



1997 ASSEMBLY BILL 884

March 5, 1998 - Introduced by Representatives HUEBSCH, LADWIG, MUSSER, SCHAFFER, PORTER, KEDZIE, WARD and DOBYNS, cosponsored by Senator DARLING. Referred to Committee on Children and Families.

1 **AN ACT to repeal** 20.435 (3) (dh); **to amend** 48.552 (2) (a) (intro.); and **to create**
2 20.435 (3) (dh), 20.435 (3) (pm) and 48.552 of the statutes; **relating to:** special
3 needs adoption contracts, granting rule-making authority and making
4 appropriations.

Analysis by the Legislative Reference Bureau

Under current law, the department of health and family services (DHFS), the Milwaukee County department of social services, if contracted to do so by DHFS, and a licensed child welfare agency, if licensed to do so by DHFS, may accept guardianship of a child and place the child for adoption. Current law also requires DHFS to establish a state adoption information exchange for the purpose of finding adoptive homes for children with special needs. Current administrative rules provide certain criteria for determining when a child is a child with special needs. Those criteria include a child who has moderate to intensive difficulty-of-care problems, a child 10 years of age or over, a child who is a member of a sibling group of 3 or more children that must be placed together and a child who belongs to a minority group and who is difficult to place due to a lack of placement resources for children of that minority group.

This bill requires DHFS to contract with not more than 2 child welfare agencies to do all of the following in the 2 regions, as designated by DHFS for purposes of program administration, of the state, other than the region that includes Milwaukee County, that have the highest number of children with special needs:

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1. Recruit, process and approve qualified families for the adoption of children with special needs in the region.

2. Coordinate the services provided by DHFS, including the state adoption information exchange, other child welfare agencies and other persons to recruit, process and approve qualified families for the adoption of children with special needs in the region.

3. Coordinate the services described in items 1. and 2., above, with the services provided by the county departments of human services or social services in the region to identify children with special needs who do not have permanent homes, to initiate termination of parental rights proceedings for those children and to provide child welfare services to those children pending their adoption and, if necessary, following their adoption.

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

	1997-98	1998-99
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4 **20.435 Health and family services, department**
5 **of**

6 (3) CHILDREN AND FAMILY SERVICES

7 (dh) Special needs adoption contracts	-0-	100,000
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8 **SECTION 2.** 20.435 (3) (dh) of the statutes is created to read:

9 20.435 (3) (dh) *Special needs adoption contracts.* The amounts in the schedule
10 to enter into contracts under s. 48.552 (2) (a) for the provision and coordination of
11 services to recruit, process and approve qualified families for the adoption of children
12 with special needs.

13 **SECTION 3.** 20.435 (3) (dh) of the statutes, as created by 1997 Wisconsin Act
14 (this act), is repealed.

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1 **SECTION 4.** 20.435 (3) (pm) of the statutes is created to read:

2 20.435 (3) (pm) *Federal aid; adoption incentive payments.* All federal moneys
3 received as adoption incentive payments under 42 USC 473A, as authorized by the
4 governor under s. 16.54, to be expended for the purposes for which received.

5 **SECTION 5.** 48.552 of the statutes is created to read:

6 **48.552 Special needs adoption contracts. (1) DEFINITIONS.** In this section:

7 (a) "Child welfare agency" means a child welfare agency that is licensed under
8 s. 48.60 and authorized under s. 48.61 (5) to accept guardianship of children and to
9 place children under its guardianship for adoption.

10 (b) "Region" means a grouping of counties designated by the department for
11 purposes of program administration.

12 **(2) AWARDING OF CONTRACTS.** (a) From the appropriations under s. 20.435 (3)
13 (dh) and (pm), the department, in accordance with its request-for-proposal
14 procedures, shall contract with not more than 2 child welfare agencies to do all of the
15 following in the 2 regions of the state, other than the region that includes a county
16 having a population of 500,000 or more, that have the highest number of children
17 with special needs:

18 1. Recruit, process and approve qualified families for the adoption of children
19 with special needs in the region of the state for which the contract was awarded.

20 2. Coordinate the services provided by the department, including the state
21 adoption information exchange under s. 48.55, other child welfare agencies and other
22 persons to recruit, process and approve qualified families for the adoption of children
23 with special needs in the region of the state for which the contract was awarded.

24 3. Coordinate the services provided under subds. 1. and 2. with the services
25 provided by the county departments in the region of the state for which the contract

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1 was awarded to identify children with special needs who do not have permanent
2 homes, to initiate termination of parental rights proceedings for those children and
3 to provide child welfare services to those children pending their adoption and, if
4 necessary, following their adoption.

5 (b) A child welfare agency that is awarded a contract under par. (a) shall
6 provide matching funds equal to 20% of the contract amount awarded. The match
7 may be in the form of money or in-kind services or both, but any moneys used by a
8 child welfare agency toward a match may not include moneys received from the state
9 government. Any proposed match that includes in-kind services is subject to the
10 approval of the department.

11 (c) A child welfare agency that is awarded a contract under par. (a) shall provide
12 to the department such information that the department determines is necessary for
13 monitoring and evaluating the performance of the child welfare agency under the
14 contract.

15 **SECTION 6.** 48.552 (2) (a) (intro.) of the statutes, as created by 1997 Wisconsin
16 Act (this act), is amended to read:

17 48.552 (2) (a) (intro.) From the ~~appropriations~~ appropriation under s. 20.435
18 (3) ~~(dh)~~ and (pm), the department, in accordance with its request-for-proposal
19 procedures, shall contract with not more than 2 child welfare agencies to do all of the
20 following in the 2 regions of the state, other than the region that includes a county
21 having a population of 500,000 or more, that have the highest number of children
22 with special needs:

23 **SECTION 7. Effective dates.** This act takes effect on July 1, 1998, or on the day
24 after publication, whichever is later, except as follows:

