



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 297**

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

Analysis by the Legislative Reference Bureau

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

9 **SECTION 1.** 48.983 (1) (b) 1. c. of the statutes, as affected by 2009 Wisconsin Act
10 28, is amended to read:

1 48.983 (1) (b) 1. c. A family that includes a person who has contacted a county
2 department, a private agency, or ~~an~~ Indian tribe that has been awarded a grant
3 under this section or, in a county having a population of 500,000 or more that has
4 been awarded a grant under this section, the department, a private agency, or a
5 licensed child welfare agency under contract with the department requesting
6 assistance to prevent poor birth outcomes or abuse or neglect of a child in the person's
7 family and with respect to which an individual responding to the request has
8 determined that all of the conditions in subd. 2. exist.

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

10 48.983 (1) (gm) “Private agency” means an organization operated for profit or
11 a nonstock corporation organized under ch. 181 that is a nonprofit corporation, as
12 defined in s. 181.0103 (17).

13 **SECTION 3.** 48.983 (1) (i) and (j) of the statutes are repealed.

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

16 48.983 (2) FUNDS PROVIDED. If a county, private agency, or Indian tribe applies
17 and is selected by the department under sub. (5) to participate in the program under
18 this section, the department shall award, from the appropriation under s. 20.437 (1)
19 (ab), a grant annually to be used only for the purposes specified in sub. (4) (a) and
20 (am). The minimum amount of a grant is \$10,000. The county, private agency, or
21 Indian tribe shall agree to match at least 25 percent of the grant amount annually
22 in funds or in-kind contributions. The department shall determine the amount of
23 a grant awarded to a county, ~~other than a county with a population of 500,000 or more~~
24 private agency, or Indian tribe in excess of the minimum amount based on the need
25 of the county, private agency, or Indian tribe for a grant, as determined by a formula

1 that the department shall promulgate by rule. That formula shall determine that
2 need based on the number of births that are funded by Medical Assistance under
3 subch. IV of ch. 49 in that county, the area in which that private agency is providing
4 services, or the reservation of that Indian tribe and on the rate of poor birth
5 outcomes, including infant mortality, premature births, low birth weights, and racial
6 or ethnic disproportionality in the rates of those outcomes, in that county, the area
7 in which that private agency is providing services, or the reservation of that Indian
8 tribe. ~~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 the~~
10 ~~need of the county for a grant, as determined by a formula that the department shall~~
11 ~~promulgate by rule. That formula shall determine that need based on 60% of the~~
12 ~~number of births that are funded by Medical Assistance under subch. IV of ch. 49 in~~
13 ~~that county and on the rate of poor birth outcomes, including infant mortality,~~
14 ~~premature births, low birth weights, and racial or ethnic disproportionality in the~~
15 ~~rates of those outcomes, in that county.~~

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

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

19 48.983 (3) JOINT APPLICATION PERMITTED. ~~Two~~ Any combination of 2 or more
20 counties ~~and, private agencies, or~~ Indian tribes may submit a joint application to the
21 department. ~~Each county or Indian tribe in a joint application shall be counted as~~
22 ~~a separate county or Indian tribe for the purpose of limiting the number of counties~~
23 ~~and Indian tribes selected in each state fiscal biennium.~~

24 **SECTION 7.** 48.983 (4) (a) 4m. of the statutes, as affected by 2009 Wisconsin Act
25 28, is amended to read:

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

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

8 48.983 (4) (am) *Grants; start-up costs and capacity building.* In the first year
9 in which a grant under this section is awarded to a county, private agency, or Indian
10 tribe, the county, private agency, or Indian tribe may use a portion of the grant to pay
11 for start-up costs and capacity building related to the program under this section.
12 The department shall determine the maximum amount of a grant that a county,
13 private agency, or Indian tribe may use to pay for those start-up costs and that
14 capacity building.

