parent or, if the parent is a child, his or her parent, guardian, or  
11 legal custodian consents to the visit. No person who is required or permitted to report  
12 suspected or threatened abuse or neglect under s. 48.981 (2) may make or threaten  
13 to make such a report based on a refusal of a person to receive a home visit under this  
14 paragraph.

15           (b) *Start-up costs and capacity building.* In the first year in which a grant  
16 under sub. (2) is awarded to an organization, the organization may use a portion of  
17 the grant to pay for start-up costs and capacity building related to the provision of  
18 home visitation services by the organization. The department shall determine the  
19 maximum amount of a grant that an organization may use to pay for those start-up  
20 costs and that capacity building.

21           (4) CONFIDENTIALITY. (a) *Nondisclosure of information; exceptions.* No person  
22 may use or disclose any information concerning an individual who is offered home  
23 visitation services under sub. (3) (a), including an individual who declines to receive  
24 those services, or concerning an individual who is provided with a referral under sub.  
25 (3) (a), including an individual who declines the referral, unless disclosure of the

1 information is required or permitted under s. 48.981 (2), the use or disclosure of the  
 2 information is connected to the administration of the program under this section, or  
 3 the individual has given his or her written informed consent to the use or disclosure  
 4 of the information.

5 (b) *Explanation of confidentiality requirements.* An organization that receives  
 6 a grant under sub. (2) shall provide or designate an individual or entity to provide  
 7 an explanation of the confidentiality requirements under par. (a) to each individual  
 8 who is offered home visitation services under sub. (3) (a) by the organization.

9 (5) NOTIFICATION OF PARENT PRIOR TO MAKING ABUSE OR NEGLECT REPORT. If a  
 10 person who is providing home visitation services under sub. (3) (a) determines that  
 11 he or she is required or permitted to make a report under s. 48.981 (2) about a child  
 12 in a family to which the person is providing those services, the person shall, prior to  
 13 making the report under s. 48.981 (2), make a reasonable effort to notify the child's  
 14 parent that a report under s. 48.981 (2) will be made and to encourage the parent to  
 15 contact a county department under s. 46.22 or 46.23 or, in a county having a  
 16 population of 500,000 or more, the department to request assistance. The  
 17 notification requirements under this subsection do not affect the reporting  
 18 requirements under s. 48.981 (2).

19 (6) INFORMATIONAL MATERIALS. Any informational materials about the home  
 20 visitation services provided under sub. (3) (a) that are distributed to a person who  
 21 is offered or who is receiving those services shall state the sources of funding for the  
 22 services.

*as affected by 2007 Wisconsin Act 111 (this act),*

*auto  
 rcf A*

23 SECTION 9. 253.15 (2) of the statutes is amended to read:

24 253.15 (2) INFORMATIONAL MATERIALS. The board shall purchase or prepare or  
 25 arrange with a nonprofit organization to prepare printed and audiovisual materials

1 relating to shaken baby syndrome and impacted babies. The materials shall include  
 2 information regarding the identification and prevention of shaken baby syndrome  
 3 and impacted babies, the grave effects of shaking or throwing on an infant or young  
 4 child, appropriate ways to manage crying, fussing, or other causes that can lead a  
 5 person to shake or throw an infant or young child, and a discussion of ways to reduce  
 6 the risks that can lead a person to shake or throw an infant or young child. The  
 7 materials shall be prepared in English, Spanish, and other languages spoken by a  
 8 significant number of state residents, as determined by the board. The board shall  
 9 make those written and audiovisual materials available to all hospitals, maternity  
 10 homes, and nurse-midwives licensed under s. 441.15 that are required to provide or  
 11 make available materials to parents under sub. (3) (a) 1., to the department and to  
 12 all county departments and nonprofit organizations that are required to provide the  
 13 materials to day care providers under sub. (4), and to all school boards and nonprofit  
 14 organizations that are permitted to provide the materials to pupils in one of grades  
 15 5 to 8 and in one of grades 10 to 12 under sub. (5). The board shall also make those  
 16 written materials available to all county departments and Indian tribes that are  
 17 providing home visitation services under s. ~~46.515~~ <sup>plain → 42.923 (plan)</sup> (4) (b) 1. or 2., to all organizations  
 18 that are providing home visitation services under s. ~~46.515~~ <sup>42.927 ✓</sup> (3) (a), and to all  
 19 providers of prenatal, postpartum, and young child care coordination services under  
 20 s. 49.45 (44). The board may make available the materials required under this  
 21 subsection to be made available by making those materials available at no charge on  
 22 the board's Internet site.

