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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 745

Relating to: liability of a parent or guardian for the cost of an examination ordered to determine the competency to proceed of a juvenile who is alleged to have committed a delinquent act or to determine whether a juvenile is not responsible for a delinquent act by reason of mental disease or defect.

By Representatives Leibham, Kestell, Owens, Pettis, Gronemus, Musser, Duff, Hahn, Starzyk, Gunderson, McCormick, Ladwig, Albers, Urban, Hines, Plale, Seratti, M. Lehman, Vrakas, Ryba, Jeskewitz, J. Fitzgerald, Nass, Ott and Townsend; cosponsored by Senators Roessler, Rosenzweig, Welch and Huelsman.

January 28, 2002 Referred to Committee on Children and Families.

February 14, 2002 **PUBLIC HEARING HELD**

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

Appearances for

- Representative Joe Leibham, 26th Assembly District
- Mary Ellen McMeen, Fond du Lac County Department of Community Programs

Appearances against

- None.

Appearances for Information Only

- None.

Registrations for

- Senator Carol Roessler, 18th Senate District

Registrations against

- None.

February 20, 2002 **EXECUTIVE SESSION**

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

Moved by Representative Jeskewitz, seconded by Representative Bies, that **Assembly Bill 745** be recommended for passage.

Ayes: (5) Representatives Kestell, Lippert, Bies, Grothman and Jeskewitz.

Noes: (2) Representatives Miller and Sinicki.

Absent: (0) None.

PASSAGE RECOMMENDED, Ayes 5, Noes 2, Absent 0

Dave Matzen
Committee Clerk

Vote Record

Assembly - Committee on Children and Families

Date: 2-20-02
 Moved by: Jeskewitz Seconded by: Bies
 AB: 745 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

Rep. Steve Kestell, Chair
 Rep. MaryAnn Lippert
 Rep. Garey Bies
 Rep. Glenn Grothman
 Rep. Suzanne Jeskewitz
 Rep. Mark Miller
 Rep. Christine Sinicki

<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
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Totals: 5 2 _____ _____

Motion Carried


Motion Failed

History of Assembly Bill 745

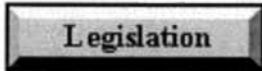
ASSEMBLY BILL 745

An Act to amend 46.03 (18) (am) and 938.295 (2) (a); and to create 301.03 (18) (am) and 938.295 (2) (c) of the statutes; relating to: liability of a parent or guardian for the cost of an examination ordered to determine the competency to proceed of a juvenile who is alleged to have committed a delinquent act or to determine whether a juvenile is not responsible for a delinquent act by reason of mental disease or defect. (FE)

2002

- 01-28. A. Introduced by Representatives Leibham, Kestell, Owens,  Pettis, Gronemus, Musser, Duff, Hahn, Starzyk, Gunderson, McCormick, Ladwig, Albers, Urban, Hines, Plale, Seratti, M. Lehman, Vrakas, Ryba, Jeskewitz, J. Fitzgerald, Nass, Ott and Townsend; cosponsored by Senators Roessler, Rosenzweig, Welch and Huelsman.
- 01-28. A. Read first time and referred to committee on Children and Families 605
- 02-04. A. Representative Stone added as a coauthor 631
- 02-14. A. Public hearing held.
- 02-18. A. Fiscal estimate received.
- 02-20. A. Executive action taken.
- 02-20. A. Report passage recommended by committee on Children and Families, Ayes 5, Noes 2 670
- 02-20. A. Referred to committee on Rules 670

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February 13, 2002

VIA FACSIMILE ONLY
608-282-3626

Wisconsin State Assembly
Children and Family Committee

Re: AB 745

Dear Legislators:

I appreciate the opportunity to provide input on AB 745 which is before your Committee for consideration.

The impetus for this Bill arose out of a Sheboygan County juvenile delinquency case in which the competency of the subject juvenile was an issue. The Judge ordered an evaluation at the Winnebago Mental Health Institute. The statement to Sheboygan County for the evaluation was \$16,064.00.

Sheboygan County's initial reaction was that if a state employee (the trial judge) ordered an evaluation of a juvenile at a state institution (Winnebago) at the request of another state employee (the public defender) with the agreement of another state employee (the district attorney), why was the County, rather than the State, getting the bill?

The answer is that Wis. Stat. § 938.295(2)(a) provides that the cost of a competency examination is to be borne by the County.

The Sheboygan County Health and Human Services Department sought to have this bill covered by Medical Assistance. However, the Wisconsin Department of Health and Family Services has taken the position that these charges are not subject to Medical Assistance because the examinations are for a legal rather than a medical purpose. Also, medical assistance is only available when other sources for payment are unavailable. Since the statute mandates that counties are to pay, there is another "available" source.

Our County then sought to pass this expense on to the parents of the juvenile. Unfortunately, we found that while certain expenses may be recouped from parents, competency examination expenses may not be.

Wisconsin State Assembly
February 13, 2002
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AB 745 is a modest step to bring a measure of relief to the taxpayers by raising the possibility of charging these expenses to the parents in appropriate circumstances.

I hope you will agree that this is an appropriate statutory change. Thank you for your consideration.

Very truly yours,

SHEBOYGAN COUNTY CORPORATION COUNSEL

By


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CKB/dc

c: Mr. Adam Payne
Ms. Ann Wondergem
Mr. Marty Bonk

c:6:cc2ab745





Joseph K. Leibham

STATE REPRESENTATIVE • 26TH DISTRICT

Testimony on Assembly Bill 745
Assembly Committee on Children and Families
February 14, 2002

Good morning Chairman Kestell and Committee Members. Thank you for your interest in hearing testimony on Assembly Bill 745 (AB 745).

At a recent meeting with members of the Sheboygan County Board, I was informed that the County had received an invoice for \$16,064.00 to cover the cost of a competency evaluation ordered by the Winnebago Mental Health Institute for a Sheboygan County juvenile. Current law requires the county to pay the cost of the examination even though the county was not involved in requesting the evaluation. In other words, county taxpayers are required to cover the entire cost of an exam ordered for a juvenile who is alleged to have committed a delinquent act.

AB 745 would permit a county that pays the cost of a competency evaluation to recover all or a portion of the cost from the juvenile's parent or guardian. Such recovery would be based on the parent or guardian's ability to pay a reasonable contribution toward the cost of the examination.

Requests for restitution are currently allowed to recover costs associated with child support, mental or psychological treatments, alcohol and other drug abuse services and other court ordered services.

AB 745 would allow counties to assess the costs related to a juvenile's delinquent act to those ultimately responsible for the juvenile, the parent or guardian; a modest measure to protect the general taxpayer and encourage parental responsibility and accountability.

Thank you Chairman Kestell and Committee Members for your interest and consideration of AB 745.