15 **SECTION 9.** 48.983 (4) (b) 1. of the statutes, as affected by 2009 Wisconsin Act
16 28, is amended to read:

17 48.983 (4) (b) 1. A county, ~~other than a county with a population of 500,000 or~~
18 ~~more~~ private agency, or an Indian tribe that is selected to participate in the program
19 under this section shall offer all pregnant women in the county, the area in which
20 that private agency is providing services, or the reservation of the tribe who are
21 eligible for Medical Assistance under subch. IV of ch. 49 an opportunity to undergo
22 an assessment through use of a risk assessment instrument to determine whether
23 the person assessed presents risk factors for poor birth outcomes or for perpetrating
24 child abuse or neglect. Persons who agree to be assessed shall be assessed during
25 the prenatal period. The risk assessment instrument shall be developed by the

1 department and shall be based on risk assessment instruments developed by the
2 department for similar programs that are in operation. The department need not
3 promulgate as rules under ch. 227 the risk assessment instrument developed under
4 this subdivision. A person who is assessed to be at risk of poor birth outcomes or of
5 abusing or neglecting his or her child shall be offered home visitation program
6 services that shall be commenced during the prenatal period. Home visitation
7 program services may be provided to a family with a child identified as being at risk
8 of child abuse or neglect until the identified child reaches 3 years of age. If a family
9 has been receiving home visitation program services continuously for not less than
10 12 months, those services may continue to be provided to the family until the
11 identified child reaches 3 years of age, regardless of whether the child continues to
12 be eligible for Medical Assistance under subch. IV of ch. 49. If risk factors for child
13 abuse or neglect with respect to the identified child continue to be present when the
14 child reaches 3 years of age, home visitation program services may be provided until
15 the identified child reaches 5 years of age. Home visitation program services may
16 not be provided to a person unless the person gives his or her written informed
17 consent to receiving those services or, if the person is a child, unless the child's
18 parent, guardian, or legal custodian gives his or her written informed consent for the
19 child to receive those services.

20 **SECTION 10.** 48.983 (4) (b) 3. of the statutes, as affected by 2009 Wisconsin Act
21 28, is amended to read:

22 48.983 (4) (b) 3. A county, private agency, or Indian tribe that is providing home
23 visitation program services under subd. 1. shall provide to a person receiving those
24 services the information relating to shaken baby syndrome and impacted babies
25 required under s. 253.15 (6).

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

3 **48.983 (5) SELECTION OF COUNTIES, PRIVATE AGENCIES, AND INDIAN TRIBES.** The
4 department shall provide competitive application procedures for selecting counties,
5 private agencies, and Indian tribes for participation in the program under this
6 section. The department shall establish a method for ranking applicants for
7 selection based on the quality of their applications. In ranking the applications
8 ~~submitted by counties~~, the department shall give favorable consideration to a county,
9 private agency, or Indian tribe that submits a joint application under sub. (3) and to
10 a county that has indicated under sub. (6) (d) 2. that it is willing to use a portion of
11 any moneys distributed to the county under s. 48.565 (2) (a) to provide case
12 management services to a Medical Assistance beneficiary under s. 49.45 (25) (am)
13 9. who is a case or who is a member of a family that is a case and that has explained
14 under sub. (6) (d) 2. how the county plans to use that portion of those moneys to
15 promote the provision of those services for the case by using a wraparound process
16 so as to provide those services in a flexible, comprehensive and individualized
17 manner in order to reduce the necessity for court-ordered services. The department
18 shall also provide application requirements and procedures for the renewal of a grant
19 awarded under this section. The application procedures and the renewal application
20 requirements and procedures shall be clear and understandable to the applicants.
21 The department need not promulgate as rules under ch. 227 the application
22 procedures, the renewal application requirements or procedures, or the method for
23 ranking applicants established under this subsection.

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

1 48.983 (6) CRITERIA FOR AWARDING GRANTS. (intro.) In addition to any other
2 criteria developed by the department, a county, private agency, or Indian tribe shall
3 meet all of the following criteria in order to be selected for participation in the
4 program under this section:

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

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

10 **SECTION 14.** 48.983 (6) (a) 1. of the statutes, as affected by 2009 Wisconsin Act
11 28, is amended to read:

12 48.983 (6) (a) 1. Information on how the applicant's home visitation program
13 is comprehensive and, incorporates practice standards that have been developed for
14 home visitation programs by entities concerned with the prevention of poor birth
15 outcomes and child abuse and neglect and that are acceptable to the department, and
16 incorporates practice standards and critical elements that have been developed for
17 successful home visitation programs by a nationally recognized home visitation
18 program model and that are acceptable to the department.

