



**Senate Bill 520: Inclusion of like-kin as an option for with whom children may be placed out of their home under certain circumstances and who may receive kinship care payments.  
Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families  
Testimony of Senator Joan Ballweg  
November 1, 2023**

Good afternoon, Chair James and members of the committee. Thank you for hearing this important piece of legislation.

Senate Bill 520 aims to expand kinship care across Wisconsin by including like-kin in the definition of those from whom children in need can receive kinship care.

Current law has a variety of eligible relationships for kinship care listed between a child and an adult. These specified relationships are eligible to provide kinship care to a child who is no longer in the care of their parent. When a child is in need of guardianship, there is, at times, a need for court-ordered kinship care. Expanding the definition of kinship care to include like-kin will allow child welfare agencies additional placement options.

The Wisconsin Department of Children and Families (DCF) has provided two examples of like-kin being included in kinship care and how a child would gain from this addition. For example, Samantha is a 5-year-old who has been removed from her mother's care. Her mother had no family who could care for Samantha, but her godmother is able and willing to care for her. Samantha's godmother, Mary, is not her blood relative, but has developed a bond through Mary hosting sleepovers, attending birthday parties and important events at school. Samantha already has a foundational relationship established and refers to Mary as her aunt. Without a change to current law, Mary would not be eligible for financial support or considered a long-term placement because she is not a blood relative. Under this example, Samantha may be placed in the care of family she does not know because like-kin is not currently defined as an option for kinship care.

While working on this legislation it was noted that the inclusion of like-kin will prove to be extremely beneficial to older children who are in need of a long-term placement. In the example of Joey, a 16-year-old, it can be seen that like-kin would offer a stable and comfortable care option for an older child who is in need of care. For example, Joey's father is checking into a residential treatment facility after complications following a recent medical procedure. While his father is receiving care, Joey would be most comfortable staying with someone he already knows. Joey's father reaches out to his friend, Michael. Michael and Joey have previously established a trusting relationship, and even considers Michael's children to be his close friends. Without including a close family friend in the definition of like-kin under the statute for kinship care, Joey may be placed in a group care facility because Michael may not be able to meet the needs of his care without the financial support that would be provided to a blood relative.



**JOAN BALLWEG**

STATE SENATOR • 14<sup>TH</sup> SENATE DISTRICT

providing kinship care. Expanding kinship care to include like-kin will be most helpful for teens, for whom it can be harder to find placements.

Allowing children in Wisconsin to have access to care provided by an individual they are comfortable with, rather than being placed with a family they do not know or in a group care facility, can improve both the quality of care a child may receive and their mental health while receiving this care. Defining like-kin and adding it to the list of allowable kinship care in Wisconsin will truly benefit children in need.

This bill is supported by, and created in consultation with, the Wisconsin Department of Children and Families, Wisconsin Counties Association and the Wisconsin Association of Family and Children's Agencies.

Thank you for your consideration of Senate Bill 520.



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# PATRICK SNYDER

STATE REPRESENTATIVE • 85<sup>th</sup> ASSEMBLY DISTRICT

## Testimony in Support of Senate Bill 520

Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families  
November 1<sup>st</sup>, 2023

Chairman James and members of the Committee:

I authored this legislation because I believe expanding kinship care to include “like-kin” relations will benefit more of the most vulnerable children in Wisconsin. You may all recall, that during the Act 78 Hearing earlier this fall, the Department of Children and Families included expanding the criteria of those eligible for kinship care as one of their recommendations. This legislation is the result of working with Senator Ballweg, the Department, and the Counties.

Currently, there are a variety of relationships a child and an adult that are eligible for kinship care under the law. These specified relationships are eligible to provide kinship care to a child who is no longer in the care of their parent. When a child is in need of guardianship, there is, at times, a need for court-ordered kinship care. Expanding the definition of kinship care to include “like-kin” will allow child welfare agencies additional placement options. Additionally, this legislation would encourage bringing the child into the home by making like-kin eligible for kinship care payments – alleviating the burden on the far more expensive foster care system.

Allowing children in Wisconsin to have access to care provided by an individual they are comfortable with, rather than being placed with a family they do not know or in a group care facility, can improve both the quality of care a child may receive and their mental health while receiving this care. Defining like-kin and adding it to the list of allowable kinship care in Wisconsin will truly benefit children in need. Additionally, this legislation can benefit children by keeping them within a community that they have established ties to as opposed to relocating to a completely unknown community.

Thank you for taking the time to hear my testimony today. I am happy to answer any questions you may have.



**TO:** Chair Snyder, Vice-Chair Goeben, and Honorable Members of the Assembly  
Committee on Children and Families

Chair James, Vice-Chair Cabral-Guevara, and Honorable Members of the Senate  
Committee on Mental Health, Substance Abuse Prevention, Children and Families

**FROM:** Emilie Amundson, Secretary  
Wendy Henderson, Administrator, Division of Safety and Permanence

**DATE:** November 1, 2023

**SUBJECT:** 2023 Assembly Bill 557  
2023 Senate Bill 520

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The Department of Children and Families (DCF) is committed to the goal that all Wisconsin children and youth are safe and loved members of thriving families and communities. In support of that goal and the desire for children to achieve permanency, DCF is testifying in favor of AB-557/SB-520.

It is DCF's vision that all children and youth are part of thriving families and communities, and that the most effective way to prevent child abuse and neglect is through the provision of upstream supports for children and families. When children are not able to remain safely in their homes, relative and like-kin placements offer a less traumatic option that help keep kids with caring, stable adults who already know and love them.

