

MEMORANDUM

TO: Honorable Members of the Legislative Council Special Committee on Strengthening Wisconsin Families

FROM: Sarah Diedrick-Kasdorf, Senior Legislative Associate 

DATE: March 2, 2009

SUBJECT: Comments on WLC: 0383/2 and 0346/3

The Wisconsin Counties Association (WCA) wishes to once again briefly comment on the bill drafts slated for consideration on March 3, 2009. Due to a previous commitment, I am unable to attend the meeting. Please feel free to contact me if you need further clarification regarding our suggested changes.

WLC: 0346/3 – Creating a Family Policy Board and Requiring Counties to Provide Prevention Services

As stated in our previous memo, counties wholeheartedly support the use of prevention services. Yet, funding is not available from the state and federal governments to provide prevention services.

The state budget not only cuts the Children and Families BCA by the standard 1% each state appropriation is assessed, but due to the loss of Federal IV-E Incentive Funds, the Children and Families BCA will be reduced by 14% in FY 10 and 16% in FY 11. Due to these significant budget reductions, it is disingenuous to place language in state statute requiring counties to provide prevention services, even with the caveat “within the limits of available state and federal funds.” Counties have assured me that the loss of these funds will certainly impact the ability of counties to offer prevention services, leading to increased out of home placements, etc.

WCA respectfully requests that the language requiring prevention services be removed from the bill draft, as well as the requirement for expanded local plans. We have no position at this time on the creation of the Family Policy Board.

WLC: 0383/2 – Requiring notice to relatives when a child is taken into custody

WLC: 0383/2 is much improved from the original version. WCA supports the narrowed definition of relative and supports the clarification that notification must be completed within 30 days after the court orders that a child be continued in custody. However, there are at least two circumstances that this language does not address. The first situation is when a child is ordered to remain in custody for a short period of time but the plan is still to return the child home. This occurs when a parent may need a week or two to rectify a situation or when an adolescent is sanctioned by a short placement, usually secure detention. The second situation is when a child is TPC'd as the result of a law violation, runaway, etc. The child may be returning to the same placement or going to a different one, but it is entirely possible that the notice to relatives would have already been sent, maybe even only a few days prior.

While we do not have specific statutory language to recommend, for the first circumstance it might be better to state that sending the notice should be ordered when the plan at the TPC hearing is for out of home placement. Regarding the second, it may make sense to clarify that notification should be ordered only if the notice had not been previously sent or if setting a time frame is desirable, if the notice had been sent longer than a year ago.

At the last meeting it was suggested that the Department of Children and Families develop a uniform notice (SACWIS template). WCA respectfully requests language requiring the uniform notice be placed in the bill draft.

Thank you for considering our comments. Please do not hesitate to contact the WCA office if you have any questions.