



State of Wisconsin
1997 - 1998 LEGISLATURE

LRB-4362/1
GMM&KSH:kmg&kaf:km

1997 ASSEMBLY BILL 665

December 18, 1997 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Children and Families.

1 **AN ACT to amend** 20.433 (1) (q), 25.67 (2), 48.981 (8) (a) and (d) 1., 48.982 (6) (d),
2 49.45 (25) (b) and 49.45 (25) (c); **to repeal and recreate** 25.67 (2) (a) 1. and (b),
3 46.515 (1) (b) 1. c., 48.981 (8) (a) and (d) 1. and 49.45 (25) (b); and **to create**
4 20.435 (3) (de), 20.435 (3) (df), 46.515, 48.982 (2e) and 49.45 (25) (bc) of the
5 statutes; **relating to:** creating a child abuse and neglect prevention program,
6 medical assistance for certain case management services, authorizing the child
7 abuse and neglect prevention board to form a nonstock, nonprofit corporation,
8 early childhood family education center grants awarded by the child abuse and
9 neglect prevention board, training programs and training requirements for
10 staff of county departments or licensed child welfare agencies under contract
11 with county departments whose responsibilities include investigation or

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- 1 treatment of child abuse and neglect, granting rule-making authority and
2 making appropriations.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the joint legislative council in the bill.

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:

PREFATORY NOTE: This bill was prepared for the joint legislative council's special committee on prevention of child abuse and neglect ("special committee").

Child abuse and neglect prevention program

The bill establishes a child abuse and neglect prevention program for counties and federally recognized American Indian tribes and bands in Wisconsin ("Indian tribes") which has the following features:

1. The department of health and family services (DHFS) is responsible for administering the program, awarding prevention grants to counties and Indian tribes under the program and reimbursing medical assistance (MA) certified case management providers for certain case management services provided under the program.

2. DHFS must provide application procedures for the program according to DHFS's competitive application procedures. Counties and Indian tribes are permitted to submit joint applications.

3. The program is to be phased in and DHFS is to select counties and Indian tribes according to the following schedule: (a) in the 1997-99 state fiscal biennium, no more than 6 rural counties, 3 urban counties and one Indian tribe may be selected; (b) in the 1999-2001 state fiscal biennium, no more than 14 additional rural counties, 6 additional urban counties and 3 additional Indian tribes may be selected; and (c) in the 2001-2003 state fiscal biennium, counties and Indian tribes that have not been selected previously may also be selected. An urban county is defined in the bill as any county which is located in a federal metropolitan statistical area or a primary metropolitan statistical area. A rural county is defined as any county which is not an urban county.

4. A new appropriation to DHFS is created from which DHFS is to award the prevention grants. Prevention grants are to be used for the following purposes:

a. To establish or maintain the flexible fund described in item 7. b. (1), below, from which payments may be made for appropriate, authorized expenses of a family that is part of the home visitation program described in item 7. a., below, or a family in Milwaukee County that is receiving home visitation services as part of the program that provides prenatal and postpartum care coordination services and care coordination services for children who have not attained 7 years of age.

b. To establish or maintain the flexible fund described in item 7. b. (2), below, from which payments may be made for appropriate, authorized expenses for a target population, which is defined in the bill as a "case", as described in item 8., below.

c. To reimburse a case management provider for the amount of allowable charges that is not reimbursed by the federal government (the nonfederal portion), that is,

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approximately 40%, for MA case management services provided to a MA beneficiary who is part of the target population that is defined in the bill as a "case".

d. To pay up to \$1,500 per grant year for expenses incurred in connection with attending training activities that are related to the program created by the bill.

The minimum amount of a prevention grant under the bill is \$10,000. DHFS must determine the remaining amount of a prevention grant awarded to a county or Indian tribe based on the MA-eligible population of the county or Indian tribe in proportion to the MA-eligible population of other counties or Indian tribes to which prevention grants are awarded.

5. The general purpose revenue (GPR) appropriation for MA is increased to enable DHFS to reimburse providers for the nonfederal portion for MA case management services that are provided to members of families who are part of the home visitation program created in the bill. Milwaukee County is not eligible for the reimbursement for the nonfederal portion of MA for the case management services provided as part of the home visitation program.

DHFS is also required to expend certain amounts from the federal program revenue appropriation for MA to reimburse providers for the amount of the allowable charges that is reimbursed by the federal government for case management services which are provided to: (a) members of families who are part of the home visitation program created in the bill; and (b) persons who are defined in the bill as "cases" for whom a county or Indian tribe uses prevention grant funds to reimburse a case management provider for the nonfederal portion of allowable charges for case management services.

6. If there are more applicant counties and Indian tribes that meet the minimum criteria for selection (as discussed in item 7., below) than can be selected in a particular state fiscal biennium, DHFS must make the selection based on a method to be established by DHFS for ranking applicants based on the quality of their grant applications. In ranking the applications submitted by urban counties in the 1997-99 state fiscal biennium, DHFS must give favorable consideration to a county that has indicated a willingness to participate in the evaluation described in item 9., below.

7. A county or Indian tribe must meet certain criteria as set forth in the bill for selection to participate in the program. DHFS is authorized to establish criteria in addition to the criteria set forth in the bill. The following criteria are set forth in the bill:

a. Home visitation programs. The home visitation programs in the selected counties and Indian tribes must have the following characteristics:

(1) The programs must select first-time parents who are eligible for MA to undergo a risk assessment for child abuse and neglect. The assessment must be initiated, if possible, during the prenatal period or as soon after the birth of the child as possible.

(2) The risk assessment tool to measure the parent's risk of perpetrating child abuse and neglect must be developed by DHFS, by rule.

(3) Persons who are assessed to be at risk for perpetrating child abuse and neglect must be offered the opportunity to participate in the home visitation program. Participation in the program is voluntary on the part of an individual who is selected to undergo the risk assessment.

Further, persons who are not first-time parents or who are not eligible for MA may request the risk assessment and may be allowed to participate in the home visitation program. Funding for reimbursement of the nonfederal portion of MA for case management services for those participants, however, is not provided under the bill nor are those participants eligible for flexible fund payments as described in item b., below.

(4) Services may be provided until the identified child in the family reaches 3 years of age (or 5 years of age when risk factors for child abuse and neglect continue to be present in the family).

(5) The county or Indian tribe must include certain information in the grant application, including information on how the applicant's home visitation program is

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comprehensive and incorporates practice standards that have been developed for home visitation programs by entities concerned with the prevention of child abuse and neglect.

b. Flexible funds. The county or Indian tribe must have established, or must demonstrate that, if it is selected, it has plans to establish, 2 flexible funds from which appropriate, authorized payments may be made as follows:

(1) A flexible fund from which payments totaling not more than \$500 (or a greater amount when adjusted for inflation) per calendar year may be made for appropriate expenses of each family participating in the home visitation program under s. 46.515 (4) (b) 1., stats., as created by the bill (that is, those first-time, MA-eligible parents who are selected for risk assessment, who undergo the assessment, who are found to be at risk of perpetrating child abuse or neglect and who are offered and accept home visitation program services), or under s. 49.45 (44), stats., (that is, those individuals in Milwaukee County who are receiving prenatal and postpartum care coordination services and care coordination services for children who have not attained 7 years of age). Payments must be authorized by an individual whom the county or Indian tribe has designated to authorize such payments. The county or Indian tribe must provide an equal cash match for payments made from this flexible fund.

