



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0214/P5
MPG:cjs:ph

DOA:.....Kisiolek, BB0041 - DJC Daily Rates

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

Under current law relating to community youth and family aids, generally referred to as “youth aids,” DOC is required to allocate various state and federal moneys to counties to pay for state–provided juvenile correctional services and local delinquency–related and juvenile justice services. DOC charges counties for the costs of services provided by DOC according to per person daily cost assessments specified in the statutes (the “daily rate”). Currently, the daily rate is \$275 for care in a juvenile correctional facility, \$275 for care for juveniles transferred from a juvenile correctional institution, \$313 for care in a residential care center for children and youth, \$200 for care in a group home, \$75 for care in a foster home, \$130 for care in a treatment foster home, \$103 for corrective sanctions services, and \$41 for aftercare services. This bill makes the following changes to those daily rates:

1. For fiscal year 2011–2012, the daily rate is \$284 for care in a juvenile correctional facility, \$284 for care for juveniles transferred from a juvenile correctional institution, \$99 for corrective sanctions services, and \$40 for aftercare services.

2. For fiscal year 2012–2013, the daily rate is \$289 for care in a juvenile correctional facility, \$289 for care for juveniles transferred from a juvenile correctional institution, \$100 for corrective sanctions services, and \$40 for aftercare services.

3. In addition, the bill eliminates the specific dollar amounts for the daily rates for care for juveniles in a residential care center for children and youth, group home, and or foster home, and instead provides that the daily rate for each of those types of care is an amount equal to the amount the provider of that care charges DOC. The bill also deletes treatment foster care from the list of services for which DOC charges a daily rate.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 301.26 (4) (b) of the statutes is amended to read:

301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on the basis of the per person per day cost estimate specified in par. (d) 2. and, 3., and 4. Except as provided in pars. (bm), (c), and (cm), liability shall apply to county departments under s. 46.21, 46.22, or 46.23 in the county of the court exercising jurisdiction under chs. 48 and 938 for each person receiving services from the department of corrections under s. 48.366, 938.183, or 938.34 or the department of health services under s. 46.057 or 51.35 (3). Except as provided in pars. (bm), (c), and (cm), in multicounty court jurisdictions, the county of residency within the jurisdiction shall be liable for costs under this subsection. Assessment of costs under par. (a) shall also be made according to the general placement type or level of care provided, as defined by the department, and prorated according to the ratio of the amount designated under sub. (3) (c) to the total applicable estimated costs of care, services, and supplies provided by the department of corrections under ss. 48.366, 938.183, and 938.34 and the department of health services under s. 46.057 or 51.35 (3).

SECTION 2. 301.26 (4) (cm) 3. of the statutes is amended to read:

301.26 (4) (cm) 3. The per person daily reimbursement rate for juvenile correctional services under this paragraph shall be equal to the per person daily cost assessment to counties under par. (d) 2. ~~and, 3., and 4.~~ for juvenile correctional services.

SECTION 3. 301.26 (4) (d) 2. of the statutes is amended to read:

301.26 (4) (d) 2. Beginning on ~~January~~ July 1, 2010 2011, and ending on June 30, ~~2010 2012~~, the per person daily cost assessment to counties shall be ~~\$270~~ \$284 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$270~~ \$284 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), ~~\$298 for care in a residential care center for children and youth, \$190 for care in a group home for children, \$72 for care in a foster home, \$124 for care in a treatment foster home under rules promulgated under s. 48.62 (8) (c), \$101~~ \$99 for departmental corrective sanctions services, and \$40 for departmental aftercare services.

SECTION 4. 301.26 (4) (d) 3. of the statutes is amended to read:

301.26 (4) (d) 3. Beginning on July 1, ~~2010 2012~~, and ending on June 30, ~~2011 2013~~, the per person daily cost assessment to counties shall be ~~\$275~~ \$289 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$275~~ \$289 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), ~~\$313 for care in a residential care center for children and youth, \$200 for care in a group home for children, \$75 for care in a foster home, \$130 for care in a treatment foster home under rules promulgated under s. 48.62 (8) (c), \$103~~ \$100 for departmental corrective sanctions services, and ~~\$41~~ \$40 for departmental aftercare services.

SECTION 5. 301.26 (4) (d) 4. of the statutes is created to read:

301.26 (4) (d) 4. The per person daily cost assessment to counties for care in a foster home, group home, or residential care center for children and youth shall be an amount equal to the amount the provider charges the department for that care as authorized by the department of children and families.

(END)