



National Association of Public  
Child Welfare Administrators

an affiliate of the American Public Human Services Association

## **How States are Implementing the Fostering Connections Act**

### **Wisconsin's At-Risk Children**

Wisconsin's child welfare system is primarily state-supervised and county-administered with county human service departments managing child welfare services in 71 of 72 counties.<sup>1</sup> Milwaukee County, which is the largest county in Wisconsin, is the only county that is state-administered, with the State managing services since 1998.<sup>2</sup> The State also operates the Special Needs Adoption Program, which finalizes adoptions for foster children.<sup>3</sup>

As of the end of 2007, there were about 7,400 children in Wisconsin's out-of-home care, including unlicensed relative placements and juvenile justice placements.<sup>4</sup> The out-of-home caseloads have remained steady the last two years.<sup>5</sup> However, from 2001 to 2006, Wisconsin saw a major decrease in the number of children in care.<sup>6</sup> Throughout this time period, the State's out-of-home care numbers decreased by over 3,200 children.<sup>7</sup> The caseload decrease was concentrated in Milwaukee County due to efforts to serve children in their homes and improve permanency outcomes.<sup>8</sup>

There were over 5,700 entries to out-of-home care in 2007.<sup>9</sup> Reunification is the most frequent discharge for the State, where 64 percent of children in custody return home to their birth families. There were also 724 adoptions finalized in 2007. Children four years old and under represent the largest portion of the foster care population, which was 28.9 percent in 2007.

### **Wisconsin's Budget Landscape**

Wisconsin's budget is determined on a biennial basis.<sup>10</sup> For the 2009-2011 biennium, the State is facing a deficit of \$6.5 billion, which amounts to over 10% of the entire budget. Significant cuts are expected in all programs, including child welfare.

The State's current budget for child welfare programs in FY 2009 is approximately \$300 million, which includes aid to county child welfare agencies, child welfare operations in Milwaukee County and Adoption program operations, including Adoption Assistance.<sup>11</sup> Counties provide over \$150 million annually of funding for child welfare services from local revenue.

Despite the economic downturn, the State's out-of-home care caseloads have remained consistent.<sup>12</sup> Although the caseloads in Wisconsin remain unchanged, the State sees increasing expenditures for out-of-home services as the needs of children in care are more complex. A large share of the out-of-home care expenditures go for higher level of care placements, including treatment foster care and residential facilities. The State has proposed revising the foster care licensing structure and regulating the rates of treatment foster agencies and residential care providers.

### **P.L. 110-351 State Options**

Wisconsin has a dedicated kinship care program where placing children with relatives is a primary effort.<sup>13</sup> The kinship care program is funded using TANF.<sup>14</sup> The majority of kinship placements are voluntary arrangement that do not involve the child welfare agency. Kinship placements can be court-ordered, which requires State agency supervision of the home and permanency planning for the child. A placement with a relative caregiver can be court-ordered and not require licensure and the relative can still receive kinship care payments.

Kinship providers can take permanent legal guardianship of children and still receive kinship payments.<sup>15</sup> Wisconsin has operated a guardianship assistance program in Milwaukee County since October 2005 under a federal Title IV-E waiver. To participate in the guardianship assistance program, relatives must be licensed as foster homes and the guardianship assistance payment is equal to the foster care payment. Presently the State agency does not have the economic means to implement a federal guardianship assistance program statewide and will therefore consider options to extend its waiver in

Milwaukee County. The State intends to develop a statewide guardianship assistance program in the future, but due to the economic downturn and decrease in state revenue, Wisconsin will face challenges executing this plan.

Regarding support for youth aging out, the state currently uses Chafee funds to operate its independent living program.<sup>16</sup> Wisconsin case workers assist youth in developing a case plan for independent living in preparation for them aging out of care.<sup>17</sup> This plan must include life skills development, housing, educational/vocational, employment, and permanency activities that help youth successfully transition. The State also extends out-of-home care to older youth through age 19 if they will graduate from high school within that year. Additionally, the state currently uses Chafee funds to support older adopted youth and those placed in guardianship arrangements at 16 or older for transitional independent living services. Due to the current economic situation, Wisconsin is unable to implement the provision to extend foster care to age 21 under P.L. 110-351.

### **Federally Recognized Tribes**

Wisconsin has 11 federally recognized tribes.<sup>18</sup> Wisconsin tribes operate out-of-home placement services for Native American children in tribal custody and provide services to those under county circuit court jurisdiction when possible. The tribes facilitate some placements through tribal courts, and Wisconsin Act 161 of 1983 permits tribal court-ordered placements to be funded by county child welfare agencies.

The State is currently working with tribes to develop a state Title IV-E agreement.<sup>19</sup> At this time, some Wisconsin tribes are deliberating whether to enter into a tribal state agreement or to pursue a direct federal Title IV-E agreement. A tribal state agreement will be completed this year to allow tribes Title IV-E reimbursement through the State at the tribe's option. Wisconsin Department of Child and Families (DCF) and the tribes hope to see further guidance from the Administration of Children and Families (ACF) regarding implementation of a direct federal plan under the new law.