Wisconsin data and national research reinforces the importance of children remaining with family whenever possible. Children first placed with kin at the time of removal from their home are more likely to be placed with their siblings, experience fewer placement disruptions, stay connected to their community and culture and are more likely to achieve permanency with a relative (either through guardianship or reunification) than children initially placed with someone with whom they did not have a prior relationship.

Current law narrowly defines “relative” for the purpose of placement of a child. This narrow definition limits who a child can reside with and the support that care provider may receive. “Kin” is often considered more expansive than how it is currently defined under Wisconsin law. The proposed legislation would create a new “like-kin” category to the Wisconsin statutes for the purposes of a child’s placement in out-of-home care and the care provider’s eligibility for kinship care payments – allowing children to be placed more easily with those who they already know and love and allowing those caregivers to be eligible for financial support. The proposed legislation would also add “first cousin-once removed” to the existing the definition of “relative.”

Under the proposed legislation, the definition of a “kinship care provider” would be expanded to include “like-kin.” Under the bill, “like-kin” means an individual who has a significant emotional relationship with a child or the child's family that is similar to a familial relationship. For an Indian child, “like-kin” includes individuals identified by the child’s tribe according to tribal tradition, custom or resolution, code, or law. Importantly, under this bill “kinship care provider” is altered to include an Indian child’s extended family according to the law or custom of the Indian child’s tribe.

Supporting relatives and expanding the definition of kinship provider has been a key priority for the Department for several years. This has also been a key priority for other DCF partners, including tribal child welfare agencies. In 2022, DCF and tribes participated in a Kinship Consultation devoted to supporting relatives and kinship providers. One of the core areas cited for system improvement by tribes during that consultation was the need to be more inclusive on who is considered a relative. This has been reinforced in conversations that have been had with many stakeholder groups and DCF believes the expansion in the proposed legislation can make a significant difference in the lives of children and families across Wisconsin.

Attached to our testimony are additional testimonials we’ve received that discuss the importance of children remaining with those who know and love them. We believe these speak louder than we ever would be able to. We can take any questions you may have.



# Current Impact on the Child Welfare System

Across Wisconsin, child welfare professionals encounter cases where placement with individuals who the child(ren) know and love is challenging due to legislative barriers. The below stories are real cases impacting real families. To maintain the privacy of these families, names have been changed.

## Complex Needs

Esmerelda's former partner has two nieces/nephews who she was like family to. She took placement of these two children and then later took placement of their sister. Two of the children had significant needs and required a significant amount of attention, supervision, and services to meet those needs. Esmerelda was not eligible for any financial assistance prior to getting licensed as a foster parent and she struggled financially as she did not have the resources to pay for child care services or before/after school care. The length of time Esmerelda had to go without financial assistance was extra-long because of the children's complex needs combined with the lengthy foster parent licensing process.

## Like Sisters

Lisa took placement of two children that were "like-kin." Lisa's father was close friends with the children's biological mom, and so the two women grew up like sisters. Taking on the two children put a strain on Lisa's finances and resulted in her needing frequent assistance from the child welfare agency with purchasing diapers, formula, and wipes for the baby, prior to her foster care license being approved.

## Licensing Hurdles

Janelle took placement of a teen with whom she had a previously established relationship. It took Janelle more than 30 days to become a licensed foster parent. During that time, she was also off from work due to having a major surgery. Finances were a burden to her until she could be licensed and receive her foster care stipend. The child welfare agency supported them significantly to ensure the teen could remain in this family setting.

## Half-Sibling

Christopher is the father of Connor and took placement of Connor's sibling. Christopher is not eligible for kinship payments. Not receiving financial assistance has caused significant financial hardship to Christopher and the children. The child welfare agency has assisted him in some ways, but it only provides brief periods of relief. The agency continues to support this placement as it has allowed the siblings to be placed together; however, having the ability for the caregiver to be eligible for kinship support would be extremely beneficial for placement stability.

## Beyond the Classroom

Brooke, a teacher, took placement of one of her students from school. While Brooke was very motivated during the licensing process, there was an unavoidable delay with getting background checks from Texas, where she had previously lived. The state of Texas indicated it would be at least 90 days for results and they were unwilling to expedite. This not only caused continued delays in getting financial assistance to Brooke, but it also caused an illegal placement as she was unable to be licensed within the 30-day time limit under current law. The child has been thriving in Brooke's home.

## Full-Time Caregiver

Karissa took placement of three children. She is a family friend of the girls' mom. Karissa found the licensing process very overwhelming, especially given that she had the younger two girls with her full time at home while trying to complete the licensing process within the 30-day time limit. She was not eligible for any child care assistance, kinship payments, or other benefits during the licensing process.

## First Cousins

Victoria took placement of a child who is a first cousin once removed. She struggled significantly with the licensing process and how intrusive the process was. The child was moved as Victoria could not get licensed and it was considered an illegal placement.





TO: The Honorable Members of the Senate Committee on Mental Health, Substance Use Prevention, and Children & Families

FROM: Kathy Markeland, Executive Director

DATE: November 1, 2023

RE: **Support for Senate Bill 520 – Defining Like-kin**

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Thank you for the opportunity to share our support for Senate Bill 520 which recognizes the importance of relationship and community in the healthy development of children.

WAFCA is a statewide association that represents nearly fifty child and family serving agencies and advocates for the more than 200,000 individuals, children, and families that they impact each year. Our members' services include foster care and adoption programs; family preservation services; community-based outpatient and day treatment therapies; and residential care for both children and adults. In addition, two of our member agencies are directly responsible for ongoing child welfare services in Milwaukee County.

Whatever the setting, many of our member agencies support kinship caregivers in one way or another when children are unable to live at home, and others stand ready to support the additional caregivers this legislation will likely generate. While Wisconsin has been making progress with identifying and supporting children to live with relatives, additional resources are needed. Creating a statutory definition of "Like-kin" to expand eligible placements under the kinship care program to include adults with a strong relationship to the child will create new options for children – options that are likely to keep children closer to their family, school, and community.

