

Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #205

Children and Families Aids Funding Increase (Children and Families -- Child Welfare Services)

[LFB 2019-21 Budget Summary: Page 80, #1]

CURRENT LAW

In Wisconsin, the child welfare system is county-operated and state-supervised, except in Milwaukee County, where the system is administered by the Division of Milwaukee Child Protective Services (DMCPS) in the Department of Children and Families (DCF). All county and state child welfare systems operate under the same federal and state laws, regulations, and standards. Eleven tribes in Wisconsin also provide child welfare services directly based on their tribal codes, policies, and tribal practices, although many have written agreements with county agencies.

Each county has its own child welfare system that includes the county department of human or social services (except in Milwaukee County), the courts, and other agencies that provide services to children and their families. The child protective services unit in each county department is responsible for providing services to abused and neglected children. The responsibility for the care of children in the system is shared between the juvenile court and the county department of human services or social services. Child welfare services are provided to Native American children by tribal social services departments.

DCF is responsible for providing statewide leadership and supervision of child welfare standards and practices. DCF administers state and federal funds for child welfare services and assures compliance with state and federal law, regulations, and policy.

Under the children and family aids (CFA) program, DCF distributes state and federal funds to counties to support services related to child abuse and neglect (including prevention, investigation, and treatment services), child welfare services to families, and community-based

juvenile justice services. CFA funds are generally allocated in the calendar year in two increments. Approximately 25% of CFA funds are made available to counties from January through June. The remaining 75% of CFA funds are added to the contract in July for unreimbursed expenses through June and for July through December. Counties may carry over up to three percent of CFA funds from one year into the next. Current law requires counties to match 9.89% of their CFA allocation. However, because no matching is required for the 25% of CFA funds made available from January through June, the effective annualized rate is only 7.4%.

In 2018-19, DCF was budgeted \$74,308,000 to fund CFA, including: (a) \$26,396,400 GPR; (b) \$37,738,200 in federal funds from state foster care reimbursement claims under Title IV-E of the Social Security Act; (c) \$2,900,000 in federal funds the state receives under Title IV-B, subpart 1 of the Social Security Act; (d) \$3,983,600 in federal funds from the Social Services Block Grant (SSBG); and (e) \$3,289,800 in federal funds from the temporary assistance for needy families block grant.

GOVERNOR

Provide \$3,750,000 GPR in 2019-20 and \$15,000,000 GPR in 2020-21 to increase the CFA allocation. Increase the statutory children and family aids allocations to reflect this and other items in the bill that would modify funding for the program so that \$78,708,100 (all funds) in 2019-20 and \$90,478,400 (all funds) in 2020-21 would be allocated for the program.

Together with the proposed increase in foster care rates under the bill (addressed in LFB Budget Paper #206), the total the amount of the CFA allocation is shown in Table 1.

TABLE 1
Children and Family Aids under the Governor's Budget

	<u>2019-20</u>	<u>2020-21</u>
2018-19 Statutory Allocation	\$74,308,000	\$74,308,000
Cost to Continue Act 59 Foster Care Rate Increases	432,200	380,400
Foster Care Rate Increase in Bill	165,100	497,200
CFA Funding Increase	3,750,000	15,000,000
Placements for Parents Living in Treatment Programs	186,600	186,600
Program Revenue Reestimates	-133,700	106,300
Statutory Allocations in Bill	\$78,708,100	\$90,478,400

DISCUSSION POINTS

1. DCF allocates the CFA to counties through contracts that specify: (a) the manner in which counties will provide the services subject to the contract; (b) the process by which the state reimburses counties for eligible services; and (c) county record-keeping and reporting requirements.

The allocations for calendar year 2019 are shown in Attachment 1, including the required county match. In practice, most counties provide funding well above the match requirement.

