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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2001-02

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on ... Children and Families (AC-CF)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (May 2012)

Assembly

Record of Committee Proceedings

Committee on Children and Families

Assembly Bill 488

Relating to: placement of a child who is a custodial parent or an expectant mother in a safe and structured living arrangement in which the child is provided with training in parenting skills and other skills to promote the child's long-term economic independence and the well-being of the child's child, grants for the provision of such living arrangements and related services, granting rule-making authority, and making an appropriation.

By Representatives Jeskewitz, Plale, Lippert, Balow, Musser, Owens, Bock, Krawczyk, Turner, Montgomery, Staskunas, Ladwig, Ott, McCormick, Lassa, Plouff, Hundertmark, Olsen, Gunderson, Friske, Riley, Stone, Schooff, Young, Wasserman, Miller, Gronemus, J. Lehman and Petrowski; cosponsored by Senators Burke, Huelsman, Hansen, Plache, Darling, Roessler, Rosenzweig and Risser.

September 10, 2001 Referred to Committee on Children and Families.

September 13, 2001 **PUBLIC HEARING HELD**

Present: (7) Representatives Kestell, Lippert, Bies,
Grothman, Jeskewitz, Miller and Sinicki.
Absent: (0) None.

Appearances for

- ⊙ Mike Schedgick, Beth Birie Maternity Home, Wisconsin Rapids
- ⊙ June Paul, Briarpatch, Madison, WI
- ~~⊙ Erin Bilot, Representative Jeskewitz's office~~
- ⊙ Representative Jeskewitz
- ⊙ Monica Zindler, Marion House, Green Bay, WI
- ⊙ Russ Pederson, DHFS
- ⊙ Susan Armacost, WI Right to Life
- ⊙ Bob Anderson, WI Council on Children and Families
- ⊙ Patty Anglin, Acres of Hope, Mason, WI

Appearances against

- None.

Appearances for Information Only

- Judith Brant, Family Research Institute
- Mary Matuska, Pro Life WI

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14-18

STAY UNTIL 19
IF IN H.S.

UP TO 21

Registrations for

- ⊙ Susie Schoof of Representative Jeff Plale's office
- ⊙ Kathy Markeland, WI Catholic Conference
- ⊙ Cory Mason, State Bar of WI
- ⊙ David Krahn, Waukesha County representative

Registrations against

- None.

October 11, 2001

EXECUTIVE SESSION

Present: (6) Representatives Kestell, Bies, Grothman,
Jeskewitz, Miller and Sinicki.
Absent: (1) Representative Lippert.

Moved by Representative Jeskewitz, seconded by Representative Sinicki, that **Assembly Bill 488** be recommended for passage.

Ayes: (6) Representatives Kestell, Bies, Grothman,
Jeskewitz, Miller and Sinicki.

Noes: (0) None.

Absent: (1) Representative Lippert.

(Rep. Lippert would have voted aye if present)

PASSAGE RECOMMENDED, Ayes 6, Noes 0, Absent 1

Dave Matzen
Committee Clerk

Assembly

Record of Committee Proceedings

Committee on Children and Families

Assembly Bill 488

Relating to: placement of a child who is a custodial parent or an expectant mother in a safe and structured living arrangement in which the child is provided with training in parenting skills and other skills to promote the child's long-term economic independence and the well-being of the child's child, grants for the provision of such living arrangements and related services, granting rule-making authority, and making an appropriation.

By Representatives Jeskewitz, Plale, Lippert, Balow, Musser, Owens, Bock, Krawczyk, Turner, Montgomery, Staskunas, Ladwig, Ott, McCormick, Lassa, Plouff, Hundertmark, Olsen, Gunderson, Friske, Riley, Stone, Schooff, Young, Wasserman, Miller, Gronemus, J. Lehman and Petrowski; cosponsored by Senators Burke, Huelsman, Hansen, Plache, Darling, Roessler, Rosenzweig and Risser.

September 10, 2001 Referred to Committee on Children and Families.

September 13, 2001 **PUBLIC HEARING HELD**

Present: (7) Representatives Kestell, Lippert, Bies, Grothman, Jeskewitz,
Miller and Sinicki.
Absent: (0) None.