WAFCA supports key investments, like the expansion of the like-kin definition, that lift families and strengthen the human services ecosystem. Thank you for your continued work to secure resources and policies that move our Wisconsin families and communities forward.



**Ho-Chunk Nation Comments  
November 1, 2023**

**In Support**

**Committee on Children and Families  
AB 557**

**Committee on Mental Health, Substance Abuse Prevention,  
Children and Families  
SB 520**

The Hoocąk (Ho-Chunk) Nation submits comments on these bills because it is deeply committed to our children and our families. A commitment that should be universal. Our commitment is to care for and love all of our relatives. While it can be extremely difficult to balance our priorities with the amount of economic resources we have –we will always hold ourselves to the responsibility of caring for our people.

Congress found that “there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children.”<sup>1</sup> The Supreme Court recently reiterated this when upholding the constitutionality of the Indian Child Welfare Act.

In adopting the Indian Child Welfare Act, Congress exercised [ ] lawful authority to secure the right of Indian parents to raise their families as they please; the right of Indian children to grow in their culture; and the right of Indian communities to resist fading into the twilight of history. All of that is in keeping with the Constitution’s original design.<sup>2</sup>

To accomplish this goal of ensuring the continued existence and integrity of the tribes, it inherently requires that Indian children grow up within their tribal communities. As such, one of the paramount purposes of the Indian Child Welfare Act (hereinafter ICWA) is to ensure “the placement of [ ] children in foster or adoptive homes or institutions which will reflect the unique values of the Indian culture.”<sup>3</sup> The ICWA’s mandate that an adoptive placement is preferred to be with members of the child’s extended family, other members of the same tribe, or other Indian families is “[t]he most important substantive requirement imposed on the state.”<sup>4</sup> Further, the ICWA permits Tribes that desire to have a different, more culturally appropriate order of preferences to adopt such preferences to take the place of the standard placement scheme found in the ICWA.<sup>5</sup>

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<sup>1</sup> 25 U.S.C. § 1901(3).

<sup>2</sup> *Haaland v. Brackeen*, 143 S. Ct. 1609, 1661 (2003)(Gorsuch, J., concurring).

<sup>3</sup> H.R. Rep. No. 95-608, 95th Cong. 2nd Sess. 8 (1978); *see also* 25 U.S.C. § 1902.

<sup>4</sup> *Miss. Band of Choctaw Indians v. Holyfield*, 490 U.S. 30, 36 (1989).

<sup>5</sup> 25 U.S.C. § 1915(c).



The importance of relative and “like-kin” placements in maintaining an Indian child’s connection to their culture, heritage, and traditions and the importance of this connection to building healthy long lasting relationships cannot be ignored. Placements with relatives and “like-kin” support strong attachment and bonding that can generate profound and long lasting benefits to a Tribal child – including decreasing many negative health outcomes associated with being adopted by non-Indian families as evidenced by studies.

In a study of Indian adoptees, startling information was discovered. Information that shows just how deep the trauma can be for these children as they reach adolescence and adulthood. Dr. Carol Locust, of the Native American Research and Training Center at the University of Arizona College of Medicine, performed in-depth research on the disorder known as “Split Feather Syndrome.” What is that exactly?

[Dr. Locust] identified unique factors of Indian children placed in non-Indian homes that created damaging effects in these children’s lives. Locust found that: Native children placed in non-Native homes were at great risk for experiencing psychological trauma leading to long-term emotional and psychological problems as adults; that the same clusters of long-term psychological problems experienced by naive adult adoptees were recognizable as a syndrome; and ‘split feather’ syndrome appears to be related to a reciprocal-possessive form of belongingness unique to survivors of cultures subjected to annihilation.<sup>6</sup>

These children grow up, looking in the mirror, knowing that there is something “different” about them- something special. However, without their tribal community there to support them as they go through life, they are simply going through the motions. They lack the tribal connection and cultural leaders to guide them as they transition through these formative years. They lack the guidance as to how they are supposed to act as a male or female of their particular tribe. They lack the support in how to combat the feelings of loss and disconnectedness. A piece of them is missing. And a piece of the tribe is missing too.

Later, in 2017, a group of researchers proceeded with a quantitative study of the mental health differences found within American Indian adoptee populations versus Non-Indian adoptee populations. While no difference was found between non-Indian (Caucasian) adoptees and American Indian adoptees on self-assessed depression or diagnosed depression, meaning adoptees in general experience depression, there were significant differences with regards to other areas of mental health.<sup>7</sup> American Indian adoptees were found to be more vulnerable to mental health

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<sup>6</sup> *ICWA from the Inside Out: ‘Split Feather Syndrome,’* MINN. DEPT. OF HUMAN SERVS. (July 2005), available at [http://www.dhs.state.mn.us/main/groups/children/documents/pub/dhs16\\_180049.pdf](http://www.dhs.state.mn.us/main/groups/children/documents/pub/dhs16_180049.pdf). See also Georgia Deoudes, Evan B. Donaldson Adoption Institute, *Unintended Consequences: ‘Safe Haven’ Laws are Causing Problems, Not Solving Them* available at <http://adoptioninstitute.org/publications/unintended-consequences-safe-haven-laws-are-causing-problems-not-solving-them> (finding this concept extends to all children, and not Indian alone):

Safe haven laws also ignore the psychosocial importance to adopted people, as children and later in life, of information about their origins, ethnicity and social backgrounds. The overwhelming majority of adoption practitioners and mental-health professionals today – including ones who do not necessarily embrace the rapidly growing practice of “open adoption” – agree about the benefits of having personal, as well as medical, information; moreover, they maintain that the lack of such information can undermine adoptive families, especially the children in them.

