



State of Wisconsin
2009 - 2010 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 297**

August 19, 2009 – Offered by COMMITTEE ON CHILDREN AND FAMILIES.

1 **AN ACT to repeal** 48.983 (1) (i) and (j) and 48.983 (3) (title) and (a); **to renumber**
2 **and amend** 48.983 (3) (b) and 48.983 (8); **to amend** 48.983 (1) (b) 1. c., 48.983
3 (2), 48.983 (4) (a) 4m., 48.983 (4) (am), 48.983 (4) (b) 1., 48.983 (4) (b) 2. and 3.,
4 48.983 (5), 48.983 (6) (intro.), 48.983 (6) (a) (intro.), 48.983 (6) (a) 1., 48.983 (6)
5 (a) 3., 48.983 (6) (a) 6., 48.983 (6) (b) 4., 48.983 (6) (c), 48.983 (6g) (b) and 48.983
6 (8) (title); **to repeal and recreate** 48.983 (7) (c); and **to create** 48.983 (1) (gm),
7 48.983 (6) (f), 48.983 (7) (ag) and (ar) and 48.983 (8) (b) of the statutes; **relating**
8 **to:** child abuse and neglect prevention grants.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Children and Families (DCF) administers the Child Abuse and Neglect Prevention Program under which DCF awards grants to no more than six rural counties, three urban counties, and two Indian tribes that offer voluntary home visitation services to first-time parents who are eligible for Medical Assistance (MA). Current law requires DCF to determine the amount of a grant awarded to a county or an Indian tribe in excess of the statutory minimum grant amount of \$10,000 based on need, as determined by a formula that

DCF is required to promulgate by rule, and requires that formula to determine need based on the number of births that are funded by MA in a county or a reservation of an Indian tribe and on the rate of poor birth outcomes, including infant mortality, premature births, low birth weights, and racial or ethnic disproportionality in the rate of those outcomes, in the county or reservation. For Milwaukee County, however, that formula must be based on 60 percent of the number of births that are funded by MA in that county and on the rate of poor birth outcomes in that county. Currently, a county or Indian tribe may use a grant to make payments totaling not less than \$250 per year for the appropriate expenses of a family participating in the program. A county, other than Milwaukee County, or an Indian tribe may also use a grant to provide home visitation services for first-time parents who are eligible for MA and case management services for a family participating in the program.

This substitute amendment makes all of the following changes to the Child Abuse and Neglect Prevention Program:

1. Eliminates the caps on the number of counties and Indian tribes that may be selected to participate in the program.

2. Permits private agencies to participate in the program and requires a private agency that applies for participation in the program to submit documentation with the grant application that demonstrates that the application is supported by a county and that a county will collaborate with the private agency in providing services.

3. Provides that the formula for determining the amount of a grant to Milwaukee County must be based on 100 percent, not 60 percent, of the number of births that are funded by MA in that county and permits Milwaukee County to use grant funds to provide home visitation and case management services.

4. Requires a county, private agency, or Indian tribe that receives a grant to agree to match at least 25 percent of the grant amount in funds or in-kind contributions.

5. Requires that DCF give favorable consideration in the application process for a grant to a county, private agency, or Indian tribe that submits a joint application.

6. Requires a county, private agency, or Indian tribe, when applying for a grant, to provide information on how the applicant's home visitation program incorporates practice standards and critical elements that have been developed for successful home visitation programs by a nationally recognized home visitation program model and that are acceptable to DCF.

7. Requires DCF to evaluate the availability of home visitation programs in the state and determine whether there are gaps in home visitation services and to cooperate with counties, private agencies, and Indian tribes providing home visitation programs to address any gaps identified.

8. Requires each county, private agency, and Indian tribe providing a home visitation program to do all of the following:

- a. Collect and report data as required by DCF, using forms prescribed by DCF.

- b. Develop a plan for evaluating the effectiveness of its program for approval by DCF and to use the evaluation to improve the quality and outcomes of the home

visitation program. The substitute amendment sets forth the outcomes that must be tracked and measured.

9. Provides that the training provided by DCF to counties, private agencies, and Indian tribes participating in the program may not be limited to a particular home visitation model and requires the training to include training regarding basic skills, uniform administration of screening and assessment tools, the issues and challenges that families face, and supervision and personnel skills for program managers. The training may also include training on data collection and reporting.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 48.983 (1) (b) 1. c. of the statutes, as affected by 2009 Wisconsin Act
2 28, is amended to read:

3 48.983 (1) (b) 1. c. A family that includes a person who has contacted a county
4 department, a private agency, or an Indian tribe that has been awarded a grant
5 under this section or, in a county having a population of 500,000 or more that has
6 been awarded a grant under this section, the department, a private agency, or a
7 licensed child welfare agency under contract with the department requesting
8 assistance to prevent poor birth outcomes or abuse or neglect of a child in the person's
9 family and with respect to which an individual responding to the request has
10 determined that all of the conditions in subd. 2. exist.