Appearances for

- Mike Schedgick, Beth Birie Maternity Home, Wisconsin Rapids
- June Paul, Briarpatch, Madison, WI
- Erin Bilot, Representative Jeskewitz's office
- Representative Jeskewitz
- Monica Zindler, Marion House, Green Bay, WI
- Russ Pederson, DHFS
- Susan Armacost, WI Right to Life
- Bob Anderson, WI Council on Children and Families
- Patty Anglin, Acres of Hope, Mason, WI

Appearances against

- None.

Appearances for Information Only

- Judith Brant, Family Research Institute
- Mary Matuska, Pro Life WI

Registrations for

- Susie Schoof of Representative Jeff Plale's office

- Kathy Markeland, WI Catholic Conference
- Cory Mason, State Bar of WI
- David Krahn, Waukesha County representative

Registrations against

- None.

October 11, 2001

EXECUTIVE SESSION

Present: (6) Representatives Kestell, Bies, Grothman, Jeskewitz, Miller and Sinicki.

Absent: (1) Representative Lippert.

Moved by Representative Jeskewitz, seconded by Representative Sinicki, that **Assembly Bill 488** be recommended for passage.

Ayes: (6) Representatives Kestell, Bies, Grothman, Jeskewitz, Miller and Sinicki.

Noes: (0) None.

Absent: (1) Representative Lippert.

(Rep. Lippert would have voted aye if present)

PASSAGE RECOMMENDED, Ayes 6, Noes 0, Absent 1

Dave Matzen
Committee Clerk

Vote Record

Assembly - Committee on Children and Families

Date: 10-11-01
 Moved by: J. Lippert Seconded by: Sinicki
 AB: 488 SB: _____ Clearinghouse Rule: _____
 AJR: _____ SJR: _____ Appointment: _____
 AR: _____ SR: _____ Other: _____

A/S Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- Passage
 - Introduction
 - Adoption
 - Rejection
 - Indefinite Postponement
 - Tabling
 - Concurrence
 - Nonconcurrence
 - Confirmation

Committee Member	Aye	No	Absent	Not Voting
Rep. Steve Kestell, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. MaryAnn Lippert	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Garey Bies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Suzanne Jeskewitz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Miller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Christine Sinicki	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Lippert (AYE)



**WISCONSIN LEGISLATIVE COUNCIL
STAFF MEMORANDUM**

TO: REPRESENTATIVE SUZANNE JESKEWITZ

FROM: Joyce L. Kiel, Senior Staff Attorney *ywl*

RE: Description of LRB-0308/7, Relating to Second-Chance Homes and the Second-Chance Home Grant Program
AB 488

DATE: August 23, 2001

This memorandum, prepared at your request, provides a SECTION-by-SECTION description of LRB-0308/7, relating to second-chance homes and the second-chance home grant program. (An overview description is provided in the Legislative Reference Bureau analysis to the bill draft.) The SECTIONS of the draft are as follows:

SECTION 1. Amends an appropriation to permit federal temporary assistance to needy families (TANF) funds received by the state to be used to fund the second-chance home grant program, described below under SECTION 2, and an evaluation of the second-chance home grant program. However, as described in SECTIONS 34 and 9258, below, the draft provides that \$0 is allocated for this purpose in state fiscal years 2001-02 and 2002-03.

SECTION 2. Creates a second-chance home grant program that includes the following elements:

- a. Second-Chance Home Definition. Defines "second-chance home" as a group home that is licensed by the Department of Health and Family Services (DHFS) *solely* to: (1) provide a safe and structured living arrangement for children 12 years of age or over who are custodial parents or expectant mothers and who are placed in the group home under a court order and for children 14 years of age or over who are custodial parents or expectant mothers who are placed in the group home under a voluntary agreement as described in SECTION 29, below; and (2) provide those children with training in parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote the long-term economic independence of those children and the well-being of the children of those children (hereinafter referred to as infants).