<sup>7</sup> Ashley L. Landers, PhD et al., *American Indian and white Adoptees: Are there Mental Health Differences?* AMERICAN INDIAN AND ALASKA NATIVE MENTAL HEALTH RESEARCH (2017) at 69.

problems within the whole adoption system generally.<sup>8</sup> Specifically, American Indian adoptees were more likely to report alcohol addiction, alcohol recovery, drug addiction, drug recovery, self-assessed eating disorder, eating disorder diagnosis, self-injury, suicidal ideation, and suicide attempts.<sup>9</sup> The study highlights that historical trauma is inherited through one's ancestors, as such American Indian "adoptees experience trauma through their lived experiences of being separated from their families and culture, a phenomenon referred to as "blood memory."<sup>10</sup>

The Wisconsin Legislature took the necessary steps to prevent this from occurring when it chose to codify the federal ICWA into state statute. Throughout the codification process it would have been hard to ignore the Wisconsin specific data that came from the federal adoption of the ICWA. During the late 1970's Congress found that 25 to 35% of all Indian children in the country had been removed from their families at a rate five times greater than non-Indian children. Here in Wisconsin, the risk of Indian children being separated from their parents was 1,600% greater. This very state legislature unanimously declared that Wisconsin's policy is to "protect the best interests of Indian children and promote the stability and security of Indian tribes and families."<sup>11</sup>

However, more must be done to ensure Hoocak children to stay within their Hoocak families and communities. Currently, a juvenile court can only place a child with an unlicensed individual if they are a "relative", as defined in the Wisconsin Children's and Juvenile Codes. These Codes do not account for the traditional and customary familial organizational structures of the Tribes, including those that may include individuals that would be considered "like-kin". This has always seemed at odds with the federal and state Indian Child Welfare Acts, wherein placement preferences must be followed, absent a showing of good cause, with the first preference being an extended family member.<sup>12</sup> While an extended family member includes "a person who is defined as a member of an Indian child's extended family by the law or custom of the Indian child's tribe",<sup>13</sup> a relative - for the purposes of unlicensed placement and kinship payment - does not include such allowance.<sup>14</sup>

By not accounting for tribal traditional and customary familial organizational structures, it has prevented many tribal individuals – whom Tribes deem as relatives – from becoming viable placement options. For example, a relative only goes out to 2<sup>nd</sup> cousin in the current Codes. However, there is not even a word in the Hoocak language for cousin. That is a completely foreign concept. While a person that would be deemed a 3<sup>rd</sup> cousin in western kinship terms may be considered a far off relative through a western lens – that distance is far shorter within a tightknit Hoocak community. The arduous foster care licensure process that then kicks in for these relatives oftentimes becomes a deterrent because they simply wish to seek immediate placement of a relative – not become a licensed foster home.

Not only does this bill recognize the traditional and customary familial organizational structures, but it also finally recognizes the importance of individuals who are "like-kin". This can

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<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 70.

<sup>11</sup> Wis. Stat. §§ 48.01(2)(b); 938.01(3)(b).

<sup>12</sup> 25 U.S.C. § 1915; Wis. Stat. §§ 48.028(7); 938.028(6).

<sup>13</sup> Wis. Stat. §§ 48.028(2)(am); 938.028(2)(a).

<sup>14</sup> Wis. Stat. §§ 48.02(15); 938.02(15). *See also* Wis. DCF § 58.02(22).

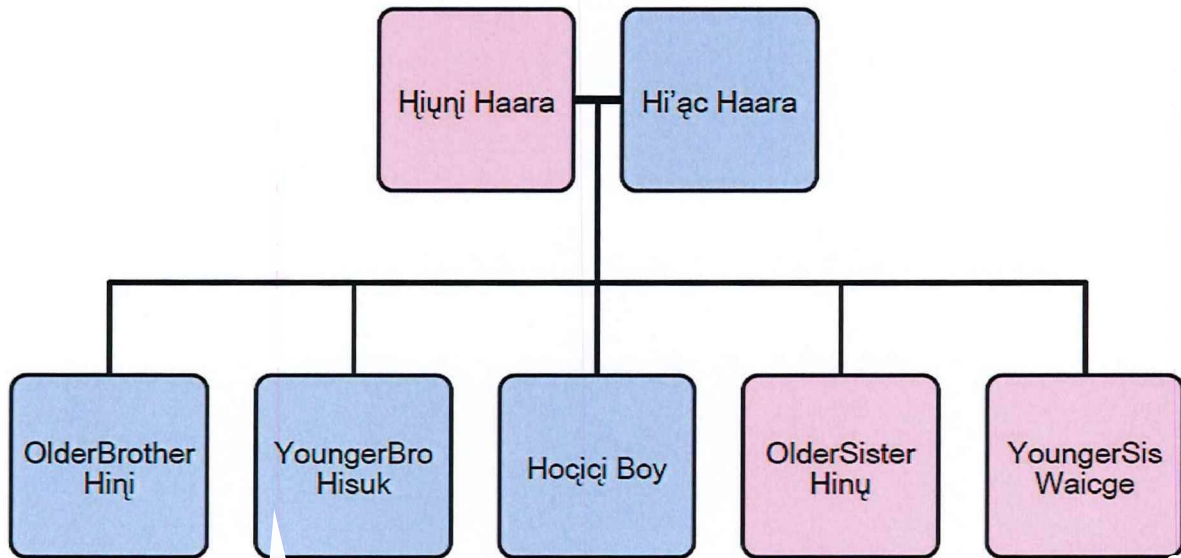
be hugely beneficial for tribal communities. For example, many Tribes in the United States deem clan members as relatives or “like-kin”. Sometimes, there may be no immediate “blood relation,” but a clan relationship is as important as a “blood relation” to a child due to the role the clan plays in that child’s traditional learning and upbringing. This bill would allow a clan member to become eligible for placement without the difficult foster care licensing requirements, as well as open the door for kinship payments. All of the aforementioned lay the groundwork for positive outcomes for our Hoocak children and families.

