



## Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #207

### **Tribal Family Services (Children and Families -- Child Welfare Services)**

[LFB 2019-21 Budget Summary: Page 82, #4]

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#### **CURRENT LAW**

*Tribal Family Services Program.* The tribal family services program (FSP) is jointly administered by the Department of Health Services (DHS) and the Department of Children and Families (DCF). The program's purpose is similar to the community aids and children and family aids (CFA) programs, which provide state and federal funding to counties, but not tribes, to support a wide range of human services programs.

Tribes may use the FSP allocations for: (a) adolescent self-sufficiency services; (b) adolescent pregnancy prevention services; (c) an adolescent "choices" program, which is intended to assist adolescents in developing skills to reduce pregnancy and high school dropout rates, increase economic self-sufficiency, enhance self-esteem and responsible decision making, and neutralize sex-role stereotyping and bias; (d) domestic abuse services; (e) tribal child care; and (f) child welfare services.

As with community aids and the CFA program, DHS and DCF combine several state and federal funding sources to provide one annual FSP allocation to each tribe. In addition to base GPR funding (\$1,271,900), the FSP allocation is partially supported with federal funding the state receives under Title IV-B, subpart 2 of the Social Security Act and the community services block grant (CSBG). Due to restrictions on the use of federal funding sources, tribes must ensure that funds are used in compliance with federal requirements. Tribes may use FSP allocations for certain administrative costs, purchased services, and payments to program participants.

In addition to the funding budgeted for the FSP, DCF is budgeted \$717,500 PR annually from Indian gaming receipts to fund: (a) unexpected or unusually high-cost out-of-home care placements and guardianship payments ordered by tribal courts; and (b) out-of-home placements

of Indian juveniles who have been adjudicated delinquent by tribal courts. Tribes may request funding from the tribal high cost pool on a case-by-case basis.

*Indian Gaming Receipts.* Indian gaming receipts are statutorily defined as moneys received by the state from any of the following: (a) tribal reimbursement for state costs of regulation of Indian gaming under Indian gaming compacts; (b) payments by Indian gaming vendors and persons proposing to be Indian gaming vendors as reimbursement for state costs of certification and background investigations; (c) tribal reimbursement for state costs of gaming services and assistance provided by the state at the request of a tribe; and (d) tribal payments pursuant to the Indian gaming compacts.

The first draw on tribal gaming receipts is to the following appropriations: (a) a Department of Administration (DOA) general program operations appropriation relating to Indian gaming regulation under the compacts (\$1,996,300 PR in 2018-19); (b) a department of justice Indian gaming law enforcement appropriation (\$165,800 PR in 2018-19); and (c) an amount necessary to make all of the transfers specified under the DOA Indian gaming receipts appropriation to other state programs (\$25,334,200 PR in 2018-19). Tribal gaming receipts remaining after these allocations are made are credited to the general fund.

## **GOVERNOR**

Provide \$446,700 (-\$1,271,900 GPR and \$1,718,600 PR) in 2019-20 and \$595,600 (-\$1,271,900 GPR and \$1,867,500 PR) in 2020-21 to: (a) replace base GPR funding for the tribal family services program with PR from tribal gaming revenues (-\$1,271,900 GPR and \$1,271,900 PR annually); and (b) increase funding for the program from tribal gaming revenues by \$446,700 PR in 2019-20 and \$595,600 PR in 2020-21. The current GPR appropriation for the program would be renumbered and converted into a PR appropriation funded from tribal gaming revenue.

## **DISCUSSION POINTS**

1. 2013 Act 20 created the tribal FSP to replace certain statutory earmarked amounts provided for specific tribal services, such as tribal child care and high-risk adolescents pregnancy and parenthood prevention. The tribal FSP was intended to provide DCF and the tribes with additional flexibility in meeting the social service needs of tribal populations.

2. The following table identifies the FSP grants each of the eleven federally recognized tribes or bands will receive in federal fiscal year 2018-19. As shown in the table, the GPR portion accounts for 63% of the total FSP allocation.

**Tribal Family Services Program (FSP) Allocations  
Federal Fiscal Year 2018-19**

<u>Tribe</u>	<u>GPR</u>	<u>Promoting Safe and Stable Families FED</u>	<u>Community Services Block Grant FED</u>	<u>All Funds</u>
Bad River	\$117,514	\$35,364	\$31,490	\$184,368
Ho-Chunk	87,028	32,364	31,490	150,882
Lac Courte Oreilles	106,525	38,465	31,490	176,480
Lac du Flambeau	171,478	41,055	31,490	244,023
Menominee	156,110	71,107	31,490	258,707
Oneida	135,180	41,332	31,490	208,002
Potawatomi	119,555	20,024	31,490	171,069
Red Cliff	96,831	40,166	31,490	168,487
Saint Croix	96,031	22,566	31,490	150,087
Sokaogon	93,853	32,819	31,490	158,162
Stockbridge-Munsee	<u>91,774</u>	<u>33,439</u>	<u>31,490</u>	<u>156,703</u>
<b>Total</b>	<b>\$1,271,879</b>	<b>\$408,701</b>	<b>\$346,390</b>	<b>\$2,026,970</b>

3. The bill would increase funding for the tribal FSP allocations by \$446,700 PR in 2019-20 and \$595,600 PR in 2020-21 and change the state funding component from GPR to tribal gaming revenues. If the funding increase is approved, DCF plans to consult with the tribes to determine the best approach for distributing the increase in funding, such as by a population based formula or an across-the-board increase for each tribe.

4. DCF indicates that the rationale for increasing funding for the tribal FSP is similar to the funding increase under the bill for the children and family allocations, as discussed in LFB Paper #205. In summary, human services caseloads and associated expenditures have increased substantially over the previous few years due in part to recent increases in drug and alcohol abuse, especially of opioids, heroin, and methamphetamines. The costs of providing social services to meet these increasingly larger needs have strained tribal budgets.

5. A review of the grant applications tribes submitted for the 2018-19 federal fiscal year allocations indicates that tribes are expending their FSA allocations for the types of programs that are consistent with the statutory purposes for which the funding is budgeted. The attachment to this paper provides examples of programs tribes fund with their FSA allocations. This summary is based on the Oneida Tribe's 2018-19 federal fiscal year grant application. The tribe notes that the FSA funds support four programs in two different tribal departments, and that there remains a particular need for additional advocacy services for victims of domestic abuse.

6. GPR funding for the tribal FSP has remained constant at \$1,271,900 GPR annually since its creation in 2014-15.

7. The Governor's recommendations presents two issues for the Committee's

consideration: (a) whether to increase state funding to support the FSA tribal allocations; and (b) whether to continue to fund the program with GPR or tribal gaming revenue. Although tribal gaming revenues are identified as program revenue within DCF's appropriations, the funding source would functionally remain as GPR because all tribal gaming revenue that is not allocated to state agencies is deposited in the state's general fund. If the Committee were to provide funding from tribal gaming revenues for tribal family services, the year-end balance of the state's general fund would ultimately be reduced by the same amount. Consequently, regardless of the funding source the Committee selects for the program, the net effect on the general fund would be the same.

8. In light of the Governor's recommendation to increase funding for children and family aids to address increased costs of county child welfare services, as discussed in LFB Paper #205, the Committee may also wish to increase FSP funding for children and family services provided by tribes, either with tribal gaming revenues (Alternative 1) or GPR if the Committee wishes to continue funding the program with GPR (Alternative 2).

9. If the Committee chooses to maintain base funding for the FSP, it could still choose to fund the program with tribal gaming revenues, rather than GPR (Alternative 3), or convert the program to GPR funding (Alternative 4).

**ALTERNATIVES**

1. *Governor's Recommendation.* Approve the Governor's the Governor's recommendation to: (a) change the state funding component for the tribal FSP from GPR to tribal gaming revenues; and (b) increase funding by \$446,700 PR in 2019-20 and \$595,600 PR in 2020-21.

