

2015 DRAFTING REQUEST

Bill

Received: **9/25/2014** Received By: **gmalaise**
Wanted: **As time permits** Same as LRB:
For: **Administration-Budget 6-2288** By/Representing: **Major**
May Contact: Drafter: **gmalaise**
Subject: **Children - out-of-home placement** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email:
Carbon copy (CC) to: **sbostatlanguage@webapps.wi.gov**

Pre Topic:

DOA:.....Major, BB0080 -

Topic:

Out-of-home care extension

Instructions:

See attached

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 10/16/2014	kfollett 10/20/2014		_____			
/P1	gmalaise 12/18/2014		rschluet 10/20/2014	_____	srose 10/20/2014		State S&L
/P2	gmalaise 1/22/2015	kfollett 12/19/2014	rschluet 12/19/2014	_____	sbasford 12/19/2014		State S&L
/P3	gmalaise	kfollett	rschluet	_____	srose		State

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	1/27/2015	1/23/2015	1/23/2015	_____	1/24/2015		S&L
/P4		kfollett	rschluet	_____	mbarman		State
		1/27/2015	1/27/2015	_____	1/27/2015		S&L

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/P3		kfollett	rschluet	_____	srose		State

1/24/15
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1/27/15

Vers. Drafted

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1/23/2015

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Proofed

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1/24/2015

Jacketed

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S&L

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/P2		kfollett 12/19/2014	rschluet 12/19/2014	_____	sbasford 12/19/2014		State S&L

1/P3/sf
1/2/13

J
12/3/13

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/?	gmalaise 10/16/2014	kfollett 10/20/2014		_____			
/P1		rschluet 10/20/2014		_____	srose 10/20/2014		State S&L
FE Sent For:		1/2/19 12/19	1/2/19 12/19				

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Handwritten notes: 12/19, 1/2/19, 12/19, 1/2/19, 5m

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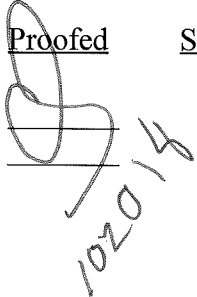
Topic:

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/?	gmalaise	1 P/15f 10/20	1 P/15f 10/20	 10/20/14			

FE Sent For:

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Malaise, Gordon

From: Hanaman, Cathlene
Sent: Thursday, September 25, 2014 3:37 PM
To: Shea, Elisabeth; Malaise, Gordon
Subject: FW: Statutory Language Drafting Request - BB0080
Attachments: OHC Extension Statutory Language Request.docx

From: katrina.major@wisconsin.gov [mailto:katrina.major@wisconsin.gov]
Sent: Thursday, September 25, 2014 3:16 PM
To: Hanaman, Cathlene
Cc: Kraus, Jennifer - DOA; Major, Katrina L - DOA; Connor, Christopher B - DOA
Subject: Statutory Language Drafting Request - BB0080

Biennial Budget: 2015-17

Topic: Out of Home Care Extension

Tracking Code: BB0080

SBO Team: GGCF

SBO Analyst: Major, Katrina L - DOA
Phone: 608-266-2288
E-mail: katrina.major@wisconsin.gov

Agency Acronym: DCF

Agency Number: 437

Priority: Medium

Intent:

Modify the out-of-home care extension per DCF request

Attachments: True

Please send completed drafts to SBOSatlanguage@webapps.wi.gov

Decision Item (DIN) - 5308

Decision Item (DIN) Title - Foster Care Extension

NARRATIVE

The Department requests full funding for the second and third years of a four-year phase-in to extend foster care to age 21 for youth who would otherwise age out of foster care and are currently enrolled in school with an approved individualized education program. In addition, the Department requests additional changes to current statutory language related to the foster care extension to 21 for children with an individualized education program. The key proposed statutory changes are: clarifying the authority for adoption assistance and subsidized guardianship payments for children who attained adoption or subsidized guardianship after the age of 16 and meet the statutory criterion for extended care under federal law (42 USC 675 (8)) and state law; clarifying that 4 or more youth can be served in foster homes, group homes and residential care centers without licensure as an adult Community-Based Residential Facility (CBRF) as well as a Residential Care Center or group home; requiring permanency planning for youth on a Voluntary Transition to Independent Living Agreement; and providing courts jurisdiction to conduct permanency planning reviews for the eligible youth. The proposed changes conform to federal requirements and legislative intent of 2013 Act 334, which extended foster care to this group of youth, and facilitate smooth implementation of the program.

