



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0238/2
GMM:sac:rs

DOA:.....Prager, BB0113 – Juvenile residential aftercare appropriation

FOR 2013-2015 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, a sum certain is appropriated to DOC in each fiscal year for providing foster care, group home care, and institutional child care for delinquent juveniles. This bill permits moneys from that appropriation to be expended for alternate care services for delinquent juveniles, which include not only foster care, group home care, and institutional child care but also placement in an independent living situation under the supervision of an appropriate person or agency.

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

SECTION 1. 20.410 (3) (ho) of the statutes is amended to read:

20.410 (3) (ho) *Juvenile residential aftercare* alternate care services. The amounts in the schedule for providing foster care, group home care, and institutional child care to alternate care services for delinquent juveniles under ss. 49.19 (10) (d),

49.45 (25) (bj), 301.26 (4) (c), 938.48 (4) and (14), and 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing ~~foster care, group home care, and institutional child care~~ to alternate care services for delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4) (d), (e), and (ed) shall be credited to this appropriation account. If moneys generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year ~~foster care, group home care, and institutional child care~~ alternate care costs, that excess shall be transferred to the appropriation account under par. (hm) as provided in s. 301.26 (4) (ct), except that, if those moneys generated exceed those costs by more than ~~2%~~ 2 percent, all moneys in excess of ~~2%~~ that 2 percent shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in ~~foster care, group home care, or institutional child~~ alternate care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

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

301.26 (4) (e) For ~~foster care, group home care, and institutional child care~~ to alternate care services for delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 all payments and deductions made under this subsection and uniform fee collections under s. 301.03 (18) shall be credited to the appropriation account under s. 20.410 (3) (ho).

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

301.26 (4) (ed) For ~~foster care, group home care, and institutional child care to~~ alternate care services for serious juvenile offenders under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 all uniform fee collections under s. 301.03 (18) shall be credited to the appropriation account under s. 20.410 (3) (ho).

SECTION 4. 938.48 (4) of the statutes is amended to read:

938.48 (4) CARE, TRAINING, AND PLACEMENT. Provide appropriate care and training for juveniles under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4), including serving those juveniles in their own homes, placing them in licensed foster homes or licensed group homes under s. 48.63 or in independent living situations as provided in s. 938.34 (3) (e), contracting for their care by licensed child welfare agencies, or replacing them in juvenile correctional facilities or secured residential care centers for children and youth in accordance with rules promulgated under ch. 227, except that the department may not purchase the educational component of private day treatment programs for a juvenile in its custody unless the department, the school board, as defined in s. 115.001 (7), and the state superintendent of public instruction all determine that an appropriate public education program is not available for the juvenile. Disputes between the department and the school district shall be resolved by the state superintendent of public instruction.

(END)