- 2. Attachment 2 shows the out-of-home care caseloads as of December 31, from 2012 through 2018, by placement type. Prior to 2012, caseloads had been decreasing. However, Attachment 2 shows a marked increase in the number of children in out-of-home placements outside of Milwaukee County during the past several years. The out-of-home caseload outside of Milwaukee County was 4,311 in 2012. In 2018, the caseload was 5,379 (an increase of 24.8%).
- 3. According to a 2016 report from DCF and the Governor's Task Force on Opioid Abuse, Combating Opioid Abuse, county child protective services have seen a significant surge in cases due in part to opioid related child welfare cases and parental drug abuse. The Children in Out-of-Home Care annual report by DCF indicates that 16.6% of the removals of children from their home and into out-of-home care in 2017 were due in part to caretaker drug abuse and another 1.2% were due to child drug abuse. Overall, caretaker drug abuse was a factor in 33.2% of the children removed from their homes. The Governor's Task Force recommended additional state resources for the CFA in order to assist counties to hire additional staff to care for such children.
- 4. Due to the increase in caseloads, the Wisconsin Counties Association (WCA) indicates that the workload of case workers has increased substantially across the state. According to a caseload study by the Wisconsin County Human Service Association (WCHSA), counties outside of Milwaukee County currently have average caseloads of one social worker per 15 cases (or 30 children per worker) and one supervisor for every seven workers. For comparison, the Child Welfare League of America recommends no more than 12 to 15 children per case worker and five caseworkers per supervisor. Further, under DMCPS contracts with outside vendors to provide case management and ongoing services in Milwaukee County, the contract agencies are required to provide enough case managers such that there is one staff member for every 15 children. In addition, the agencies must ensure that there is one supervisor for every six staff members.
- 5. WCA indicates that the increased workload on caseworkers is causing retention issues and increased turnover of experienced staff. Further, the WCA indicates that the increased workloads on caseworkers has adversely affected children by increasing the amount of time they spend in out-of-home care.
- 6. According to a caseload study by the WCHSA, judging from standards that would require no more than 10 children per case worker and five caseworkers per supervisor, counties outside of Milwaukee County would need an additional 327 caseworkers and 145 supervisors. The WCHSA estimates that it would cost more than \$36.8 million annually to increase staff to meet such standards.
- 7. County spending has increased as caseloads have increased. Table 2 summarizes information the Department of Health Services collects annually from counties on county administered programs that provide services for abused and neglected children and child welfare services directed at the prevention of family break-up, youth development, and improved family functioning involved in the child welfare system.

TABLE 2

County-Reported Expenditures on Child Abuse and Neglect Services and Child Welfare Services

	Calendar Year			
	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
Services for Abused and Neglected Children				
Total Spending for County-Administered Programs	\$127,341,000	\$133,957,400	\$142,714,100	\$152,370,900
County Spending (Local Funds)	\$73,846,800	\$76,378,000	\$84,101,000	\$92,926,600
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Increase in Spending from Local Funds from Previous	s Year	\$2,531,200	\$7,723,000	\$8,825,600
Child Welfare Services				
Total Spending for County-Administered Programs	\$77,010,700	\$73,735,700	\$80,310,000	\$81,432,600
County Spending (Local Funds)	\$34,602,600	\$31,241,500	\$33,792,900	\$36,542,700
				
Increase in Spending from Local Funds from Previous	s Year	-\$3,361,100	\$2,551,400	\$2,749,800

Source: Department of Health Services Program Participation System

- 8. Table 2 shows that, during the last four years for which information is available, counties reported spending on services for abused and neglected children increased from \$73.8 million in 2014 to \$92.9 million in 2017. During this period, total spending (spending supported from all fund sources) for these county administered services increased from \$127.3 million \$152.4 million. During this four-year period, the costs of other child welfare services provided by counties increased, but less significantly than the costs of county services for abused and neglected children.
- 9. Funding under the CFA has not increased as rapidly as county caseloads or expenditures over the same time period. In 2011, state funding contract provided CFA funding of \$64.9 million to counties. In 2017, the state contract provided \$68.8 million, an increase of 6.0%.
- 10. Funding for the CFA was increased under 2017 Act 59 such that the 2019 contract funding provided for counties other than Milwaukee County is \$74.8 million.
- 11. As shown in Table 3, in 2010-11, the CFA was budgeted \$64.1 million (including \$30.0 million GPR). In 2018-19, overall funding for the CFA had increased by 15.9% to \$74.3 million (including \$26.4 million GPR). The increase in funding has been entirely from federal sources of revenue, including temporary funding available under the federal American Recovery and Reinvestment Act (ARRA) and targeted case management (TCM) medical assistance funds for certain activities conducted by child welfare workers. State general purpose revenue provided for the CFA has declined by \$3.6 million since 2010-11.

