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Details:

(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2009-10

(session year)

### Senate

(Assembly, Senate or Joint)

### Committee on ... Children & Families & Workforce Development (SC-CFWD)

### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

## Senate

### Record of Committee Proceedings

#### **Committee on Children and Families and Workforce Development**

##### **Assembly Bill 164**

Relating to: notice of intent to remove a child from the home of a relative and review of decisions or orders involving the placement and care of a child placed in the home of a relative.

By Representatives Grigsby, Seidel, Sinicki, Berceau, Pasch, Toles, A. Williams, Fields, Ballweg, Turner and Young; cosponsored by Senators Taylor and Lassa.

September 24, 2009 Referred to Committee on Children and Families and Workforce Development.

October 21, 2009 **PUBLIC HEARING HELD**

Present: (5) Senators Jauch, Lassa, Vinehout, Kedzie and Hopper.

Absent: (0) None.

##### Appearances For

- Eric Peterson — Sen. Lena Taylor

##### Appearances Against

- None.

##### Appearances for Information Only

- None.

##### Registrations For

- Lena Taylor — Senator, 4th Senate District

##### Registrations Against

- None.

##### Registrations for Information Only

- None.

October 22, 2009 **EXECUTIVE SESSION HELD**

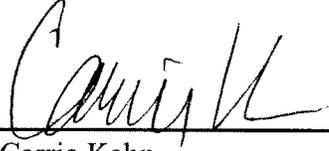
Present: (5) Senators Jauch, Lassa, Vinehout, Kedzie and Hopper.

Absent: (0) None.

Moved by Senator Vinehout, seconded by Senator Jauch that  
**Assembly Bill 164** be recommended for concurrence.

Ayes: (5) Senators Jauch, Lassa, Vinehout, Kedzie and  
Hopper.  
Noes: (0) None.

CONCURRENCE RECOMMENDED, Ayes 5, Noes 0

A handwritten signature in cursive script, appearing to read "Carrie Kahn", written over a horizontal line.

Carrie Kahn  
Committee Clerk

**Vote Record**  
**Committee on Children and Families and Workforce**  
**Development**

Date: 10/22/09

Moved by: Vinehout

Seconded by: Jauch

AB 164

SB \_\_\_\_\_

Clearinghouse Rule \_\_\_\_\_

AJR \_\_\_\_\_

SJR \_\_\_\_\_

Appointment \_\_\_\_\_

AR \_\_\_\_\_

SR \_\_\_\_\_

Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_

A/S Sub Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for:

- Passage     Adoption     Confirmation     Concurrence     Indefinite Postponement  
 Introduction     Rejection     Tabling     Nonconcurrency

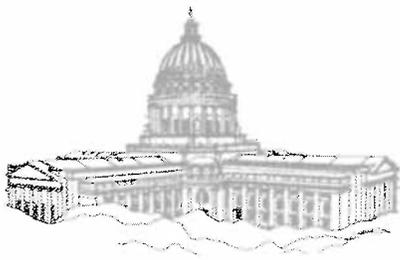
Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<b>Senator Robert Jauch, Chair</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Julie Lassa</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Kathleen Vinehout</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Neal Kedzie</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Randy Hopper</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: \_\_\_\_\_

Motion Carried

Motion Failed



# LENA C. TAYLOR

Wisconsin State Senator • 4th District

HERE TO SERVE YOU!

## Testimony of Senator Lena C Taylor

### *Assembly Bill 164 – Relative Notification & Rights*

Senate Committee on Children & Families and Workforce Development

Wednesday, October 21, 2009

Honorable Chairman Jauch and members,

Thank you for taking testimony on Assembly Bill 164 relating to notice of intent to remove a child from the home of a relative and review of decisions or orders involving the placement and care of a child placed in the home of a relative. I am pleased to author this bill along with Rep. Tamara Grigsby.

Often, abused and neglected children are on court ordered placement with a relative, most often a grandparent. As noted in our co-sponsorship memo, 25,373 children statewide are living in households headed by grandparents or other relatives instead of their parents. It is a common, but mistaken assumption, that these grandparents or other relatives have some rights in relation to the child, such as rights that are afforded to foster parents.

As you are probably well aware, foster parents have specific due process rights. Foster parents can object to a removal of a child from their home if the child has been placed there for at least six months. This is just one of the due process rights that foster parent enjoy but not a relative to the child who is caring for the child.

AB 164 extends the due process rights afforded to foster parents to relatives, specifically:

- Adequate notice of intent to change placement by the agency responsible for carrying out the child's dispositional order (30 days if a non-emergency);
- Ability to object to change of placement and receive an administrative hearing on the issue;
- Child cannot be removed on a non-emergency basis before the hearing is completed;
- Kinship caregivers are afforded a process to appeal false allegations.