11 **SECTION 2.** 48.983 (1) (gm) of the statutes is created to read:

12 48.983 (1) (gm) "Private agency" means an organization operated for profit or
13 a nonstock corporation organized under ch. 181 that is a nonprofit corporation, as
14 defined in s. 181.0103 (17).

15 **SECTION 3.** 48.983 (1) (i) and (j) of the statutes are repealed.

16 **SECTION 4.** 48.983 (2) of the statutes, as affected by 2009 Wisconsin Act 28, is
17 amended to read:

1 48.983 (2) FUNDS PROVIDED. If a county, private agency, or Indian tribe applies
2 and is selected by the department under sub. (5) to participate in the program under
3 this section, the department shall award, from the appropriation under s. 20.437 (1)
4 (ab), a grant annually to be used only for the purposes specified in sub. (4) (a) and
5 (am). The minimum amount of a grant is \$10,000. The county, private agency, or
6 Indian tribe shall agree to match at least 25 percent of the grant amount annually
7 in funds or in-kind contributions. The department shall determine the amount of
8 a grant awarded to a county, ~~other than a county with a population of 500,000 or more~~
9 private agency, or Indian tribe in excess of the minimum amount based on the need
10 of the county, private agency, or Indian tribe for a grant, as determined by a formula
11 that the department shall promulgate by rule. That formula shall determine that
12 need based on the number of births that are funded by Medical Assistance under
13 subch. IV of ch. 49 in that county, the area in which that private agency is providing
14 services, or the reservation of that Indian tribe and on the rate of poor birth
15 outcomes, including infant mortality, premature births, low birth weights, and racial
16 or ethnic disproportionality in the rates of those outcomes, in that county, the area
17 in which that private agency is providing services, or the reservation of that Indian
18 tribe. The department shall determine the amount of a grant awarded to a county
19 ~~with a population of 500,000 or more in excess of the minimum amount based on the~~
20 ~~need of the county for a grant, as determined by a formula that the department shall~~
21 ~~promulgate by rule. That formula shall determine that need based on 60% of the~~
22 ~~number of births that are funded by Medical Assistance under subch. IV of ch. 49 in~~
23 ~~that county and on the rate of poor birth outcomes, including infant mortality,~~
24 ~~premature births, low birth weights, and racial or ethnic disproportionality in the~~
25 ~~rates of those outcomes, in that county.~~

1 **SECTION 5.** 48.983 (3) (title) and (a) of the statutes are repealed.

2 **SECTION 6.** 48.983 (3) (b) of the statutes is renumbered 48.983 (3) and amended
3 to read:

4 48.983 (3) JOINT APPLICATION PERMITTED. ~~Two~~ Any combination of 2 or more
5 counties and, private agencies, or Indian tribes may submit a joint application to the
6 department. ~~Each county or Indian tribe in a joint application shall be counted as~~
7 ~~a separate county or Indian tribe for the purpose of limiting the number of counties~~
8 ~~and Indian tribes selected in each state fiscal biennium.~~

9 **SECTION 7.** 48.983 (4) (a) 4m. of the statutes, as affected by 2009 Wisconsin Act
10 28, is amended to read:

11 48.983 (4) (a) 4m. ~~Other than in a county with a population of 500,000 or more,~~
12 ~~to~~ To reimburse a case management provider under s. 49.45 (25) (b) for the amount
13 of the allowable charges under the Medical Assistance program that is not provided
14 by the federal government for case management services provided to a Medical
15 Assistance beneficiary described in s. 49.45 (25) (am) 9. who is a child and who is a
16 member of a family that receives home visitation program services under par. (b) 1.

17 **SECTION 8.** 48.983 (4) (am) of the statutes is amended to read:

18 48.983 (4) (am) *Grants; start-up costs and capacity building.* In the first year
19 in which a grant under this section is awarded to a county, private agency, or Indian
20 tribe, the county, private agency, or Indian tribe may use a portion of the grant to pay
21 for start-up costs and capacity building related to the program under this section.
22 The department shall determine the maximum amount of a grant that a county,
23 private agency, or Indian tribe may use to pay for those start-up costs and that
24 capacity building.