TABLE 3
Funding Budgeted for Children and Family Aids, by Source
State Fiscal Years 2010-11 through 2018-19

	<u>2010-11</u>	<u>2011-12</u>	<u>2012-13</u>	<u>2013-14</u>	<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>	<u>2018-19</u>
GPR FED - SSBG FED - IV-B FED - IV-E FED - IV-E ARRA TCM	\$29,995,200 8,005,200 2,880,800 18,260,600 4,950,000 0	\$29,995,200 8,376,300 3,078,800 18,841,600 0 6,183,600	\$29,995,200 8,376,300 3,043,600 17,303,100 0 7,757,300	\$29,413,900 8,220,200 3,230,600 25,610,800 0	\$29,413,900 8,202,400 3,230,600 25,628,600 0	\$29,359,100 7,680,700 2,996,000 28,229,000 0	\$25,658,600 7,296,700 2,900,000 32,472,600 0	\$26,135,200 7,288,700 2,900,000 33,887,200 0	\$26,396,400 7,273,400 2,900,000 37,738,200 0
Total Percent Change fro Previous Year	\$64,091,800 om	\$66,475,500	\$66,475,500	\$66,475,500 0.0%	\$66,475,500 0.0%	\$68,264,800 2.7%	\$68,327,900 0.1%	\$70,211,100 2.8%	\$74,308,000 5.8%

- 12. The federal Department of Health and Human Services (DHHS) conducts a federal child and family services review (CFSR) to determine each state's conformance with federal requirements under Titles IV-B and IV-E of the federal Social Security Act. DHHS conducted a CFSR for Wisconsin in 2018, which included a review of 65 cases (40 foster care and 25 in-home) in Barron, Brown, and Milwaukee counties. The CFSR assessed statewide performance with regard to seven child and family outcomes and seven systemic factors. DCF received the CFSR findings in September, 2018.
- 13. Overall, DHHS determined that Wisconsin was not in substantial conformance with any of the seven outcome areas and only one of the seven systemic factors. The final CFSR report found an increase in reports of maltreatment related to parental substance abuse, but that achieving permanency was affected by a lack of family engagement and an inadequate array of services, including wait lists for inpatient and outpatient substance abuse treatment, housing, transportation, and visitation facilitators. Further, based on interviews conducted as part of the CFSR, the report identified a severe shortage of foster homes and noted that the number of residential beds in Wisconsin to care for children with complex needs has decreased, increasing the need to send children out of the state to receive services.
- 14. In response to the CFSR, DCF is developing a program improvement plan (PIP) to address the areas identified as needing improvement and submitted a preliminary plan to DHHS in December, 2018. In the preliminary PIP submitted to DHHS for review, DCF stated that the increase in workload and caseloads on child welfare workers is the major root cause of any weaknesses in performance on case practice items identified in the CFSR.
- 15. As stated in the PIP, cases of parental drug abuse are more complex than other cases and the marked increase in parental drug abuse has substantially increased both the number of cases and the amount of time and services needed for each case. Further, the sharp increase in caseloads has resulted in increased workloads on caseworkers. However, the PIP identified that state and local funding for the child welfare system has not kept pace with the recent increase in caseloads.