The Hoocak Nation believes that this legislation adheres to the spirit of the Indian Child Welfare Act by removing barriers that frequently prevent Hoocak children from staying within their Hoocak families and communities. We further believe this legislation assists Wisconsin in meeting its obligations under the Family First Prevention Services Act (FFPSA). The purpose of which was to shift the focus of the child welfare system toward keeping children safely with their families through kinship to avoid the trauma that results when children are placed in foster care. Essentially, federal and state child welfare laws and policies are finally catching up to the gold standard in child welfare – the Indian Child Welfare Act.

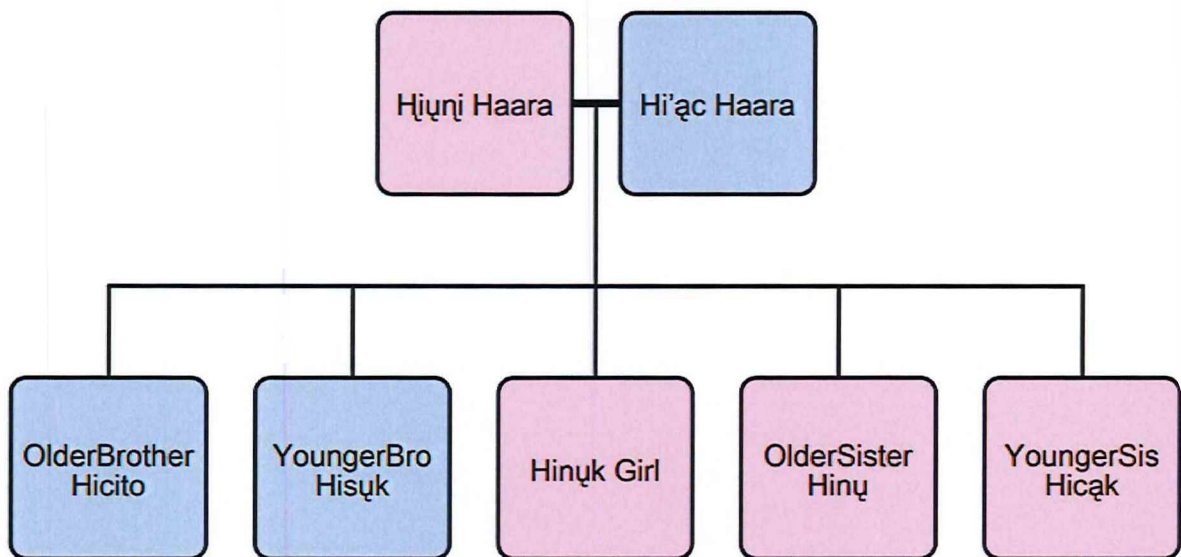
This legislation provides important tools to help our Hoocak children have more positive outcomes while navigating a traumatic period of their lives. As such, we offer our support and appreciate the drafters and sponsors for their dedication to this important issue. There is nothing more important to a Tribe than its children. They are our future, and they will ultimately be the links to our past. It is likewise in their best interests to know and have the opportunity to learn about their Indian heritage and be connected with their tribal communities. Thank you for your time.

