
Wisconsin Legislative Council

AMENDMENT MEMO



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2021 Senate Bill 491

Senate Amendment 1

2021 SENATE BILL 491

Guardianship is one of three permanency options for a child in need of protection or services (CHIPS) who is placed in out-of-home care. The subsidized guardianship program provides monthly payments to an eligible permanent guardian. Subsidized guardianship payments may also be made to a successor guardian or interim caretaker of the child.

Under **current law**, subsidized guardianship payments are paid to eligible guardians by the county department, or in Milwaukee County, the Department of Children and Families (DCF). Prior to making such payments, the county department, or DCF in Milwaukee County, must negotiate and enter into a written, binding subsidized guardianship agreement. The agreement must include certain terms and conditions specified under current law, such as the amount of the monthly subsidized guardianship payments and the manner in which those payments may be adjusted periodically.

The bill amends the process by which subsidized guardianship payments are made. Under the bill, DCF provides the subsidized guardianship payments directly to the guardian, successor guardian, or interim caretaker of the child, whichever is applicable. The bill also requires DCF to promulgate rules governing the method by which a county department must notify DCF when the county department enters into, or amends, a subsidized guardianship agreement, or when an interim caretaker is appointed.

SENATE AMENDMENT 1

Senate Amendment 1 amends provisions of the bill related to the process by which subsidized guardianship payments are made and deletes the requirement that DCF promulgate rules described above. Specifically, the amendment maintains the current law requirement that the county department, or DCF in Milwaukee County, provide subsidized guardianship payments directly to a guardian, successor guardian, or interim caretaker. However, under the amendment, DCF must reimburse a county department for these subsidized guardianship payments, including reimbursements for guardianships of Indian children ordered by tribal courts.

BILL HISTORY

Senate Amendment 1 was introduced on October 5, 2021, by Senator Bernier. On October 19, 2021, the Senate Committee on Human Services, Children and Families voted to recommend adoption of the amendment, and passage of the bill, as amended, by votes of Ayes, 5; Noes, 0.

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