- 16. DCF indicates that the Governor's recommended increase to the CFA would help address the increased workloads and caseloads in counties outside of Milwaukee. However, according to DCF, no items in the preliminary PIP are contingent on approval of the proposed increase in CFA funding.
- 17. The Committee could approve the Governor's recommendation to increase the CFA allocations to counties by providing \$3,750,000 GPR in 2019-20 and \$15,000,000 GPR in 2020-21 without modification (Alternative A1). Increased funding would allow counties to hire additional staff, thereby reducing caseloads and improving turnover rates. Further, additional funding could alleviate the increased costs associated with the abuse of opioids and other drugs.
- 18. The increased child welfare costs cited by the administration to support the recommended increase of \$15,000,000 GPR to the CFA in 2020-21 would appear to be equally applicable to child welfare costs in 2019-20. The Committee could provide an additional \$11,250,000 GPR in 2019-20 in order to provide \$15,000,000 GPR in each year of the biennium (Alternative A2).
- 19. Alternatively, the Committee could decide to provide federal Title IV-E matching funds for a portion of the Governor's recommended increase (Alternative A3). Title IV-E provides an openended entitlement to reimbursement for certain costs of providing foster care, adoption assistance, and kinship and guardianship assistance to children meeting eligibility requirements. The Governor's proposal to increase funding for the CFA would be funded entirely with GPR. Assuming that some portion of this funding is used to increase overall child welfare expenditures, rather than to replace county funding to support child welfare services, the increased CFA would result in an increase in matching IV-E funds that would accrue to an unused balance. The Committee could instead use the projected increase in IV-E funds to provide the same level of funding for the CFA in 2020-21 instead of GPR in one of the following amounts: (a) \$1,000,000; (b) \$2,000,000; (c) \$3,000,000; (d) \$4,000,000; (e) \$5,000,000; (f) \$6,000,000; or (g) \$7,000,000.
- 20. During its public hearings on the budget bill, the Committee heard testimony from several county agency staff that funding for the CFA should be significantly increased. The WCHSA has requested an annual increase of \$30,000,000 to the CFA allocation to cover out-of-home care expenses and the costs of hiring additional staff to decrease workloads of caseworkers throughout the state. Therefore, the Committee could decide to modify the Governor's recommendation to increase the amount of funding provided in the bill by \$26,250,000 GPR in 2019-20 and by \$15,000,000 GPR in 2020-21 (Alternative A4).
- 21. The Committee could choose to modify the Governor's recommendation to provide a different amount of funding in each year of the biennium (Alternative A5). For example, using both GPR and federal funding under Title IV-E the Committee could choose to provide an increase in one of the following amounts: (a) \$2,000,000 annually; (b) \$4,000,000 annually; (c) \$6,000,000 annually; or (d) \$8,000,000 annually.
- 22. Alternatively, the Committee could deny the Governor's recommended increase in funding, and decide to instead maintain funding levels at the cost to continue the program under current law (Alternative A6). DCF could request additional funding at a future time, such as when the PIP is completed.

23. Finally, the Committee could require DCF to issue a report to the Governor and appropriate standing committees of the Legislature regarding caseload and workload issues for Wisconsin child welfare workers (Alternative B1). The report would require DCF to propose statewide caseload standards for the child welfare system, identify caseloads in counties throughout the state, and propose solutions to assist counties to meet the new standards. Currently there are no state recommended caseload standards for county initial assessment, access, ongoing services, supervision, or foster parent licensing. Setting such standards would provide a measure to ensure that counties have sufficient resources to serve children and families.

ALTERNATIVES

A. Increased Funding for Children and Family Aids

1. Approve the Governor's recommendation to increase funding for the CFA by \$3,750,000 GPR in 2019-20 and by \$15,000,000 GPR in 2020-21. Modify the statutory allocations for the CFA to reflect the total funding that would be budgeted for the CFA program in the 2019-biennium, based on the Committee's decision on this and other items in the bill funded from the CFA.

ALT A1	Change to		
	Base	Bill	
GPR	\$18,750,000	\$0	

2. Modify the Governor's recommendation to provide an additional \$11,250,000 GPR for the CFA in 2019-20 so that the total funding increase for the CFA would be \$15,000,000 GPR annually. Modify the statutory allocations for the CFA to reflect the total funding that would be budgeted for the CFA program in the 2019-21 biennium, based on the Committee's decision on this and other items in the bill funded from the CFA.

ALT A2	Change to		
	Base	Bill	
GPR	\$30,000,000	\$11,250,000	

3. Modify the Governor's recommendation to utilize federal matching revenues under Title IV-E of the Social Security Act to increase the CFA in 2020-21, instead of GPR, in one of the following amounts: (a) \$1,000,000 FED; (b) \$2,000,000 FED; (c) \$3,000,000 FED; (d) \$4,000,000 FED; (e) \$5,000,000 FED; (f) \$6,000,000 FED; or (g) \$7,000,000 FED. The total (all funds) increase for the CFA would equal the GPR increase recommended by the Governor under Alternative 1.