## Immediate & Extended Family Relations

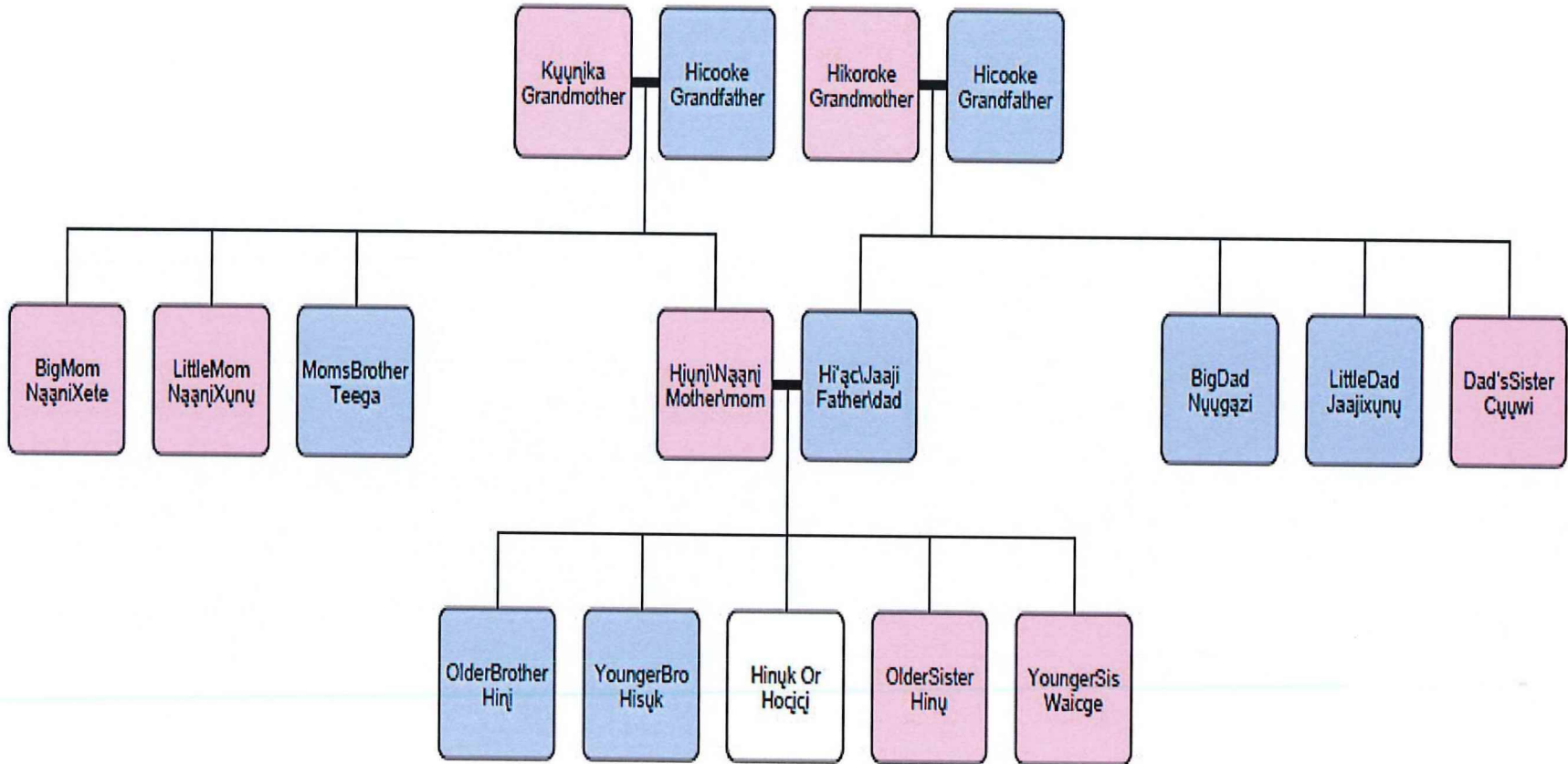
### Male Immediate Family



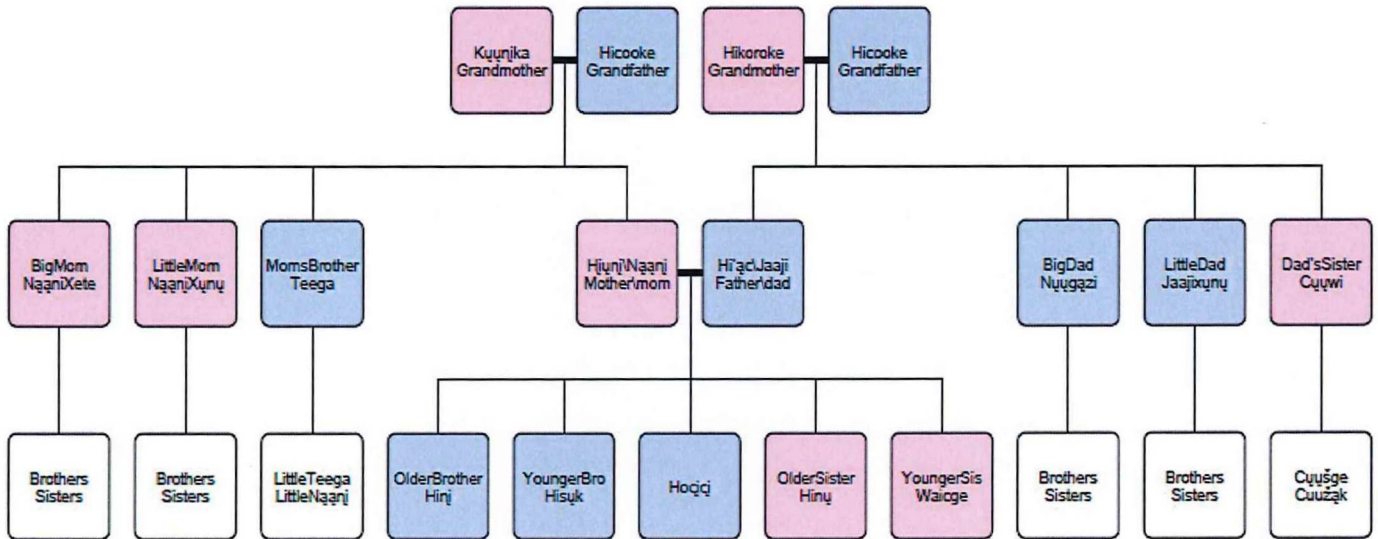
### Female Immediate Family



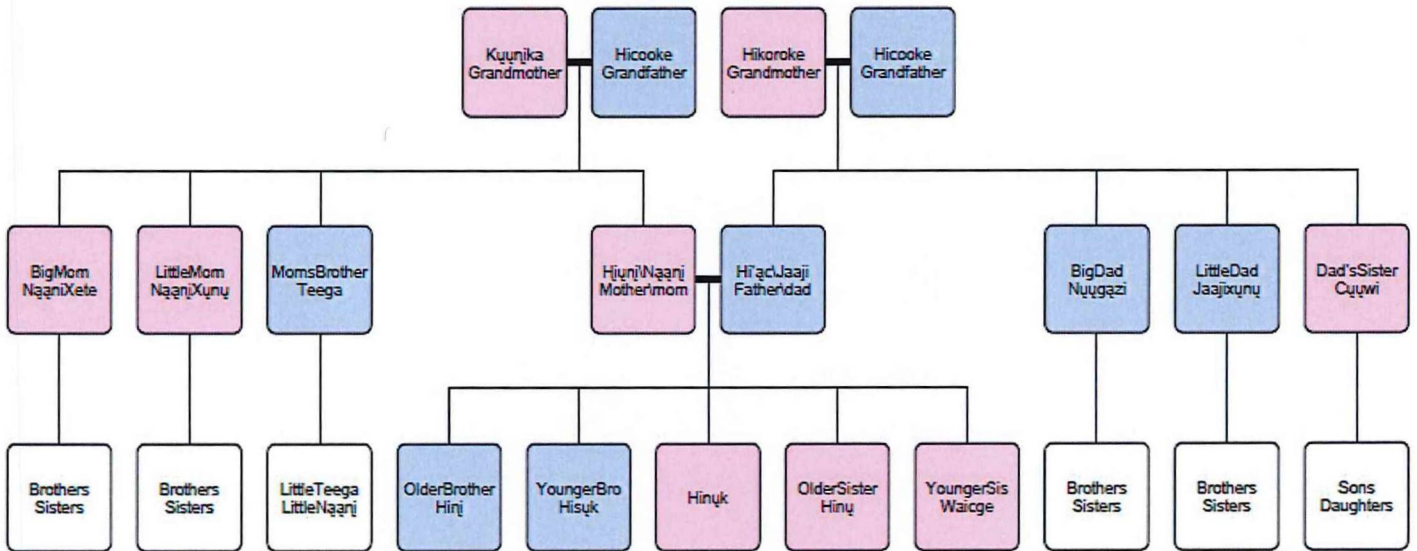
**Male and Female Extended Elders**



### Male Extended Family



### Female Extended Family





To: Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families

From: Carrie Springer, Dane County Government Affairs Director

Re: SB 520

November 1, 2023

Dear Chairman James and Members of the Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families:

Thank you, Chairman James, for holding a hearing today on this important piece of legislation. Dane County supports this bill and encourages strong support from this committee for this legislation.

Kinship care is a highly successful and cost effective program that successfully keeps children safely with family, but current statute limits who is considered a relative. AB 557 expands the definition of family to include first cousins once removed and persons with whom the child and family have a significant relationship as "like-kin." The Kinship Care program offers the needed supports kin and like-kin need to care for children as they are most often called upon to help care for vulnerable children with little notice.

AB 557 acknowledges and honors the connections children have with individuals who have a significant relationship with them and/or their family and defines this relationship as "like-kin" for purposes of placement. This designation aligns with other Wisconsin statutes and federal legislation designed to keep children with family and achieve timely permanence while giving child welfare staff the tools needed to both place and support vulnerable children.

Kin and like-kin are more likely to share the same ethnic and cultural backgrounds as the children in their care, thereby easing children's transition to other caregivers, and enhancing their overall well-being. In Dane County many Kinship Care families are good people with fewer resources and AB 557 provides helpful tools to shorten the timeline to permanence for those in the child welfare system by expanding the options for placements with access to Kinship Care supports.

Regardless of the circumstance, removing children from their homes and their caregivers is a traumatic experience. National and state-wide data consistently show

better outcomes for children placed with relatives and like-kin compared to foster care and congregate care. Acknowledging and expanding the opportunities to place children with those they know as family is helpful to their overall well-being both now and for years to come.

Thank you to all of the members of this committee who have already sponsored this bill to provide counties with more options to successfully support children in our communities. Please don't hesitate to reach out with any questions.

Sincerely,

Carrie Springer  
Dane County Government Affairs Director  
Springer.carrie@countyofdane.com  
(608) 266-4576