- b. Grant--General Provisions. Provides that DHFS is to distribute not more than the amount in the appropriation schedule (currently, \$0) as grants to private agencies¹ to provide second-chance homes and related services to "eligible persons" (defined below) who are placed in the second-chance home on a voluntary basis as described in SECTION 29, below.
- c. Use of Grant Funds. Provides that a grant recipient may use the grant money to: (1) provide care and maintenance to eligible persons who are placed in a second-chance home under a voluntary agreement; (2) provide services to eligible persons who currently or formerly were placed in the second-chance home under a voluntary agreement and to the children and families of the eligible persons and the noncustodial parents of the children of eligible persons; and (3) in the first year of a grant, to pay for start-up costs, other than capital costs. A grant recipient may use no more than 15% of the grant amount to pay for administrative costs associated with the second-chance home program.
- d. Definition of "Eligible Person." Defines "eligible person" as a person 14 years of age or over, but under 21 years of age, who: (1) is a custodial parent or an expectant mother; (2) has an income (not including the income of the person's parent, guardian, or legal custodian) that is at or below 200% of the federal poverty line; and (3) at the time of referral for services under a program funded by a second-chance home grant, meets any of the following requirements:
- a) Is a child and is homeless, receiving inadequate care, living in an unsafe or unstable living environment, or otherwise in need of a safe and structured living arrangement.
 - b) Is a child and meets one or more of the children in need of protection or services (CHIPS), delinquency, or juvenile in need of protection or services (JIPS) criteria, or would be at risk of meeting one or more of these criteria if the child were not placed in a second-chance home.
- e. Grant Procedure. Provides that DHFS must award the grants on a competitive basis and according to request for proposal (RFP) procedures that DHFS must prescribe in consultation with the Department of Workforce Development (DWD), the Adolescent Pregnancy Prevention and Pregnancy Services Board, local health departments, and other providers of services to eligible persons.
- DHFS must consider: (1) the need for the grants to be distributed both on a statewide basis and in the areas of the state with the greatest need for second-chance homes; and (2) the need to provide placements for children who are voluntarily placed in a second-chance home as well as for children who are placed there by court order.
- f. Match Requirement. Provides that a grant recipient must contribute matching funds equal to 25% of the grant award. The match may be in the form of money or in the form of both money and in-kind services. The match may not be in the form of in-kind services only.

¹A private agency may be a for-profit or nonprofit corporation.

- g. Grant Period and Annual Review. Provides that a grant is awarded for a three-year period. However, DHFS must annually review the performance of a grant recipient based on performance criteria that DHFS must prescribe. DHFS may discontinue a grant if performance is not satisfactory based on the DHFS criteria.
- h. Program Requirements. Provides that a grant recipient must do all of the following:
- 1) Operate a second-chance home for the care and maintenance of eligible persons who are children.
 - 2) Maintain a community-wide network for referring eligible persons to the agency's second-chance home program.
 - 3) Ensure that an eligible person receiving services funded under the grant is either: (a) enrolled in a secondary school or its vocational or technical equivalent or in a high school or technical school; or (b) is working. However, this requirement does not apply if the director of the private agency determines that there is good cause for the eligible person not to be enrolled in school or working.
 - 4) Ensure that an eligible person receiving services under the grant program is provided with: (a) intake, assessment, case planning, and case management services; (b) skills development training in the areas of economic self-sufficiency, parenting, independent living, and life choice decision-making; (c) prenatal and other health care services, including, if necessary, mental health and alcohol or other drug abuse services; (d) child care; and (e) transportation.
- i. Evaluation. Provides that DHFS must conduct, or select an evaluator to conduct, an evaluation of the grant program. By June 1 of the third calendar year beginning after the year in which the first grant is awarded, DHFS must submit an evaluation report to the Governor and to the appropriate legislative standing committees. The evaluation must measure the economic self-sufficiency, parenting skills, independent living skills, and life choice decision-making skills of the eligible persons who receive services funded by the grant program. The evaluation also may include any other criteria that DHFS determines to be appropriate.

SECTION 3. Amends the definition of "group home" in the general definitions section of ch. 48, Stats. (the Children's Code), to provide that while a group home means a licensed facility for the care and maintenance of five to eight children, children of children who are placed in a second-chance home (for example, an infant who is with its 17-year old mother who has been placed in the second-chance home) are not counted toward that number.

SECTION 4. Nonsubstantive technical correction to the ground for CHIPS jurisdiction over a child who is in need of special treatment or care.

SECTION 5. Creates a new CHIPS jurisdictional ground over a child who is: (a) at least 12 years of age; (b) a custodial parent or an expectant mother; (c) receiving inadequate care; and (d) in need of a safe and structured living arrangement which the parent, guardian, or legal custodian is unwilling, neglecting, unable, or needs assistance to provide.

SECTION 6. Creates a new CHIPS jurisdictional ground over a child whose parent is found to be CHIPS under the new ground in SECTION 5. This refers to the infant of a minor custodial parent.