**Department of Children and Families
2015-2017 Biennial Budget
Statutory Language Request**

Topic: Out of Home Care Extension

Current Language: 2013 WI Act 334 modified state statutes to extend foster care to 21 for children with individualized education plans who are over 18 and have not yet graduated high school.

Proposed Changes: The key proposed statutory changes are: clarifying the authority for adoption assistance and subsidized guardianship payments for children who attained adoption or subsidized guardianship after the age of 16 and meet the statutory criteria for extended care under federal law (42 USC 675 (8)) and state law; clarifying that 4 or more youth can be served in foster homes, group homes and residential care centers without licensure as an adult Community-based Residential Facility (CBRF) as well as a Residential Care Center or group home; requiring permanency planning for youth on a Voluntary Transition to Independent Living Agreement; and providing courts jurisdiction to conduct permanency planning reviews for the eligible youth. The proposed changes conform to federal requirements and the legislative intent of Act 334, which extended foster care to this group of youth, and facilitate smooth implementation of the new statutory provisions.

Justification:

The Fostering Connections to Success and Increasing Adoptions Act of 2008 allowed states the option to extend foster care to 21 for all or a subpopulation of youth expected to age out of care. In April 2014 Wisconsin codified a limited extension of foster care to age 21 for youth who had not yet graduated from high school and are still attending school under an Individualized Education Plan. States electing to extend care are also required by federal law to extend adoption assistance and subsidized guardianship payments for youth who entered into their adoption assistance or subsidized guardianship agreements after the age of 16.

The Out of Home Care Extension to 21 took effect in August, 2014. In order to implement the law, an emergency rule was passed and a permanent rule is currently under preparation. Through the process of creating the rules and policy guidance, the Department has recognized areas where further statutory language is needed to implement smoothly the new provisions: specifically, to clarify licensure requirements of facilities serving youth aged 18-21; to recoup federal IVE funds for extended care youth and to enable payments for subsidized guardianship and adoption assistance to be processed.

Desired Effective Date: Upon enactment.

(/uscode/text/42/677) of this title, a caseworker on the staff of the State agency, and, as appropriate, other representatives of the child provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child, includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services, includes information about the importance of designating another individual to make health care treatment decisions on behalf of the child if the child becomes unable to participate in such decisions and the child does not have, or does not want, a relative who would otherwise be authorized under State law to make such decisions, and provides the child with the option to execute a health care power of attorney, health care proxy, or other similar document recognized under State law, and is as detailed as the child may elect; ⁽²⁾ and

(I)each child in foster care under the responsibility of the State who has attained 16 years of age receives without cost a copy of any consumer report (as defined in section 1681a (/uscode/text/15/1681a) (d) (/uscode/text/15/usc_sec_15_00001681---a000-#d) of title 15 (/uscode/text/15)) pertaining to the child each year until the child is discharged from care, and receives assistance (including, when feasible, from any court-appointed advocate for the child) in interpreting and resolving any inaccuracies in the report.

(6)The term “administrative review” means a review open to the participation of the parents of the child, conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review.

(7)The term “legal guardianship” means a judicially created relationship between child and caretaker which is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person, and decisionmaking. The term “legal guardian” means the caretaker in such a relationship.

(8)

(A)Subject to subparagraph (B), the term “child” means an individual who has not attained 18 years of age.