ALT A3	Ch	nange to
	Base	Bill
3a GPR FED	\$17,750,000 <u>1,000,000</u> \$18,750,000	- \$1,000,000 <u>1,000,000</u> 0
3b GPR FED	\$16,750,000 <u>2,000,000</u> \$18,750,000	- \$2,000,000 <u>2,000,000</u> 0
3c GPR FED	\$15,750,000 <u>3,000,000</u> \$18,750,000	- \$3,000,000 <u>3,000,000</u> 0
3d GPR FED	\$14,750,000 <u>4,000,000</u> \$18,750,000	- \$4,000,000 <u>4,000,000</u> 0
3e GPR FED	\$13,750,000 <u>5,000,000</u> \$18,750,000	- \$5,000,000 <u>5,000,000</u> 0
3f GPR FED	\$12,750,000 <u>6,000,000</u> \$18,750,000	- \$6,000,000 <u>6,000,000</u> 0
3g GPR FED	\$11,750,000 <u>7,000,000</u> \$18,750,000	- \$7,000,000 <u>7,000,000</u> 0

4. Increase funding in the bill by \$26,250,000 GPR in 2019-20 and by \$15,000,000 GPR in 2020-21 so that a total funding increase of \$30,000,000 GPR would be provided annually. Modify the statutory allocations for the CFA to reflect the total funding that would be budgeted for the CFA program in the 2019-21 biennium, based on the Committee's decision on this and other items in the bill funded from the CFA.

ALT A4	Change to		
	Base	Bill	
GPR	\$60,000,000	\$41,250,000	

5. Modify the Governor's recommendation to provide GPR and federal Title IV-E funding to increase the CFA by one of the following amounts: (a) \$2,000,000 annually; (b) \$4,000,000 annually; (c) \$6,000,000 annually; or (d) \$8,000,000 annually. The bill would be modified to accurately reflect the total CFA allocation as approved by the Committee, including the cost to continue under current law and any approved changes to foster care rates.

ALT A5		Ch	Change to			
		Base	Bill			
5a	GPR FED	\$2,000,000 <u>2,000,000</u> \$4,000,000	- \$16,750,000 <u>2,000,000</u> - \$14,750,000			
5b	GPR FED	\$4,000,000 <u>4,000,000</u> \$8,000,000	- \$14,750,000 <u>4,000,000</u> - \$10,750,000			
5c	GPR FED	\$6,000,000 <u>6,000,000</u> \$12,000,000	- \$12,750,000 <u>6,000,000</u> - \$6,750,000			
5d	GPR FED	\$8,000,000 <u>8,000,000</u> \$16,000,000	- \$10,750,000 <u>8,000,000</u> - \$2,750,000			

6. Delete the additional funding that would be provided to increase funding for the CFA (-\$3,750,000 GPR in 2019-20 and -\$15,000 GPR in 2020-21). Modify the statutory allocations for the CFA to reflect the funding that would be budgeted for the CFA program in the 2019-biennium, based on the amount of funding the Committee approves for other items in the bill

ALT A6	Change to		
	Base	Bill	
GPR	\$0	-\$18,750,000	

B. Statewide Caseload Standards

- 1. Require DCF to issue a report to the Governor and appropriate standing committees of the Legislature on or before January 31, 2020, regarding caseload and workload issues for Wisconsin child welfare workers. As part of the report, require DCF to propose statewide caseload standards for the child welfare system, identify caseloads in counties throughout the state, and propose solutions to assist counties to meet the new standards.
 - 2. Take no action on establishing additional reporting requirements.

Prepared by: John D. Gentry

Attachments

ATTACHMENT 1

Children and Family Aids Allocations to Counties Calendar Year 2019

County	Total <u>Allocation</u>	County <u>Match</u>
Adams Ashland Barron Bayfield Brown	\$281,241 375,093 702,646 277,891 3,313,642	\$20,708 27,686 52,093 20,408 245,115
Buffalo Burnett Calumet Chippewa Clark	345,747 280,903 417,656 923,755 630,364	25,606 20,785 30,953 68,534 46,514
Columbia Crawford Dane Dodge Door	655,935 475,432 6,040,266 1,090,628 368,772	48,620 35,249 446,274 80,330 27,369
Douglas Dunn Eau Claire Florence Fond du Lac	833,633 612,010 1,781,940 224,538 1,664,038	61,731 45,201 131,172 16,594 122,916
Forest Grant Green Green Lake Iowa	266,290 787,257 463,058 284,885 318,035	19,800 58,282 34,176 20,979 23,495
Iron Jackson Jefferson Juneau Kenosha	148,137 512,163 988,673 358,043 2,786,975	10,862 37,776 73,004 26,572 204,985
Kewaunee La Crosse Lafayette Langlade Lincoln	314,406 1,990,187 303,735 393,159 457,999	23,072 147,320 22,483 29,132 34,004