(2) A flexible fund from which payments totaling not more than \$500 (or a greater amount when adjusted for inflation) may be made for appropriate expenses of each “case” as described in item 8., below. Payments must be authorized by an individual whom the county or Indian tribe has designated to authorize such payments.

c. Case management benefit. The county or Indian tribe must have elected, or state that, if selected, it will elect, to make the MA case management benefit available to MA beneficiaries described in s. 49.45 (25) (am) 9., stats., that is, “a member of a family that has a child who is at risk of serious physical, mental or emotional dysfunction, as defined by [DHFS]”. This election is necessary in order for the county or Indian tribe to make MA case management benefits available to individuals who are defined in the bill as “cases”, as described in item 8., below. The county or Indian tribe is responsible for reimbursing the case management provider for the nonfederal portion of the allowable charges for those MA case management services provided to “cases”. In contrast, as noted in item 5., above, DHFS must reimburse the case management provider for the nonfederal portion of the allowable charges for MA case management services provided to those persons participating in the home visitation program created by the bill.

d. Wraparound process. The county or Indian tribe must demonstrate in the grant application how payments that will be made from the flexible fund for “cases” and how MA case management services provided to the target population defined as “cases” will promote the provision of services for these “cases” using a wraparound process to provide services in a flexible, comprehensive and individualized manner in order to reduce court-ordered services.

e. Anticipated allocation. The county or Indian tribe must explain in the grant application how the applicant anticipates that grant moneys will be allocated between the 2 flexible funds described in item b. (1) and (2), above, and the reimbursement of the nonfederal portion of MA case management services provided to “cases”, as described in item c., above.

8. The target population, defined as a “case” in the bill, for whom one of the flexible funds and the MA targeted case management services apply (although the latter benefit applies only with respect to persons in the target population who are MA beneficiaries) is a family or person who meets all of the following criteria:

a. The family or person is any of the following: (1) a family or person who has been the subject of a child abuse and neglect report under s. 48.981, stats., and with respect to whom the individual making the investigation or the intake worker assigned to the family or person has determined that all of the conditions in item b., below, exist; (2) an

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Indian child who has been the subject of a child abuse and neglect report about which an Indian tribe that has been awarded a prevention grant has received notice, including but not limited to notice provided to a tribal agent under s. 48.981 (3) (bm), stats., and with respect to whom an individual designated by the Indian tribe has determined that all of the conditions in item b., below, exist; or (3) a family that includes a person who has contacted a county department of human services or county department of social services (county department) or an Indian tribe requesting assistance to prevent abuse or neglect of a child in the person's family and with respect to which the individual responding to the request determines that all of the conditions in item b., below, exist.

b. The family or person has been determined to meet all of the following conditions: (1) there is a substantial risk of future abuse or neglect of a child in the family if assistance is not provided; (2) the child and child's parent or the person primarily responsible for the child's care are willing to cooperate with an informal plan of support and services; and (3) it does not appear that a petition alleging that a child in the family is in need of protection or services (CHIPS) will be filed in juvenile court and, if an Indian child is involved, it also does not appear that there will be a similar proceeding in tribal court relating to abuse or neglect of the Indian child.

9. DHFS is required to designate 2 of the urban counties selected for the home visitation program in the 1997-99 state fiscal biennium to participate in an evaluation of the home visitation program. DHFS must select the evaluator for the program and apply for private funding for the evaluation. If DHFS is unable to obtain private funding for the evaluation, it must submit a request to the joint committee on finance for consideration of funding under the procedures set forth in ss. 13.10 and 13.101, stats. Persons who have been assessed to be at risk of perpetrating child abuse and neglect will be randomly assigned to control and treatment groups. Control group members will not receive home visitation program services, while treatment group members will receive those services. The bill sets forth criteria that must be measured in the evaluation for both the control and treatment groups.

The bill also requires the counties and Indian tribes which are awarded prevention grants but which are not participating in the evaluation to collect data on the same criteria which will be evaluated for the 2 urban counties and to submit the data to DHFS.

10. If the federal bureau of health care financing disallows reimbursement for case management services provided to MA-eligible participants in the treatment group, DHFS must apply for private funding to replace this disallowed funding in order to operate the home visitation program in these urban counties during the 2-year period in which the evaluation is being conducted.

11. A new appropriation to DHFS is created from which DHFS is to provide technical assistance and training to the counties and Indian tribes that are awarded prevention grants. Additional positions are not created at DHFS. Thus, it is anticipated that DHFS will contract with others to provide most of this technical assistance and training, as set forth in attachment 1 to Legislative Council staff Child Abuse and Neglect memo no. 20, Summary of Recommendations Relating to Providing Technical Assistance and Training (April 24, 1997).

Nonprofit fund-raising corporation

Under current law, the child abuse and neglect prevention board (the board) is authorized to solicit and accept contributions, grants, gifts and bequests (contributions) for the children's trust fund (CTF) or for other purposes. [s. 48.982 (2) (d), stats.] Under current law, moneys received for the CTF as a contribution under s. 48.982 (2) (d), stats., may be deposited in the appropriation account under s. 20.433 (1) (q) or (r), stats., as described below. [s. 48.982 (2) (d), stats.]

Moneys accepted by the board for the CTF are to be used, in accordance with the donor's wishes, to do any of the following:

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1. Award grants for child abuse and neglect prevention programs, early childhood family education centers and right from the start projects.
2. Pay for actual and necessary operating costs of the board.
3. Fund any statewide project for which the board has accepted money. [s. 48.982 (2m), stats.; see also s. 25.67 (1), stats.]

Under current law, the CTF consists of all moneys received for the CTF by the board under s. 48.982 (2) (d), stats. [s. 25.67 (2), stats.] All moneys in the CTF that are not expended under s. 20.433 (1) (q), stats., must continue to accumulate indefinitely. [s. 25.67 (2), stats.] (Section 20.433 (1) (q), stats., is the appropriation from the CTF of all moneys received as contributions to the CTF under s. 48.982 (2) (d), stats., less the amounts appropriated under s. 20.433 (1) (r), stats. Section 20.433 (1) (r), stats., is the appropriation from the CTF of the amounts in the schedule under s. 20.005, stats., for actual and necessary operating costs of the board and for any statewide project under s. 48.982 (5), stats., for which the board has accepted money.)

Because a contribution to the CTF is made to the board, which is a governmental entity, and because the contribution is made for exclusively public purposes, the contribution may be deductible from the donor's income when calculating federal income taxes and, if made by a corporation, when calculating Wisconsin income taxes. In addition, depending on the amount of the contribution, an individual donor may be eligible for a credit when calculating the donor's Wisconsin individual income tax. Nevertheless, it appears that some potential donors may be reluctant to make contributions to an organization that is not exempt from federal income tax under section 501 (c) (3) of the Internal Revenue Code.

This bill authorizes the board to organize a nonstock, nonprofit corporation for the exclusive purpose of soliciting and accepting contributions for the CTF. Any contribution accepted by the corporation must be deposited in the CTF. In accordance with the wishes of the donor, the contributions must be used for any of the purposes set forth in s. 48.982 (2m), stats., as described above, or must continue to accumulate in the CTF.

The corporation is required to be organized in such a way that: 1) contributions to the corporation will be deductible from the donor's income when calculating federal income taxes and state income taxes (or, with respect to individuals and depending on the amount of the contribution, applied as a credit when calculating the individual's state income tax); and 2) the corporation will itself be exempt from state income taxes and exempt from federal income taxes under section 501 of the Internal Revenue Code.

Under the bill, the board of directors of the corporation is required to consist of 5 members, to be drawn from the membership of the board. The bill requires the board to enter into a contract with the corporation, allowing the board to make use of the corporation's services and allowing the board to provide administrative services to the corporation. The bill prohibits the corporation from employing staff or engaging in political activities and requires that the corporation's records be open to the board, the department of administration, the legislative fiscal bureau, the legislative audit bureau and the appropriate legislative committees. In addition, the bill requires the corporation to donate real property to the state within 5 years after acquiring the property, unless continued holding of the property by the corporation is approved by the joint committee on finance.

Further, the bill specifies that, in addition to the moneys received by the board for the CTF, the CTF also consists of moneys received by the corporation for the CTF. The bill also amends one of the appropriations for the CTF to include contributions for the CTF received by the corporation.

Early childhood family education center grants

Under current law, the board must award grants under s. 48.982 (6), stats., for early childhood family education center programs. The board must award these grants to organizations for programs that provide parenting education services but not crisis intervention. Current law also provides that the grants must be used for direct parent

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education and referrals to other social service programs and outreach programs, including programs that provide education to parents in their homes. Further, programs that are supported by grants must track individual clients to ensure that they receive necessary services and must emphasize direct services to families with children who are 3 years of age or less.