(B)At the option of a State, the term shall include an individual—

(i)

(I)who is in foster care under the responsibility of the State;

(II)with respect to whom an adoption assistance agreement is in effect under section 673 (/uscode/text/42/673) of this title if the child had attained 16 years of age before the agreement became effective; or

(III)with respect to whom a kinship guardianship assistance agreement is in effect under section 673 (/uscode/text/42/673)(d) (/uscode/text/42/usc_sec_42_00000673---000-#d) of this title if the child had attained 16 years of age before the agreement became effective;

- (ii) who has attained 18 years of age;
- (iii) who has not attained 19, 20, or 21 years of age, as the State may elect; and
- (iv) who is—
 - (I) completing secondary education or a program leading to an equivalent credential;
 - (II) enrolled in an institution which provides post-secondary or vocational education;
 - (III) participating in a program or activity designed to promote, or remove barriers to, employment;
 - (IV) employed for at least 80 hours per month; or
 - (V) incapable of doing any of the activities described in subclauses (I) through (IV) due to a medical condition, which incapability is supported by regularly updated information in the case plan of the child.

[1] See References in Text note below.

[2] So in original. The semicolon probably should be a comma.

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[LII] ⁽¹⁾



State of Wisconsin
2015 - 2016 LEGISLATURE

JV10116



LRB-0311/?
GMM..k.....

pl
f

DOA:.....Major, BB0080 – Out-of-home care extension

FOR 2015-2017 BUDGET – NOT READY FOR INTRODUCTION

Don't Gen

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES ✓

CHILDREN ✓

Under current law, monthly subsidized guardianship payments may be made to the guardian of a child who has been adjudged to be in need of protection or services if certain additional conditions have been met. In addition, current law permits DCF to provide payments to the adoptive or proposed adoptive parents of a child with special needs to assist in the cost of care of the child when DCF determines that those payments are necessary to assure the child's adoption (adoption assistance). Subject to certain exceptions, subsidized guardianship payments and adoption assistance end when the child attains 18 years of age.

This bill permits subsidized guardianship payments to be made or adoption assistance to be provided until a child attains 21 years of age if the child is a full-time student at a secondary school or its vocational or technical equivalent (full-time student), an individualized education program (IEP) is in effect for the child, and the subsidized guardianship agreement or adoption assistance agreement for the child became effective on or after the date on which the child attained 16 years of age. (An IEP is a written statement for a child with a disability developed by an IEP team appointed by the child's local educational agency that includes, among other things, the child's level of academic achievement and functional performance, measurable goals for the child, the special education and related services to be provided to the child, and how the child's progress toward attaining those goals will be measured.)

Under current law, a permanency plan must be prepared for a child who is placed outside the home under an order of the court assigned to exercise jurisdiction under the Children’s Code and the Juvenile Justice Code (juvenile court) or under a voluntary agreement. (A permanency plan is a plan designed to ensure that a child who is placed outside the home is reunified with his or her family whenever appropriate or that the child quickly attains a placement providing long-term stability.)

This bill requires a permanency plan to be prepared for a child who is placed outside the home under a voluntary transition-to-independent-living agreement, which is an agreement under which a child with an IEP who is a full-time student may continue in out-of-home care and receive services to assist him or her in transitioning to independent living until the child attains 21 years of age, is granted a high school or high school equivalency diploma, or terminates the agreement, whichever occurs first.

Under current law, subject to certain exceptions, a facility where five or more adults who do not require care above intermediate level nursing care reside and receive care, treatment, or services that are above the level of room and board must be licensed as a community-based residential facility (CBRF). This bill provides that a facility licensed as a foster home, group home, or residential care center for children and youth (facility) that provides care, treatment, or services for a person 18 years of age or over (adult) is not required to also be licensed as a CBRF if the only adults for whom the facility provides care, treatment, or services are any of the following:

- 1. Persons under 19 years of age who are full-time students and who are reasonably expected to complete their program before attaining 19 years of age.
- 2. Persons under 19 years of age who are placed in the facility under an order of the juvenile court entered before attaining 18 years of age until a date that is one year or less after the date on which the order was entered.
- 3. Persons under 21 years of age who are full-time students and for whom an IEP is in effect.
- 4. Persons under 21 years of age who are placed in the facility under the placement and care responsibility of another state.

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. 48.38 (1) (ad) of the statutes is created to read:

2 48.38 (1) (ad) “Child” includes a person 18 years of age or over for whom a
3 permanency plan is required under sub. (2).

4 SECTION 2. 48.38 (2) (d) of the statutes is amended to read:

1 48.38 (2) (d) The child was placed under a voluntary agreement between the
2 agency and the child's parent under s. 48.63 (1) (a) or (5) (b) or under a voluntary
3 transition-to-independent-living agreement under s. 48.366 (3).

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32, 181, 258; 2011 a. 260 ss. 80, 81; 2013 a. 165; 2013 a. 168 s. 21; 2013 a. 334, 335.

4 **SECTION 3.** 48.38 (5) (c) 9. of the statutes is amended to read:

5 48.38 (5) (c) 9. If the child is the subject of an order that terminates as provided
6 in s. 48.355 (4) (b) 4., 48.357 (6) (a) 4. or 48.365 (5) (b) 4. or of a voluntary
7 transition-to-independent-living agreement under s. 48.366 (3), the
8 appropriateness of the transition-to-independent-living plan developed under s.
9 48.385; the extent of compliance with that plan by the child, the child's guardian, if
10 any, the agency primarily responsible for providing services under that plan, and any
11 other service providers; and the progress of the child toward making the transition
12 to independent living.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20; 2009 a. 28, 79, 94, 185; 2011 a. 32, 181, 258; 2011 a. 260 ss. 80, 81; 2013 a. 165; 2013 a. 168 s. 21; 2013 a. 334, 335.

13 **SECTION 4.** 48.385 of the statutes is amended to read:

14 **48.385 Plan for transition to independent living.** During the 90 days
15 immediately before a child who is placed in a foster home, group home, or residential
16 care center for children and youth, in the home of a relative other than a parent, or
17 in a supervised independent living arrangement attains 18 years of age or, if the child
18 is placed in such a placement under an order under s. 48.355, 48.357, or 48.365 that
19 terminates under s. 48.355 (4) (b) after the child attains 18 years of age or under a
20 voluntary transition-to-independent-living agreement under s. 48.366 (3) that
21 terminates under s. 48.366 (3) (a) after the child attains 18 years of age, during the
22 90 days immediately before the termination of the order or agreement, the agency
23 primarily responsible for providing services to the child under the order or

1 agreement shall provide the child with assistance and support in developing a plan
2 for making the transition from out-of-home care to independent living. The
3 transition plan shall be personalized at the direction of the child, shall be as detailed
4 as the child directs, and shall include specific options for obtaining housing, health
5 care, education, mentoring and continuing support services, and workforce support
6 and employment services.

History: 2009 a. 79; 2011 a. 32; 2013 a. 334.

7 **SECTION 5.** 48.599 (1) of the statutes is renumbered 48.599 (1r).

8 **SECTION 6.** 48.599 (1g) of the statutes is created to read:

9 48.599 (1g) “Child” means a person under 18 years of age. For purposes of the
10 authority to provide care and maintenance for a child placed in a residential care
11 center for children and youth operated by a child welfare agency and of counting the
12 number of children for whom a child welfare agency may provide such care and
13 maintenance, “child” also includes a person 18 years of age or over who resides in a
14 residential care center for children and youth operated by a child welfare agency, if
15 any of the following applies:

16 (a) The person is under 19 years of age, is a full-time student at a secondary
17 school or its vocational or technical equivalent, and is reasonably expected to
18 complete the program before attaining 19 years of age.

19 (b) The person is under 19 years of age and an order under s. 48.355, 48.357,
20 48.365, 938.355, 938.357, or 938.365 entered before the person attained 18 years of
21 age places or continues the placement of the person in a residential care center for
22 children and youth until a date that is one year ^{or} less after the date on which the
23 order was entered.

1 (c) The person is under 21 years of age, is a full-time student at a secondary
2 school or its vocational or technical equivalent, and an individualized education
3 program under s. 115.787 is in effect for the person.

4 (d) The person is under 21 years of age and is placed in a residential care center
5 for children and youth under the placement and care responsibility of another state
6 under 42 USC 675 (8) (B) (iv).

7 History: 1977 c. 418; 1985 a. 308; 1989 a. 31; 1993 a. 16, 446; 1997 a. 308; 2005 a. 25; 2009 a. 28; 2011 a. 32; 2013 a. 20.

