

☞ **09hr\_SC-CFWD\_sb0347\_pt01**



Details:

(FORM UPDATED: 08/11/2010)

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

**2009-10**

(session year)

**Senate**

(Assembly, Senate or Joint)

**Committee on ... Children & Families & Workforce  
Development (SC-CFWD)**

### **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**

## Senate

### Record of Committee Proceedings

#### **Committee on Children and Families and Workforce Development**

##### **Senate Bill 347**

Relating to: requiring consultation with a child in determining and reviewing his or her permanency plan; requiring agencies, in making reasonable efforts to place a child in a permanent placement, to include efforts to place the child outside this state; requiring juvenile courts to take certain actions to expedite the interstate placement of children; requiring juvenile courts to give a child's out-of-home care provider the right to be heard in proceedings involving the child; requiring notice to relatives when a child is removed from the home; requiring reasonable efforts to place siblings together or to provide for visitation between siblings; requiring agencies to assist children in developing a plan for transition to independent living; requiring health care providers to report cases of infants with controlled substances in their bodily fluids to the agency responsible for investigating suspected child abuse or neglect; authorizing circuit court commissioners to conduct permanency plan reviews and hearings; specifying certain placements for purposes of calculating how long a child has been placed outside the home for purposes of filing a termination of parental rights petition; and permitting disclosure of information to a relative of a child for purposes of facilitating placement of the child with the relative or to a public or private agency in this state or any other state for purposes of investigating a proposed foster or adoptive placement.

By Senator Jauch; cosponsored by Representative Dexter.

October 12, 2009      Referred to Committee on Children and Families and Workforce Development.

October 21, 2009      **PUBLIC HEARING HELD**

Present:    (5)      Senators Jauch, Lassa, Vinehout, Kedzie and Hopper.

Absent:    (0)      None.

##### Appearances For

- Dondienita Simmons — DCF

##### Appearances Against

- None.

##### Appearances for Information Only

- None.

##### Registrations For

- None.

Registrations Against

- None.

Registrations for Information Only

- None.

October 22, 2009

**EXECUTIVE SESSION HELD**

Present: (5) Senators Jauch, Lassa, Vinehout, Kedzie and Hopper.

Absent: (0) None.

Moved by Senator Vinehout, seconded by Senator Lassa that **Senate Amendment 1** be recommended for introduction and adoption.

Ayes: (5) Senators Jauch, Lassa, Vinehout, Kedzie and Hopper.

Noes: (0) None.

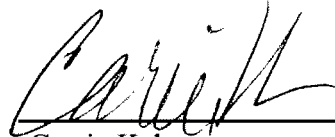
**INTRODUCTION AND ADOPTION OF SENATE AMENDMENT 1 RECOMMENDED, Ayes 5, Noes 0**

Moved by Senator Vinehout, seconded by Senator Kedzie that **Senate Bill 347** be recommended for passage as amended.

Ayes: (5) Senators Jauch, Lassa, Vinehout, Kedzie and Hopper.

Noes: (0) None.

**PASSAGE AS AMENDED RECOMMENDED, Ayes 5, Noes 0**



---

Carrie Kahn  
Committee Clerk

**Vote Record**  
**Committee on Children and Families and Workforce**  
**Development**

Date: 10/20/09  
 Moved by: Vinehout      Seconded by: Kedzie

AB \_\_\_\_\_      SB 347      Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_      SJR \_\_\_\_\_      Appointment \_\_\_\_\_  
 AR \_\_\_\_\_      SR \_\_\_\_\_      Other \_\_\_\_\_

A/S Amdt SA 1 Vinehout Lassa  
 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:
- |                                       |                                    |                                       |   |  |
|---------------------------------------|------------------------------------|---------------------------------------|---|--|
| <input type="checkbox"/> Passage      | <input type="checkbox"/> Adoption  | <input type="checkbox"/> Confirmation | <input type="checkbox"/> Concurrence    | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction | <input type="checkbox"/> Rejection | <input type="checkbox"/> Tabling      | <input type="checkbox"/> Nonconcurrence |  |

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<b>Senator Robert Jauch, Chair</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Julie Lassa</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Kathleen Vinehout</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Neal Kedzie</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Randy Hopper</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Totals:</b>	_____	_____	_____	_____

Motion Carried       Motion Failed

Jim Doyle  
Governor



**State of Wisconsin**  
Department of Children and Families

201 East Washington Avenue, Room G200  
P.O. Box 8916  
Madison, WI 53708-8916

Telephone: 608-267-3905  
Fax: 608-266-6836  
dcf.wisconsin.gov

Reggie Blcha  
Secretary

October 21, 2009

**TO:** Senate Committee on Children and Families and Workforce Development  
Assembly Committee on Children and Families

**FROM:** Kimmie Collins  
Legislative Liaison, Department of Children and Families

**RE:** AB485/ SB346 and AB486/ SB347

---

**AB485/SB346**

This bill makes the long overdue necessary technical changes to Wisconsin's Statutes to improve the function of child welfare and child care programs. This bill is a redraft of SB350 from the 2008 session that passed the Senate as a Law Revision bill.