In examining the existing laws, it is a confusing policy statement that Wisconsin makes. Foster parents enjoy protections under the law for a child that is in their care, but a related family member who is caring for a child enjoys no protections of the law. Whether, it is a grandparent, an aunt or uncle, or other adult family member who is granted placement, the law and due process should be extended to that party.

I encourage your support of this legislation.

Thank you.

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Committee on Judiciary, Corrections, Insurance,  
Campaign Finance Reform, and Housing (Chair)  
Committee on Justice Reinvestment  
Initiative Oversight (Chair)

Joint Committee on Finance  
Joint Committee for Review of Criminal Penalties (Co-Chair)  
Committee on Strengthening Wisconsin Families (Co-Chair)  
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DEPARTMENT OF HEALTH & HUMAN SERVICES

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ADMINISTRATION FOR CHILDREN AND FAMILIES  
Administration on Children, Youth and Families  
1250 Maryland Avenue, S.W.  
Washington, D.C. 20024

FEB 04 2008

Reginald Bicha, Administrator  
Wisconsin Division of Children  
and Family Services  
1 West Wilson Street  
Madison, Wisconsin 53708

Dear Administrator Bicha:

The Children's Bureau (CB), Administration for Children and Families (ACF), congratulates the State of Wisconsin on the completion of its Program Enhancement Plan (PEP), developed and implemented as a result of Wisconsin's first Child and Family Services Review (CFSR). Wisconsin is the third State in Region V to have successfully completed all provisions of its PEP.

In August 2003, Federal and State review teams completed an on-site review of child welfare cases receiving services from the Wisconsin Division of Children and Family Services (DCFS). In response to the review findings, Wisconsin developed a PEP to address those areas not found to be in conformance with Federal standards. Wisconsin's PEP was approved in November 2004 and included a two-year implementation period which ended October 31, 2006. At the conclusion of the implementation period, Wisconsin had successfully completed all action steps and data goals negotiated between ACF and DCFS, with the exception of the data goal related to the rate of children's re-entry into foster care.

States have one year following their PEP implementation period to successfully meet all outstanding data goals. This period is called the year of non-overlapping data and the time frame corresponds to the six-month Adoption Foster Care Analysis and Reporting System (AFCARS) reporting periods. Wisconsin's non-overlapping period began April 1, 2007 and was scheduled to end on March 31, 2008. However, the data profiles developed by ACF in December 2007 indicate that Wisconsin met its re-entry into foster care goal for the 12 month period ending September 30, 2006. These results are attributable to the concentrated efforts DCFS staff members have put forth toward improving the quality and accuracy of the data being submitted to AFCARS. While there are still some overall data quality issues that need to be addressed, the current improvements regarding re-entry into foster care reflected in the recently updated data profiles indicate that all PEP goals have now been met. Therefore, all applicable penalties based on our initial determination of areas not in substantial conformity have been rescinded.

The completion of the PEP is a tremendous accomplishment for the Wisconsin child welfare community. It is a milestone that signifies many years of dedication and commitment from DCFS and county human service personnel at every level, as well as from your partners in child welfare

across the State. DCFS leadership and staff have invested countless hours developing and improving upon programs and policies, implementing a rigorous quality assurance program, improving data collection and reporting, and partnering with the State Courts Office and other internal and external stakeholders to improve the quality of services available to Wisconsin's children and families. CB would specifically like to recognize John Tuohy for his hard work and leadership on all aspects related to the CFSR process in Wisconsin. We would also like to acknowledge the efforts of DCFS leaders Mark Campbell, Mark Mitchell, Michelle Rawlings, Harry Hobbs, Connie Click, Dale Langer, June Paul, Beth Wydeven and State Courts Office leaders Michelle Jensen-Goodwin and Bridget Bauman and all of their staff in bringing the PEP to conclusion. CB applauds your efforts and we look forward to continuing our partnership founded upon improving the outcomes of children and families served by the child welfare system in Wisconsin.

Please contact Krista Thomas, Children and Families Program Specialist, at (312) 353-1122 or by e-mail at [krista.thomas@acf.hhs.gov](mailto:krista.thomas@acf.hhs.gov), if you have any further questions at this time.

Sincerely,



Christine M. Calpin  
Acting Associate Commissioner  
Children's Bureau

cc:

John Tuohy, Director, Office of Program Implementation and Planning; WI DCFS;  
Madison, WI  
Carolyn Wilson-Hurey; Child Welfare Regional Program Manager; CB, Region V;  
Chicago, IL  
Krista Thomas; Children and Families Program Specialist; CB, Region V; Chicago, IL  
Melissa Beard; CB, CFSR; Washington, DC