SECTIONS 7 to 12. Provide that in a CHIPS proceeding for the infant under the new CHIPS jurisdictional ground described in SECTION 6, if the CHIPS petition is contested, the infant may not be placed outside his or her home unless the child's custodial parent is represented by counsel at the CHIPS fact-finding hearing and subsequent proceedings. If the petition is not contested, the infant may not be placed outside the home unless the child's custodial parent is represented by counsel at the hearing at which the placement is made. These SECTIONS also provide that the parent may not waive counsel. In addition, these SECTIONS provide for notice to the custodial parent about the right to counsel, regardless of ability to pay.

SECTION 13. Adds to the list of places where a child may be placed under a CHIPS jurisdictional order to include a second-chance home if the child is: (a) at least 12 years of age; (b) a custodial parent or an expectant mother; (c) receiving inadequate care; and (d) in need of a safe and structured living arrangement.

SECTION 14. Amends the cross-reference to permanency plans to include reference to the requirement in SECTION 29, below, that a permanency plan be prepared for a child under a voluntary placement in a second-chance home and for the child's infant who is residing with that child. This means that information in a permanency plan relating to findings or opinions of the agency that prepared the permanency plan relating to all of the following issues must be disclosed to the operator of the second-chance home if there is such a voluntary placement: (a) mental, emotional, cognitive, developmental, or behavioral disability of the child; (b) involvement in a criminal gang; (c) involvement in certain harmful activities; (d) involvement of the child in certain sexual activities; and (e) the religious affiliation or belief of the child.

SECTION 15. Specifies that a permanency plan is required for a child placed under a voluntary agreement in a second-chance home.

SECTION 16. Specifies that a permanency plan is required for a child if the child's parent is placed in a foster home, treatment foster home, group home, child-caring institution (CCI), secure detention facility, or shelter care facility if the child is residing with that parent. For example, this applies to an infant who is with its 17-year old mother who has been placed in one of these facilities.

SECTION 17. Creates an exception to the requirement that a permanency plan be reviewed by a court or a permanency plan review panel. The exception applies if the child is under a voluntary placement in a second-chance home. (See SECTION 29, regarding permanency plan reviews in such cases.)

SECTION 18. Nonsubstantive technical correction, changing "special treatment and care" to "special treatment or care," which is the term defined in the general definitions section of the Children's Code.

SECTION 19. Nonsubstantive technical correction, relating to the authority of DHFS. This SECTION deletes the unnecessarily duplicative provision in s. 48.48 (7), Stats., relating to DHFS' authority to accept guardianship of children when appointed by the court, inasmuch as the authority is also specified in s. 48.48 (3), Stats.

SECTION 20. Nonsubstantive technical correction, changing "special treatment and care" to the defined term "special treatment or care."

SECTION 21. Provides that long-term kinship care payments terminate if a child is placed outside the long-term kinship care relative's home in a second-chance home under a voluntary agreement.

SECTION 22. In the list of persons who are not required to obtain a child welfare agency license, deletes the exemption for a maternity hospital or maternity home licensed, approved, or supervised by DHFS. (Currently, DHFS does not separately license, approve, or supervise such facilities.)

This means that a maternity hospital would not have to obtain a CCI license if it were, for example, licensed as a hospital. This also means that a residential facility providing care for four or more children and calling itself a maternity home would have to obtain a CCI license unless the facility fit within one of the other exemptions, for example, unless it had a group home license.

SECTION 23. Defines "child" for the purpose of counting the number of children for whom a foster home, treatment foster home, or group home may provide care. The definition includes not only a child under 18 years of age (as under current law) but also includes a person who meets all of the following criteria: (a) is 18 years of age; (b) is a full-time student at a secondary school or its vocational or technical equivalent; (c) is reasonably expected to complete the program before reaching 19 years of age; (d) was residing in a foster home, treatment foster home, or group home immediately prior to his or her 18th birthday; and (e) continues to reside in the foster home, treatment foster home, or group home.

SECTION 24. Technical correction in the school notification statute to include reference to a treatment foster home.

SECTION 25. Amends the requirement that a person obtain a license from DHFS to operate a group home if the person provides care and maintenance for five to eight children (unless an exception applies) by specifying that the children of children in a second-chance home (for example, an infant who is with its 17-year old mother who has been placed in the second-chance home) are not counted.

SECTION 26. Provides that DHFS may issue a license authorizing a group home solely to provide a safe and structured living arrangement for certain children under certain circumstances as described above in SECTION 2. This is a specialized group home license to operate a second-chance home.

