



2009 SENATE BILL 571

February 26, 2010 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Children and Families and Workforce Development.

1 **AN ACT** *to renumber* 48.982 (2) (a) and 48.982 (3); *to amend* 20.433 (intro.) and
2 (1) (g), 46.001, 46.23 (3) (am) 1., 48.67 (intro.), 48.982 (title), 48.982 (1) (b),
3 48.982 (2) (f), 48.982 (2m) (b), 48.982 (4) (a), 48.982 (6) (a), 48.982 (6) (am),
4 49.155 (1d) (a) and 253.15 (1) (a); *to repeal and recreate* 15.205 (4) and 48.67
5 (intro.); and *to create* 15.07 (2) (o), 15.07 (3) (bm) 7., 46.215 (1) (t), 46.22 (1) (b)
6 6., 48.79 (11), 48.982 (2) (ad), (ag), (aj), (am) and (ar) and 48.982 (3) (b) of the
7 statutes; **relating to:** creating a family policy board and requiring counties to
8 provide prevention resources.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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:

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JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill renames the child abuse and neglect prevention board as the family policy board and expands its membership and duties. Under the bill, the board is chaired by the governor or lieutenant governor.

The board is required to promote the coordination of resources for families in order to achieve several goals, including children who are healthy and ready for school and families that are economically self-sufficient and in which children are safe. The board must also establish a policy for the state agencies with membership on the board that highest priority should be given to promoting thriving families and healthy children through the provision of comprehensive, integrated resources based on community and family needs. The board is also required to make recommendations to the governor and the legislature relating to changes needed in state programs, policies, and funding levels to improve the coordination of programs that affect families; to set priorities for state agencies based on community and family needs; to consolidate funding; and to encourage communities to form local collaborative entities consisting of public and private providers to coordinate the provision of resources. The board is required to submit a report of its recommendations to the appropriate legislative standing committees and the governor by September 1 of each even-numbered year. Finally, the board must establish a system of communication between the board and local collaborative entities in order to more effectively provide resources for families, and identify requirements for counties to report to state agencies with membership on the board and instances in which those reporting requirements could be consolidated or eliminated.

The bill also requires the Department of Children and Families (DCF) to assist counties in developing programs, policies, and resources that prevent delinquency, child abuse and neglect, mental illness, alcohol or other drug dependency, developmental disability, mental infirmity, and other forms of mental or social maladjustment (prevention resources). In addition, the bill requires counties to provide, either directly or through community agencies and within limits of available funding, prevention resources.

1 **SECTION 1.** 15.07 (2) (o) of the statutes is created to read:

2 15.07 (2) (o) The governor or, if designated as a member under s. 15.205 (4) (a),
3 the lieutenant governor shall serve as chairperson of the family policy board.

NOTE: SECTION 1 requires the governor or the lieutenant governor to serve as chairperson of the family policy board.

4 **SECTION 2.** 15.07 (3) (bm) 7. of the statutes is created to read:

5 15.07 (3) (bm) 7. The family policy board shall meet at least 4 times each year
6 and may meet at other times on the call of the chairperson or a majority of the board's
7 members.

NOTE: SECTION 2 requires the family policy board to meet at least quarterly.

8 **SECTION 3.** 15.205 (4) of the statutes is repealed and recreated to read:

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1 15.205 (4) FAMILY POLICY BOARD. There is created a family policy board attached
2 to the department of children and families under s. 15.03. The board shall consist
3 of the following members:

4 (a) The governor or, if designated by the governor, the lieutenant governor.

5 (b) The state superintendent of public instruction, the deputy state
6 superintendent of public instruction, if designated by the state superintendent of
7 public instruction, or an assistant state superintendent of public instruction
8 designated by the state superintendent of public instruction.

9 (c) The secretary of administration, the deputy secretary of administration, if
10 designated by the secretary of administration, or a division administrator in the
11 department of administration designated by the secretary of administration.

12 (d) The secretary of children and families, the deputy secretary of children and
13 families, if designated by the secretary of children and families, or a division
14 administrator in the department of children and families designated by the secretary
15 of children and families.

16 (e) The secretary of health services, the deputy secretary of health services, if
17 designated by the secretary of health of services, or a division administrator in the
18 department of health services designated by the secretary of health services.