This bill provides that, for organizations applying for early childhood family education center grants for the first time on or after the effective date of the bill, the board must give favorable consideration in awarding grants to organizations for programs in communities where home visitation programs are in existence or are in development. In addition, if grants are awarded, the programs supported by the grants must maximize coordination of the early childhood family education center programs with the home visitation programs that are in existence or in development.

Domestic abuse training

Under current law, DHFS and county departments are required, to the extent feasible, to conduct continuing education and training programs for staff of DHFS, county departments and tribal social services departments, persons and officials required to report suspected or threatened child abuse or neglect, the general public and others as appropriate. The programs must be designed to encourage reporting of child abuse and neglect, to encourage self-reporting and voluntary acceptance of services and to improve communication, cooperation and coordination in the identification, prevention and treatment of child abuse and neglect.

This bill requires that those education and training programs that are provided for staff of county departments and licensed child welfare agencies under contract with county departments whose responsibilities include the investigation or treatment of child abuse and neglect also be designed to provide information on means of recognizing and appropriately responding to domestic abuse, as defined in s. 46.95 (1) (a), stats. (Section 46.95 (1) (a), stats., provides that "domestic abuse" means "physical abuse, including a violation of s. 940.225 (1), (2) or (3), [sexual assault] or any threat of physical abuse between adult family or adult household members, by a minor family or minor household member against an adult family or adult household member, by an adult against his or her adult former spouse or by an adult against an adult with whom the person has a child in common.")

Current law requires that each staff member and supervisor of a county department or licensed child welfare agency under contract with a county department whose responsibilities include investigation or treatment of child abuse and neglect successfully complete training in child abuse and neglect protective services approved by DHFS. DHFS is required to monitor compliance with this requirement under administrative rules promulgated by DHFS. Furthermore, current law requires that DHFS make training programs available each year that satisfy this training requirement.

This bill requires that this training include information on means of recognizing and appropriately responding to domestic abuse, as defined in s. 46.95 (1) (a), stats.

- 1 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

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1

20.435 Health and family services, department

2

of

3

(3) YOUTH SERVICES

4

(de) Child abuse and neglect preven-

5

tion grants

6

GPR

A

693,600

1,387,100

(df) Child abuse and neglect preven-

7

tion technical assistance

8

GPR

A

80,000

160,000

SECTION 2. 20.433 (1) (q) of the statutes is amended to read:

9

10 20.433 (1) (q) *Children’s trust fund grants.* From the children’s trust fund, all
 11 moneys received as contributions, grants, gifts and bequests for that trust fund
 12 under s. 48.982 (2) (d) or (2e) (a), less the amounts appropriated under par. (r), to
 13 carry out the purposes for which made and received under s. 48.982 (2m) (a).

NOTE: This SECTION amends one of the appropriations from the CTF to include contributions for the CTF received by the corporation which this bill authorizes the board to organize.

SECTION 3. 20.435 (3) (de) of the statutes is created to read:

14

15 20.435 (3) (de) *Child abuse and neglect prevention grants.* The amounts in the
 16 schedule for child abuse and neglect prevention grants under s. 46.515.

SECTION 4. 20.435 (3) (df) of the statutes is created to read:

17

18 20.435 (3) (df) *Child abuse and neglect prevention technical assistance.* The
 19 amounts in the schedule for child abuse and neglect prevention technical assistance
 20 and training under s. 46.515 (8).

NOTE: SECTIONS 1, 3 and 4 create appropriations to DHFS to provide funding for the child abuse and neglect prevention grant program created in the bill and to provide technical assistance and training to grantees.

SECTION 5. 25.67 (2) of the statutes is amended to read:

21

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1 25.67 (2) The fund shall consist of the moneys received for the fund under s.
2 48.982 (2) (d) or (2e) (a). All moneys in the fund that are not appropriated under s.
3 20.433 (1) (r) or expended under s. 20.433 (1) (q) shall continue to accumulate
4 indefinitely.

NOTE: Current law provides that the CTF consists of moneys received for the CTF by the board. This bill provides that the CTF also consists of moneys received for the CTF by the corporation which this bill authorizes the board to organize.

Current law provides that all moneys in the CTF which are not expended under the appropriation under s. 20.433 (1) (q), stats., (that is, moneys received by the board for the CTF as contributions, less the amounts appropriated from the CTF under s. 20.433 (1) (r), stats., (that is, the amounts in the schedule under s. 20.005, stats., for actual and necessary operating costs of the board and for any statewide project under s. 48.982 (5), stats.)) must continue to accumulate indefinitely. The bill specifies that moneys in the CTF which are not appropriated under s. 20.433 (1) (r), stats., or expended under s. 20.433 (1) (q), stats., must continue to accumulate indefinitely.

5 **SECTION 6.** 25.67 (2) (a) 1. and (b) of the statutes, as affected by 1997 Wisconsin
6 Acts 27 and (this act), are repealed and recreated to read:

7 25.67 (2) (a) 1. Moneys received for the fund under s. 48.982 (2) (d) or (2e) (a).
8 (b) All moneys in the fund that are not appropriated under s. 20.433 (1) (r) or
9 expended under s. 20.433 (1) (q) shall continue to accumulate indefinitely.

NOTE: The 1997 budget act, 1997 Wisconsin Act 27, renumbers and amends s. 25.67, stats., effective January 1, 1999. This SECTION reconciles the treatment of s. 25.67 (2), stats., by this bill and the budget act.

10 **SECTION 7.** 46.515 of the statutes is created to read:

11 **46.515 Child abuse and neglect prevention program. (1) DEFINITIONS.**

12 In this section:

13 (a) "Abuse" has the meaning given in s. 48.02 (1).

14 (b) "Case", other than when used in the term "case management services",
15 means a family or person who meets all of the following criteria:

16 1. The family or person is any of the following:

17 a. A family or person who has been the subject of a report under s. 48.981 and
18 with respect to whom the individual making the investigation or the intake worker

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1 assigned to the family or person has determined that all of the conditions in subd.
2 2. exist.

3 b. An Indian child who has been the subject of a report under s. 48.981 about
4 which an Indian tribe that has received a grant under this section has received
5 notice, including but not limited to notice provided to a tribal agent under s. 48.981
6 (3) (bm), and with respect to whom an individual designated by the Indian tribe has
7 determined that all of the conditions in subd. 2. exist.

8 c. A family that includes a person who has contacted a county department, as
9 defined in s. 48.02 (2g), or an Indian tribe which has been awarded a grant under this
10 section requesting assistance to prevent abuse or neglect of a child in the person's
11 family and with respect to which an individual responding to the request has
12 determined that all of the conditions in subd. 2. exist.

13 2. The family or person has been determined to meet all of the following
14 conditions:

15 a. There is a substantial risk of future abuse or neglect of a child in the family
16 if assistance is not provided.

17 b. The child and the child's parent or the person primarily responsible for the
18 child's care are willing to cooperate with an informal plan of support and services.

19 c. It does not appear that a petition will be filed under s. 48.25 alleging that a
20 child in the family is in need of protection or services under s. 48.13 and, if an Indian
21 child is involved, it also does not appear that there will be a similar proceeding in
22 tribal court relating to abuse or neglect of the Indian child.

NOTE: Does the following:

1. Defines a "case" for purposes of defining the target population to which the following benefits, as created by the bill, may be made available: (a) payments from the flexible fund described in s. 46.515 (6) (b) 2., stats., as created by this bill, of up to \$500 (or a greater amount when adjusted for inflation) for appropriate, authorized expenses

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related to the case; and (b) the MA case management benefit if the person is a MA beneficiary.

2. Defines a “case” as a family or person who meets all of the following criteria:

a. The family or person is any of the following: (1) a family or person who has been the subject of a child abuse or neglect report and with respect to whom the individual making the investigation or the intake worker assigned to the family or person has determined that all of the conditions in item b., below, exist; (2) an Indian child who has been the subject of a child abuse or neglect report about which an Indian tribe that has been awarded a prevention grant has received notice, including but not limited to notice to a tribal agent under s. 48.981 (3) (bm), stats., and with respect to whom an individual designated by the Indian tribe has determined that all of the conditions in item b., below, exist; or (3) a family that includes a person who has contacted a county department or an Indian tribe which has been awarded a prevention grant requesting assistance to prevent abuse or neglect of a child in the person’s family and with respect to which the individual responding to the request determines that all of the conditions in item b., below, exist.

b. The family or person has been determined to meet all of the following conditions:

(1) There is a substantial risk of future abuse or neglect of a child in the family if assistance is not provided.