The draft also requires that DHFS promulgate administrative rules establishing standards for a second-chance home. These rules must require the second-chance home to provide for the health, safety, and welfare of the child of a child custodial parent who has been placed in the second-chance home (i.e., the child's infant). The rules also must require the second-chance home to have a policy governing visitation between the infant and the infant's noncustodial parent.

SECTION 27. Technical correction to an exemption from the group home licensing statute.

SECTION 28. Amends the current voluntary placement statute to reflect the exception created in the draft to allow a group home placement to exceed 15 days if the voluntary placement is of a child in a second-chance home.

SECTION 29. Contains the following provisions relating to *voluntary placement in a second-chance home*:

- a. Section 48.63 (5) (a). Specifies that the provisions of current law which apply to voluntary placements in a foster home, treatment foster home, or group home *do not apply* to the voluntary placement of a child in a second-chance home.
- b. Section 48.63 (5) (b). Provides that a child welfare agency licensed to place children in group homes may place, or arrange the placement of, a child in a second-chance home if: (1) is at least 14 years of age, is a custodial parent or an expectant mother and is in need of a safe and structured living arrangement; and (2) the parent or guardian of the child and the child consent.

The voluntary agreement must be in writing and must state that the agreement may be terminated at any time by the parent, guardian, or child. Before placing a child or arranging the placement of a child, the child welfare agency must report any suspected abuse or neglect of the child as required under s. 48.981 (2), Stats. (the child abuse and neglect reporting statute).

A voluntary placement may not exceed six months but may be extended as discussed in item d., below. If the child is under 16 years of age on the date of the initial placement, only one extension under item d., below, is permitted.

- c. Section 48.63 (5) (c). Provides that a permanency plan is required for each child voluntarily placed in a second-chance home and for each child of that child who is residing there (i.e., the infant). The permanency plan must be prepared within 60 days after the placement. A copy of the permanency plan must be provided to the child and the child's parent or guardian.
- d. Section 48.63 (5) (d). Establishes a procedure under which a voluntary placement in a second-chance home may be extended beyond the initial six months as follows:
 - 1) The agency that placed the child or arranged the placement of the child must prepare a revised permanency plan for the child and the child's child (infant) and submit the revised permanency plan or plans, together with a request for a review of those plans and the child's placement to an independent reviewing agency before the expiration of the child's placement. The request must include: (a) a statement that an extension would be in the child's best interest; (b) reliable and credible information in support of that statement; (c) a statement that the child and the child's parent or guardian consent to an extension; and (d) a request that the independent reviewing agency approve an extension.

The agency that placed the child must have contracted with another licensed child welfare agency or with a county department of human services or county department of social services to review the permanency plans and placements of children in second-chance homes.

- 2) When this independent reviewing agency receives the revised permanency plan or plans and the request for review, the independent reviewing agency must set a time and place for the review and must advise the placing agency.
- 3) Not less than 10 days before the review, the placing agency must provide a copy of the revised permanency plan or plans and request for review and notice of the time and place of the review to: (a) the child; (b) the child's parent, guardian, and legal custodian; and (c) the operator of the second-chance home. Notice also must be provided of the issues to be determined and notice of the fact that these persons have the opportunity to be heard at the review by submitting written comments to the placing agency or the independent reviewing agency before the review or by participating at the review.
- 4) At the review, any person specified in item 3), above, may present information about the issue of extension and about the determinations made in connection with permanency plans.
- 5) The independent reviewing agency must then make the determinations about the permanency plan specified in s. 48.38 (5) (c), Stats., and must determine whether an extension is in the child's best interests and whether the child and the child's parent or guardian consent to the extension.
- 6) If the independent reviewing agency determines that extension is in the child's best interests and that there is consent to the extension, the agency must approve, in writing, an extension of the placement for a specific period of time not to exceed six months. The reviewing agency must state the reason for approval. The placing agency may then extend the placement for the period of time approved.
- 7) If the independent reviewing agency determines that extension is not in the child's best interests or that there is not consent, the independent reviewing agency must disapprove the extension in writing, stating the reason for the disapproval. If this occurs, the placing agency may not extend the placement past the expiration date of the voluntary placement unless a court order is obtained. Even if an extension is approved, the child or the child's parent or guardian may terminate the placement at any time during the extension period.
- 8) Within 30 days after the review, the agency that prepared the revised permanency plan must prepare a written summary of the determinations about the permanency plan and provide a copy to: (a) the independent reviewing agency; (b) the child's parent, guardian, and legal custodian; and (c) the operator of the second-chance home.