19 (f) The secretary of workforce development, the deputy secretary of workforce
20 development, if designated by the secretary of workforce development, or a division
21 administrator in the department of workforce development designated by the
22 secretary of workforce development.

23 (g) The secretary of corrections, the deputy secretary of corrections, if
24 designated by the secretary of corrections, or a division administrator in the
25 department of corrections designated by the secretary of corrections.

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1 (h) The attorney general, the deputy attorney general, if designated by the
2 attorney general, or a division administrator in the department of justice designated
3 by the attorney general.

4 (i) The executive director of the office of justice assistance.

5 (j) The dean of the Cooperative Extension of the University of
6 Wisconsin-Extension.

7 (k) One majority party representative of the assembly appointed as are the
8 members of assembly standing committees.

9 (L) One minority party representative of the assembly appointed as are the
10 members of assembly standing committees.

11 (m) One majority party senator appointed as are the members of senate
12 standing committees.

13 (n) One minority party senator appointed as are the members of senate
14 standing committees.

15 (o) Thirteen public members appointed by the governor for 3-year terms as
16 follows:

17 1. One member who represents county government.

18 2. One member with experience and expertise in public health.

19 3. One member with experience in special education.

20 4. One member with experience in child care.

21 5. One member who represents private business.

22 6. One member who represents organized labor.

23 7. One member who represents intergenerational aging groups.

24 8. One member who represents youth.

25 9. One member who represents nonprofit service organizations.

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1 10. One member with experience and expertise in child and family mental
2 health.

3 11. One member who represents human services.

4 12. One member who represents consumers of family services.

5 13. One member who represents juvenile or family court judges.

NOTE: SECTION 3 replaces the child abuse and neglect prevention board with the family policy board and specifies the membership of the board.

6 **SECTION 4.** 20.433 (intro.) and (1) (g) of the statutes are amended to read:

7 **20.433 ~~Child abuse and neglect prevention~~ Family policy board.** (intro.)

8 There is appropriated to the ~~child abuse and neglect prevention~~ family policy board
9 for the following program:

10 (1) (g) *General program operations.* From all moneys received under s. 69.22
11 (1m), the amounts in the schedule to be used for the expenses of the ~~child abuse and~~
12 ~~neglect prevention~~ family policy board under s. 48.982 (2) and (3) (a), for statewide
13 projects under s. 48.982 (5), for the general program operations of the family resource
14 center grant program under s. 48.982 (6), and for technical assistance to
15 organizations under s. 48.982 (4) and (6).

NOTE: SECTION 4 changes references to the child abuse and neglect prevention board to instead reference the family policy board.

16 **SECTION 5.** 46.001 of the statutes is amended to read:

17 **46.001 Purposes of chapter.** The purposes of this chapter are to conserve
18 human resources in Wisconsin; to prevent delinquency, child abuse and neglect,
19 dependency, mental illness, alcoholism or other drug dependency, developmental
20 disability, mental infirmity, and other forms of mental or social maladjustment by a
21 continuous attack on causes; to provide effective aid and services to all persons in
22 need of that aid and those services and to assist those persons to achieve or regain

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1 self-dependence at the earliest possible date; to avoid duplication and waste of effort
2 and money on the part of public and private agencies; and to coordinate and integrate
3 a social welfare program.

NOTE: SECTION 5 amends the current statutory section setting forth the purposes of ch. 46, stats., relating to social services. This statutory section provides that one of the purposes of the chapter is to prevent dependency, mental illness, developmental disability, mental infirmity, and other forms of social maladjustment by a continuous attack on causes. The bill adds as a purpose of that chapter the prevention of delinquency, child abuse and neglect, alcoholism or other drug dependency, and other forms of mental maladjustment.

4 **SECTION 6.** 46.215 (1) (t) of the statutes is created to read:

5 46.215 (1) (t) Within the limits of available state and federal funds and of
6 county funds appropriated to match state funds, to provide, either directly or
7 through community agencies, programs and resources designed to prevent
8 delinquency, child abuse and neglect, mental illness, alcoholism or other drug
9 dependency, developmental disability, mental infirmity, and other forms of mental
10 or social maladjustment and to promote mental health, positive youth development,
11 and effective parenting skills.