(2) The child and the child’s parent or the person primarily responsible for the child’s care are willing to cooperate with an informal plan of support and services.

(3) It does not appear that a CHIPS petition will be filed in juvenile court and, if an Indian child is involved, it also does not appear that there will be a similar proceeding in tribal court relating to abuse or neglect of the Indian child.

1 (c) “Court”, other than when used in referring to a tribal court, has the meaning
2 given in s. 48.02 (2m).

3 (d) “Indian child” has the meaning given in s. 48.981 (1) (cs).

4 (e) “Indian tribe” means a federally recognized American Indian tribe or band
5 in this state.

NOTE: Defines “Indian tribe” in the same way that term is defined elsewhere in the statutes.

6 (f) “Intake worker” means any person designated to provide intake services
7 under s. 48.067.

8 (g) “Neglect” has the meaning given in s. 48.981 (1) (d).

9 (h) “Reservation” means land in this state within the boundaries of a federally
10 recognized reservation of an Indian tribe or within the bureau of Indian affairs
11 service area for the Ho-Chunk Nation.

12 (i) “Rural county” means a county that is not an urban county.

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1 (j) "Urban county" means a county located in a federal metropolitan statistical
2 area or a primary metropolitan statistical area, as designated by the federal office
3 of management and budget.

NOTE: Defines "urban county" as a county located in a federal metropolitan statistical area or a primary metropolitan statistical area, as designated by the federal office of management and budget, and defines "rural county" as any county which is not an urban county.

Under this definition, the following counties would currently be considered urban counties: Brown, Calumet, Chippewa, Dane, Douglas, Eau Claire, Kenosha, La Crosse, Marathon, Milwaukee, Outagamie, Ozaukee, Pierce, Racine, Rock, Sheboygan, St. Croix, Washington, Waukesha and Winnebago.

4 (2) FUNDS PROVIDED. If a county or Indian tribe applies and is selected by the
5 department under sub. (5) to participate in the program under this section, all of the
6 following apply:

7 (a) *Grants*. From the appropriation under s. 20.435 (3) (de), the department
8 shall award a grant annually to be used only for the purposes specified in sub. (4) (a).
9 The minimum amount of a grant is \$10,000. The department shall determine the
10 amount of a grant awarded to a county or Indian tribe in excess of the minimum
11 amount based on the population that is eligible for medical assistance under subch.
12 IV of ch. 49 in that county or the reservation of that Indian tribe in proportion to the
13 population that is eligible for medical assistance under subch. IV of ch. 49 in the other
14 counties and the reservations of other Indian tribes to which grants are awarded
15 under this section.

16 (b) *Reimbursement for certain case management services*. From the
17 appropriation under s. 20.435 (5) (b) and (o), the department shall reimburse
18 providers of case management services as specified in s. 49.45 (25) (bc) and (c).

NOTE: Provides that if a county or Indian tribe applies and is selected by DHFS to participate in this program, all of the following apply:

1. DHFS must award grants annually to applying counties and Indian tribes selected by DHFS. The grants may be used only for the purposes specified in s. 46.515 (4) (a), stats., as created by the bill.

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The minimum amount of the grant is \$10,000. DHFS must determine the remaining amount of a grant based on the MA-eligible population of the selected county or reservation of the selected Indian tribe in proportion to the MA-eligible population of other counties or reservations of other Indian tribes which are awarded grants.

2. For selected counties (except for Milwaukee County) and Indian tribes, DHFS must reimburse providers of case management services provided through the MA program for MA-eligible participants in the home visitation program component of the program under s. 46.515 (4) (b) 1., stats.

1 **(3) NUMBER OF COUNTIES AND INDIAN TRIBES SELECTED.** (a) *Number selected.* The
2 following number of counties and Indian tribes may be selected by the department
3 to participate in the program under this section:

4 1. In the 1997-99 state fiscal biennium, no more than 6 rural counties, 3 urban
5 counties and one Indian tribe may be selected.

6 2. In the 1999-2001 state fiscal biennium, no more than 14 rural counties, 6
7 urban counties and 3 Indian tribes may be selected, in addition to those selected in
8 the previous state fiscal biennium.

9 3. In the 2001-03 state fiscal biennium, counties and Indian tribes that have
10 not been selected previously may be selected, in addition to those selected in previous
11 state fiscal biennia.

12 (b) *Joint application permitted.* Two or more counties and Indian tribes may
13 submit a joint application to the department. Each county or Indian tribe in a joint
14 application shall be counted as a separate county or Indian tribe for the purpose of
15 limiting the number of counties and Indian tribes selected in each state fiscal
16 biennium.

NOTE: Provides that:

1. DHFS may select counties and Indian tribes according to the following schedule:
(a) in the 1997-99 state fiscal biennium, no more than 6 rural counties, 3 urban counties
and one Indian tribe may be selected; (b) in the 1999-2001 state fiscal biennium, no more
than 14 additional rural counties, 6 additional urban counties and 3 additional Indian
tribes may be selected; and (c) in the 2001-03 state fiscal biennium, counties and Indian
tribes that have not been selected previously may be selected.

2. Counties and Indian tribes may submit joint applications.

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1 (4) PURPOSE. (a) *Grants*. The grants awarded under this section shall be used
2 for all of the following purposes:

3 1. To establish or maintain the fund under sub. (6) (b) 1.

4 2. To establish or maintain the fund under sub. (6) (b) 2.

5 3. To reimburse a case management provider under s. 49.45 (25) (b) for the
6 amount of the allowable charges under the medical assistance program that is not
7 provided by the federal government for case management services provided to a
8 medical assistance beneficiary described under s. 49.45 (25) (am) 9. if that medical
9 assistance beneficiary is a case or is a member of a family that is a case.

10 4. To pay expenses incurred in connection with attending training activities
11 related to the program under this section. No more than \$1,500 of the grant amount
12 may be used for this purpose in the 12 months following receipt of a grant.

13 (b) *Reimbursement for certain case management services*. 1. As provided in s.
14 49.45 (25) (bc), the department shall reimburse providers for case management
15 services provided for persons who are selected for and agree to participate in a home
16 visitation program described in this subdivision. A county, other than a county with
17 a population of 500,000 or more, or an Indian tribe that is selected to participate in
18 the program under this section shall select persons who are first-time parents and
19 who are eligible for medical assistance under subch. IV of ch. 49 to undergo an
20 assessment through use of a risk assessment instrument to determine whether the
21 parent presents risk factors for perpetrating child abuse or neglect. Persons who are
22 selected shall be assessed during the prenatal period, if possible, or as close to the
23 time of the child's birth as possible. The risk assessment instrument shall be
24 developed by the department by rule and shall be based on risk assessment
25 instruments developed by the department for similar programs which are in

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1 operation. A person who is assessed to be at risk of abusing or neglecting his or her
2 child shall be offered home visitation program services unless the person is assigned
3 to a control group under sub. (7) (a). Home visitation program services may be
4 provided to a family with a child identified as being at risk of child abuse or neglect
5 until the identified child reaches 3 years of age. If risk factors for child abuse or
6 neglect with respect to the identified child continue to be present when the child
7 reaches 3 years of age, home visitation program services may be provided until the
8 identified child reaches 5 years of age.

9 2. The counties and Indian tribes that are selected to participate in the program
10 under this section may permit a person who is not a first-time parent or who is not
11 eligible for medical assistance under subch. IV of ch. 49 to undergo the risk
12 assessment and to participate in the home visitation program if that person presents
13 risk factors for perpetrating child abuse or neglect. No payments from the fund
14 under sub. (6) (b) 1. may be made to a person described in this subdivision.
15 Reimbursement may not be provided by the department under s. 49.45 (25) (bc) for
16 a person described in this subdivision.