SECTION 30. Technical correction to the definition of "agency" in the statute relating to the placement of children in foster homes, treatment foster homes, and group homes to include a child welfare agency that has a license to place children in a group home.

SECTION 31. Technical correction in the school notification statute to include reference to a treatment foster home.

SECTION 32. In the statute relating to the confidentiality of records of an "agency" under the Children's Code, deletes a licensed maternity hospital from the definition of "agency."

SECTION 33. Includes a child care worker in a second-chance home as a person mandated to report suspected abuse or neglect.

SECTION 34. Provides that DWD is to allocate federal TANF funds to DHFS for the second-chance home grant program and an evaluation of that grant program in the amount of \$0 in each fiscal year.

SECTION 35. In the statute relating to disclosing health care records without informed consent, amends the cross-reference to agencies responsible for preparing a permanency plan to include those agencies that prepare a permanency plan for a voluntary placement in a second-chance home.

SECTION 36. In the statute relating to disclosing human immunodeficiency virus (HIV) test results without informed consent, amends the cross-reference to agencies responsible for preparing a permanency plan to include those agencies that prepare a permanency plan for a voluntary placement in a second-chance home.

SECTION 37. Adds to the list of places where a juvenile who has been adjudicated JIPS or who has been adjudicated delinquent may be placed under a ch. 938, Stats. (Juvenile Justice Code), dispositional order to include a second-chance home if the juvenile is: (a) at least 12 years of age; (b) a custodial parent or an expectant mother; (c) receiving inadequate care; and (d) in need of a safe and structured living arrangement.

SECTION 38. Provides that if a court places a juvenile who has been adjudicated delinquent in a second-chance home under the conditions specified in SECTION 37, above, the court must include a finding that the juvenile's current residence will not safeguard the juvenile or the community due to the serious nature of the delinquent act.

SECTION 39. Expands the provision in the Juvenile Justice Code which currently requires that a permanency plan be prepared for a juvenile who is placed in a foster home, treatment foster home, or group home under a voluntary agreement to also include a juvenile placed under a voluntary agreement in a second-chance home as described in SECTION 29, above.

SECTION 40. Creates an exception to the requirement that a permanency plan be reviewed by a court or a permanency plan review panel. The exception applies if the child is under a voluntary placement in a second-chance home. (See SECTION 29, regarding permanency plan reviews in such cases.)

SECTION 9258. Provides the appropriation transfer mechanism to use federal TANF funds for the second-chance home grant program described in SECTION 2. However, the draft does not transfer any funds for this purpose in fiscal years 2001-02 or 2002-03.

If you have any questions, please contact me at 266-3137, at the Legislative Council Staff offices.

JLK:jal:ksm:tlw;wu



Assembly Bill 488
Second Chance Homes Testimony
Children and Families Committee
September 13, 2001

Good morning Chairman Kestell and members of the Children and Families Committee. Thank you for your prompt scheduling of Assembly Bill 488 this morning and for allowing me to submit this testimony.

Teen parents have many burdens to carry besides being a parent. From research we know,

- Two thirds of teen moms have been sexually abused as children
- 80 % of teen moms lived in poverty before they became pregnant
- 50 – 75% of the fathers of the babies are adult men
- 70% of teen moms will not graduate high school by age 30

Here is the story of one of my clients.

My name is Ashley, I am 15 and I have a 6 week old baby girl named Samantha. My dad is a coke addict. My mom's boyfriend lives with us and hits her all the time. He eats all our food and tries to touch me every time I walk past him. I need a safe place for my baby and me.

This is the type of story that far too many professionals hear from pregnant or parenting teen moms. Home is not a safe place to be and they are desperately seeking a safe, stable and supportive home for their young family. We all wish that we could transform their family in to a safe and nurturing environment. Sometimes it is impossible, drugs, alcohol, mental illness, abuse and domestic violence often occurs in these homes and interventions fail.

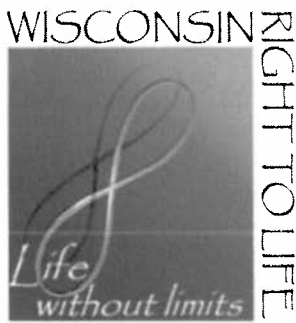
Second Chance Homes provide safe shelter to young mothers and their babies. They provide guidance and expect responsibility. Education, parenting and self sufficiency are the goals of these homes as they help young mothers become productive community members.

