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11/25/2008

1 **AN ACT** *to repeal* 48.983 (1) (i) and (j), 48.983 (3) (title) and 48.983 (3) (a); *to*
2 *renumber and amend* 48.983 (3) (b) and 48.983 (8); *to amend* 48.983 (2), 48.983
3 (4) (a) 4m., 48.983 (4) (b) 1., 48.983 (6) (a) (intro.), 48.983 (6) (a) 1., 48.983 (6) (a)
4 6., 48.983 (6) (c) and 48.983 (8) (title); *to repeal and recreate* 48.983 (7) (c); and *to*
5 *create* 48.983 (7) (ag) and (ar) and 48.983 (8) (b) of the statutes; **relating to:** child
6 abuse and neglect prevention grants.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council’s Special Committee on Strengthening Wisconsin Families.

Under current law, the Department of Children and Families (DCF) distributes grants for the prevention of child abuse and neglect under a program commonly referred to as “Family Foundations”. DCF may distribute this funding to six rural counties, three urban counties, and two Indian tribes.

The amount of funding that each county (other than a county with a population of 500,000 or more; currently, only Milwaukee County) or Indian tribe receives in excess of the \$10,000 minimum grant amount is based on the number of births funded by medical assistance (MA) in that county or in the reservation of the tribe in proportion to the number of MA-funded births in all counties and the reservations of all tribes selected to participate in the program. Milwaukee County’s grant award is based on 60 percent of the number of MA-funded births in that county in proportion to the number of MA-funded births in all counties and the reservations of all tribes selected to participate in the program.

Except for Milwaukee County, the grant funds may be used for a home visitation program for first-time parents who are eligible for MA and to support the cost of case management. In all counties and tribes, grants may also be used to provide intervention services and flexible funds to participating families for appropriate expenses. DCF is required to provide technical assistance and training to programs receiving a grant.

The bill makes the following changes to current law:

- Deletes the provision requiring funding to be distributed to six rural counties, three urban counties, and two Indian tribes.
- Deletes references to Milwaukee County so that Milwaukee County may use grant funds to provide home visitation and case management services.
- Requires counties and Indian tribes that receive a grant to agree to match at least 25 percent of the grant amount annually in funds or in-kind contributions.
- Deletes the current formula for determining the amount of a grant in excess of the minimum \$10,000 grant amount and instead requires DCF to determine the amount of a grant in excess of \$10,000 based upon the number of MA-funded births in the county or the reservation of the tribe.
- Provides that if a family with a child identified as being at risk of abuse or neglect has been continuously receiving home visitation program services for not less than 12 months, those services may continue to be provided until the child reaches three years of age, regardless of whether the child continues to be eligible for MA.
- Requires a county or Indian tribe, when applying for a grant, to provide information on how the applicant's home visitation program incorporates practice standards and critical elements that have been developed for successful home visitation programs by a nationally recognized home visitation program model and that are acceptable to DCF.
- Requires DCF to evaluate the availability of home visitation programs in the state and determine whether there are gaps in home visitation services. DCF must then cooperate with counties and Indian tribes providing home visitation programs to address any gaps identified.
- Requires each county and Indian tribe providing a home visitation program to collect and report data as required by DCF, using forms prescribed by DCF.
- Requires each county and Indian tribe providing a home visitation program to develop a plan for evaluating the effectiveness of its program for approval by DCF. The bill sets forth outcomes that must be tracked and measured. The evaluation must be used to improve the quality and outcomes of the home visitation program.
- Provides that training provided by DCF to counties and Indian tribes participating in the program may not be limited to a particular home

visitation model. Requires the training to include training regarding basic skills, uniform administration of screening and assessment tools, the issues and challenges that families face, and supervision and personnel skills for program managers. The training may also include training on data collection and reporting.

- Requires DCF to cooperate with the Child Abuse and Neglect Prevention Board to ensure that employees and managers of home visitation programs receive training and other services to develop and maintain competencies in providing home visitation services to families.

1 **SECTION 1.** 48.983 (1) (i) and (j) of the statutes are repealed.