NOTE: 1. Specifies that grant funds must be used for all of the following purposes:

a. To establish or maintain the flexible fund which is used for families participating in the home visitation program under s. 46.515 (4) (b) 1., stats., as created by the bill, or families in Milwaukee County receiving home visitation services under s. 49.45 (44), stats.

b. To establish or maintain the flexible fund which is used for "cases", as defined in s. 46.515 (1) (b), stats., as created by the bill.

c. To reimburse a case management provider for the nonfederal portion for case management services provided to a MA beneficiary who is part of a "case" as defined in s. 46.515 (1) (b), stats., as created by the bill.

d. To pay expenses incurred in connection with attending training activities related to the prevention program described in s. 46.515, stats., as created by the bill. No more than \$1,500 of the grant amount, however, may be used for this purpose in any grant year.

2. Specifies that DHFS must reimburse providers for MA case management services provided to persons who are selected for risk assessment, who undergo the assessment and who agree to receive home visitation program services. Other than in Milwaukee County, persons who are first-time parents and who are eligible for MA must be selected to receive an assessment to determine whether they present risk factors for

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causing child abuse or neglect. The assessment must be done during the prenatal period or as soon after the child's birth as possible. Those persons who are determined to be at risk must be offered home visitation program services. Services may be provided to a family with a child identified as being at risk of child abuse or neglect until the child reaches 3 years of age, unless risk factors continue to be present, in which case services may continue until the child reaches 5 years of age.

3. Specifies that other persons who are not selected for risk assessment but who wish to undergo a risk assessment may be permitted to do so and may be offered home visitation program services if risk factors are present. Reimbursement of the nonfederal portion for MA case management services for those persons, however, may not be provided by DHFS. In addition, no payments from the flexible fund for the home visitation program may be made to those persons.

1 **(5) SELECTION OF COUNTIES AND INDIAN TRIBES.** The department shall provide
2 competitive application procedures for selecting counties and Indian tribes for
3 participation in the program under this section. The department shall establish a
4 method for ranking applicants for selection based on the quality of their applications.
5 In ranking the applications submitted by urban counties in the 1997-99 state fiscal
6 biennium, the department shall give favorable consideration to a county that has
7 indicated under sub. (6) (a) 7. that it is willing to participate in the evaluation under
8 sub. (7). The application procedures provided shall be clear and understandable to
9 the applicants.

NOTE: Requires DHFS to do all of the following:

1. Provide application procedures for selecting counties and Indian tribes using DHFS's competitive application procedures.
2. Establish a method for ranking counties and Indian tribes for selection as grant recipients based on the quality of their grant applications. Favorable consideration must be given to urban counties that are willing to participate in the evaluation.
3. Provide application procedures which are clear and understandable to the applicants.

10 **(6) CRITERIA FOR AWARDING GRANTS.** In addition to any other criteria developed
11 by the department, a county or Indian tribe shall meet all of the following criteria in
12 order to be selected for participation in the program under this section:

13 (a) *Home visitation program criteria.* The part of an application submitted by
14 a county, other than a county with a population of 500,000 or more, or an Indian tribe
15 which relates to home visitation programs shall include all of the following:

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1 1. Information on how the applicant's home visitation program is
2 comprehensive and incorporates practice standards that have been developed for
3 home visitation programs by entities concerned with the prevention of child abuse
4 and neglect.

5 2. Documentation that the application of the county or Indian tribe was
6 developed through collaboration among public and private organizations that
7 provide services to children, especially children who are at risk of child abuse or
8 neglect, or that are otherwise interested in child welfare and a description of how
9 that collaboration effort will support a comprehensive home visitation program.

10 3. An identification of existing child abuse and neglect prevention services that
11 are available to residents of the county or reservation of the Indian tribe and a
12 description of how those services and any additional needed services will support a
13 comprehensive home visitation program.

14 4. An explanation of how the home visitation program will build on existing
15 child abuse and neglect prevention programs, including programs that provide
16 support to families, and how the home visitation program will coordinate with those
17 programs.

18 5. An identification of ways to maximize the use of volunteers and other
19 community resources in support of the home visitation program.

20 6. An identification of how the home visitation program is comprehensive and
21 incorporates the practice standards for home visitation programs referred to in subd.
22 1., including how services will vary in intensity levels depending on the needs and
23 strengths of the participating family.

24 7. An indication of the applicant's willingness to participate in the evaluation
25 under sub. (7).

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NOTE: For other than Milwaukee County, provides that the part of the application relating to home visitation programs must include all of the following:

1. Information on how the applicant's home visitation program is comprehensive and incorporates practice standards that have been developed for home visitation programs by entities concerned with the prevention of child abuse and neglect.
2. Documentation that the application was developed through a collaborative process, including both public and private entities.
3. An identification of existing child abuse and neglect prevention services that are available to residents of the county or reservation of the Indian tribe and a description of how those services and any additional needed services will support a comprehensive home visitation program.
4. An explanation of how the home visitation program will build on existing child abuse and neglect prevention programs, including programs that provide support to families, and how the home visitation program will coordinate with those programs.
5. An identification of ways to maximize the use of volunteers and other community resources in support of the home visitation program.
6. An identification of how the home visitation program is comprehensive and incorporates the practice standards for home visitation programs referred to in item 1., above, including how services will vary in intensity levels depending on the needs and strengths of the participating family.
7. An indication of the applicant's willingness to participate in the evaluation under s. 46.515 (7), stats., as created by the bill.

1 (b) *Flexible funds.* 1. 'Flexible fund for home visitation programs.' The
2 applicant demonstrates in the application that the applicant has established, or has
3 plans to establish, if selected, a fund from which payments totaling not more than
4 \$500 per calendar year may be made for appropriate expenses of each family that is
5 participating in the home visitation program under sub. (4) (b) 1. or that is receiving
6 home visitation services under s. 49.45 (44). The payments shall be authorized by
7 an individual designated by the applicant. The applicant shall provide an equal cash
8 match for payments made under this subdivision.

NOTE: Provides that a county or Indian tribe must demonstrate that it has established, or has plans to establish, if selected, a flexible fund from which payments of up to \$500 per calendar year may be made for each family that is involved in the home visitation program under s. 46.515 (4) (b) 1. stats., as created by the bill, (that is, those first-time, MA-eligible parents who are selected for risk assessment, who undergo the assessment, who are found to be at risk of perpetrating child abuse and neglect and who are offered and accept home visitation program services) or that is receiving home visitation services under s. 49.45 (44), stats., (that is, individuals in Milwaukee County who are receiving prenatal and postpartum care coordination services and care coordination services for children who have not attained 7 years of age). The payments may be made for appropriate expenses of the family and must be authorized by an individual whom the county or Indian tribe has designated to authorize such payments. The county or Indian tribe must provide an equal cash match for payments made from this fund. Thus, for example, if payment of an expense of \$626 were authorized, \$313

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would be paid from grant moneys included in the flexible fund and the remaining \$313 would be paid with other moneys raised by the county or Indian tribe.

1 2. 'Flexible fund for cases.' The applicant demonstrates in the grant application
2 that the applicant has established, or has plans to establish, if selected, a fund from
3 which payments totaling not more than \$500 for each case may be made for
4 appropriate expenses related to the case. The payments shall be authorized by an
5 individual designated by the applicant. The applicant shall demonstrate in the grant
6 application that it has established, or has plans to establish, if selected, procedures
7 to encourage, when appropriate, a person to whom or on whose behalf payments are
8 made under this subdivision to make a contribution to the fund described in this
9 subdivision up to the amount of payments made to or on behalf of the person when
10 the person's financial situation permits such a contribution.

NOTE: Does the following:

1. Provides that a county or Indian tribe must demonstrate that it has established, or has plans to establish, if selected, a flexible fund from which payments of up to \$500 may be made for each "case", as defined in s. 46.515 (1) (b), stats., as created by the bill. The payments may be made for appropriate expenses related to the "case" and must be authorized by an individual whom the county or Indian tribe has designated to authorize such payments.