A group of advocates in Wisconsin got together and began to look at what was needed to make Second Chance Homes a reality in Wisconsin. Championed by Representative Sue Jeskewitz, a bill has been written to address the needs of these homeless pregnant or parenting minors. I ask that you seriously consider supporting this bill. It is critical that we allow teen mom's to be in safe places when home is not safe. Second Chance Homes provide the structure and opportunity for teen mom's to move forward in their development and become productive self-sufficient members of the community.

Please help teen moms and their babies be safe. Vote yes for Second Chance Homes.

Paula Van Straten, MS
St. Vincent Hospital Prenatal Care Coordination
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STATEMENT

of

**SUSAN ARMACOST
LEGISLATIVE DIRECTOR
WISCONSIN RIGHT TO LIFE**

before the

ASSEMBLY CHILDREN AND FAMILIES COMMITTEE

Assembly Bill 488

September 13, 2001

I am Susan Armacost, Legislative Director of Wisconsin Right to Life. I am here to express our support for Assembly Bill 488, legislation that would create Second Chance Homes for pregnant and parenting teenage mothers.

We commend Rep. Sue Jeskewitz for developing this important legislation. It is an unfortunate fact that there are many teenage mothers or teenage expectant mothers who have no support systems within their own families or in the larger community. children. The Second Chance Home concept will provide these young women and their babies with a stable and nurturing home environment. At the same time, they will learn the skills they need to be good and responsible parents and members of society.

Assembly Bill 488 will insure that young mothers can benefit from Second Chance Homes without having to do something to trigger the court system. Because of that, these young women will have the benefit of positive intervention before they engage in criminal acts.

Wisconsin Right to Life believes that assisting mothers and babies in need is an integral part of what it means to be truly pro-life. Assembly Bill 488 is a proactive, compassionate and life-affirming approach to addressing human problems.

Wisconsin Right to Life urges you to support AB 488.

Thank you.





Dane County
Department of Human Services

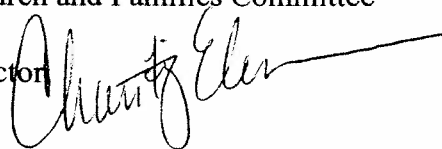
Director – Charity Eleson
1202 Northport Drive, Madison, WI 53704-2092
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KATHLEEN M. FALK
DANE COUNTY EXECUTIVE

MEMORANDUM

DATE: October 5, 2001

TO: Representative Steve Kestell, Chair-Assembly Children and Families Committee

FROM: Charity Eleson, Dane County Human Services Director 

RE: Assembly Bill 488

Thank you for the opportunity to comment on Assembly Bill 488. Dane County Board does not have an official position on this issue, so my comments are provided for information only.

The intent of this bill is positive: to help pregnant children and mothers who are minors to learn parenting skills and other skills that help promote independence, in a safe and nurturing environment. However, these services are already available from counties to pregnant minors and minor mothers who meet the criteria for child welfare concerns. Chapters 48 and 938 already allow for taking jurisdiction of minor age girls who are pregnant or are parents, where it is determined that child welfare concerns exist.

Additionally, expanding the ability to place some minors in group homes is in conflict with the current practices of counties and the state, based on state and federal law. These laws underscore the clear expectation that local and state child welfare agencies must serve children and youth at home, whenever possible, or in the least restrictive setting.

Finally, this bill calls for the "distribution of grants to private agencies" to fund "second chance" group homes and related services. The primary funding the counties currently receive for paying for the mandates under Chapter 48 is Community Aids, which has been frozen over the past two years and continues to be frozen over the next budget biennium. When funding for meeting the critical existing needs of mandated systems is not sufficient to pay for even inflationary costs, I am concerned about where additional funding for the services described in this bill would come from.

Thank you for the opportunity to share this information with you.

cc. Dane County Executive Kathleen Falk
Dane County's Health and Human Needs Committee
Dane County's Human Services Board
Mickey Beil, County Lobbyist



Assembly Republican Majority

Bill Summary

Assembly Bill 488: Second-Chance Homes Bill

Relating to: placement of a child who is a custodial parent or an expectant mother in a safe and structured living arrangement in which the child is provided with training in parenting skills and other skills to promote the child's long-term economic independence and the well-being of the child's child, grants for the provision of such living arrangements and related services, granting rule-making authority, and making an appropriation.

