



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Senate Bill 361

Senate Amendment 1

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2009 Senate Bill 361 makes various changes relating to the monthly rates that are paid for foster and kinship care; the levels of care that a foster home may provide; licensing of kinship care relatives to operate foster homes and, subject to certain limitations, time limits on kinship care payments; and licensing foster homes across county lines.

Senate Amendment 1 makes the following changes to the bill:

- Under the bill, payments may be made to a kinship care relative for specified periods of time between the time the relative applies for a foster care license and when the license is approved or denied. The amendment provides for payments between the time of application and when the license is approved or denied or the kinship care relative is otherwise determined to be ineligible for a foster care license.
- The amendment provides that a foster parent is certified to provide a given level of care instead of licensed to provide a given level of care.
- The amendment uses the phrase “level one care” instead of “basic level of care” for the level of foster care at which the lowest monthly rates apply.
- Under the budget act (2009 Wisconsin Act 28), in addition to the basic maintenance payment, the Department of Children and Families (DCF) must make supplemental payments to a foster home that are commensurate with the level of care that the foster home is licensed to provide and the needs of the child who is placed in the foster home according to rules promulgated by DCF. The amendment requires DCF, a county department of human or social services, or a licensed child welfare agency to make those supplemental payments.

- Under the budget act, a foster home that is licensed to provide a given level of care may provide foster care for any child whose needs are assessed to be at or below the level of care that the foster home is licensed to provide. Under the bill, if support and services sufficient to meet the child's needs are provided, a foster home may provide foster care for a child whose needs are assessed to be above that level of care. The amendment repeals the bill's language and instead provides that a foster home that is certified to provide a given level of care may not provide foster care for any child whose needs are assessed to be above that level of care unless DCF, the county department, or the child welfare agency issuing the foster home license determines that support or services sufficient to meet the child's needs are in places and grants an exception to that prohibition.
- Current law provides certain circumstances under which a county may license a foster home in another county if the two counties' licensing agencies enter into a written agreement to permit the license to be issued. The bill repeals the requirement for the agencies to enter into a written agreement. The amendment requires the agencies to enter into a written agreement unless the licensing agency is licensing the home of a relative or guardian of the child in another county. The amendment also specifies that, for these foster homes, the public agency issuing the license has placement and care responsibility for the child and primary responsibility for providing services to the child, is responsible for the costs of the placement, and has procedures to provide emergency services to the child.

Legislative History

The Senate Committee on Children and Families and Workforce Development offered Senate Amendment 1 on October 22, 2009. On that date, the committee voted unanimously to recommend adoption of Senate Amendment 1 and passage of the bill, as amended.

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