12 **SECTION 7.** 46.22 (1) (b) 6. of the statutes is created to read:

13 46.22 (1) (b) 6. Within the limits of available state and federal funds and of
14 county funds appropriated to match state funds, a county department of social
15 services shall provide, either directly or through community agencies, programs and
16 resources designed to prevent delinquency, child abuse and neglect, mental illness,
17 alcoholism or other drug dependency, developmental disability, mental infirmity,
18 and other forms of mental or social maladjustment and to promote mental health,
19 positive youth development, and effective parenting skills.

NOTE: SECTIONS 6 and 7 require county departments of social services to provide, within the limits of available funding, programs and resources designed to prevent delinquency, child abuse and neglect, mental illness, alcoholism or other drug dependency, developmental disability, mental infirmity, and other forms of mental or

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social maladjustment, and to promote mental health, positive youth development, and effective parenting skills.

1 **SECTION 8.** 46.23 (3) (am) 1. of the statutes is amended to read:

2 46.23 (3) (am) 1. The county department of human services shall prepare a local
3 plan for the delivery of human services which includes an inventory of all existing
4 resources; identifies needed new resources and services; and contains a plan for
5 meeting the health, mental health, and social needs of individuals and families. The
6 plan shall be based on an annual need survey of the prevalence and incidence of the
7 various disabilities within the geographic boundaries of the county department of
8 human services. The plan shall also include the establishment of long-range goals
9 and intermediate-range plans, detailing for preventing mental illness, alcoholism
10 or other drug dependency, developmental disability, mental infirmity, child abuse
11 and neglect, delinquency, and other forms of mental or social maladjustment by
12 addressing the causes of these maladjustments. The plan shall detail priorities and
13 estimated costs and providing provide for coordination and availability of local
14 services and continuity of care resources.

NOTE: Current law requires each county department of human services to prepare a local plan for the delivery of human services which includes an inventory of all existing resources, identifies needed new resources and services, and contains a plan for meeting the health, mental health, and social needs of individuals and families. The plan must provide for coordination and availability of local resources. SECTION 8 also requires the plan to establish goals for preventing mental illness, alcoholism or other drug dependency, developmental disability, mental infirmity, child abuse and neglect, delinquency, and other forms of mental or social maladjustment by addressing the causes of these mental or social maladjustments.

15 **SECTION 9.** 48.67 (intro.) of the statutes is amended to read:

16 **48.67 Rules governing child welfare agencies, day care centers, foster**
17 **homes, treatment foster homes, group homes, shelter care facilities, and**
18 **county departments.** (intro.) The department shall promulgate rules establishing
19 minimum requirements for the issuance of licenses to, and establishing standards

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1 for the operation of, child welfare agencies, day care centers, foster homes, treatment
2 foster homes, group homes, shelter care facilities, and county departments. Those
3 rules shall be designed to protect and promote the health, safety, and welfare of the
4 children in the care of all licensees. The department shall consult with the
5 department of commerce, the department of public instruction, and the ~~child abuse~~
6 ~~and neglect prevention~~ family policy board before promulgating those rules. Those
7 rules shall include rules that require all of the following:

NOTE: SECTION 9 requires DCF to consult with the family policy board, instead of
the child abuse and neglect prevention board, before promulgating rules relating to
licensing and establishing standards for child welfare agencies, day care centers, foster
homes, treatment foster homes, group homes, shelter care facilities, and county
departments of human services or social services.

8 **SECTION 10.** 48.67 (intro.) of the statutes, as affected by 2009 Wisconsin Act 28
9 and ... (this act), is repealed and recreated to read:

10 **48.67 Rules governing child welfare agencies, day care centers, foster**
11 **homes, group homes, shelter care facilities, and county departments.**

12 (intro.) The department shall promulgate rules establishing minimum
13 requirements for the issuance of licenses to, and establishing standards for the
14 operation of, child welfare agencies, day care centers, foster homes, group homes,
15 shelter care facilities, and county departments. Those rules shall be designed to
16 protect and promote the health, safety, and welfare of the children in the care of all
17 licensees. The department shall consult with the department of commerce, the
18 department of public instruction, and the family policy board before promulgating
19 those rules. For foster homes, those rules shall include the rules promulgated under
20 s. 48.62 (8). Those rules shall include rules that require all of the following:

21 **SECTION 11.** 48.79 (11) of the statutes is created to read:

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1 48.79 (11) (a) To maintain prevention programs that it considers to be proper
2 and that enable children and families to develop competencies and skills, confront
3 stressful life conditions, and increase their self-reliance before the onset of problems
4 in order to reduce the incidence of child abuse and neglect, delinquency, mental
5 illness, alcoholism or other drug dependency, developmental disability, mental
6 infirmity, and other forms of mental or social maladjustment.