By Representatives Jeskewitz, Plale, Lippert, Balow, Musser, Owens, Bock, Krawczyk, Turner, Montgomery, Staskunas, Ladwig, Ott, McCormick, Lassa, Plouff, Hundertmark, Olsen, Gunderson, Friske, Riley, Stone, Schooff, Young, Wasserman, Miller, Gronemus, J. Lehman and Petrowski; cosponsored by Senators Burke, Huelsman, Hansen, Plache, Darling, Roessler, Rosenzweig and Risser.

Date: October 25, 2001

BACKGROUND

Under current law, the court assigned to exercise jurisdiction under the children's code (juvenile code) has jurisdiction over a child who is alleged to be in need of protection or services which can be ordered by the juvenile court and who meets certain grounds. Currently, if a juvenile court finds a child to be in need of protection or services, the juvenile court may order certain dispositions to protect the well-being of the child, including placing the child in a group home. Current law also permits a child's parent or guardian to place the child in a group home under a voluntary agreement, but for no longer than 15 days.

SUMMARY OF AB 488

Assembly Bill 488 allows for the creation of second-chance homes and the second-chance homes grant program. A second-chance home is defined as a private agency that is licensed by the Department of Health and Family Services (DHFS) solely to provide a safe and structured living arrangement for children 14 years of age or over (up to age 21) who are custodial parents or expectant mothers. The bill permits the juvenile court to place certain children in second-chance homes under its (CHIPS) jurisdiction or a voluntary placement agreement.

Each group home would be a licensed facility providing care and maintenance of five to eight children; children of children are not counted toward that number. Second-chance homes provide training in parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote long-term economic independence and the overall well-being of children. The bill also permits a grant recipient (a second-chance home) to provide related services to eligible persons who are current or former residents of a group home up to age 21, the children and families of those eligible persons and the noncustodial parents of the children of those eligible persons.

AB 488 amends an appropriation to permit federal temporary assistance to needy families (TANF) funds received by the state to be used to fund the second-chance home grant program. The bill requires DHFS to distribute grants on a competitive basis and according to request-for-proposal (RFP) procedures to private agencies to provide group homes for eligible persons whose income is at or below 200% of the federal poverty line, and who is homeless, receiving inadequate care, living in an unsafe or unstable living environment, or otherwise in need of a safe and structured living arrangement.

The grant recipient must contribute matching funds equal to 25% of the grant award. AB 488 provides that a grant is awarded for a three-year period, however, DHFS must annually review the performance of a grant recipient based on performance criteria that DHFS must prescribe. DHFS may discontinue a grant if performance is not satisfactory based on the criteria.

FISCAL EFFECT

A fiscal estimate prepared by the Department of Health and Family Services (DHFS) states that since the grant program is not funded in the bill, there would be no fiscal impact on the Department. This bill would also have no fiscal impact on local government health and social service agencies.

PROS

1. Provides a safe and structured living environment to eligible custodial parents or expectant mothers who would otherwise have no safe alternatives.
2. Creates the infrastructure to begin the implementation and provision of services of second-chance homes in Wisconsin on a community-based level.
3. Second-chance homes promote positive parenting and valuable life skills to our most vulnerable women and adolescent girls who are mothers or pregnant.

CONS

1. Since the grant program is not funded in the bill, TANF funds must be secured to administer the program.

SUPPORTERS

Representative Sue Jeskewitz, author; Representative Jeff Plale; Patty Anglin, Acres of Hope, Mason, WI; Bob Anderson, WI Council on Children and Families; Susan Armacost, WI Right to Life; David Krahn, Waukesha County Representative; Kathy Markeland, WI Catholic Conference; Cory Mason, State Bar of WI; June Paul, Briarpatch, Madison, WI; Russ Pederson, DHFS; Mike Schedgick, Beth Birie Maternity Home, Wisconsin Rapids; Monica Zindler, Marion House, Green Bay, WI

OPPOSITION

No one testified or registered in opposition to AB 488.

HISTORY

Assembly Bill 488 was introduced on September 10, 2001, and referred to the Assembly Committee on Children and Families. A public hearing was held on September 13, 2001. On October 11, 2001 the Committee voted 6-0-1 to recommend passage of AB 488 (Representative Lippert absent, would have voted "aye" if present).

CONTACT: Dave Matzen, Representative Kestell's Office