1 **SECTION 9.** 48.983 (4) (b) 1. of the statutes, as affected by 2009 Wisconsin Act
2 28, is amended to read:

3 48.983 (4) (b) 1. A county, ~~other than a county with a population of 500,000 or~~
4 ~~more private agency~~, or an Indian tribe that is selected to participate in the program
5 under this section shall offer all pregnant women in the county, the area in which
6 that private agency is providing services, or the reservation of the tribe who are
7 eligible for Medical Assistance under subch. IV of ch. 49 an opportunity to undergo
8 an assessment through use of a risk assessment instrument to determine whether
9 the person assessed presents risk factors for poor birth outcomes or for perpetrating
10 child abuse or neglect. Persons who agree to be assessed shall be assessed during
11 the prenatal period. The risk assessment instrument shall be developed by the
12 department and shall be based on risk assessment instruments developed by the
13 department for similar programs that are in operation. The department need not
14 promulgate as rules under ch. 227 the risk assessment instrument developed under
15 this subdivision. A person who is assessed to be at risk of poor birth outcomes or of
16 abusing or neglecting his or her child shall be offered home visitation program
17 services that shall be commenced during the prenatal period. Home visitation
18 program services may be provided to a family with a child identified as being at risk
19 of child abuse or neglect until the identified child reaches 3 years of age. If a family
20 has been receiving home visitation program services continuously for not less than
21 12 months, those services may continue to be provided to the family until the
22 identified child reaches 3 years of age, regardless of whether the child continues to
23 be eligible for Medical Assistance under subch. IV of ch. 49. If risk factors for child
24 abuse or neglect with respect to the identified child continue to be present when the
25 child reaches 3 years of age, home visitation program services may be provided until

1 the identified child reaches 5 years of age. Home visitation program services may
2 not be provided to a person unless the person gives his or her written informed
3 consent to receiving those services or, if the person is a child, unless the child's
4 parent, guardian, or legal custodian gives his or her written informed consent for the
5 child to receive those services.

6 **SECTION 10.** 48.983 (4) (b) 3. of the statutes, as affected by 2009 Wisconsin Act
7 28, is amended to read:

8 48.983 (4) (b) 3. A county, private agency, or Indian tribe that is providing home
9 visitation program services under subd. 1. shall provide to a person receiving those
10 services the information relating to shaken baby syndrome and impacted babies
11 required under s. 253.15 (6).

12 **SECTION 11.** 48.983 (5) of the statutes, as affected by 2009 Wisconsin Act 28,
13 is amended to read:

14 48.983 (5) **SELECTION OF COUNTIES, PRIVATE AGENCIES, AND INDIAN TRIBES.** The
15 department shall provide competitive application procedures for selecting counties,
16 private agencies, and Indian tribes for participation in the program under this
17 section. The department shall establish a method for ranking applicants for
18 selection based on the quality of their applications. In ranking the applications
19 ~~submitted by counties~~, the department shall give favorable consideration to a county,
20 private agency, or Indian tribe that submits a joint application under sub. (3) and to
21 a county that has indicated under sub. (6) (d) 2. that it is willing to use a portion of
22 any moneys distributed to the county under s. 48.565 (2) (a) to provide case
23 management services to a Medical Assistance beneficiary under s. 49.45 (25) (am)
24 9. who is a case or who is a member of a family that is a case and that has explained
25 under sub. (6) (d) 2. how the county plans to use that portion of those moneys to

1 promote the provision of those services for the case by using a wraparound process
2 so as to provide those services in a flexible, comprehensive and individualized
3 manner in order to reduce the necessity for court-ordered services. The department
4 shall also provide application requirements and procedures for the renewal of a grant
5 awarded under this section. The application procedures and the renewal application
6 requirements and procedures shall be clear and understandable to the applicants.
7 The department need not promulgate as rules under ch. 227 the application
8 procedures, the renewal application requirements or procedures, or the method for
9 ranking applicants established under this subsection.

10 **SECTION 12.** 48.983 (6) (intro.) of the statutes is amended to read:

11 48.983 (6) CRITERIA FOR AWARDING GRANTS. (intro.) In addition to any other
12 criteria developed by the department, a county, private agency, or Indian tribe shall
13 meet all of the following criteria in order to be selected for participation in the
14 program under this section:

15 **SECTION 13.** 48.983 (6) (a) (intro.) of the statutes is amended to read:

16 48.983 (6) (a) (intro.) The part of an application, other than a renewal
17 application, submitted by a county, ~~other than a county with a population of 500,000~~
18 ~~or more~~ private agency, or an Indian tribe that relates to home visitation programs
19 shall include all of the following:

20 **SECTION 14.** 48.983 (6) (a) 1. of the statutes, as affected by 2009 Wisconsin Act
21 28, is amended to read:

22 48.983 (6) (a) 1. Information on how the applicant's home visitation program
23 is comprehensive ~~and~~, incorporates practice standards that have been developed for
24 home visitation programs by entities concerned with the prevention of poor birth
25 outcomes and child abuse and neglect and that are acceptable to the department, and

1 incorporates practice standards and critical elements that have been developed for
2 successful home visitation programs by a nationally recognized home visitation
3 program model and that are acceptable to the department.