8 SECTION 7. 48.619 (intro.) of the statutes is amended to read:

9 48.619 Definition. (intro.) In this subchapter, "child" means a person under
10 18 years of age. For purposes of the authority to provide care and maintenance for
11 a child and of counting the number of children for whom a foster home or group home
12 may provide care and maintenance, "child" also includes a person 18 years of age or
over who resides in the foster home or group home, if any of the following applies:

13 History: 2001 a. 69; 2009 a. 28; 2013 a. 334.

14 SECTION 8. 48.619 (1) of the statutes is amended to read:

15 48.619 (1) The person is under 19 years of age, is a full-time student at a
16 secondary school or its vocational or technical equivalent, and is reasonably expected
to complete the program before ~~reaching~~ attaining 19 years of age.

17 History: 2001 a. 69; 2009 a. 28; 2013 a. 334.

18 SECTION 9. 48.619 (1m) of the statutes is created to read:

19 48.619 (1m) The person is under 19 years of age and an order under s. 48.355,
20 48.357, 48.365, 938.355, 938.357, or 938.365 entered before the person attained 18
21 years of age places or continues the placement of the person in a foster home or group
22 home until a date that is one year ^{or} of less after the date on which the order was
entered.

23 SECTION 10. 48.619 (3) of the statutes is created to read:

1 48.619 (3) The person is under 21 years of age and is placed in a foster home
2 or group home under the placement and care responsibility of another state under
3 42 USC 675 (8) (B) (iv).

4 **SECTION 11.** 48.623 (1m) of the statutes is created to read:

5 48.623 (1m) DURATION OF ELIGIBILITY. Subsidized guardianship payments
6 under sub. (1) or (6) may be continued after the child attains 18 years of age if any
7 of the following applies:

8 (a) The child is under 19 years of age, is a full-time student at a secondary
9 school or its vocational or technical equivalent, and is reasonably expected to
10 complete the program before reaching 19 years of age.

11 (b) The child is under 21 years of age, is a full-time student at a secondary
12 school or its vocational or technical equivalent, has a physical, emotional, or
13 behavioral need that warrants the continuation of those payments as determined by
14 the county department or, in a county having a population of 750,000 or more, the
15 department, and is not eligible for social security disability insurance under 42 USC
16 401 to 433 or supplemental security income under 42 USC 1381 to 1385.

17 (c) The child is under 21 years of age, is a full-time student at a secondary
18 school or its vocational or technical equivalent, an individualized education program
19 under s. 115.787 is in effect for the child, and the subsidized guardianship agreement
20 for the child became effective on or after the date on which the child attained 16 years
21 of age.

22 **SECTION 12.** 48.975 (3m) of the statutes is renumbered 48.975 (3m) (intro.) and
23 amended to read:

1 48.975 (3m) DURATION. (intro.) The adoption assistance may be continued after
2 the adoptee reaches the age of 18 if that adoptee is a full-time high school student.
3 attains 18 years of age if any of the following applies:

4 History: 1977 c. 418; 1985 a. 308; 1989 a. 31; 1993 a. 16, 446; 1997 a. 308; 2005 a. 25; 2009 a. 28; 2011 a. 32; 2013 a. 20.

5 **SECTION 13.** 48.975 (3m) (a), (b) and (c) of the statutes are created to read:

6 48.975 (3m) (a) The adoptee is under 19 years of age, is a full-time student at
7 a secondary school or its vocational or technical equivalent, and is reasonably
8 expected to complete the program before reaching 19 years of age.

9 (b) The adoptee is under 21 years of age, is a full-time student at a secondary
10 school or its vocational or technical equivalent, has a mental or physical disability
11 that warrants the continuation of adoption assistance as determined by the
12 department, is not eligible for other benefits, and otherwise lacks adequate resources
13 to continue in secondary school or its vocational or technical equivalent.

14 (c) The adoptee is under 21 years of age, is a full-time student at a secondary
15 school or its vocational or technical equivalent, an individualized education program
16 under s. 115.787 is in effect for the adoptee, and the adoption assistance agreement
17 for the adoptee became effective on or after the date on which the adoptee attained
18 16 years of age.