7 (b) To assist counties in developing programs, policies, and resources that
8 prevent delinquency, child abuse and neglect, mental illness, alcoholism or other
9 drug dependency, developmental disability, mental infirmity, and other forms of
10 mental or social maladjustment.

NOTE: Current s. 48.79, stats., sets forth the powers and authority of DCF relating to community services. SECTION 11 creates requirements that DCF maintain prevention programs that it considers to be proper and assist counties in developing prevention programs, policies, and resources.

11 **SECTION 12.** 48.982 (title) of the statutes is amended to read:

12 **48.982** (title) ~~Child abuse and neglect prevention~~ **Family policy board.**

13 **SECTION 13.** 48.982 (1) (b) of the statutes is amended to read:

14 48.982 (1) (b) "Board" means the ~~child abuse and neglect prevention~~ family
15 policy board.

NOTE: SECTIONS 12 and 13 change a reference to the child abuse and neglect prevention board to instead reference the family policy board.

16 **SECTION 14.** 48.982 (2) (a) of the statutes is renumbered 48.982 (2) (av).

NOTE: SECTION 14 renumbers one of the duties of the child abuse and neglect prevention board and includes that duty in the duties of the family policy board.

17 **SECTION 15.** 48.982 (2) (ad), (ag), (aj), (am) and (ar) of the statutes are created
18 to read:

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1 48.982 (2) (ad) Establish a system of communication between the board and
2 communities' local collaborative entities in order to more effectively provide
3 resources for families.

4 (ag) Promote the coordination of resources for families in order to achieve all
5 of the following:

- 6 1. Children who are healthy.
- 7 2. Children who are ready for, and who succeed in, school.
- 8 3. Youth who engage in positive behaviors and who avoid risky behaviors.
- 9 4. Families that are economically self-sufficient and in which children are safe.
- 10 5. Communities that promote healthy and safe children and families.

11 (aj) Establish a policy for the agencies with membership on the board under s.
12 15.205 (4) (b) to (i) that highest priority should be given to promoting thriving
13 families and healthy children through the provision of comprehensive, integrated
14 resources based on community and family needs.

15 (am) By September 1 of each even-numbered year, submit a report to the
16 appropriate standing committees of the legislature under s. 13.172 (3) and to the
17 governor that makes recommendations relating to changes needed in state
18 programs, policies, and funding levels to do all of the following:

- 19 1. Improve the coordination among state agencies of programs that affect
20 families.
- 21 2. Set priorities for state agencies based on community and family needs.
- 22 3. Consolidate funding for programs and services that affect families.
- 23 4. Encourage communities to form local collaborative entities consisting of
24 public and private providers of resources to families, children, and youth for the
25 purpose of coordinating resources, decreasing the duplication of resources, and

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1 streamlining the delivery of resources to families by establishing single points of
2 referral for resources and providing integrated resources for families.

3 (ar) Identify requirements for counties to report information or data to any of
4 the state agencies with membership on the board under s. 15.205 (4) (b) to (i) and
5 instances in which such reporting requirements could be consolidated or eliminated.

NOTE: SECTION 15 sets forth the duties of the family policy board as created by the
bill. These duties are in addition to the current duties of the child abuse and neglect
prevention board.

6 **SECTION 16.** 48.982 (2) (f) of the statutes is amended to read:

7 48.982 (2) (f) Establish a procedure for an annual evaluation of its functions,
8 responsibilities and performance. In a year in which the biennial plan under par. (a)
9 (av) is prepared, the evaluation shall be coordinated with the plan.

10 **SECTION 17.** 48.982 (2m) (b) of the statutes is amended to read:

11 48.982 (2m) (b) Pay for actual and necessary operating costs under sub. (3) (a).