4 **SECTION 15.** 48.983 (6) (a) 3. of the statutes, as affected by 2009 Wisconsin Act
5 28, is amended to read:

6 48.983 (6) (a) 3. An identification of existing poor birth outcome and child abuse
7 and neglect prevention services that are available to residents of the county, the area
8 in which the private agency is providing services, or the reservation of the Indian
9 tribe and a description of how those services and any additional needed services will
10 support a comprehensive home visitation program.

11 **SECTION 16.** 48.983 (6) (a) 6. of the statutes is amended to read:

12 48.983 (6) (a) 6. An identification of how the home visitation program is
13 comprehensive and incorporates the practice standards for and critical elements for
14 successful home visitation programs referred to in subd. 1., including how services
15 will vary in intensity levels depending on the needs and strengths of the
16 participating family.

17 **SECTION 17.** 48.983 (6) (b) 4. of the statutes is amended to read:

18 48.983 (6) (b) 4. 'Nonentitlement.' No individual is entitled to any payment
19 from a fund established under subd. 1. or 2. Nothing in this section shall be construed
20 as requiring a county, private agency, or Indian tribe to make a determination
21 described in sub. (1) (b) 2. A determination described in sub. (1) (b) 2. may not be
22 construed to be a determination described in s. 48.981 (3) (c) 4.

23 **SECTION 18.** 48.983 (6) (c) of the statutes is amended to read:

24 48.983 (6) (c) *Case management benefit.* The applicant, ~~other than a county~~
25 ~~with a population of 500,000 or more~~, states in the grant application that it has

1 elected, or, if selected, that it will elect, under s. 49.45 (25) (b), to make the case
2 management benefit under s. 49.45 (25) available to the category of beneficiaries
3 under s. 49.45 (25) (am) 9. who are children and who are members of families
4 receiving home visitation program services under sub. (4) (b) 1.

5 **SECTION 19.** 48.983 (6) (g) of the statutes is created to read:

6 48.983 (6) (g) *Private agency applicant.* If the applicant is a private agency, the
7 applicant submits documentation with the grant application that demonstrates that
8 the application is supported by a county and that a county will collaborate with the
9 private agency in providing services.

10 **SECTION 20.** 48.983 (6g) (b) of the statutes is amended to read:

11 48.983 (6g) (b) A county, private agency, or Indian tribe that is selected to
12 participate in the program under this section shall provide or shall designate an
13 individual or entity to provide an explanation of the confidentiality requirements
14 under par. (a) to each individual who is offered an assessment under sub. (4) (b) or
15 who is offered services under the home visitation program of the county, private
16 agency, or Indian tribe.

17 **SECTION 21.** 48.983 (7) (ag) and (ar) of the statutes are created to read:

18 48.983 (7) (ag) The department shall evaluate the availability of home
19 visitation programs in the state and determine whether there are gaps in home
20 visitation services in the state. The department shall cooperate with counties,
21 private agencies, and Indian tribes providing home visitation programs to address
22 any gaps in services identified.

23 (ar) Each county, private agency, and Indian tribe providing a home visitation
24 program shall collect and report data to the department, as required by the
25 department. The department shall require each county, private agency, and Indian

1 tribe providing a home visitation program to collect data using forms prescribed by
2 the department.

3 **SECTION 22.** 48.983 (7) (c) of the statutes is repealed and recreated to read:

4 48.983 (7) (c) Each county, private agency, and Indian tribe providing a home
5 visitation program shall develop a plan for evaluating the effectiveness of its
6 program for approval by the department. The plan shall demonstrate how the
7 county, private agency, or Indian tribe will use the evaluation of its program to
8 improve the quality and outcomes of the program and to ensure continued
9 compliance with the home visitation program criteria under sub. (6) (a). The plan
10 shall demonstrate how the outcomes will be tracked and measured. Under the plan,
11 the extent to which all of the following outcomes are achieved shall be tracked and
12 measured:

13 1. Parents receiving home visitation services acquiring knowledge of early
14 learning and child development and interacting with their children in ways that
15 enhance the children's development and early learning.

16 2. Children receiving home visitation services being healthy.

17 3. Children receiving home visitation services living in a safe environment.

18 4. Families receiving home visitation services accessing formal and informal
19 support networks.

20 5. Children receiving home visitation services achieving milestones in
21 development and early learning.

22 6. Children receiving home visitation services who have developmental delays
23 receiving appropriate intervention services.

24 **SECTION 23.** 48.983 (8) of the statutes is amended to read:

