

State of Wisconsin



2009 Assembly Bill 297

Date of enactment: **December 1, 2009**
Date of publication*: **December 15, 2009**

2009 WISCONSIN ACT 82

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

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

SECTION 1. 48.983 (1) (b) 1. c. of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:
48.983 (1) (b) 1. c. A family that includes a person who has contacted a county department, a private agency, or an Indian tribe that has been awarded a grant under this section or, in a county having a population of 500,000 or more that has been awarded a grant under this section, the department, a private agency, or a licensed child welfare agency under contract with the department requesting assistance to prevent poor birth outcomes or abuse or neglect of a child in the person's family and with respect to which an individual responding to the request has determined that all of the conditions in subd. 2. exist.

SECTION 2. 48.983 (1) (gm) of the statutes is created to read:

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

SECTION 3. 48.983 (1) (i) and (j) of the statutes are repealed.

SECTION 4. 48.983 (2) of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

48.983 (2) FUNDS PROVIDED. If a county, private agency, 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. 20.437 (1) (ab), a grant annually to be used only for the purposes specified in sub. (4) (a) and (am). The minimum amount of a grant is \$10,000. The county, private agency, or Indian tribe shall agree to match at least 25 percent of the grant amount annually in funds or in-kind contributions. The department shall determine the amount of a grant awarded to a county, other than a county with a population of 500,000 or more private agency, or Indian tribe in excess of the minimum amount based on the need of the county, private agency, or Indian tribe for a grant, as determined by a formula that the department shall promulgate by rule. That formula shall determine that need based on the number of births that are funded by Medical Assistance under subch. IV of ch. 49 in that county, the area in which that private agency is providing services, or the reservation of that Indian tribe and on the rate of poor birth outcomes, including infant mortality, premature births, low birth weights, and

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

racial or ethnic disproportionality in the rates of those outcomes, in that county, the area in which that private agency is providing services, or the reservation of that Indian tribe. ~~The department shall determine the amount of a grant awarded to a county with a population of 500,000 or more in excess of the minimum amount based on the need of the county for a grant, as determined by a formula that the department shall promulgate by rule. That formula shall determine that need based on 60% of the number of births that are funded by Medical Assistance under subch. IV of ch. 49 in that county and on the rate of poor birth outcomes, including infant mortality, premature births, low birth weights, and racial or ethnic disproportionality in the rates of those outcomes, in that county.~~

SECTION 5. 48.983 (3) (title) and (a) of the statutes are repealed.

SECTION 6. 48.983 (3) (b) of the statutes is renumbered 48.983 (3) and amended to read:

48.983 (3) JOINT APPLICATION PERMITTED. ~~Two~~ Any combination of 2 or more counties and, private agencies, or Indian tribes may submit a joint application to the department. ~~Each county or Indian tribe in a joint application shall be counted as a separate county or Indian tribe for the purpose of limiting the number of counties and Indian tribes selected in each state fiscal biennium.~~

SECTION 7. 48.983 (4) (a) 4m. of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

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

SECTION 8. 48.983 (4) (am) of the statutes is amended to read:

48.983 (4) (am) *Grants; start-up costs and capacity building.* In the first year in which a grant under this section is awarded to a county, private agency, or Indian tribe, the county, private agency, or Indian tribe may use a portion of the grant to pay for start-up costs and capacity building related to the program under this section. The department shall determine the maximum amount of a grant that a county, private agency, or Indian tribe may use to pay for those start-up costs and that capacity building.

SECTION 9. 48.983 (4) (b) 1. of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

48.983 (4) (b) 1. A county, ~~other than a county with a population of 500,000 or more~~ private agency, or an Indian tribe that is selected to participate in the program

under this section shall offer all pregnant women in the county, the area in which that private agency is providing services, or the reservation of the tribe who are eligible for Medical Assistance under subch. IV of ch. 49 an opportunity to undergo an assessment through use of a risk assessment instrument to determine whether the person assessed presents risk factors for poor birth outcomes or for perpetrating child abuse or neglect. Persons who agree to be assessed shall be assessed during the prenatal period. The risk assessment instrument shall be developed by the department and shall be based on risk assessment instruments developed by the department for similar programs that are in operation. The department need not promulgate as rules under ch. 227 the risk assessment instrument developed under this subdivision. A person who is assessed to be at risk of poor birth outcomes or of abusing or neglecting his or her child shall be offered home visitation program services that shall be commenced during the prenatal period. Home visitation program services may be provided to a family with a child identified as being at risk of child abuse or neglect until the identified child reaches 3 years of age. If a family has been receiving home visitation program services continuously for not less than 12 months, those services may continue to be provided to the family until the identified child reaches 3 years of age, regardless of whether the child continues to be eligible for Medical Assistance under subch. IV of ch. 49. If risk factors for child abuse or neglect with respect to the identified child continue to be present when the child reaches 3 years of age, home visitation program services may be provided until the identified child reaches 5 years of age. Home visitation program services may not be provided to a person unless the person gives his or her written informed consent to receiving those services or, if the person is a child, unless the child's parent, guardian, or legal custodian gives his or her written informed consent for the child to receive those services.