## MEMORANDUM

**TO:** Honorable Members of the Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families

**FROM:** Marcie Rainbolt, Government Affairs Associate

**DATE:** November 1, 2023

**SUBJECT:** Support of Senate Bill 520

Thank you for the opportunity to speak in favor of SB 520, relating to the inclusion of like-kin as an option for whom children may be placed out of their home under certain circumstances and who may receive kinship care payments.

Kinship Care is a program through the Wisconsin Department of Children and Families (DCF) created to help support a child who lives outside of his or her home with a relative. The child may be living temporarily or for the long term with a relative such as an adult brother or sister, first cousin, nephew or niece, uncle or aunt, or a grandparent. There are also other relatives by blood or marriage that are eligible for kinship care. Kinship care helps a family support a child in the home of a relative or when the child has experienced abuse or neglect in the parental home.

There are three basic eligibility requirements for Kinship Care: 1) the basic needs of the child can be better met with the relative than with the parent, 2) the placement is in the best interests of the child, 3) the child currently or may meet the requirements to be found in need of protection or services if the child were to remain with his or her parent(s).

For children in the child welfare system who cannot continue living at home with his or her parents, Kinship Care is a viable, preferred placement option over the foster care system or other non-familial placement. Counties use relatives for placement as much as possible. Many relatives need financial assistance to care for children in their home and Kinship funds can assist those who want to help a child.

Under current law, a juvenile court may place a child in certain placements that provide out-of-home care under the Children's Code and the Juvenile Justice Code. Those placements include specific types of licensed facilities, a licensed foster home, or the home of a relative other than a parent. Senate Bill 520 allows a juvenile court to similarly place a child with unlicensed individuals who qualify as "like-kin."

Support of SB 520

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November 1, 2023

Senate Bill 520 defines “like-kin” for the purposes of such a placement to be an individual who has a significant emotional relationship with a child or the child's family that is similar to a familial relationship and, for an Indian child, includes an individual who is identified by the child's tribe as kin or like-kin according to tribal tradition, custom or resolution, code, or law.

The bill also includes first cousins once removed and like-kin persons as those who may receive kinship care payments and changes the term used to refer to these persons from “kinship care relatives” to “kinship care providers.”

Without these kinship benefits, many of these familial options may not be able to afford placement, and children will end up with strangers and/or informal out of home placements, instead of voluntary kinship placements. WCA respectfully requests your support for SB 520.