23 SECTION 10 253.15 (6) of the statutes is amended to read:

24 253.15 (6) INFORMATION TO HOME VISITATION OR CARE COORDINATION SERVICES  
 25 RECIPIENTS. A county department or Indian tribe that is providing home visitation

xxxx NOTE: This is reconciled s. 253.15 (2). This section has been affected by drafts with the following LRB #s: LRB-1261 and LRB-1270.  
 note: reconciliation →

48.983

48.984

1 services under s. ~~46.515~~ (4) (b) 1. or 2., an organization that is providing home  
2 visitation services under s. ~~46.516~~ (3) (a), and a provider of prenatal, postpartum, and  
3 young child care coordination services under s. 49.45 (44) shall provide to a recipient  
4 of those services, without cost, a copy of the written materials purchased or prepared  
5 under sub. (2) and an oral explanation of those materials.

6 SECTION 11. 253.15 (7) (e) of the statutes is amended to read:

7 253.15 (7) (e) A county department or Indian tribe that is providing home  
8 visitation services under s. ~~46.515~~ (4) (b) 1. or 2., an organization that is providing  
9 home visitation services under s. ~~46.516~~ (3) (a), and a provider of prenatal,  
10 postpartum, and young child care coordination services under s. 49.45 (44) is are  
11 immune from liability for any damages resulting from any good faith act or omission  
12 in providing or failing to provide the written materials and oral explanation specified  
13 in sub. (6).

14 SECTION 9421. Effective dates; Health and Family Services.

15 (1) HOME VISITATION SERVICES. The treatment of sections 20.435 (5) (ab), 46.515  
16 (1) (i) and (j), (2), (3) (title), (a), and (b), 46.516, and 253.15 (2), (6), and (7) (e) of the  
17 statutes, takes effect on January 1, 2009.

18 (END)

the repeal of section ~~46.515~~ 48.983 (1) (i) and (j)  
and (3) (title) and (a) of the statutes  
and the creation of section 48.984  
the renumbering and amendment of section 48.983 (3) (b)  
of the statutes, and the creation of section 48.984  
of the statutes

note: reconciliation

xxx NOTE: This is reconciled s. 253.15 (6). This section has been affected by drafts with the following LRB #s: LRB-1261 and LRB-1270.

xxx NOTE: This is reconciled s. 253.15 (7)(e). This draft has been affected by drafts with the following LRB #s: LRB-1261 and LRB-1270.

hplan  
48.983  
48.984

auto ref C, no effect by 2007 Wisconsin Act. (this act)

48.983 plain

48.984

55 numbers

amendment

other B

20.437 (c)

CS

(by section A)

(by section X)

(by section Y)

48.983

fake

CS

auto ref A

auto ref B

auto ref C

d-note

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

NOTE

Dennis:

This draft reconciles ✓ LRB-1261/2 and LRB-  
1270/2 ✓, Both LRB-1261 and LRB-1270  
should continue to appear in the compiled bill.

GMM

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

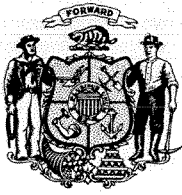
LRB-1270/3dn  
GMM:wlj&jld:rs

January 31, 2007

Dennis:

This draft reconciles LRB-1261/2 and LRB-1270/2. Both LRB-1261 and LRB-1270 should continue to appear in the compiled bill.

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State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1270/3  
GMM:wlj&jd:rs

DOA:.....Rhodes, BB0261 - Home visiting services

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

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

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*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**CHILDREN**

Under current law, DHFS administers a child abuse and neglect prevention program under which DHFS awards grants to counties and Indian tribes that offer voluntary home visitation services to first-time parents who are eligible for Medical Assistance. Current law requires DHFS to determine the amount of a grant awarded to a county or an Indian tribe in excess of the statutory minimum grant amount of \$10,000 based on the number of births that are funded by Medical Assistance in that county or the reservation of that Indian tribe in proportion to the number of those births in all of the counties and the reservations of all of the Indian tribes to which grants are awarded. Currently, no more than six rural counties, three urban counties, and two Indian tribes may be selected to participate in the program.

This bill requires the Department of Children and Families (DCF) to determine the amount of a grant in excess of the statutory minimum based simply on the number of births that are funded by Medical Assistance in a county or a reservation of an Indian tribe without regard to the number of those births in other counties and reservations. The bill also eliminates the caps on the number of counties and Indian tribes that may be selected to participate in the program.

