



Amy Loudenbeck

REPRESENTING WISCONSIN'S 31ST ASSEMBLY DISTRICT

**Testimony of Rep. Amy Loudenbeck
Assembly Bill 407
Assembly Committee on Children and Families
October 28, 2015**

Thank you to the Committee Chair and to my colleagues in the Assembly for the opportunity to provide testimony on Assembly Bill 407 streamlines the process for subsidized guardianship, and is supported by the Department of Children and Families.

The federal Preventing Sex Trafficking and Strengthening Families Act of 2014 requires the Department of Children and Families to allow a successor guardian to be named in the event of a subsidized guardian's death or incapacitation. The bill brings Wisconsin into compliance with the new federal law.

Wisconsin enacted statewide subsidized guardianship in 2012 to strengthen support for guardianships as an option for children exiting the child welfare system. The addition of allowing for a successor guardian improves permanency outcomes and stability for children and families.

Colleagues, thank you for your time today and for allowing me to provide information about this meaningful proposal.



201 East Washington Avenue, Room G200
P.O. Box 8916
Madison, WI 53708-8916
Telephone: 608-266-8684
Fax: 608-261-6972

Governor Scott Walker
Secretary Eloise Anderson

Secretary's Office

Date: October 28, 2015
To: Members of the Assembly Committee on Children and Families
From: Fredi-Ellen Bove, Administrator, Division of Safety and Permanence
Re: Department Position on AB 407 – In Support

Representative Rodriguez and Assembly Committee on Children and Families,

Thank you for the opportunity to testify on AB407.

First, I wish to express the Department's deep appreciation for the individuals who support and care for children in need through guardianship. These individuals are often family members who step forward to assist a child of a family member when the child welfare system is involved. The Department's goal is that all children including those in guardianship thrive in safe, stable and nurturing families.

Our testimony provides an overview of the changes to federal law which require Wisconsin to enact changes to existing subsidized guardianship laws to comply with federal requirements and maintain access to federal Title IV-E child welfare funding, which accounts for \$105 million per year in funding to Wisconsin.

The Preventing Sex Trafficking and Strengthening Families Act of 2014 amends the Title IV-E foster care program to address a number of issues. One of the changes in the new federal law requires states to allow a successor guardian to be named in the event of a subsidized guardian's death or incapacitation. Subsidized guardianship assistance payments continue to the successor guardian if the initial subsidized guardian dies or is incapacitated in certain circumstances.

Wisconsin enacted statewide subsidized guardianship in 2012 to strengthen support for guardianships as an option for children exiting the child welfare system to achieve permanent and loving homes.

Under current law, an interim caretaker may care for and receive payments for a child who had been in a subsidized guardianship if that guardianship ends. An interim caretaker is required to become a licensed foster parent, which includes passing background and physical home check, and have out-of-home care responsibility for the child through an out-of-home care court order for at least six months. The interim caretaker may be eligible to become a subsidized guardian if both the caretaker and the child meet the criteria for initial eligibility for subsidized guardianship.

The bill provides a person/s entering into a subsidized guardianship the opportunity to name an individual/s in the agreement or an amended agreement to care for the child in the event of the

death or incapacitation of the guardian/s. Upon the death or incapacitation of the Subsidized Guardian(s), the Successor Guardian(s) named in the agreement will be considered as a placement option for the child.

The Successor Guardian(s) is required to pass background checks and a physical home check, as well as demonstrate commitment to providing permanence for the child. The court with jurisdiction over the child must approve the Successor Guardian(s) named in the agreement to activate the successor guardianship after the death or incapacitation of the prior guardian.

The Successor Guardian is not required to become a licensed foster parent or have out-of-home care placement of the child for six months prior to becoming the guardian.

Guardians may amend their agreements to change the named Successor Guardian(s), but the named Successor Guardian(s) may not be changed after the guardian's death or incapacitation.

In summary, the proposed bill conforms to the federal requirements and streamlines the process of implementing a subsidized guardianship.

The Department thanks Representative Loudenbeck and Senator Petrowski for authoring this bill and thanks the Chair for holding a hearing. We thank the Committee for your consideration of the Department's comments and appreciate the Committee's commitment to support positive outcomes for vulnerable children and families in our state. I am pleased to answer any of your questions.

Fiscal Estimate - 2015 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 15-2107/3	Introduction Number AB-0407
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Description
 Appointment of a successor guardian for a child in need of protection or services and eligibility of a successor guardian for subsidized guardianship payments, providing an exemption from emergency rule procedures, and granting rule-making authority

Fiscal Effect

State:

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget
<input checked="" type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriations		
<input type="checkbox"/> Create New Appropriations		

Local:

<input type="checkbox"/> No Local Government Costs		
<input checked="" type="checkbox"/> Indeterminate		
1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	5. Types of Local Government Units Affected
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
		<input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities
		<input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others
		<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts

Fund Sources Affected	Affected Ch. 20 Appropriations
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

Agency/Prepared By DCF/ Marcie Stebbeds (608) 422-6344	Authorized Signature Kim Swissdorf (608) 422-6351	Date 10/28/2015
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Fiscal Estimate Narratives

DCF 10/28/2015

LRB Number	15-2107/3	Introduction Number	AB-0407	Estimate Type	Original
Description Appointment of a successor guardian for a child in need of protection or services and eligibility of a successor guardian for subsidized guardianship payments, providing an exemption from emergency rule procedures, and granting rule-making authority					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a county department of human services or social services or the Department, in reference to Milwaukee County, must provide monthly subsidized guardianship payments to the guardian of a child who has been adjudged to be in need of protection or services if the child is 14 years of age or over and has been consulted with regarding the guardianship arrangement; the guardian has a strong commitment to caring for the child permanently; the guardian is licensed as the child's foster parent; the guardian and all residents of the guardian's home have passed a criminal background investigation; and the guardian entered into a subsidized guardianship agreement with the county department or DCF.

Current law also permits a county department or DCF to provide monthly subsidized guardianship payments for a period of up to 12 months to an interim caretaker on the death, incapacity, resignation or removal of a subsidized guardian, if the interim caretaker meets certain conditions.

This bill permits a subsidized guardianship agreement or an amended agreement to name a prospective successor guardian to assume the duty and authority of guardianship upon the death or incapacity of the subsidized guardian. A person named as a prospective successor is eligible for monthly subsidized guardianship payments only if the agreement was entered into before the death or incapacity of the subsidized guardian and if certain other conditions are met. The bill also creates a procedure for the nomination and appointment of a successor guardian for a child in need of protection or services. The need to change a subsidized guardianship agreement due to the death or incapacitation of a guardian is uncommon. When death or incapacitation of a subsidized guardian does occur, the county agency or Department must establish case plans that outline the temporary placement arrangement for the child as well as a longer-term foster care placement until a guardian is found. These actions impose workload and a fiscal cost to the counties and the Department.

With the implementation of this bill, a successor guardian can be appointed at the time the initial guardianship is established and the child will not have to be placed in a temporary placement if the initial guardian dies or is incapacitated until a permanent placement is found. The county agencies and Department will not have to establish case plans for the child, which will reduce work time and staff costs. Although the extent of this fiscal effect is not known, it is likely to be minimal.

The subsidized guardianship expenditures will not increase, since only one subsidized guardianship payment is provided on behalf of a child at any time, and there will not be duplicate payments to the guardian and the successor guardian.

Some current subsidized guardianship agreements may change to include a successor guardianship. In addition, new subsidized guardianship agreements may include a successor guardianship provision.

Long-Range Fiscal Implications