



ROBERT WITTKÉ

STATE REPRESENTATIVE • 62nd ASSEMBLY DISTRICT

Rep. Wittke Testimony on Assembly Bill 502

Assembly Committee on Local Government, October 16, 2019

Mr. Chairman and Members,

Thank you for holding a public hearing on Assembly Bill 502 (AB 502) which would provide reasonable flexibility for District Attorney's office with regard to Children in Need of Protective Services (CHiPS) or Termination of Parental Rights (TPR) case proceedings. Racine County has asked its legislators to put forth this change in law which would help them better serve the needs of their residents.

In 1989, Wisconsin Act 336 became law and created subsection five of Wisconsin Statute 48.09. In this subsection, Counties are required to notify the Department of Administration (DOA) by January 1 of an odd numbered year if they intend to transfer Children in Need of Protective Services (CHiPS) or Termination of Parental Rights (TPR) cases from the District Attorney's office to the Corporation Counsel or vice versa. The transfer, under current law would take effect on September 1 of an odd-numbered year.

Counties generally operate their budgets on an annual basis unlike the state biennial budget. Because of the strict CHiPS/TPR notification criteria in current law, Racine County in particular is seeking some reasonable flexibility for notifying DOA of the transfer of these proceedings.

Assembly Bill 502 would remove the requirement that a county board can only make a transfer of CHiPS/TPR cases from the District Attorney's office to Corporation Counsel or vice versa during an odd numbered year. The bill would allow a county board to transfer this authority during any year as long as the board notifies DOA by January 1 of the year that the transfer will occur.

The bill would give counties the ability to choose the most effective and efficient way to handle CHiPS/TPR proceedings, and would provide for more timely completion of these cases and cost savings to the taxpayers of the county.

Mr. Chairman and Members, Assembly Bill 502 is a practical response to counties working to manage their budgets in the best interest of their residents. I hope that you will move AB 502 through the committee process swiftly.

Thank you again for holding a public hearing on AB 502. I would be happy to answer any questions.



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Confidential

"Jefferson County: Responsible government advancing quality of life"

Testimony on Assembly Bill 502
County Administrator Ben Wehmeier

Today I welcome the opportunity to speak on in support of AB 502 that would facilitate the efficient transfer of authority cases in the public interest under the Children's Code from the District Attorney Office to the Corporation Counsels office.

Jefferson County recently went through this process to meet the January 1, 2019 notification to the Department of Administration, with cases officially transferring ion September 1, 2019.

The decision to make this occur was done in a cooperative process with stakeholders from the County to make the best decision for Children's Code cases. The County looked at costs that were being incurred by the County with the need to utilize outside counsel to augment the District Attorney's office to meet the capacity needs based on the caseloads that were being experienced. This included the direct cost to the county as well as potential reimbursement through the IV E. Foster Care and Adoption Assistance Program. Further, the County reviewed the indirect costs related to improving the timing of cases moving through the system while at the same time ensuring the best outcomes for the child that was paramount. This came from review of data and continuous quality improvement (CQI) of the process.

This CQI process include the development a judicial engagement team with support of the Casey Foundation to look at barriers and outcomes. Data, process improvement and problem solving were reviewed and discussed among the stakeholder. Based on various discussions, the transfer of authority was one outcome to move forward with for systems improvement. Through a great team effort, the impact of timing under the current statute was worked through and we have seen the cases appropriately transferred which we believe will ultimately lead to cost savings and continued efforts to create the best outcomes possible.

If the County had not made the deadline of January 1, we would have been confined to current operations for another two years, even if this was not to be deemed the best interest of the County. The current statute recognizes that the County is the best decision maker of how these cases should proceed within their jurisdiction. Allowing more flexibility to counties will provide a greater ability to adapt to an ever-changing environment and will assist in facilitation of proactive solutions with cost and programs outcomes as a priority. These solutions and ideas should not be limited to a 2-year cycle.



WAUKESHA COUNTY
COUNTY BOARD OF SUPERVISORS

To: Assembly Committee on Local Government
From: Sarah Spaeth, Legislative Policy Advisor
Date: October 16, 2019
Re: Support Assembly Bill 502

Thank you Chairman Novak and members of the Assembly Committee on Local Government for having a hearing today on Assembly Bill 502 which would remove the requirement that a county board can only make a transfer of Children in Need of Protective Services (CHIPS) or Termination of Parental Rights (TPR) cases from the District Attorney's office to Corporation Counsel or vice versa during an odd numbered year. The bill would allow a county board to transfer this authority during any year as long as the board notifies the Department of Administration by January 1 of the year that the transfer will occur.

In CHIPS cases if parents can't or won't take care of their child properly, the juvenile court may step in and the child may be determined to be in need of protection and/or services in order to keep him/her safe. When this happens, the child may have to live with relatives or another family for a while. TPR cases occur when a parent has chosen to place a child for adoption or if a child has been removed from his or her home and certain conditions for reunification have not been met. Termination of parental rights may occur voluntarily or involuntarily, depending on the circumstances.

The opiate epidemic has increased the number of CHIPS and TPR cases in Waukesha County significantly. In 2011 our Corporation Counsel handled approximately 400 CHIPS cases and in 2019 that number will have increased to over 600 cases. In that same time period our TPR cases have increased from prosecuting 3 cases in 2011 to handling an estimated 20 cases in 2019. The budgetary impacts of this caseload increase is exacerbated in Waukesha County where state Juvenile Court initiatives and directives (both implemented and proposed) have or will further increase the number of appearances and attorney-hours required per case.

Waukesha County is not actively considering any changes to our current system of having Corporation Counsel handle our CHIPS/TPR cases, however as budgets continue to further tighten as this caseload continues to expand we are supportive of the bill as it provides flexibility if there is a desire to change how these cases are handled in the future, and it allows that change to happen faster than the current system.

Thank you for your time and consideration. Please do not hesitate to reach out to me if you have any questions.