19 **SECTION 14.** 50.01 (1g) (i) of the statutes is created to read:

20 50.01 (1g) (i) A facility licensed as a foster home, group home, or residential
21 care center for children and youth that provides care, treatment, or services for
22 adults, if the only adults for whom the facility provides care, treatment, or services
23 are the persons specified in s. 48.599 (1g) (a) to (d) or 48.619 (1) to (3).

SECTION 15. 938.38 (1) (ap) of the statutes is created to read:

1 938.38 (1) (ap) “Juvenile” includes a person 17 years of age or over for whom
2 a permanency plan is required under sub. (2).

3 **SECTION 16.** 938.38 (2) (d) of the statutes is amended to read:

4 938.38 (2) (d) The juvenile was placed under a voluntary agreement between
5 the agency and the juvenile’s parent under s. 48.63 (1) (a) or (5) (b) or under a
6 voluntary transition-to-independent-living agreement under s. 938.366 (3).

History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296; 1999 a. 9; 2001 a. 59, 69, 109; 2003 a. 321; 2005 a. 156, 344, 448; 2007 a. 20, 97; 2009 a. 28, 79, 94, 185; 2011 a. 32, 181, 258; 2011 a. 260 s. 80; 2013 a. 165, 334, 335.

7 **SECTION 17.** 938.38 (5) (c) 9. of the statutes is amended to read:

8 938.38 (5) (c) 9. If the juvenile is the subject of an order that terminates as
9 provided in s. 938.355 (4) (am) 4., 938.357 (6) (a) 4., or 938.365 (5) (b) 4. or of a
10 voluntary transition-to-independent-living agreement under s. 938.366 (3), the
11 appropriateness of the transition-to-independent-living plan developed under s.
12 938.385; the extent of compliance with that plan by the juvenile, the juvenile’s
13 guardian, if any, the agency primarily responsible for providing services under that
14 plan, and any other service providers; and the progress of the juvenile toward
15 making the transition to independent living.

History: 1995 a. 77, 275, 352; 1997 a. 35, 237, 296; 1999 a. 9; 2001 a. 59, 69, 109; 2003 a. 321; 2005 a. 156, 344, 448; 2007 a. 20, 97; 2009 a. 28, 79, 94, 185; 2011 a. 32, 181, 258; 2011 a. 260 s. 80; 2013 a. 165, 334, 335.

16 **SECTION 18.** 938.385 of the statutes is amended to read:

17 **938.385 Plan for transition to independent living.** During the 90 days
18 immediately before a juvenile who is placed in a foster home, group home, or
19 residential care center for children and youth, in the home of a relative other than
20 a parent, or in a supervised independent living arrangement attains 18 years of age
21 or, if the juvenile is placed in such a placement under an order under s. 938.355,
22 938.357, or 938.365 that terminates under s. 938.355 (4) (am) after the juvenile
23 attains 18 years of age or under a voluntary transition-to-independent-living

1 agreement under s. 938.366 (3) that terminates under s. 938.366 (3) (a) after the
2 juvenile attains 18 years of age, during the 90 days immediately before the
3 termination of the order or agreement, the agency primarily responsible for
4 providing services to the juvenile under the order or agreement shall provide the
5 juvenile with assistance and support in developing a plan for making the transition
6 from out-of-home care to independent living. The transition plan shall be
7 personalized at the direction of the juvenile, shall be as detailed as the juvenile
8 directs, and shall include specific options for obtaining housing, health care,
9 education, mentoring and continuing support services, and workforce support and
10 employment services.

11 History: 2013 a. 334.

(END)

Malaise, Gordon

From: Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>
Sent: Wednesday, December 10, 2014 4:16 PM
To: Malaise, Gordon
Cc: Kraus, Jennifer - DOA
Subject: FW: OHC Extension Drafting Instructions December 2014
Attachments: OHC Extension Drafting Instructions December 2014.docx

Hi Gordon, here's a more detailed request from DCF on what they would like incorporated into the out-of-home care extension draft.

Thanks,
Katie

From: Swissdorf, Kim M - DCF
Sent: Wednesday, December 10, 2014 3:57 PM
To: Major, Katrina L - DOA
Subject: FW: OHC Extension Drafting Instructions December 2014

I don't know if you have a draft yet of the iep ohc extension. If you do, can we review to make sure it tracks these requested changes?