County	Total <u>Allocation</u>	County <u>Match</u>
Manitowoc	\$1,341,189	\$99,267
Marathon	1,749,285	128,693
Marinette	612,197	45,316
Marquette	224,265	16522
Menominee	376,109	27711
	,	
Milwaukee	6,684,367	491,298
Monroe	642,575	47,524
Oconto	477,996	35,389
Oneida	547,390	40,447
Outagamie	2,174,533	161,027
Ozaukee	903,209	66,547
Pepin	203,669	15,093
Pierce	502,712	37,176
Polk	649,605	47,945
Portage	862,081	63,234
Tortage	002,001	03,234
Price	292,479	21,493
Racine	3,626,442	267,761
Richland	398,341	29,466
Rock	3,138,283	231,973
Rusk	364,476	26,948
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St. Croix	575,147	42,562
Sauk	781,840	57,930
Sawyer	384,490	28,334
Shawano	557,158	41,428
Sheboygan	1,721,029	127,561
Taylor	425,997	31,420
Trempealeau	511,745	38,000
Vernon	490,468	36,367
Vilas	261,994	19,328
Walworth	1,171,549	86,653
XXX 11	207.100	22.041
Washburn	307,189	22,841
Washington	1,154,492	85,486
Waukesha	3,885,542	287026
Waupaca	693,697	51,173
Waushara	375,883	27,898
Winnebago	2,543,565	188,211
Wood	1,306,505	96,025
Total	\$74,588,628	\$5,508,873

ATTACHMENT 2

Out-of-Home Care Caseloads as of December 31 -- 2012 through 2018

Year		Court-Ordered Kinship <u>Care</u>	Foster <u>Homes</u>	Group <u>Homes</u>	Residentia Care <u>Centers</u>	Other Placements*	<u>Total</u>
2012	Milwaukee County	289	1,282	133	89	148	1,941
	All Other Counties	<u>481</u>	3,011	<u>193</u>	<u>294</u>	332	4,311
	Wisconsin Total	770	4,293	326	383	480	6,252
2013	Milwaukee County	358	1,400	149	75	202	2,184
	All Other Counties	<u>553</u>	3,012	<u>168</u>	<u>276</u>	<u>327</u>	4,336
	Wisconsin Total	911	4,412	317	351	529	6,520
2014	Milwaukee County	434	1,429	154	100	159	2,276
	All Other Counties	<u>565</u>	3,316	<u>174</u>	<u>263</u>	<u>275</u>	4,593
	Wisconsin Total	999	4,745	328	363	434	6,869
2015	Milwaukee County	348	1,481	151	81	196	2,257
	All Other Counties	<u>708</u>	<u>3,470</u>	<u>154</u>	<u>284</u>	<u>295</u>	4,911
	Wisconsin Total	1,056	4,951	305	365	491	7,168
2016	Milwaukee County	333	1,461	149	64	152	2,159
	All Other Counties	<u>846</u>	<u>3,704</u>	<u>146</u>	<u>298</u>	<u>329</u>	5,323
	Wisconsin Total	1,179	5,165	295	362	481	7,482
2017	Milwaukee County	460	1,177	143	70	331	2,181
	All Other Counties	<u>999</u>	3,268	<u>144</u>	<u>287</u>	<u>918</u>	5,616
	Wisconsin Total	1,459	4,445	287	357	1,249	7,797
2018	Milwaukee County	426	1,179	142	55	302	2,104
	All Other Counties	<u>916</u>	3,063	<u>140</u>	<u>289</u>	<u>971</u>	5,379
	Wisconsin Total	1,342	4,242	282	344	1,273	7,483

^{*}Primarily includes children living with unlicensed relatives and non-relatives and children in secured facilities.