19 **SECTION 15.** 48.983 (6) (a) 3. of the statutes, as affected by 2009 Wisconsin Act
20 28, is amended to read:

21 48.983 (6) (a) 3. An identification of existing poor birth outcome and child abuse
22 and neglect prevention services that are available to residents of the county, the area
23 in which the private agency is providing services, or the reservation of the Indian
24 tribe and a description of how those services and any additional needed services will
25 support a comprehensive home visitation program.

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

2 48.983 **(6)** (a) 6. An identification of how the home visitation program is
3 comprehensive and incorporates the practice standards for and critical elements for
4 successful home visitation programs referred to in subd. 1., including how services
5 will vary in intensity levels depending on the needs and strengths of the
6 participating family.

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

8 48.983 **(6)** (b) 4. ‘Nonentitlement.’ No individual is entitled to any payment
9 from a fund established under subd. 1. or 2. Nothing in this section shall be construed
10 as requiring a county, private agency, or Indian tribe to make a determination
11 described in sub. (1) (b) 2. A determination described in sub. (1) (b) 2. may not be
12 construed to be a determination described in s. 48.981 (3) (c) 4.

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

14 48.983 **(6)** (c) *Case management benefit.* The applicant, ~~other than a county~~
15 ~~with a population of 500,000 or more~~, states in the grant application that it has
16 elected, or, if selected, that it will elect, under s. 49.45 (25) (b), to make the case
17 management benefit under s. 49.45 (25) available to the category of beneficiaries
18 under s. 49.45 (25) (am) 9. who are children and who are members of families
19 receiving home visitation program services under sub. (4) (b) 1.

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

21 48.983 **(6)** (g) *Private agency applicant.* If the applicant is a private agency, the
22 applicant submits documentation with the grant application that demonstrates that
23 the application is supported by a county and that a county will collaborate with the
24 private agency in providing services.

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

1 48.983 **(6g)** (b) A county, private agency, or Indian tribe that is selected to
2 participate in the program under this section shall provide or shall designate an
3 individual or entity to provide an explanation of the confidentiality requirements
4 under par. (a) to each individual who is offered an assessment under sub. (4) (b) or
5 who is offered services under the home visitation program of the county, private
6 agency, or Indian tribe.

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

8 48.983 **(7)** (ag) The department shall evaluate the availability of home
9 visitation programs in the state and determine whether there are gaps in home
10 visitation services in the state. The department shall cooperate with counties,
11 private agencies, and Indian tribes providing home visitation programs to address
12 any gaps in services identified.

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

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

19 48.983 **(7)** (c) Each county, private agency, and Indian tribe providing a home
20 visitation program shall develop a plan for evaluating the effectiveness of its
21 program for approval by the department. The plan shall demonstrate how the
22 county, private agency, or Indian tribe will use the evaluation of its program to
23 improve the quality and outcomes of the program and to ensure continued
24 compliance with the home visitation program criteria under sub. (6) (a). The plan
25 shall demonstrate how the outcomes will be tracked and measured. Under the plan,

1 the extent to which all of the following outcomes are achieved shall be tracked and
2 measured:

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

6 2. Children receiving home visitation services being healthy.

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

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

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

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

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

15 48.983 **(8)** TECHNICAL ASSISTANCE AND TRAINING. The department shall provide
16 technical assistance and training to counties, private agencies, and Indian tribes
17 that are selected to participate in the program under this section. The training may
18 not be limited to a particular home visitation model. The training shall include
19 training in best practices regarding basic skills, uniform administration of screening
20 and assessment tools, the issues and challenges that families face, and supervision
21 and personnel skills for program managers. The training may also include training
22 on data collection and reporting.

23 (END)