NOTE: Repeals the definitions of “rural county” and “urban county”.

2 **SECTION 2.** 48.983 (2) of the statutes is amended to read:

3 48.983 (2) FUNDS PROVIDED. If a county or Indian tribe applies and is selected by the
4 department under sub. (5) to participate in the program under this section, the department shall
5 award, from the appropriation under s. 20.437 (2) (ab), a grant annually to be used only for
6 the purposes specified in sub. (4) (a) and (am). The minimum amount of a grant is \$10,000.
7 The county or Indian tribe shall agree to match at least 25 percent of the grant amount annually
8 in funds or in-kind contributions. The department shall determine the amount of a grant
9 awarded to a county, ~~other than a county with a population of 500,000 or more,~~ or Indian tribe
10 in excess of the minimum amount based on the number of births that are funded by medical
11 assistance under subch. IV of ch. 49 in that county or the reservation of that Indian tribe ~~in~~
12 ~~proportion to the number of births that are funded by medical assistance under subch. IV of~~
13 ~~ch. 49 in all of the counties and the reservations of all of the Indian tribes to which grants are~~
14 ~~awarded under this section.~~ The department shall determine the amount of a grant awarded
15 ~~to a county with a population of 500,000 or more in excess of the minimum amount based on~~
16 ~~60% of the number of births that are funded by medical assistance under subch. IV of ch. 49~~
17 ~~in that county in proportion to the number of births that are funded by medical assistance under~~

1 ~~subch. IV of ch. 49 in all of the counties and the reservations of all of the Indian tribes to which~~
2 ~~grants are awarded under this section.~~

NOTE: Requires a county or Indian tribe that receives a grant to agree to match at least 25 percent of the grant amount annually in funds or in-kind contributions. Deletes the formula for awarding grants above \$10,000 and, instead, requires DCF to determine the amount of the grant in excess of \$10,000 based upon the number of births that are funded by MA in that county or the reservation of the Indian tribe. Deletes the formula for awarding grants to Milwaukee County so that a grant awarded to Milwaukee County is calculated using the same formula as other counties.

3 **SECTION 3.** 48.983 (3) (title) of the statutes is repealed.

NOTE: Repeals a provision of current law specifying how many counties and Indian tribes may be selected for grants in the 1997-99 state fiscal biennium.

4 **SECTION 4.** 48.983 (3) (a) of the statutes is repealed.

NOTE: Repeals a provision of current law specifying how many counties and Indian tribes may be selected for grants in the 1997-99 state fiscal biennium.

5 **SECTION 5.** 48.983 (3) (b) of the statutes is renumbered 48.983 (3) and amended to read:

6 48.983 (3) JOINT APPLICATION PERMITTED. Two or more counties and Indian tribes may
7 submit a joint application to the department. ~~Each county or Indian tribe in a joint application~~
8 ~~shall be counted as a separate county or Indian tribe for the purpose of limiting the number~~
9 ~~of counties and Indian tribes selected in each state fiscal biennium.~~

NOTE: Repeals language relating to the limit on the number of counties and Indian tribes that may be selected for grants in the 1997-99 state fiscal biennium.

10 **SECTION 6.** 48.983 (4) (a) 4m. of the statutes is amended to read:

11 48.983 (4) (a) 4m. ~~Other than in a county with a population of 500,000 or more, to~~ To
12 reimburse a case management provider under s. 49.45 (25) (b) for the amount of the allowable
13 charges under the medical assistance program that is not provided by the federal government

1 for case management services provided to a medical assistance beneficiary described in s.
2 49.45 (25) (am) 9. who is a child and who is a member of a family that receives home visitation
3 program services under par. (b) 1.

NOTE: Deletes a reference to Milwaukee County.