In addition, the bill directs DCF to award grants to applying county departments of human services or social services (county departments), local health



departments, Indian tribes, private nonprofit agencies, and local partnerships consisting of two or more county departments, local health departments, Indian tribes, and private nonprofit agencies (organizations) for the provision to all first-time parents in the community served by the organization of one-time, voluntary home visits. The purposes of the home visits are to provide those parents with basic information about infant health and nutrition, the care, safety, and development of infants, and emergency services for infants and with information about shaken baby syndrome and impacted babies; to identify the needs of those parents; and to provide those parents with referrals to programs, services, and other resources that may meet those needs. Under this bill, any information concerning an individual who is offered a home visit or provided with a referral is confidential, unless disclosure of the information is required or permitted under the child abuse and neglect reporting law, the use or disclosure of the information is connected to the administration of the program, or the individual consents to the use or disclosure of the information.

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

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

1           **SECTION 1.** 20.437 (2) (ab) of the statutes, as affected by 2007 Wisconsin Act ...

2           (this act), is amended to read:

3           20.437 (2) (ab) *Child abuse and neglect prevention and universal home*  
4 *visitation grants.* The amounts in the schedule for child abuse and neglect  
5 prevention grants under s. 48.983 and for universal home visitation grants under s.  
6 48.984.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

      \*\*\*NOTE: This is reconciled s. 20.437 (2) (ab). This SECTION has been affected by drafts with the following LRB numbers: LRB-1261 and LRB-1270.

7           **SECTION 2.** 48.983 (1) (i) of the statutes, as affected by 2007 Wisconsin Act ...

8           (this act), is repealed.

      \*\*\*NOTE: This is reconciled s. 48.483 (1) (i). This SECTION has been affected by drafts with the following LRB numbers: LRB-1261 and LRB-1270.

9           **SECTION 3.** 48.983 (1) (j) of the statutes, as affected by 2007 Wisconsin Act ...

10          (this act), is repealed.

\*\*\*\*NOTE: This is reconciled s. 48.983 (1) (j). This SECTION has been affected by drafts with the following LRB numbers: LRB-1261 and LRB-1270.

1           **SECTION 4.** 48.983 (2) of the statutes, as affected by 2007 Wisconsin Act .... (this  
2 act), is amended to read:

3           **48.983 (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. 20.437 (2) (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 department shall determine the amount  
8 of a grant awarded to a county, ~~other than a county with a population of 500,000 or~~  
9 ~~more,~~ or Indian tribe in excess of the minimum amount based on the number of births  
10 that are funded by medical assistance under subch. IV of ch. 49 in that county or the  
11 reservation of that Indian tribe ~~in proportion to the number of births that are funded~~  
12 ~~by medical assistance under subch. IV of ch. 49 in all of the counties and the~~  
13 ~~reservations of all of the Indian tribes to which grants are awarded under this~~  
14 ~~section. The department shall determine the amount of a grant awarded to a county~~  
15 ~~with a population of 500,000 or more in excess of the minimum amount based on 60%~~  
16 ~~of the number of births that are funded by medical assistance under subch. IV of ch.~~  
17 ~~49 in that county in proportion to the number of births that are funded by medical~~  
18 ~~assistance under subch. IV of ch. 49 in all of the counties and the reservations of all~~  
19 ~~of the Indian tribes to which grants are awarded under this section.~~

20           **SECTION 5.** 48.983 (3) (title) of the statutes, as affected by 2007 Wisconsin Act  
21 .... (this act), is repealed.

\*\*\*\*NOTE: This is reconciled s. 48.983 (3) (title). This SECTION has been affected by drafts with the following LRB numbers: LRB-1261 and LRB-1270.

1           **SECTION 6.** 48.983 (3) (a) of the statutes, as affected by 2007 Wisconsin Act ....  
2 (this act), is repealed.

      \*\*\*NOTE: This is reconciled s. 48.983 (3) (a). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-1261 and LRB-1270.

3           **SECTION 7.** 48.983 (3) (b) of the statutes, as affected by 2007 Wisconsin Act ....  
4 (this act), is renumbered 48.983 (3) and amended to read:

5           **48.983 (3) JOINT APPLICATION PERMITTED.** Two or more counties and Indian tribes  
6 may submit a joint application to the department. ~~Each county or Indian tribe in a~~  
7 ~~joint application shall be counted as a separate county or Indian tribe for the purpose~~  
8 ~~of limiting the number of counties and Indian tribes selected in each state fiscal~~  
9 ~~biennium.~~

      \*\*\*NOTE: This is reconciled s. 48.983 (3). This SECTION has been affected by drafts  
with the following LRB numbers: LRB-1261 and LRB-1270.

10          **SECTION 8.** 48.984 of the statutes is created to read:

11          **48.984 Universal home visitation services. (1) DEFINITIONS.** In this  
12 section:

13           (a) "County department" means a county department of human services or  
14 social services under s. 46.215, 46.22, or 46.23.

15           (b) "Indian tribe" means a federally recognized American Indian tribe or band  
16 in this state.

17           (c) "Local health department" has the meaning given in s. 250.01 (4).

18           (d) "Local partnership" means any combination of 2 or more county  
19 departments, local health departments, Indian tribes, and private nonprofit  
20 agencies that have agreed to implement jointly a program of universal home  
21 visitation services under this section.

1 (e) "Organization" means a county department, local health department,  
2 Indian tribe, private nonprofit agency, or local partnership.

3 (f) "Private nonprofit agency" means a nonstock corporation organized under  
4 ch. 181 that is a nonprofit corporation, as defined in s. 181.0103 (17).

5 (2) AWARDING OF GRANTS. From the appropriation account under s. 20.437 (2)  
6 (ab), the department shall award grants to applying organizations for the provision  
7 of the home visitation services specified in sub. (3) (a). The department shall  
8 determine the amount of a grant awarded to an organization based on the number  
9 of first-time births in the community served by the organization. The department  
10 shall provide competitive application procedures for selecting organizations to  
11 receive grants under this subsection and shall establish a method for ranking  
12 applicants based on the quality of their applications. The department shall require  
13 a grant recipient to provide matching funds or in-kind contributions as determined  
14 by the department and shall ensure that a grant recipient does not use any grant  
15 moneys awarded to supplant any other moneys used by the grant recipient at the  
16 time of the awarding of the grant to provide home visitation services.

17 (3) PURPOSES OF GRANTS. (a) *Universal home visitation services.* An  
18 organization that receives a grant under sub. (2) shall use the grant moneys awarded  
19 to provide a one-time visit to all first-time parents in the community served by the  
20 organization for the purposes of providing those parents with basic information  
21 regarding infant health and nutrition, the care, safety, and development of infants,  
22 and emergency services for infants and with the information relating to shaken baby  
23 syndrome and impacted babies required under s. 253.15 (6); identifying the needs of  
24 those parents; and providing those parents with referrals to programs, services, and  
25 other resources that may meet those needs. An organization may visit a first-time

1 parent only if the parent or, if the parent is a child, his or her parent, guardian, or  
2 legal custodian consents to the visit. No person who is required or permitted to report  
3 suspected or threatened abuse or neglect under s. 48.981 (2) may make or threaten  
4 to make such a report based on a refusal of a person to receive a home visit under this  
5 paragraph.

6 (b) *Start-up costs and capacity building.* In the first year in which a grant  
7 under sub. (2) is awarded to an organization, the organization may use a portion of  
8 the grant to pay for start-up costs and capacity building related to the provision of  
9 home visitation services by the organization. The department shall determine the  
10 maximum amount of a grant that an organization may use to pay for those start-up  
11 costs and that capacity building.

12 (4) CONFIDENTIALITY. (a) *Nondisclosure of information; exceptions.* No person  
13 may use or disclose any information concerning an individual who is offered home  
14 visitation services under sub. (3) (a), including an individual who declines to receive  
15 those services, or concerning an individual who is provided with a referral under sub.  
16 (3) (a), including an individual who declines the referral, unless disclosure of the  
17 information is required or permitted under s. 48.981 (2), the use or disclosure of the  
18 information is connected to the administration of the program under this section, or  
19 the individual has given his or her written informed consent to the use or disclosure  
20 of the information.

21 (b) *Explanation of confidentiality requirements.* An organization that receives  
22 a grant under sub. (2) shall provide or designate an individual or entity to provide  
23 an explanation of the confidentiality requirements under par. (a) to each individual  
24 who is offered home visitation services under sub. (3) (a) by the organization.

1           **(5) NOTIFICATION OF PARENT PRIOR TO MAKING ABUSE OR NEGLECT REPORT.** If a  
2 person who is providing home visitation services under sub. (3) (a) determines that  
3 he or she is required or permitted to make a report under s. 48.981 (2) about a child  
4 in a family to which the person is providing those services, the person shall, prior to  
5 making the report under s. 48.981 (2), make a reasonable effort to notify the child's  
6 parent that a report under s. 48.981 (2) will be made and to encourage the parent to  
7 contact a county department under s. 46.22 or 46.23 or, in a county having a  
8 population of 500,000 or more, the department to request assistance. The  
9 notification requirements under this subsection do not affect the reporting  
10 requirements under s. 48.981 (2).