SECTION 10. 48.983 (4) (b) 3. of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

48.983 (4) (b) 3. A county, private agency, or Indian tribe that is providing home visitation program services under subd. 1. shall provide to a person receiving those services the information relating to shaken baby syndrome and impacted babies required under s. 253.15 (6).

SECTION 11. 48.983 (5) of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

48.983 (5) SELECTION OF COUNTIES, PRIVATE AGENCIES, AND INDIAN TRIBES. The department shall provide competitive application procedures for selecting counties, private agencies, and Indian tribes for participation in the program under this section. The department shall establish a method for ranking applicants for selection based on the quality of their applications. In ranking the applications ~~submitted by counties~~, the department shall give favorable consideration to a county, private agency,

or Indian tribe that submits a joint application under sub. (3) and to a county that has indicated under sub. (6) (d) 2. that it is willing to use a portion of any moneys distributed to the county under s. 48.565 (2) (a) to provide case management services to a Medical Assistance beneficiary under s. 49.45 (25) (am) 9. who is a case or who is a member of a family that is a case and that has explained under sub. (6) (d) 2. how the county plans to use that portion of those moneys to promote the provision of those services for the case by using a wraparound process so as to provide those services in a flexible, comprehensive and individualized manner in order to reduce the necessity for court-ordered services. The department shall also provide application requirements and procedures for the renewal of a grant awarded under this section. The application procedures and the renewal application requirements and procedures shall be clear and understandable to the applicants. The department need not promulgate as rules under ch. 227 the application procedures, the renewal application requirements or procedures, or the method for ranking applicants established under this subsection.

SECTION 12. 48.983 (6) (intro.) of the statutes is amended to read:

48.983 (6) **CRITERIA FOR AWARDING GRANTS.** (intro.) In addition to any other criteria developed by the department, a county, private agency, or Indian tribe shall meet all of the following criteria in order to be selected for participation in the program under this section:

SECTION 13. 48.983 (6) (a) (intro.) of the statutes is amended to read:

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

SECTION 14. 48.983 (6) (a) 1. of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

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

SECTION 15. 48.983 (6) (a) 3. of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

48.983 (6) (a) 3. An identification of existing poor birth outcome and child abuse and neglect prevention services that are available to residents of the county, ~~the area in which the private agency is providing services~~, or ~~the~~ reservation of the Indian tribe and a description of

how those services and any additional needed services will support a comprehensive home visitation program.

SECTION 16. 48.983 (6) (a) 6. of the statutes is amended to read:

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

SECTION 17. 48.983 (6) (b) 4. of the statutes is amended to read:

48.983 (6) (b) 4. 'Nonentitlement.' No individual is entitled to any payment from a fund established under subd. 1. or 2. Nothing in this section shall be construed as requiring a county, private agency, or Indian tribe to make a determination described in sub. (1) (b) 2. A determination described in sub. (1) (b) 2. may not be construed to be a determination described in s. 48.981 (3) (c) 4.

SECTION 18. 48.983 (6) (c) of the statutes is amended to read:

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

SECTION 19. 48.983 (6) (g) of the statutes is created to read:

48.983 (6) (g) *Private agency applicant.* If the applicant is a private agency, the applicant submits documentation with the grant application that demonstrates that the application is supported by a county and that a county will collaborate with the private agency in providing services.

SECTION 20. 48.983 (6g) (b) of the statutes is amended to read:

48.983 (6g) (b) A county, private agency, or Indian tribe that is selected to participate in the program under this section shall provide or shall designate an individual or entity to provide an explanation of the confidentiality requirements under par. (a) to each individual who is offered an assessment under sub. (4) (b) or who is offered services under the home visitation program of the county, private agency, or Indian tribe.

SECTION 21. 48.983 (7) (ag) and (ar) of the statutes are created to read:

48.983 (7) (ag) The department shall evaluate the availability of home visitation programs in the state and determine whether there are gaps in home visitation services in the state. The department shall cooperate with

counties, private agencies, and Indian tribes providing home visitation programs to address any gaps in services identified.

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

SECTION 22. 48.983 (7) (c) of the statutes is repealed and recreated to read:

48.983 (7) (c) Each county, private agency, and Indian tribe providing a home visitation program shall develop a plan for evaluating the effectiveness of its program for approval by the department. The plan shall demonstrate how the county, private agency, or Indian tribe will use the evaluation of its program to improve the quality and outcomes of the program and to ensure continued compliance with the home visitation program criteria under sub. (6) (a). The plan shall demonstrate how the outcomes will be tracked and measured. Under the plan, the extent to which all of the following outcomes are achieved shall be tracked and measured:

1. Parents receiving home visitation services acquiring knowledge of early learning and child development

and interacting with their children in ways that enhance the children's development and early learning.

2. Children receiving home visitation services being healthy.

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

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

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

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

SECTION 23. 48.983 (8) of the statutes is amended to read:

48.983 (8) TECHNICAL ASSISTANCE AND TRAINING. The department shall provide technical assistance and training to counties, private agencies, and Indian tribes that are selected to participate in the program under this section. The training may not be limited to a particular home visitation model. The training shall include training in best practices regarding basic skills, uniform administration of screening and assessment tools, the issues and challenges that families face, and supervision and personnel skills for program managers. The training may also include training on data collection and reporting.