ALT 1	Change to Base		Change to Bill	
	Revenue	Funding	Revenue	Funding
PR		\$1,042,300		\$0
GPR-Tribal	-\$1,042,300		\$0	

2. *Governor's Recommended Funding Increase, but Continue Funding the Program with GPR.* Modify the Governor's proposal by: (a) retaining base GPR funding for the program (\$1,271,900 GPR annually) and deleting a corresponding amount of PR funding (-\$1,271,900 PR annually); and (b) providing an additional \$446,700 GPR in 2019-20 and \$595,600 GPR in 2020-21) to increase state funding for the program. Increase estimates of available tribal revenues by \$1,718,600 in 2019-20 and \$1,867,500 in 2020-21.

ALT 2	Change to Base		Change to Bill	
	Revenue	Funding	Revenue	Funding
GPR		\$1,042,300		\$3,586,100
PR		<u>0</u>		<u>- 3,586,100</u>
Total		\$1,042,300		\$0
GPR-Tribal	\$0		\$3,586,100	

3. *Convert GPR Base Funding for the Program to PR Funding and Delete Funding Increase.* Modify the Governor's proposal by deleting the PR funding increase that would be provided under the Governor's bill (-\$446,700 PR in 2019-20 and -\$595,600 PR in 2020-21). Increase estimates of available tribal revenues by \$1,718,600 in 2019-20 and \$1,867,500 in 2020-21.

ALT 3	Change to Base		Change to Bill	
	Revenue	Funding	Revenue	Funding
GPR		-\$2,543,800		0
PR		<u>2,543,800</u>		<u>- 1,042,300</u>
Total		\$0		-\$1,042,300
GPR-Tribal	\$0		\$1,042,300	

4. *Maintain Current Funding Level and Sources.* Take no action on this item, which would delete all of the Governor's recommended funding changes. Increase estimates of available tribal revenues by \$1,718,600 in 2019-20 and \$1,867,500 in 2020-21.

ALT 4	Change to Base		Change to Bill	
	Revenue	Funding	Revenue	Funding
GPR		\$0		\$2,543,800
PR		<u>0</u>		<u>- 3,586,100</u>
Total		\$0		-\$1,042,300
GPR-Tribal	\$0		\$3,586,100	

Prepared by: John D. Gentry  
Attachment



## ATTACHMENT

### **Summary of Services Described in Oneida Nation's 2018-19 Federal Fiscal Year FSA Grant Application**

**Domestic Abuse Services.** Oneida Domestic Abuse services are available for any tribal woman or woman pregnant with a native child, including women from the Oneida Tribe and other tribes. Clients are made aware of the program through referrals from community members, family members, the Oneida Police Department, domestic violence shelters, and other tribal programs. Once a client is referred to the program, an intake is completed and a safety plan is developed to assess needs. After the initial session has been completed, the client will be educated on domestic violence, advocacy, court proceedings and offered support group. Clients in need of housing are given resources for landlords, economic support and provided transportation. The program helps to connect clients to tribal lay advocates and tribal attorneys, and other needed services.

**Parenting Programs.** The Oneida Nation Parenting Program serves Native American children and families (with priority status to Oneida community members) who reside in Brown and Outagamie counties. The Oneida parenting program provides parenting education and support services to families under child protection orders and individuals and families requesting to participate in the services. The parenting program receives referrals from the Indian Child Welfare Department, as well as from other tribal programs, county/state agencies and/or self-referrals. The parent program coordinator is responsible for completing referrals, intakes, assessments, providing individual support sessions, charting client progress, preparing and facilitating the parenting groups and closing client/worker relationships when necessary. Much of the service delivery is done through group facilitation, although the program also provides in-home support.