4 **SECTION 7.** 48.983 (4) (b) 1. of the statutes is amended to read:

5 48.983 (4) (b) 1. A county, ~~other than a county with a population of 500,000 or more,~~
6 or an Indian tribe that is selected to participate in the program under this section shall select
7 persons who are first-time parents and who are eligible for medical assistance under subch.
8 IV of ch. 49 and shall offer each of those persons an opportunity to undergo an assessment
9 through use of a risk assessment instrument to determine whether the parent presents risk
10 factors for perpetrating child abuse or neglect. Persons who are selected and who agree to be
11 assessed shall be assessed during the prenatal period, if possible, or as close to the time of the
12 child's birth as possible. The risk assessment instrument shall be developed by the department
13 and shall be based on risk assessment instruments developed by the department for similar
14 programs that are in operation. The department need not promulgate as rules under ch. 227
15 the risk assessment instrument developed under this subdivision. A person who is assessed
16 to be at risk of abusing or neglecting his or her child shall be offered home visitation program
17 services. Home visitation program services may be provided to a family with a child identified
18 as being at risk of child abuse or neglect until the identified child reaches 3 years of age. If
19 a family has been receiving home visitation program services continuously for not less than
20 12 months, those services may continue to be provided to the family until the identified child
21 reaches 3 years of age, regardless of whether the child continues to be eligible for medical
22 assistance under subch. IV of ch. 49. If risk factors for child abuse or neglect with respect to
23 the identified child continue to be present when the child reaches 3 years of age, home

1 visitation program services may be provided until the identified child reaches 5 years of age.
2 Home visitation program services may not be provided to a person unless the person gives his
3 or her written informed consent to receiving those services or, if the person is a child, unless
4 the child's parent, guardian, or legal custodian gives his or her written informed consent for
5 the child to receive those services.

NOTE: Deletes a reference to Milwaukee County. Also, specifies that if a family with a child identified as being at risk of child abuse or neglect has been continuously receiving home visitation program services for not less than 12 months, those services may continue to be provided until the identified child reaches three years of age, regardless of whether the child continues to be eligible for MA.

COMMENT: This SECTION requires that home visitation program services be provided to families with a child identified as being at risk of child abuse or neglect, but this SECTION does not require that a program follow a specific model.

6 **SECTION 8.** 48.983 (6) (a) (intro.) of the statutes is amended to read:

7 48.983 (6) (a) (intro.) The part of an application, other than a renewal application,
8 submitted by a county, ~~other than a county with a population of 500,000 or more,~~ or an Indian
9 tribe that relates to home visitation programs shall include all of the following:

NOTE: Deletes a reference to Milwaukee County.

10 **SECTION 9.** 48.983 (6) (a) 1. of the statutes is amended to read:

11 48.983 (6) (a) 1. Information on how the applicant's home visitation program is
12 comprehensive and incorporates practice standards and critical elements that have been
13 developed for successful home visitation programs by ~~entities concerned with the prevention~~
14 ~~of child abuse and neglect~~ a nationally recognized home visitation program model and that
15 are acceptable to the department.

NOTE: Modifies current law relating to information that must be provided in an application by a home visitation program.

16 **SECTION 10.** 48.983 (6) (a) 6. of the statutes is amended to read:

1 48.983 (6) (a) 6. An identification of how the home visitation program is comprehensive
2 and incorporates the practice standards ~~for~~ and critical elements for successful home visitation
3 programs referred to in subd. 1., including how services will vary in intensity levels depending
4 on the needs and strengths of the participating family.

NOTE: Modifies current law relating to information that must be
 provided in an application by a home visitation program.

5 **SECTION 11.** 48.983 (6) (c) of the statutes is amended to read:

6 48.983 (6) (c) *Case management benefit.* The applicant, ~~other than a county with a~~
7 ~~population of 500,000 or more,~~ states in the grant application that it has elected, or, if selected,
8 that it will elect, under s. 49.45 (25) (b), to make the case management benefit under s. 49.45
9 (25) available to the category of beneficiaries under s. 49.45 (25) (am) 9. who are children and
10 who are members of families receiving home visitation program services under sub. (4) (b)
11 1.

NOTE: Deletes a reference to Milwaukee County.

12 **SECTION 12.** 48.983 (7) (ag) and (ar) of the statutes are created to read:

13 48.983 (7) (ag) The department shall evaluate the availability of home visitation
14 programs in the state and determine whether there are gaps in home visitation services in the
15 state. The department shall cooperate with counties and Indian tribes providing home
16 visitation programs to address any gaps in services identified.