11           **(6) INFORMATIONAL MATERIALS.** Any informational materials about the home  
12 visitation services provided under sub. (3) (a) that are distributed to a person who  
13 is offered or who is receiving those services shall state the sources of funding for the  
14 services.

15           **SECTION 9.** 253.15 (2) of the statutes, as affected by 2007 Wisconsin Act .... (this  
16 act), is amended to read:

17           **253.15 (2) INFORMATIONAL MATERIALS.** The board shall purchase or prepare or  
18 arrange with a nonprofit organization to prepare printed and audiovisual materials  
19 relating to shaken baby syndrome and impacted babies. The materials shall include  
20 information regarding the identification and prevention of shaken baby syndrome  
21 and impacted babies, the grave effects of shaking or throwing on an infant or young  
22 child, appropriate ways to manage crying, fussing, or other causes that can lead a  
23 person to shake or throw an infant or young child, and a discussion of ways to reduce  
24 the risks that can lead a person to shake or throw an infant or young child. The  
25 materials shall be prepared in English, Spanish, and other languages spoken by a

1 significant number of state residents, as determined by the board. The board shall  
2 make those written and audiovisual materials available to all hospitals, maternity  
3 homes, and nurse-midwives licensed under s. 441.15 that are required to provide or  
4 make available materials to parents under sub. (3) (a) 1., to the department and to  
5 all county departments and nonprofit organizations that are required to provide the  
6 materials to day care providers under sub. (4), and to all school boards and nonprofit  
7 organizations that are permitted to provide the materials to pupils in one of grades  
8 5 to 8 and in one of grades 10 to 12 under sub. (5). The board shall also make those  
9 written materials available to all county departments and Indian tribes that are  
10 providing home visitation services under s. 48.983 (4) (b) 1. or 2., to all organizations  
11 that are providing home visitation services under s. 48.984 (3) (a), and to all  
12 providers of prenatal, postpartum, and young child care coordination services under  
13 s. 49.45 (44). The board may make available the materials required under this  
14 subsection to be made available by making those materials available at no charge on  
15 the board's Internet site.

\*\*\*\*NOTE: This is reconciled s. 253.15 (2). This SECTION has been affected by drafts  
with the following LRB numbers: LRB-1261 and LRB-1270.

16 **SECTION 10.** 253.15 (6) of the statutes, as affected by 2007 Wisconsin Act ...  
17 (this act), is amended to read:

18 253.15 (6) INFORMATION TO HOME VISITATION OR CARE COORDINATION SERVICES  
19 RECIPIENTS. A county department or Indian tribe that is providing home visitation  
20 services under s. 48.983 (4) (b) 1. or 2., an organization that is providing home  
21 visitation services under s. 48.984 (3) (a), and a provider of prenatal, postpartum, and  
22 young child care coordination services under s. 49.45 (44) shall provide to a recipient

1 of those services, without cost, a copy of the written materials purchased or prepared  
2 under sub. (2) and an oral explanation of those materials.

\*\*\*\*NOTE: This is reconciled s. 253.15 (6). This SECTION has been affected by drafts  
with the following LRB numbers: LRB-1261 and LRB-1270.

3 **SECTION 11.** 253.15 (7) (e) of the statutes, as affected by 2007 Wisconsin Act ....  
4 (this act), is amended to read:

5 253.15 (7) (e) A county department or Indian tribe that is providing home  
6 visitation services under s. 48.983 (4) (b) 1. or 2., an organization that is providing  
7 home visitation services under s. 48.984 (3) (a), and a provider of prenatal,  
8 postpartum, and young child care coordination services under s. 49.45 (44) is are  
9 immune from liability for any damages resulting from any good faith act or omission  
10 in providing or failing to provide the written materials and oral explanation specified  
11 in sub. (6).

\*\*\*\*NOTE: This is reconciled s. 253.15 (7) (e). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-1261 and LRB-1270.

12 **SECTION 9455. Effective dates; Other.**

13 (1) HOME VISITATION SERVICES. The amendment of sections 20.437 (2) (ab),  
14 48.983 (2), and 253.15 (2) (by SECTION 9), (6) (by SECTION 10), and (7) (e) (by SECTION  
15 11) of the statutes, the repeal of section 48.983 (1) (i) and (j) and (3) (title) and (a) of  
16 the statutes, the renumbering and amendment of section 48.983 (3) (b) of the  
17 statutes, and the creation of section 48.984 of the statutes take effect on January 1,  
18 2009.

19

(END)