2. Provides that the county or Indian tribe must demonstrate that it has established, or has plans to establish, if selected, procedures to encourage, when appropriate, a person to whom or on whose behalf payments are made from the flexible fund for "cases" to make a contribution to this flexible fund up to the amount of payments made to or on behalf of the person when the person's financial situation permits such a contribution.

11 3. 'Inflationary adjustment.' The department shall review biennially the
12 maximum payment amounts specified in subds. 1. and 2. and shall adjust those
13 amounts to reflect increases in expenditures due to inflation. Adjustments shall be
14 in increments of \$20. The department shall publish notice of an adjustment in a
15 maximum payment amount in the Wisconsin administrative register and shall send
16 a notice about the adjustment to all counties and Indian tribes. Notwithstanding
17 subd. 1., the maximum payment amount from the fund established under subd. 1.

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1 for a family that is participating in the home visitation program under sub. (4) (b)
2 1. or that is receiving home visitation services under s. 49.45 (44) shall be the greater
3 of \$500 or the last amount published in the Wisconsin Administrative Register as the
4 maximum payment amount under subd. 1. Notwithstanding subd. 2., the maximum
5 payment amount from the fund established under subd. 2. for expenses of a case shall
6 be the greater of \$500 or the last amount published in the Wisconsin Administrative
7 Register as the maximum payment amount under subd. 2.

NOTE: Provides a mechanism to adjust for inflation the \$500 maximum payment amounts from the flexible funds.

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

NOTE: Does the following:

1. Specifies that an individual is not entitled to a payment from the flexible fund established to assist families in a home visitation program or from the flexible fund established to assist "cases".

2. Specifies that neither a county nor an Indian tribe is required to make a determination described in s. 46.515 (1) (b) 2., stats., as created by the bill, to determine whether a family or person is a "case". Such a determination is made only at the option of the county or Indian tribe.

3. Specifies that a determination described in s. 46.515 (1) (b) 2., stats., as created by the bill, is not a determination under s. 48.981 (3) (c) 4., stats., that a report of abuse or neglect or threatened abuse or neglect has been substantiated or unsubstantiated.

13 (c) *Case management benefit.* The applicant states in the grant application that
14 it has elected, or, if selected, that it will elect, under s. 49.45 (25) (b), to make the case
15 management benefit under s. 49.45 (25) available to the category of beneficiaries
16 under s. 49.45 (25) (am) 9.

NOTE: Specifies that, in order to be eligible for a prevention grant, a county or Indian tribe must have elected, or stated that, if selected, it will elect, to make the MA case management benefit available to the category of beneficiaries under s. 49.45 (25)

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(am) 9., stats., that is, to an MA beneficiary who is “a member of a family that has a child who is at risk of serious physical, mental or emotional dysfunction, as defined by [DHFS]”.

1 (d) *Wraparound process.* The applicant demonstrates in the grant application
2 that payments that will be made from the fund established under sub. (4) (b) 2. and
3 case management services provided to a medical assistance beneficiary under s.
4 49.45 (25) (am) 9. who is a case or who is a member of a family that is a case will
5 promote the provision of services for the case using a wraparound process to provide
6 services in a flexible, comprehensive and individualized manner in order to reduce
7 court-ordered services.

NOTE: Requires a county or Indian tribe to demonstrate in the grant application how payments that will be made from the flexible fund for families or persons who are defined as a “case” under s. 46.515 (1) (b), stats., as created by the bill, and how case management services provided to an MA beneficiary who is defined as a “case” or who is a member of a family that is defined as a “case” will promote the provision of services for those “cases” using a wraparound process to provide services in a flexible, comprehensive and individualized manner in order to reduce court-ordered services.

8 (e) *Anticipated allocation.* The applicant explains in the grant application how
9 the applicant anticipates allocating moneys awarded under the grant among the
10 purposes described in sub. (4) (a) 1. to 3.

NOTE: Requires a county or Indian tribe to explain in the grant application how the applicant anticipates that moneys awarded under the grant will be allocated among the following purposes: (1) the flexible fund for persons in home visitation programs; (2) the flexible fund for “cases”; and (3) paying the nonfederal share of MA case management for “cases”.

11 **(7) HOME VISITATION PROGRAM EVALUATION.** (a) The department shall designate
12 2 of the urban counties selected for the program in the 1997-99 state fiscal biennium
13 to participate in an evaluation of the home visitation program. The department shall
14 select the evaluator for the home visitation program and shall apply for funding from
15 private organizations for the evaluation. The evaluation shall randomly assign
16 persons who have been assessed as described under sub. (4) (b) 1. and determined
17 to be at risk of perpetrating child abuse or neglect to control and treatment groups.

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1 Persons in the control group may not receive services under sub. (4) (b) 1. or payment
2 from the fund under sub. (6) (b) 1. The evaluator shall measure all of the following
3 criteria for a 2-year period in families in both the control and treatment groups:

- 4 1. The number of substantiated reports of child abuse and neglect.
- 5 2. The number of emergency room visits for injuries to children.
- 6 3. The number of out-of-home placements of children.
- 7 4. Immunization rates of children.
- 8 5. The number of services provided under s. 49.46 (2) (a) 2. to children.
- 9 6. Any other items that the department determines to be appropriate for
10 evaluation.

11 (b) The department shall require the evaluation to determine the number of
12 families in the treatment group who remained in the home visitation program for the
13 time recommended in the family's case plan.

14 (c) The department shall determine the most appropriate way to evaluate the
15 following criteria and shall require those criteria to be evaluated in both the control
16 and treatment groups:

- 17 1. Strengthened family functioning.
- 18 2. Enhanced child development.
- 19 3. Positive parenting practices.

20 (d) All counties and Indian tribes selected for participation in the 1997-99 state
21 fiscal biennium but not selected for the evaluation shall also gather data on the
22 criteria specified in pars. (a) to (c) for persons participating in the home visitation
23 program under sub. (4) (b) 1. and shall submit the data to the department.

24 (e) If the federal health care financing administration disallows
25 reimbursement for case management services provided to medical

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1 assistance-eligible participants in the treatment groups specified in par. (a), the
2 department shall apply for funding from private organizations to provide for the
3 disallowed reimbursement of the federal share of medical assistance for case
4 management services provided as part of the home visitation program in the 2 urban
5 counties for the 2-year period during which the evaluation is being conducted.

NOTE: Outlines the program evaluation to be performed in 2 of the urban counties initially selected for the program in the 1997-99 state fiscal biennium. Two urban counties will be selected to conduct the evaluation, which will be an experimental design which randomly assigns individuals eligible for program participation into control and treatment groups. Persons in the control group may not receive the case management services under s. 46.515 (4) (b) 1., stats., as created by the bill, or payments from the flexible fund under s. 46.515 (6) (b) 1., stats., as created by the bill. Specifies the criteria which will be measured for these control and treatment groups. Further specifies that the counties and Indian tribes which receive prevention grants but which are not selected for the evaluation must also collect data on those criteria for persons participating in the home visitation program under s. 46.515 (4) (b) 1., stats., as created by the bill, and must submit the data to DHFS.

6 **(8) TECHNICAL ASSISTANCE AND TRAINING.** The department shall provide
7 technical assistance and training to counties and Indian tribes that are selected to
8 participate in the program under this section.

NOTE: Provides that DHFS must provide technical assistance and training to counties and Indian tribes that are selected to participate in the prevention program. As set forth in attachment 1 to Legislative Council staff Child Abuse and Neglect memo no. 20, Summary of Recommendations Relating to Providing Technical Assistance and Training (April 24, 1997), DHFS, the University of Wisconsin cooperative extension service and others have developed a training and technical assistance plan which the special committee understands will be used to provide technical assistance and training to grantees.

9 **SECTION 8.** 46.515 (1) (b) 1. c. of the statutes, as created by 1997 Wisconsin Act
10 (this act), is repealed and recreated to read:

11 46.515 (1) (b) 1. c. A family that includes a person who has contacted a county
12 department, as defined in s. 48.02 (2g), or an Indian tribe that has been awarded a
13 grant under this section or, in a county having a population of 500,000 or more that
14 has been awarded a grant under this section, the department or a licensed child
15 welfare agency under contract with the department requesting assistance to prevent

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1 abuse or neglect of a child in the person's family and with respect to which an
2 individual responding to the request has determined that all of the conditions in
3 subd. 2. exist.