12 **SECTION 18.** 48.982 (3) of the statutes is renumbered 48.982 (3) (a).

13 **SECTION 19.** 48.982 (3) (b) of the statutes is created to read:

14 48.982 (3) (b) Each state agency with membership on the board under s. 15.205
15 (4) (b) to (i) shall designate agency staff to assist the executive director and staff
16 appointed under par. (a) in conducting the functions of the board.

NOTE: SECTION 19 requires each state agency with membership on the family policy
board to designate agency staff to assist the executive director and staff of the board in
conducting the functions of the board.

17 **SECTION 20.** 48.982 (4) (a) of the statutes is amended to read:

18 48.982 (4) (a) From the appropriations under s. 20.433 (1) (b), (h), (i), (k), (m),
19 and (q), the board shall award grants to organizations in accordance with the plan
20 developed under sub. (2) ~~(a)~~ (av). From the appropriations under s. 20.433 (1) (b), (g),
21 (h), (i), (k), (m), and (q), the board, in accordance with that plan, shall provide

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1 technical assistance to organizations and shall provide child abuse and neglect
2 prevention information and services on a statewide basis.

3 **SECTION 21.** 48.982 (6) (a) of the statutes is amended to read:

4 48.982 **(6)** (a) From the appropriations under s. 20.433 (1) (b), (h), (i), (k), (ma),
5 and (q), the board shall award grants to organizations in accordance with the
6 request-for-proposal procedures developed under sub. (2) ~~(a)~~ (av). From the
7 appropriations under s. 20.433 (1) (b), (g), (h), (i), (k), (m), (ma), and (q), the board
8 shall provide technical assistance to organizations in accordance with those
9 procedures. No organization may receive a grant or grants under this subsection
10 totaling more than \$150,000 in any year.

11 **SECTION 22.** 48.982 (6) (am) of the statutes is amended to read:

12 48.982 **(6)** (am) Notwithstanding the geographical and urban and rural
13 distribution requirements under sub. (2) ~~(a)~~ (av), the board shall allocate not more
14 than \$150,000 from the appropriation under s. 20.433 (1) (h) in each fiscal year for
15 the awarding of grants, in accordance with the request-for-proposal procedures
16 developed under sub. (2) ~~(a)~~ (av), to organizations located in counties with a
17 population of 500,000 or more.

18 **SECTION 23.** 49.155 (1d) (a) of the statutes is amended to read:

19 49.155 **(1d)** (a) The department shall promulgate rules establishing standards
20 for the certification of child care providers under s. 48.651. The department shall
21 consult with the ~~child abuse and neglect prevention~~ family policy board before
22 promulgating those rules. In establishing the requirements for certification under
23 this paragraph of a child care provider, the department shall include a requirement
24 that all providers and all employees and volunteers of a provider who provide care
25 and supervision for children receive, before the date on which the provider is certified

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1 or the employment or volunteer work commences, whichever is applicable, training
2 in the most current medically accepted methods of preventing sudden infant death
3 syndrome, if the provider, employee, or volunteer provides care and supervision for
4 children under one year of age, and the training relating to shaken baby syndrome
5 and impacted babies required under s. 253.15 (4), if the provider, employee, or
6 volunteer provides care and supervision for children under 5 years of age. In
7 establishing the requirements for certification as a Level II certified family day care
8 provider, the department may not include any other requirement for training for
9 providers.

NOTE: SECTION 23 requires DCF to consult with the family policy board, instead of
the child abuse and neglect prevention board, before promulgating rules relating to
certification of child care providers.

10 **SECTION 24.** 253.15 (1) (a) of the statutes is amended to read:

11 253.15 (1) (a) "Board" means the ~~child abuse and neglect prevention~~ family
12 policy board.

NOTE: SECTION 24 requires the family policy board, instead of the child abuse
neglect and prevention board, to prepare or arrange for the preparation of materials
relating to shaken baby syndrome.

13 **SECTION 25. Effective dates.** This act takes effect on the day after publication,
14 except as follows:

15 (1) TREATMENT FOSTER HOMES. The repeal and recreation of section 48.67 (intro.)
16 of the statutes takes effect on the date stated in the notice provided by the secretary
17 of children and families and published in the Wisconsin Administrative Register
18 under section 48.62 (9) of the statutes.

19 (END)