It makes the following technical changes to the statutes:

- Changes the term "day care center" to "child care center."
- Removes redundant language such as language surrounding reasonable efforts
- Changes the language regarding confidentiality in the child welfare code to conform to the language in the juvenile justice code
- Corrects a reference which incorrectly references group home when it should refer to child care center.
- Provides termination of parental rights warnings for a parent when a child is placed as a juvenile in need of protection or services (JIPS) under ch. 938.
- Changes remaining references to child caring institution to residential care centers for children and youth.
- Moves the definition of neglect to the same section as the definition of child abuse.
- Requires TPR warnings at permanency plan hearings.

**AB486/SB347**

Congress has enacted many laws pertaining to child welfare that require subsequent action by all states. This bill contains the necessary changes required by to come into compliance with federal law. In early 2010 DCF will go through its federal review. As part of the review the examiners will look at the state statutes to make sure they contain the required changes from federal changes.

If this bill is not passed through the Wisconsin Legislature by December 31, 2009 DCF could lose a significant amount of Federal funding. In a review in Ohio, the state had to pay back \$8 million to the Federal Government.

This bill will make the following changes to come into compliance with Federal Laws:

**1. Fostering Connections Act:**

The Fostering Connections to Success and Increasing Adoptions Act was created to help hundreds of thousands of children and youth in foster care by promoting permanent families for them through relative guardianship and adoption and improving education and health care.

- Require notice to certain adult relatives and others to inform those individuals when a child is removed from the parental home and provide information on how they may support the child or provide care
  - This language will mirror the language from AB298 which passed the Assembly on September 22<sup>nd</sup>. AB298 fulfills the requirements of the Fostering Connections Act and was a bill developed by the Legislative Council Special Committee on Strengthening Families.
- Require reasonable efforts to place siblings together, or if siblings are not placed together to provide frequent visitation or other interaction. Current law has requirements to consider sibling placements; this will also require reasonable efforts to make those placements.
- Require that during the 90 day period immediately prior to a child aging out of foster care that a caseworker must provide the child with assistance and support in developing a transition plan which includes plans for housing, education, health care, and work force supports. Current policy already requires that a similar plan to be developed during the 6 months before a child ages out of foster care.

**2. Safe and Timely Placement Interstate Act:**

To improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes.

- Require that out of state placements be considered when appropriate at placement, during permanency hearings and when engaging in concurrent planning.
- Require that foster parents receive notice of all substantive hearings involving their foster child and that they have a “right to be heard” at those hearing rather than an “opportunity to be heard” as provided currently under Wisconsin law.
- In Interstate Compact on the Placement of Children cases:
  - Require courts to cooperate with courts in other states in the sharing of information.
  - Expressly authorize courts to obtain information and testimony from agencies and parties in other states without requiring interstate travel by the agencies and parties.

- Expressly permit courts to allow the participation of parents, children, attorneys and other necessary parties in cases involving interstate placement without requiring their interstate travel.

### **3. Child and Family Services Improvement Act of 2006:**

Amends the Child and Family Services) portion of the Social Security Act (SSA) with respect to the promoting safe and stable families program.

- Amends part B (Child and Family Services) of title IV of the Social Security Act (SSA) with respect to the promoting safe and stable families (PSSF) program  
Require that at the permanency plan hearing or review, courts or review panels consult with children in an age appropriate manner about their permanency plan and if the child is over age 15 and has an independent living plan, about the independent living plan.

### **4. Title IVE requirements:**

The Federal Foster Care Program helps to provide safe and stable out-of-home care for children until the children are safely returned home, placed permanently with adoptive families or placed in other planned arrangements for permanency. The program is authorized by title IV-E of the Social Security Act. It is an annually appropriated program with specific eligibility requirements and fixed allowable uses of funds.

- Clarify that circuit court commissioners may conduct permanency plan hearings.
- Remove any time spent in a non-title IVE facility from the 15 of 22 months termination of parental rights (TPR) calculation which requires the agency to consider a termination of parental rights at that point, consistent with federal interpretations.
- Revise the requirement that a court make reasonable efforts to achieve the goals of the permanency plan finding if the disposition hearing occurs before the 60 day deadline for a permanency plan because until a permanency plan is completed there is no permanence goal.

### **5. Child Abuse Protection and Treatment Act (CAPTA):**

Provided assistance to States to develop child abuse and neglect identification and prevention programs.