**TO:** Senate Committee on Mental Health, Substance Abuse Prevention, Children & Families  
**FROM:** Susanna Leggio, Director, Child Welfare, Children's Wisconsin  
**DATE:** Wednesday, November 1, 2023  
**RE:** Support for SB 520 – Inclusion of like-kin as an option for with whom children may be placed out of their home under certain circumstances

Chair James and members of the committee, thank you for the opportunity to share testimony with you today. I'm writing to share Children's Wisconsin's (Children's) strong support for this bipartisan legislation. On behalf of Children's, I'd like to thank the bill authors, and Senators James and Ballweg and Representative Snyder along with members of the committee who have cosponsored this proposal.

Children's is the region's only independent health care system dedicated solely to the health and well-being of kids. As such, we offer a wide array of programs and services inside our hospital and clinic walls and out in our communities. Between our hospitals in Milwaukee and Neenah, primary, specialty and urgent care clinics and community services offices across the state – we provide kids and their families with care and services they need to promote health, safety and well-being.

While today my comments will center on care and services we provide to children in out-of-home care, I do want the committee to know that Children's also offers several upstream, prevention-focused programs and services across the state to help support parents, caregivers, professionals and our communities with education and resources. As you may know, Children's is the largest not-for-profit, community-based agency serving children and families in the state, providing community services to approximately 15,000 children and families annually with more than a dozen locations across Wisconsin. Children's provides home visiting services across the state to support at-risk parents, during a pregnancy through the first five years of the child's life, to reduce the likelihood of child maltreatment and to strengthen family functioning.

In partnership with the Division of Milwaukee Child Protective Services, Children's is responsible for the ongoing case management of approximately half of the youth and families involved in out-of-home care in Milwaukee County. We also recruit, license and support foster and adoptive parents, as well as match and place children in safe, loving homes. Our priority is to do everything we can to provide resources and supports to ensure children remain safely with their family. As you know, foster parents or kinship caregivers provide a temporary home for children until they can be safely reunited with biological family or reach another form of permanency, such as adoption or guardianship. Children's goal is to ensure that at least 45% of youth in out-of-home care are placed with either a relative or like-kin caregiver. SB 520 would expand the definition of 'kinship care relative' in Wisconsin to include "like-kin" individuals who have a significant emotional relationship to a child or family. Expanding this definition will help place children with individuals who they already know and who love and care for them – including close family friends, a godparent or other caregiver with whom the child has a close emotional bond.

Placement with like-kin relatives can help maintain the child's connection to their family, school and community, reducing the emotional strain on the child. These close relations often know the children's personalities, behaviors, preferences and routines and can help the child keep a strong connection with their parent and siblings, which can reduce the disruption and trauma a child may experience. Knowing a like-kin relative is caring for their children can help the parent progress more quickly towards reunification goals.

This legislation will help like-kin caregivers like Ms. H. She and her biological sister were separated as children and Ms. H was adopted which severed the legal relationship between them. As such, she was not recognized

as a legal relative when her biological sister's four children, ages 1 – 11, needed an out-of-home placement. Because she was viewed as a non-relative caregiver, she had to quickly become licensed and complete extensive paperwork, meet with licensing workers, complete interviews, background checks and home visits to comply with state requirements outlined in DCF 56. She immediately jumped into this process while simultaneously ensuring all of the children's needs were met by providing clothing and hygiene products, taking them to doctor's appointments, transporting them to school and daycare and supporting visits with their parents and case manager. If the licensing requirements were not met, the court ordered that a new placement would need to be found. Because Ms. H was a non-relative caregiver, during this 60-day period before Ms. H became licensed, she was financially responsible for the expenses to care for the children. Children's supported her with gift cards for food and basic needs, and her family helped when they could, however she struggled financially to accommodate the placement. Recognizing caregivers like Ms. H as like-kin will remove the timely licensing requirements and enable them to receive financial support. This change will allow caregivers to focus on the children and meeting their needs and not worry about losing placement of the children.

As you may know, shortages of kinship caregivers and foster parents puts a strain on the limited placement resources within the child welfare system. Expanding the definition to include "like-kin" will support enhanced placement options for children in out-of-home care. In addition to increasing the number of children and youth placed with a relative or like-kin caregiver, it will better position child-placing agencies to keep siblings together, increase permanency options for children and youth and reduce our reliance on congregate care settings. Additionally, it will enable like-kin caregivers who are willing to care for these children to be eligible to receive the financial support that kinship caregivers typically receive to support them in caring for the child. Removing the financial barriers to caring for children in their lives will help support more positive outcomes for the children and their families. From our experience with kinship caregivers today, children in care often experience greater placement stability and face fewer behavioral challenges when placed with people they know. The same standards remain for assessing like-kin caregivers as a safe, appropriate and best placement option for the child. Expanding this definition will support more out-of-home care options for kids in Wisconsin.

Thank you for the opportunity to share Children's Wisconsin's support for this important legislation that would have profound impact on kids in out-of-home care with improved placement options and support for those like-kin caregivers who step in during a time of critical need. We encourage your support of this legislation and our team is happy to answer any questions you may have through our contact information below.

Susanna Leggio  
Director, Child Welfare  
Children's Wisconsin

Jodi Bloch  
Director, State & Local Government Relations  
Children's Wisconsin  
608-217-9508  
[jbloch@childrenswi.org](mailto:jbloch@childrenswi.org)

*Children's Wisconsin (Children's) serves children and families in every county across the state. We have inpatient hospitals in Milwaukee and the Fox Valley. We care for every part of a child's health, from critical care at one of our hospitals, to routine checkups in our primary care clinics. Children's also provides specialty care, urgent care, emergency care, dental care, school health nurses, foster care and adoption services, family resource centers, child health advocacy, health education, family preservation and support, mental health services, pediatric medical research and the statewide poison hotline.*