NOTE: The 1997 budget act, 1997 Wisconsin Act 27, transfers the duty and authority to provide child welfare services in Milwaukee County from the Milwaukee County department of social services to DHFS, effective January 1, 1998. The budget act also permits DHFS to contract with a licensed child welfare agency to provide those services. This bill reconciles this provision of this bill with that transfer of duty and authority by the budget act.

4 **SECTION 9.** 48.981 (8) (a) and (d) 1. of the statutes are amended to read:

5 48.981 (8) (a) The department and county departments to the extent feasible
6 shall conduct continuing education and training programs for staff of the
7 department, county departments and tribal social services departments, persons
8 and officials required to report, the general public and others as appropriate. The
9 programs shall be designed to encourage reporting of child abuse and neglect, to
10 encourage self-reporting and voluntary acceptance of services and to improve
11 communication, cooperation and coordination in the identification, prevention and
12 treatment of child abuse and neglect. Programs provided for staff of county
13 departments and licensed child welfare agencies under contract with county
14 departments whose responsibilities include the investigation or treatment of child
15 abuse and neglect shall also be designed to provide information on means of
16 recognizing and appropriately responding to domestic abuse, as defined in s. 46.95
17 (1) (a). The department and county departments shall develop public information
18 programs about child abuse and neglect.

NOTE: Requires that continuing education and training programs that are provided for staff of county departments and licensed child welfare agencies under contract with county departments whose responsibilities include the investigation or treatment of child abuse and neglect also be designed to provide information on means of appropriately responding to and recognizing domestic abuse, as defined in s. 46.95 (1) (a), stats. See the PREFATORY NOTE for an explanation of that definition.

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1 (d) 1. Each county department or licensed child welfare agency under contract
2 with a county department staff member and supervisor whose responsibilities
3 include investigation or treatment of child abuse and neglect shall successfully
4 complete training in child abuse and neglect protective services approved by the
5 department. The training shall include information on means of recognizing and
6 appropriately responding to domestic abuse, as defined in s. 46.95 (1) (a). The
7 department shall monitor compliance with this subdivision according to rules
8 promulgated by the department.

NOTE: Requires that the training required of each staff member and supervisor of a county department or licensed child welfare agency under contract with a county department whose responsibilities include investigation or treatment of child abuse and neglect include information on means of recognizing and appropriately responding to domestic abuse, as defined in s. 46.95 (1) (a), stats. See the PREFATORY NOTE for an explanation of that definition.

9 **SECTION 10.** 48.981 (8) (a) and (d) 1. of the statutes, as affected by 1997
10 Wisconsin Acts 27 and (this act), are repealed and recreated to read:

11 48.981 (8) (a) The department, the county departments and a licensed child
12 welfare agency under contract with the department in a county having a population
13 of 500,000 or more to the extent feasible shall conduct continuing education and
14 training programs for staff of the department, the county departments, a licensed
15 child welfare agency under contract with the department or a county department,
16 and the tribal social services departments, persons and officials required to report,
17 the general public and others as appropriate. The programs shall be designed to
18 encourage reporting of child abuse and neglect, to encourage self-reporting and
19 voluntary acceptance of services and to improve communication, cooperation and
20 coordination in the identification, prevention and treatment of child abuse and
21 neglect. Programs provided for staff of the department, county departments and
22 licensed child welfare agencies under contract with county departments or, in a

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1 county having a population of 500,000 or more, the department whose
2 responsibilities include the investigation or treatment of child abuse and neglect
3 shall also be designed to provide information on means of recognizing and
4 appropriately responding to domestic abuse, as defined in s. 46.95 (1) (a). The
5 department, the county departments and a licensed child welfare agency under
6 contract with the department in a county having a population of 500,000 or more
7 shall develop public information programs about child abuse and neglect.

8 (d) 1. Each agency staff member and supervisor whose responsibilities include
9 investigation or treatment of child abuse and neglect shall successfully complete
10 training in child abuse and neglect protective services approved by the department.
11 The training shall include information on means of recognizing and appropriately
12 responding to domestic abuse, as defined in s. 46.95 (1) (a). The department shall
13 monitor compliance with this subdivision according to rules promulgated by the
14 department.

NOTE: The 1997 budget act, 1997 Wisconsin Act 27, amends s. 48.981 (8) (a) and (d)
1., stats., effective January 1, 1998. This SECTION reconciles the treatment of s. 48.981
(8) (a) and (d) 1., stats., by this bill and the budget act.

15 **SECTION 11.** 48.982 (2e) of the statutes is created to read:

16 48.982 (2e) NONSTOCK, NONPROFIT CORPORATION. (a) The board may organize
17 and maintain a nonstock, nonprofit corporation under ch. 181 for the exclusive
18 purpose of soliciting and accepting contributions, grants, gifts and bequests for the
19 children's trust fund. Any contributions, grants, gifts or bequests accepted by the
20 corporation shall be deposited in the children's trust fund and, in accordance with the
21 wishes of the donor, shall be used for any of the purposes specified in sub. (2m) or
22 shall continue to accumulate in the children's trust fund pursuant to s. 25.67 (2).

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1 (b) The board shall enter into a contract with any corporation organized and
2 maintained under par. (a). The contract shall provide that the board may make use
3 of the services of the corporation and that the board may provide administrative
4 services to the corporation. The type and scope of any administrative services
5 provided by the board to the corporation and the board employees assigned to perform
6 the services shall be determined by the board. The corporation may neither employ
7 staff nor engage in political activities.

8 (c) The corporation under par. (a) shall donate any real property to the state
9 within 5 years after acquiring the property unless holding the property for more than
10 5 years is consistent with sound business and financial practices and is approved by
11 the joint committee on finance.

12 (d) The board, the department of administration, the legislative fiscal bureau,
13 the legislative audit bureau and the appropriate committee of each house of the
14 legislature, as determined by the presiding officer, may examine all records of the
15 corporation.

16 (e) The board of directors of any corporation established under this subsection
17 shall consist of 5 members, including the chairperson of the child abuse and neglect
18 prevention board and 4 members of the child abuse and neglect prevention board,
19 elected by the child abuse and neglect prevention board, of which one shall be a
20 legislator. No 2 members of the board of directors may be from the same category of
21 child abuse and neglect prevention board members under s. 15.195 (4) (a) to (g).

22 (f) Any corporation established under this subsection shall be organized so that
23 contributions to it will be deductible from adjusted gross income under section 170
24 of the Internal Revenue Code, as defined under s. 71.01 (6), and so that the

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1 corporation will be exempt from taxation under section 501 of the Internal Revenue
2 Code, as defined under s. 71.22 (4), and under s. 71.26 (1) (a).

NOTE: This SECTION authorizes the board to organize a nonstock, nonprofit corporation for the purpose of soliciting and accepting contributions for the CTF, as discussed in the prefatory note.

3 **SECTION 12.** 48.982 (6) (d) of the statutes is amended to read:

4 48.982 (6) (d) The board shall award grants to organizations for programs that
5 provide parenting education services but not crisis intervention. Grants shall be
6 used for direct parent education and referrals to other social services programs and
7 outreach programs, including programs that provide education to parents in their
8 homes. For organizations applying for grants for the first time on or after the
9 effective date of this paragraph ... [revisor inserts date], the board shall give
10 favorable consideration in awarding grants to organizations for programs in
11 communities where home visitation programs that provide in-home visitation
12 services to parents with newborn infants are in existence or are in development and,
13 if grants are awarded, shall require programs supported by grants to maximize
14 coordination with these home visitation programs. Programs supported by the
15 grants shall track individual clients to ensure that they receive necessary services
16 and shall emphasize direct services to families with children who are 3 years of age
17 or less.