- Change provisions on drug affected infants to conform to CAPTA requirements that health care providers notify Child Protective Services (CPS) of an infant affected by substance abuse. Current state statutes require health care providers to make a report to human or social services agencies, but not necessarily to CPS.

### **6. Federal Licensing Law:**

- Current state statutes do not specifically allow for the release of CPS information to private in-state or out-of-state agencies licensing foster homes or adoptive

homes. These background checks are required by federal law for licensing purposes. The bill amends Chapter 48 to clarify that CPS information may be given to private agencies licensing homes for foster homes, and domestic or international adoptive homes.

This bill also contains an amendment which moves the effective date of the child support pass through from January 1, 2010 to April 1, 2010. The effective date was included as a part of ACT 28 and will not be realized because of problems with the computer system.







DEPARTMENT OF HEALTH & HUMAN SERVICES

---

ADMINISTRATION FOR CHILDREN AND FAMILIES  
Administration on Children, Youth and Families  
1250 Maryland Avenue, S.W.  
Washington, D.C. 20024

FEB 04 2008

Reginald Bicha, Administrator  
Wisconsin Division of Children  
and Family Services  
1 West Wilson Street  
Madison, Wisconsin 53708

Dear Administrator Bicha:

The Children's Bureau (CB), Administration for Children and Families (ACF), congratulates the State of Wisconsin on the completion of its Program Enhancement Plan (PEP), developed and implemented as a result of Wisconsin's first Child and Family Services Review (CFSR). Wisconsin is the third State in Region V to have successfully completed all provisions of its PEP.

In August 2003, Federal and State review teams completed an on-site review of child welfare cases receiving services from the Wisconsin Division of Children and Family Services (DCFS). In response to the review findings, Wisconsin developed a PEP to address those areas not found to be in conformance with Federal standards. Wisconsin's PEP was approved in November 2004 and included a two-year implementation period which ended October 31, 2006. At the conclusion of the implementation period, Wisconsin had successfully completed all action steps and data goals negotiated between ACF and DCFS, with the exception of the data goal related to the rate of children's re-entry into foster care.

States have one year following their PEP implementation period to successfully meet all outstanding data goals. This period is called the year of non-overlapping data and the time frame corresponds to the six-month Adoption Foster Care Analysis and Reporting System (AFCARS) reporting periods. Wisconsin's non-overlapping period began April 1, 2007 and was scheduled to end on March 31, 2008. However, the data profiles developed by ACF in December 2007 indicate that Wisconsin met its re-entry into foster care goal for the 12 month period ending September 30, 2006. These results are attributable to the concentrated efforts DCFS staff members have put forth toward improving the quality and accuracy of the data being submitted to AFCARS. While there are still some overall data quality issues that need to be addressed, the current improvements regarding re-entry into foster care reflected in the recently updated data profiles indicate that all PEP goals have now been met. Therefore, all applicable penalties based on our initial determination of areas not in substantial conformity have been rescinded.

The completion of the PEP is a tremendous accomplishment for the Wisconsin child welfare community. It is a milestone that signifies many years of dedication and commitment from DCFS and county human service personnel at every level, as well as from your partners in child welfare

across the State. DCFS leadership and staff have invested countless hours developing and improving upon programs and policies, implementing a rigorous quality assurance program, improving data collection and reporting, and partnering with the State Courts Office and other internal and external stakeholders to improve the quality of services available to Wisconsin's children and families. CB would specifically like to recognize John Tuohy for his hard work and leadership on all aspects related to the CFSR process in Wisconsin. We would also like to acknowledge the efforts of DCFS leaders Mark Campbell, Mark Mitchell, Michelle Rawlings, Harry Hobbs, Connie Click, Dale Langer, June Paul, Beth Wydeven and State Courts Office leaders Michelle Jensen-Goodwin and Bridget Bauman and all of their staff in bringing the PEP to conclusion. CB applauds your efforts and we look forward to continuing our partnership founded upon improving the outcomes of children and families served by the child welfare system in Wisconsin.

Please contact Krista Thomas, Children and Families Program Specialist, at (312) 353-1122 or by e-mail at [krista.thomas@acf.hhs.gov](mailto:krista.thomas@acf.hhs.gov), if you have any further questions at this time.

Sincerely,



Christine M. Calpin  
Acting Associate Commissioner  
Children's Bureau

cc:

John Tuohy, Director, Office of Program Implementation and Planning; WI DCFS;  
Madison, WI  
Carolyn Wilson-Hurey; Child Welfare Regional Program Manager; CB, Region V;  
Chicago, IL  
Krista Thomas; Children and Families Program Specialist; CB, Region V; Chicago, IL  
Melissa Beard; CB, CFSR; Washington, DC