17 (ar) Each county and Indian tribe providing a home visitation program shall collect and
18 report data to the department, as required by the department. The department shall require
19 each county and Indian tribe providing a home visitation program to collect data using forms
20 prescribed by the department.

NOTE: Requires DCF to evaluate the availability of home visitation
 programs in the state and determine whether there are gaps in home

visitation services. Requires DCF to cooperate with counties and Indian tribes providing home visitation programs to address any gaps identified.

Also requires each county and Indian tribe providing a home visitation program to collect and report data as required by DCF, using forms prescribed by DCF.

1 **SECTION 13.** 48.983 (7) (c) of the statutes is repealed and recreated to read:

2 48.983 (7) (c) Each county and Indian tribe providing a home visitation program shall
3 develop a plan for evaluating the effectiveness of its program for approval by the department.
4 The plan shall demonstrate how the county or Indian tribe will use the evaluation of its
5 program to improve the quality and outcomes of the program and to ensure continued
6 compliance with the home visitation program criteria under sub. (6) (a). The plan must
7 demonstrate how the outcomes will be tracked and measured. The outcomes must be related
8 to all of the following:

9 1. Parents receiving home visitation services acquiring knowledge of early learning
10 and child development and interacting with their children in ways that enhance the children's
11 development and early learning.

12 2. Children receiving home visitation services being healthy.

13 3. Children receiving home visitation services living in a safe environment.

14 4. Families receiving home visitation services accessing formal and informal support
15 networks.

16 5. Children receiving home visitation services achieving milestones in development
17 and early learning.

18 6. Children receiving home visitation services who have developmental delays
19 receiving appropriate intervention services.

NOTE: Repeals language requiring DCF to determine the most appropriate way to evaluate strengthened family functioning, enhanced

child development, and positive parenting practices and to evaluate those criteria as part of its evaluation of home visitation programs. Instead, under the bill, each county and Indian tribe providing a home visitation program must develop a plan for evaluating the effectiveness of its program for approval by DCF. The plan must demonstrate how the county or Indian tribe will use the evaluation to improve the quality and outcomes of the program and to ensure continued compliance with the home visitation program criteria required to be demonstrated when applying for a grant. The plan must also demonstrate how the outcomes will be tracked and measured. The outcomes to be measured are set forth in the SECTION.

1 **SECTION 14.** 48.983 (8) (title) of the statutes is amended to read:

2 48.983 **(8)** (title) **TECHNICAL ASSISTANCE AND TRAINING; COMPETENCY TRAINING.**

3 **SECTION 15.** 48.983 (8) of the statutes is renumbered 48.983 (8) (a) and amended to
4 read:

5 48.983 **(8)** (a) *Technical assistance and training.* The department shall provide
6 technical assistance and training to counties and Indian tribes that are selected to participate
7 in the program under this section. The training may not be limited to a particular home
8 visitation model. The training shall include training in best practices regarding basic skills,
9 uniform administration of screening and assessment tools, the issues and challenges that
10 families face, and supervision and personnel skills for program managers. The training may
11 also include training on data collection and reporting.

NOTE: Specifies that training for counties and Indian tribes selected to receive home visitation grants may not be limited to a particular home visitation model. Requires that the training include training in best practices regarding basic skills, uniform administration of screening and assessment tools, the issues and challenges that families face, and supervision and personnel skills for program managers. The training may also include training on data collection and reporting.

12 **SECTION 16.** 48.983 (8) (b) of the statutes is created to read:

13 48.983 **(8)** (b) *Competency training.* The department shall cooperate with the child
14 abuse and neglect prevention board to ensure that employees and managers of home visitation

- 1 programs receive training and other services to develop and maintain competencies in
2 providing home visitation services to families.

NOTE: Requires DCF to cooperate with the Child Abuse and Neglect Prevention Board to ensure that employees and directors of home visitation programs receive training and other services to develop and maintain competencies in providing home visitation services to families.

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(END)