

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

subsidized guardianship payment is provided on behalf of a child at any time, so there will not be duplicate payments to the guardian and the successor guardian. Some current guardianship agreements may need to be amended to include a successor guardianship. The cost is unknown, but anticipated to be minimal.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule
Complying with 2015 Wisconsin Acts 129 and 143

14. Long Range Implications of Implementing the Rule

15. Compare With Approaches Being Used by Federal Government

42 USC 673 (d) (3), as created by Section 207 of the Preventing Sex Trafficking and Strengthening Families Act, provides for continuation of subsidized guardianship payments if the guardian dies or is incapacitated, and a successor guardian was named in the agreement before the guardian's death or incapacity. Implementation of Section 207 is required as a condition of funding under Title IV-E of the Social Security Act. Section 207 was effective September 29, 2014, and Wisconsin is currently under a Program Improvement Plan due to delayed implementation.

The Administration for Children and Families (ACF) Program Instruction ACYF-CB-PI-10-11, Fostering Connections to Success and Increasing Adoptions Act of 2008 Comprehensive Guidance, July 9, 2010, provides that a State has discretion to define the term "relative" for the purposes of the subsidized guardianship program. The ACF will accept a Title IV-E plan or amendment that contains a reasonable interpretation of "relative," including a plan that limits the term to biological and legal familial ties or a plan that more broadly includes tribal kin, extended family and friends, or other "fictive kin."

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Minnesota. The definition of "relative" includes an individual who is an important friend with whom a child has resided or had significant contact. Minnesota has provisions on successor guardianship that are similar to the Wisconsin provisions.

Illinois. The definition of "fictive kin" is an individual who is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual. Illinois has provisions on successor guardianship that are similar to the Wisconsin provisions.

Iowa. Iowa does not have a federally-funded subsidized guardianship program.

Michigan. It appears that nonrelatives may be eligible to be a legal custodian of the child and receive state-funded guardianship assistance. Michigan has successor guardianship provisions that apply to Title IV-E-funded guardianship assistance payments.

17. Contact Name

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18. Contact Phone Number

422-6351

This document can be made available in alternate formats to individuals with disabilities upon request.

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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

not applicable

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

not applicable

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

not applicable

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

not applicable

5. Describe the Rule's Enforcement Provisions

not applicable

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
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