STATE OF WISCONSIN DEPARTMENT OF ADMINISTRATION DOA-2049 (R03/2012)

DIVISION OF EXECUTIVE BUDGET AND FINANCE 101 EAST WILSON STREET, 10TH FLOOR P.O. BOX 7864 MADISON, WI 53707-7864 FAX: (608) 267-0372

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

Type of Estimate and Analysis Original □ Updated □ Corrected		
2. Administrative Rule Chapter, Title and Number		
DCF 55, Subsidized guardianship		
3. Subject Subsidized guardianship		
4. Fund Sources Affected ☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S	5. Chapter 20, Stats. Appropriations Affected 20.437(1)(dd) and 20.437(1)(pd)	
6. Fiscal Effect of Implementing the Rule ☐ No Fiscal Effect ☐ Increase Existing Revenues ☐ Indeterminate ☐ Decrease Existing Revenues	☐ Increase Costs ☑ Could Absorb Within Agency's Budget ☐ Decrease Cost	
☐ Local Government Units ☐ Publication	cific Businesses/Sectors ic Utility Rate Payers Il Businesses (if checked, complete Attachment A)	
8. Would Implementation and Compliance Costs Be Greater Than \$20 million? ☐ Yes ☐ No		
9. Policy Problem Addressed by the Rule Implementing 2015 Wisconsin Acts 129 and 143		
10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments. The department solicited comments from county departments of social services and county departments of human services and others who have requested to be on the numbered memo and child welfare listservs.		
11. Identify the local governmental units that participated in the development of this EIA. Sauk County commented that subsidized guardianship payments come directly from county levy not foster care and these arrangements require ongoing worker/staff time to maintain. Though good practice, it's getting more and more difficult to fulfill the expectations being put upon counties and agency staff.		
12. Summaryof Rule's Economic and Fiscal Impacton Specific Bus Governmental Units and the State's Economyas a Whole (Inclinity) Extending eligibility to a person who has a significant emotion familial relationship or who, during the child's placement in the child's family that is similar to a familial relationship is eare already in out-of-home care, foster care payments are already eligibility for subsidized guardianship means that these child payments, rather than foster care payments, which would be anticipated that any increase in cost would be minimal as subpayments. Naming a prospective successor guardian would not increase	onal relationship with the child's family that is similar to a out-of-home care, developed a relationship with the child or eady made on behalf of these children. Expanding dren would be eligible for subsidized guardianship a similar monthly payment. Similarly, in counties, it is esidized guardianship payments would replace foster care	

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subsidized guardianship payment is provided on behalf of a child at any time, so there will not be duplicate payments to the guardian and the successor guardian. Some current guardianship agreements may need to be amended to include a successor guardianship. The cost is unknown, but anticipated to be minimal.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule Complying with 2015 Wisconsin Acts 129 and 143
14. Long Range Implications of Implementing the Rule

15. Compare With Approaches Being Used by Federal Government

42 USC 673 (d) (3), as created by Section 207 of the Preventing Sex Trafficking and Strengthening Families Act, provides for continuation of subsidized guardianship payments if the guardian dies or is incapacitated, and a successor guardian was named in the agreement before the guardian's death or incapacity. Implementation of Section 207 is required as a condition of funding under Title IV-E of the Social Security Act. Section 207 was effective September 29, 2014, and Wisconsin is currently under a Program Improvement Plan due to delayed implementation.

The Administration for Children and Families (ACF) Program Instruction ACYF-CB-PI-10-11, Fostering Connections to Success and Increasing Adoptions Act of 2008 Comprehensive Guidance, July 9, 2010, provides that a State has discretion to define the term "relative" for the purposes of the subsidized guardianship program. The ACF will accept a Title IV-E plan or amendment that contains a reasonable interpretation of "relative," including a plan that limits the term to biological and legal familial ties or a plan that more broadly includes tribal kin, extended family and friends, or other "fictive kin."

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)
Minnesota. The definition of "relative" includes an individual who is an important friend with whom a child has resided or had significant contact. Minnesota has provisions on successor guardianship that are similar to the Wisconsin provisions.

Illinois. The definition of "fictive kin" is an individual who is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual. Illinois has provisions on successor guardianship that are similar to the Wisconsin provisions.

Iowa. Iowa does not have a federally-funded subsidized guardianship program.

Michigan. It appears that nonrelatives may be eligible to be a legal custodian of the child and receive state-funded guardianship assistance. Michigan has successor guardianship provisions that apply to Title IV-E-funded guardianship assistance payments.

17. Contact Name	18. Contact Phone Number
DCF/Kim Swissdorf	422-6351

This document can be made available in alternate formats to individuals with disabilities upon request.

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ATTACHMENT A

 Summaryof Rule's Economic and Fiscal Impact on Small Businesses (Separatelyfor each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred) not applicable
2. Summary of the data sources used to measure the Rule's impact on Small Businesses not applicable
3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses? Less Stringent Compliance or Reporting Requirements Less Stringent Schedules or Deadlines for Compliance or Reporting Consolidation or Simplification of Reporting Requirements Establishment of performance standards in lieu of Design or Operational Standards Exemption of Small Businesses from some or all requirements Other, describe:
not applicable 4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses
not applicable
5. Describe the Rule's Enforcement Provisions
not applicable
6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form) ☐ Yes ☑ No