Kim Swissdorf
Budget and Policy Manager
Department of Children and Families

201 East Washington Avenue
Madison, WI 53703

T: (608) 261-0616
E: KimM.Swissdorf@wisconsin.gov

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From: Brom, Jonelle Q - DCF
Sent: Wednesday, December 10, 2014 3:54 PM
To: Swissdorf, Kim M - DCF
Cc: Henderson, Wendy P - DCF
Subject: FW: OHC Extension Drafting Instructions December 2014

Kim,
Fredri has approved this can you please move forward.
Regards,

Jonelle Brom

Out-of-Home Care Section Chief
Department of Children and Families

201 East Washington Avenue
Madison, WI 53703
T: 608.264.6933
E: jonelle.brom@wisconsin.gov

From: Henderson, Wendy P - DCF
Sent: Wednesday, December 10, 2014 11:19 AM
To: Bove, Fredi-Ellen E - DCF
Cc: Brom, Jonelle Q - DCF
Subject: OHC Extension Drafting Instructions December 2014

Fredi,
Attached please find the OHC extension statutory clean up drafting instructions. Once you review, Kim is waiting for them to get them in the cue for drafting.
Thanks,
Wendy

OHC Extension

Statutory changes – drafting instructions

1. CBRF applicability:

DHS has approved the following approach to excepting people served under foster care extension from their licensure requirements:

• Add a new provision to Ch. 50.01(2) as follows:

- (i) A group home licensed under s. 48.625 or residential care center for children and youth licensed under s. 48.60 that provides care for persons who are under extended out-of-home care as provided in s. 48.366 or 938.366.

2. Kinship care:

- Kinship care payments after age 18 should be limited to a child placed in the home of a kinship care relative under a court order or a voluntary transition to independent living agreement (similar to the restrictions on kinship care payments under 48.57(3m)(a)(6)(b) ^(am) = CR 7.
- Remove the requirement under 48.57(3m)(b) and (3n)(b) to seek child support for extended care youth over the age of 18.

3. AA and SG:

- Adoption assistance payments and subsidized guardianship payments should continue to 21 for children who entered into an adoption or subsidized guardianship agreement on or after age 16 and meet the other statutory criterion.

4. Permanency Planning:

- Strike out 48.38(4)(fg)(6).
- Modify 48.38(4)(fg)(5) as follows: strike out "...long term foster care, but not independent living" and replace with "... transition to independence."
- Add requirement for permanency planning for youth under a Voluntary Transition to Independent Living Agreement: add a new subsection under 48.38(2) and 938.38(2) "The child/juvenile was placed under a voluntary transition to independent living agreement under s. 48.366(3)/938(366(3))."

5. Add shelter ^(care) to a potentially eligible placement from where a youth might have discharged when aging out, while still not making that an acceptable placement option for extended care youth.

48.366
(1)
938.366(1)

6. Court process:

current law

- Specify that the Best Interest to be in care determination must be made at (180 Days) and every 180 days thereafter for youth on a voluntary 48.38(5)(c) 9.
- Add VTILA under 48.38(2) as a new subsection (h) same as 4.

current law

- provide jurisdiction for such hearings and permanency planning reviews for all served under 48.366 (voluntary or court order)
- Permanency hearings can be held by a court or by an administrative body appointed or approved by the court for this population.

7. Placement and care responsibility for voluntary agreements:

c.R (d)

- Amend 48.366(3)(c) and 938.366(3)(c) to say that a voluntary transition to independent living agreement shall specifically state that the county department or department of corrections has placement and care responsibility as required under 42 USC 672 (a)(2) and have primary responsibility for providing services (similar to language in 48.63). (1)(2)

8. Appeals:

- Add denial of foster care extension specifically to the Ch. 227 to be clear that DHA has the authority and responsibility to hear cases where DCF has denied extended care. 48.685(5c) 48.72

9. Rule authority:

- Under 48.366(4) add a subsection (c) for rules regarding the extension of SG and AA for children served under 48.366/938.366. K.L.?

48.623
48.975