



## Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

May 27, 2009

Joint Committee on Finance

Paper #222

### **American Indian Tribe Out-of-Home Care Appropriation (DCF -- Children and Families)**

#### **CURRENT LAW**

Some out-of-home care placements for American Indian tribes are funded, in part, from tribal gaming revenues in the children and family services' interagency and intra-agency local assistance appropriation in the Department of Children and Families (DCF) [s.20.437(1)(kz)]. The statutes specify that this is a continuing, PR appropriation funded with all moneys received from other state agencies and all moneys received by DCF from DCF for local assistance. The appropriation funds local assistance, except for Milwaukee child welfare services.

#### **GOVERNOR**

No provision.

#### **MODIFICATION**

Convert the children and family services' interagency and intra-agency local assistance appropriation in DCF to an annual appropriation, and amend the appropriation to read, "The amounts in the schedule to be used for unexpected or unusually high-cost out-of-home care placements of Indian children by tribal courts. All moneys transferred from the appropriation account under s. 20.505(8)(hm)21 shall be credited to this appropriation account. Notwithstanding s. 20.001(3)(a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505(8)(hm)."

Amend s. 20.505(8)(hm)21 of DOA's Indian gaming receipts appropriation to read, "The amount transferred to s. 20.437(1)(kz) shall be the amount in the schedule under s. 20.437(1)(kz)."

**Explanation:** Although the children and family services' interagency and intra-agency local assistance appropriation in DCF consists of tribal gaming revenue transferred from DOA and funds some tribal out-of-home care placements, the appropriation does not contain the standard language that describes what tribal activity is supported with the funds, that the funds are transferred from DOA's Indian gaming receipts appropriation, or that any unexpended funds would revert back to DOA's Indian gaming receipts appropriation. This modification would conform DCF's appropriation language to language in other agencies' appropriations that receive funds from DOA's Indian gaming receipts appropriation.

Prepared by: Kim Swissdorf