NOTE: Amends current law relating to the awarding of early childhood family education center grants by the child abuse and neglect prevention board by requiring the board, for organizations that are applying for grants for the first time on or after the effective date of this bill, to give favorable consideration in awarding the grants to organizations for programs in communities where home visitation programs that provide in-home visitation services to parents with newborn infants are in existence or are in development. If grants are awarded, the programs supported by the grants must maximize coordination with these home visitation programs.

18 **SECTION 13.** 49.45 (25) (b) of the statutes is amended to read:

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1 49.45 (25) (b) A county, city, village or town may elect to make case
2 management services under this subsection available in the county, city, village or
3 town to one or more of the categories of beneficiaries under par. (am) through the
4 medical assistance program. ~~A Except as provided in par. (bc), a county, city, village~~
5 or town that elects to make the services available shall reimburse a case
6 management provider for the amount of the allowable charges for those services
7 under the medical assistance program that is not provided by the federal
8 government.

NOTE: Cross-references the exception in s. 49.45 (25) (bc), as created by the bill, to the requirement under current law that a county, city, village or town that elects to make MA case management services available to one or more of the categories of MA beneficiaries listed in s. 49.45 (25) (am) 1. to 13., stats., must reimburse a case management provider for the amount of the allowable charges that is not provided by the federal government.

9 **SECTION 14.** 49.45 (25) (b) of the statutes, as affected by 1997 Wisconsin Acts
10 27 and (this act), is repealed and recreated to read:

11 49.45 (25) (b) A county, city, village, town or, in a county having a population
12 of 500,000 or more, the department may elect to make case management services
13 under this subsection available in the county, city, village or town to one or more of
14 the categories of beneficiaries under par. (am) through the medical assistance
15 program. Except as provided in par. (bc), a county, city, village, town or, in a county
16 having a population of 500,000 or more, the department that elects to make the
17 services available shall reimburse a case management provider for the amount of the
18 allowable charges for those services under the medical assistance program that is not
19 provided by the federal government.

NOTE: The 1997 budget act, 1997 Wisconsin Act 27, amends s. 49.45 (25) (b), stats., effective January 1, 1998. This SECTION reconciles the treatment of s. 49.45 (25) (b), stats., by this bill and the budget act.

20 **SECTION 15.** 49.45 (25) (bc) of the statutes is created to read:

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1 49.45 (25) (bc) If a county, other than a county with a population of 500,000 or
2 more, or an Indian tribe elects to make case management services under this
3 subsection available to the category of beneficiaries under par. (am) 9. and if that
4 county or Indian tribe is the recipient of a grant under s. 46.515, the department shall
5 reimburse a case management provider for the amount of the allowable charges for
6 case management services under the medical assistance program that is not
7 reimbursed by the federal government if those services are provided to a child who
8 is a member of a family that receives home visitation program services under s.
9 46.515 (4) (b) 1.

NOTE: With limited exceptions, case management services are reimbursable under MA only if provided to an MA beneficiary who receives case management services from or through a certified case management provider in a county, city, village or town that elects under s. 49.45 (25) (b), stats., to make the services available to one or more of the categories of MA beneficiaries listed in s. 49.45 (25) (am) 1. to 13., stats., and the MA beneficiary is in one of the elected categories. One of the categories that may be elected is s. 49.45 (25) (am) 9., stats., that is, “a member of a family that has a child who is at risk of serious physical, mental or emotional dysfunction, as defined [by DHFS]”.

The bill provides that if a county, other than Milwaukee County, or an Indian tribe elects to make the MA case management services available to those “at-risk” MA beneficiaries and if the county or Indian tribe is the recipient of a prevention grant under s. 46.515, stats., as created by the bill, then DHFS, not the county or Indian tribe, must reimburse a case management provider for the amount of the allowable charges that is not provided by the federal government. This reimbursement is for case management services provided to a child who is a member of a family that receives home visitation services under s. 46.515 (4) (b) 1., stats., as created by the bill, that is, those first-time, MA-eligible parents who are selected for risk assessment, who undergo the assessment, who are found to be at risk of perpetrating child abuse and neglect and who are offered and accept home visitation program services. (Section 49.45 (25) (c), stats., provides that DHFS must reimburse the provider for the federal portion of the allowable charges.)

10 **SECTION 16.** 49.45 (25) (c) of the statutes is amended to read:

11 49.45 (25) (c) Except as provided in pars. (b), (bc), (be) and (bg), the department
12 shall reimburse a provider of case management services under this subsection only
13 for the amount of the allowable charges for those services under the medical
14 assistance program that is provided by the federal government.

NOTE: Creates an additional exception to the requirement under current law that DHFS must reimburse a provider for case management services only for allowable charges approved by the federal government for MA, in order to take into account s. 49.45

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(25) (bc), as created by the bill. This SECTION also provides in s. 49.45 (25) (c), stats., a cross-reference to s. 49.45 (25) (b), stats., to acknowledge that s. 49.45 (25) (b), stats., also provides an exception to the requirement that DHFS must reimburse a provider for case management services only for allowable charges approved by the federal government for MA.

1 **SECTION 17. Nonstatutory provisions; health and family services.**

2 (1) If the department of health and family services is unable to obtain funding
3 from private sources for the evaluation under section 46.515 (7) (a) of the statutes,
4 as created by this act, or funding for the federal share of medical assistance case
5 management services provided as part of the home visitation program in the 2
6 counties selected for the evaluation, as specified under section 46.515 (7) (d) of the
7 statutes, as created by this act, the department shall submit a request to the joint
8 committee on finance for consideration of funding under the procedures set forth in
9 sections 13.10 and 13.101 of the statutes.

NOTE: Requires DHFS to submit a request for funding to the joint committee on finance, under the procedures in ss. 13.10 and 13.101, stats., in the event that DHFS is unable to obtain private funding for the home visitation program evaluation or for providing home visitation program case management services in the 2 evaluation counties if MA reimbursement is disallowed by the federal government for those evaluation counties.

10 (2) Of the amounts appropriated to the department of health and family
11 services under section 20.435 (5) (o) of the statutes, the department shall expend
12 \$675,760 in fiscal year 1997-98 and \$1,351,520 in fiscal year 1998-99 to fund the
13 federal share for providing medical assistance case management services to persons
14 in the home visitation program under section 46.515 (4) (b) 1. of the statutes, as
15 created by this act, and to persons for whom a county or Indian tribe reimburses a
16 case management provider under section 46.515 (4) (a) 3. of the statutes, as created
17 by this act.

NOTE: Requires DHFS to expend \$675,760 in fiscal year 1997-98 and \$1,351,520 in fiscal year 1998-99 from the federal program revenue appropriation for the MA program to fund the federal share for providing MA case management services to: (a) persons in the home visitation program under s. 46.515 (4) (b) 1., stats., as created by the bill; and (b) persons who are defined as "cases" under s. 46.515 (1) (b), stats., as created

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by the bill, for whom a county or Indian tribe uses prevention grant funds to reimburse a case management provider for the nonfederal portion of allowable charges for case management services.

1 SECTION 18. Appropriation changes; health and family services.

2 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
3 to the department of health and family services under section 20.435 (5) (b) of the
4 statutes, as affected by the acts of 1997, the dollar amount is increased by \$197,000
5 for fiscal year 1997-98 and the dollar amount is increased by \$394,000 for fiscal year
6 1998-99 to fund the state share for providing medical assistance case management
7 services to persons in the home visitation program under section 46.515 (4) (b) 1. of
8 the statutes, as created by this act.

NOTE: Increases the general purpose revenue appropriation for the MA program by \$197,000 GPR in fiscal year 1997-98 and by \$394,000 GPR in fiscal year 1998-99 to fund the state share for providing MA case management services to persons in the home visitation program under s. 46.515, stats., as created by the bill.

9 **SECTION 19. Effective dates.** This act takes effect on the day after publication,
10 except as follows:

11 (1) The repeal and recreation of sections 46.515 (1) (b) 1. c., 48.981 (8) (a) and
12 (d) 1. and 49.45 (25) (b) of the statutes takes effect on January 1, 1998, or on the day
13 after publication, whichever is later.

14 (2) The repeal and recreation of section 25.67 (2) (a) 1. and (b) of the statutes
15 takes effect on January 1, 1999.

16 (END)