

1 **AN ACT** *to amend* 48.62 (8) (b) of the statutes; **relating to:** requiring a neutral third
2 party to review the level of care for an out of home placement that is assigned to a
3 child after an assessment of the child's needs.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the Joint Legislative Council's Special Committee on Child Welfare Provider Rate Implementation.

Under current law, the Department of Children and Families is required to promulgate administrative rules providing levels of care that a foster home is licensed to provide. Those levels of care shall be based on the level of knowledge, skill, training, experience, and other qualifications that are required of the licensee, the level of responsibilities that are expected of the licensee, the needs of the children who are placed with the licensee, and any other requirements relating to the ability of the licensee to provide for those needs that the department may promulgate by rule.

The department is also required to promulgate rules establishing a standardized assessment tool to assess the needs of a child placed or to be placed outside the home, to determine the level of care that is required to meet those needs, and to place the child in a placement that meets those needs.

This draft provides that the department must contract with an entity who is not affiliated with any regulated provider nor with the department, to evaluate the appropriateness of the assessed level of care assigned to a child who will be placed outside of the home.

4 **SECTION 1.** 48.62 (8) (b) of the statutes is amended to read:
5 48.62 (8) (b) Rules establishing a standardized assessment tool to assess the needs of
6 a child placed or to be placed outside the home, to determine the level of care that is required
7 to meet those needs, and to place the child in a placement that meets those needs. The rules
8 shall provide that the department shall contract with a third-party entity, that is not affiliated

1 with any regulated provider, to evaluate the assessed level of care assigned to a child who will
2 be placed outside the home. A foster home that is certified to provide a given level of care
3 under par. (a) may provide foster care for any child whose needs are assessed to be at or below
4 the level of care that the foster home is certified to provide. A foster home that is certified to
5 provide a given level of care under par. (a) may not provide foster care for any child whose
6 needs are assessed to be above that level of care unless the department, county department,
7 or child welfare agency issuing the foster home license determines that support or services
8 sufficient to meet the child's needs are in place and grants an exception to that prohibition.

COMMENT: What additional qualifications, if any, shall be established
for the third-party entity? How should this contract be funded? Should
there be a review process for the third-party's determinations?

9 (END)