



# JERRY PETROWSKI

WISCONSIN STATE SENATOR

## *Senate Bill 308*

January 6, 2016

Members of the committee, thank you for giving me the opportunity to speak today on Senate Bill 308, which allows a successor guardian to be named in the event of a subsidized guardian's death or incapacitation.

I would also like to thank Representative Loudeneck and the Department of Children and Families for their work on this bill. A representative from the department is present today and will be available to answer any technical questions you may have.

Senate Bill 308 streamlines the process of implementing a subsidized and successor guardianship to conform state statute to new federal requirements. Under current law, an interim caretaker may care for a child and receive the subsidized guardianship payments for that child if the original guardianship ends, for example due to the death of the guardian. But the interim caretaker is required to become a licensed foster parent, which takes additional time in order to meet certain requirements.

This bill provides a streamlined process for a person entering into subsidized guardianship of a child to immediately name a successor guardian to care for the child in the event of the original guardian's death or incapacitation. The original subsidized guardian has the opportunity to name a successor guardian in the original guardianship agreement and can choose to amend the successor guardian any time after the initial agreement. Once being named, a successor guardian is required to pass background checks and a physical home check, much the same as the subsidized guardian must do before being considered and approved as a placement option for the child.

In these situations, the interests and well-being of the child should always come first. Senate Bill 308 will help ensure a smoother and simpler transition in the event of a guardian's death or incapacitation. It will help preserve stability in the child's life at a time when they need it most.

I thank you again for giving me the opportunity to speak today on this topic. We would be happy to answer any questions the committee may have at this time.

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# Amy Loudenbeck

REPRESENTING WISCONSIN'S 31<sup>ST</sup> ASSEMBLY DISTRICT

**Testimony of Rep. Amy Loudenbeck  
Senate Bill 308  
Senate Committee on Health and Human Services  
January 6, 2016**

Thank you to the Committee Chair and to my colleagues in the Senate for the opportunity to provide testimony on Senate Bill 308 streamlines the process for subsidized guardianship, and is supported by the Department of Children and Families.

The federal Preventing Sex Trafficking and Strengthening Families Act of 2014 requires the Department of Children and Families to allow a successor guardian to be named in the event of a subsidized guardian's death or incapacitation. The bill brings Wisconsin into compliance with the new federal law.

Wisconsin enacted statewide subsidized guardianship in 2012 to strengthen support for guardianships as an option for children exiting the child welfare system. The addition of allowing for a successor guardian improves permanency outcomes and stability for children and families.

Colleagues, thank you for your time today and for allowing me to provide information about this meaningful proposal.



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Date: January 6, 2016  
To: Members of the Senate Committee on Health and Human Services  
From: Fredi-Ellen Bove, Administrator, Division of Safety and Permanence  
Re: Department Position on SB 308 – In Support

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Senator Vukmir and Senate Committee on Health and Human Services,

Thank you for the opportunity to testify on SB 308. My name is Fredi-Ellen Bove and I am the Administrator for the Division of Safety and Permanence within the Wisconsin Department of Children and Families (DCF). With me is Ron Hermes, the Director of the Bureau of Permanence and Out-of-Home Care at DCF.

First, I wish to express the Department's deep appreciation for the individuals who support and care for children in need through guardianship. These individuals are often family members who step forward to assist a child of a family member when the child welfare system is involved. The Department's goal is that all children including those in guardianship thrive in safe, stable and nurturing families.

Our testimony provides an overview of the changes to federal law which require Wisconsin to enact changes to existing subsidized guardianship laws to comply with federal requirements and maintain access to federal Title IV-E child welfare funding, which accounts for \$105 million per year in funding to Wisconsin.

The Preventing Sex Trafficking and Strengthening Families Act of 2014 amends the Title IV-E foster care program to address a number of issues. One of the changes in the new federal law requires states to allow a successor guardian to be named in the event of a subsidized guardian's death or incapacitation. Subsidized guardianship assistance payments continue to the successor guardian if the initial subsidized guardian dies or is incapacitated in certain circumstances.

Wisconsin enacted statewide subsidized guardianship in 2012 to strengthen support for guardianships as an option for children exiting the child welfare system to achieve permanent and loving homes.

Under current law, an interim caretaker may care for and receive payments for a child who had been in a subsidized guardianship if that guardianship ends. An interim caretaker is required to become a licensed foster parent, which includes passing background and physical home check, and have out-of-home care responsibility for the child through an out-of-home care court order for at least six months. The interim caretaker may be eligible to become a subsidized guardian if both the caretaker and the child meet the criteria for initial eligibility for subsidized guardianship.

The bill provides a person/s entering into a subsidized guardianship the opportunity to name an individual/s in the agreement or an amended agreement to care for the child in the event of the death or incapacitation of the guardian/s. Upon the death or incapacitation of the Subsidized Guardian(s), the Successor Guardian(s) named in the agreement will be considered as a placement option for the child.

The Successor Guardian(s) is required to pass background checks and a physical home check, as well as demonstrate commitment to providing permanence for the child. The court with jurisdiction over the child must approve the Successor Guardian(s) named in the agreement to activate the successor guardianship after the death or incapacitation of the prior guardian.

The Successor Guardian is not required to become a licensed foster parent or have out-of-home care placement of the child for six months prior to becoming the guardian.

Guardians may amend their agreements to change the named Successor Guardian(s), but the named Successor Guardian(s) may not be changed after the guardian's death or incapacitation.

In summary, the proposed bill conforms to the federal requirements and streamlines the process of implementing a subsidized guardianship.

The Department thanks Representative Loudenbeck and Senator Petrowski for authoring this bill and thanks the Chair for holding a hearing. We thank the Committee for your consideration of the Department's comments and appreciate the Committee's commitment to support positive outcomes for vulnerable children and families in our state. I am pleased to answer any of your questions.