The parenting program offers three groups -- parent education class, trauma informed parenting and the teen parent support group

The Parent Education class uses the Conscious Discipline curriculum and is a closed, 12-week group that fulfills court mandates. Participants can also engage in individual support (home or office visits) as a way to transition group teachings into their home life. The parent education class uses conscious discipline and traditional teachings.

The Trauma Informed Parenting class uses the Strengthening Families and Systems: Building Relationship with Children Who Have Experienced Trauma curriculum (formerly titled Trauma Informed Parenting curriculum), and is an eight-week class. The curriculum is aimed towards biological parents, foster parents, Indian Child Welfare and child protective services workers and other professionals working with families. The focus is on working with, and parenting children who have experienced trauma; educating participants on how trauma impacts children and how caregivers can respond. The curriculum is from the National Child Traumatic Stress Network. The Parenting Coordinator was trained in this curriculum through participation in the Wisconsin Trauma Project.

The Oneida teen parent support group is an open, ongoing group for parents up to the age of 20. The teen parent support group focuses on parenting skills, life skills development, networking within the community, and cultural connections. The goals of the teen parent support group are as follows: (a) help teen parents with tools to build a healthy family; (b) assist with skills to overcome challenges of being a teen parent; (c) develop and define a family environment that is a source of strength and support, to include community resources; and (d) build independent living skills to strengthen the family and relationship within it

The parenting program also offers individual services in the form of either in office or in-home support. During these visits, the coordinator(s) assist in crisis situations that arise, assess the families, provide case management services and help the transfer-of-learning occur. In-home support is used to assist the parents to implement the classroom skills into their home and in-the-moment parenting. In-home support is available to participants in both the PEC and TPSG as well as to families who request this service and are not available to participate in the available groups.

**Child Care Services.** The Oneida child care services program provides financial assistance through subsidy programs to low-income families who are working, seeking work, participating in training/education, counseling services, or who are in approved activities.

The family service grant supports financial assistance for child care services for families while they are participating in any of the counseling services; AODA, domestic abuse, parenting, sexual assault, child abuse and neglect, nurturing fathers, wellness groups, Women's Circle, Strengthen Families, Foster Care and other areas as needed within social services.

The Oneida Child Care Service Center, located within the Social Services Building is a drop-in child care center for families that utilize the services such as, mental health appointments and participation in meetings and activities within the social services building. There is no cost to the family, but they must remain on the premises while the children are in care. Child care is limited, based on the activities in which the families are participating.

Crisis respite care is also available for families experiencing emergency, crisis situations or for families needing a time-out. There is no income eligibility for the families. Services are limited to a referral from a social worker, health care professional, or mental health counselor.

Services for child care will be accessed through referrals from providers that the child care services program receives. A parent may also walk into the agency and request to see someone in child care. If possible, due to the nature and urgency of child care, and our responsibility to reduce child abuse and neglect, the program manager or child care case worker will see these customers as soon as possible. If more documentation is needed, staff will assist the customer by providing guidance through the steps need to be taken. Staff also assists by gathering verifications through other system access points that may help to complete their application. Customers may also call to request an application be mailed, faxed or sent by e-mail.

**Limited Financial Assistance.** The Oneida Community Social Services Block Grant (CSBG) Program benefits Native Americans who reside in Brown or Outagamie counties with short term financial assistance with rental assistance or food. The loss of income must have



occurred within the last 30 days from the date of the application. Prior to the last 30 days, the applicant must have had employment, unemployment, or Social Security benefits. Applicants must provide verification of loss or interruption of income in order to be eligible. The hardship may be caused due to loss of employment or medical emergencies. Qualified applicants are assisted with a \$350.00 payment, paid to their landlord. Recipients are eligible one time in a twelve-month period starting from the last date of assistance received. Eligible applicants are able to receive a \$50.00 gift card for a local grocery store when in need of supplemental food assistance within the home.

Applicants may be referred to Oneida Nation Tribal TANF or county Emergency Assistance programs, Food Share program, Energy Assistance, Salvation Army, St. Vincent de Paul and/or budget counseling to assist with their financial crisis.