### **P.L. 110-351 Mandatory Provisions**

Currently, Wisconsin is in compliance with the majority of mandatory provisions in P.L. 110-351.<sup>20</sup> The State did request and receive from ACF an extension for implementing sections 103, 202, and 206 of P.L. 110-351. During Wisconsin's legislative session, the State plans to modify specific language in State statute to mirror federal law. Although Wisconsin feels the new mandatory provisions will offer positive practical implications for the field, the State feels the new federal requirements may be administratively burdensome without additional resources.

Regarding relative notification, the State anticipates making statutory changes to add the requirement that relatives be given notice within 30 days of a child's removal from the custody of the parent.<sup>21</sup> For purposes of this provision, "relative" will probably be defined as a child's grandparent, aunt, uncle, sibling, half-sibling (whether by blood, marriage, or legal adoption) or any other relative suggested by the child's parent or the child. This is a much narrower definition of the term "relative" for all other purposes of Wisconsin's Children's Code. In addition to making legislative changes to current statute, Wisconsin will need to amend its administrative code allowing the release of information about a child's removal to certain relatives. Wisconsin hopes to seek clarity from ACF regarding what constitutes "due diligence" in identifying and providing notice to relatives under this provision. Wisconsin does not directly define "due diligence" in its Children's Code and this concept will need to be defined in child welfare policy to establish base standards for identifying and providing notice to relatives under this provision.

The DCF is currently working with the Wisconsin Department of Public Instruction to establish guidelines and change current statute regarding the educational stability provisions of P.L. 110-351.<sup>22</sup> Currently, both agencies work diligently to place foster children in their school of origin when they come into care. If the State is not able to arrange this type of placement, Wisconsin uses county resources to help place children in the same school district. To help facilitate educational transitions for youth in care, the State has developed a guide for child welfare and educational departments, which offers solutions to improve cross-systems collaboration. In response to P.L. 110-351, DCF will update this guide and introduce a website in collaboration with the Department of Public Instruction.

The DCF is currently having discussions with the State Medicaid program regarding the health oversight and coordination planning provisions of P.L. 110-351.<sup>23</sup> An initial oversight and coordination plan will be attached to the Child and Family Services plan for FFY 2010. Wisconsin may need technical assistance on implementing this particular provision.

Currently, the State faces challenges with its Medicaid system regarding the accessibility of certain health care services for foster children.<sup>24</sup> These challenges are particularly prevalent as workers try to facilitate dental and mental health services for youth in care. Lack of skilled providers and providers willing to accept the Medicaid reimbursements contribute to the problem. Therefore, the State will address these issues through the health care oversight and coordination provisions. The State is working hard to address these issues and gradually implement the health care oversight provision.

Regarding older youth's transition plans, the State currently requires independent living coordinators to develop a transitional plan 6 months prior to the youth leaving care.<sup>25</sup> To come into compliance with P.L. 110-351, the State will introduce legislation to amend this requirement so that the plan is developed 90 days prior to the youth leaving care. For many Wisconsin counties, it is common practice for this plan to be youth-led. Additionally, to maintain strong sibling connections, the State will introduce legislation to require frequent visitation or other ongoing interaction between siblings who are not placed together. Wisconsin statutes already require that siblings be placed together when safe and appropriate. Through training and developing policy, the State agency will also be renewing efforts to ensure these provisions are being implemented consistently statewide.

### **Family Connections Grants**

The State is exploring its options regarding the Family Connections Grants (FCG).<sup>26</sup> Currently, the State does not have a Kinship Navigator program and does not use intensive family finding efforts for their clients. However, Wisconsin has an agreement with the child support program to access information, an inclusive family group decision making model and a comprehensive family-based substance abuse treatment model. Regarding the family group decision-making model, counties include parents, children, supervisors, service providers and other stakeholders in the process and the State reports positive outcomes using this method. Comprehensive family-based substance abuse treatment programs are offered by county human service departments, although the extent of services varies by county.

### **Opportunities & Challenges**

Although the mandated provisions of P.L. 110-351 might incur additional costs for the State, Wisconsin administrators feel these policies guide a positive framework for the field.<sup>27</sup> The new requirements are intended to support good case practice and the availability of additional federal financial support is a good sign for further improvements to federal funding for child welfare.

Regarding federal reform, Wisconsin will encourage Congress to fully eliminate the AFDC income eligibility requirements for the Title IV-E foster care program.<sup>28</sup> The Fostering Connections Act phases out the AFDC requirement for adoption assistance, so the same should be done for foster care. The State noted that the 1996 AFDC income limit is currently about 30% of the poverty level and Wisconsin had one of the highest AFDC income limits. By eliminating the AFDC income limit for foster care, Wisconsin administrators feel it will assist their permanency outcomes for youth in care and minimize the workload on subsidy caseworkers. Additionally, Wisconsin faces challenges meeting requirements under the Deficit Reduction Act and Title IV-E audits. Wisconsin recommends these standards be amended, so that if states incur penalties, they can be allowed to reinvest those dollars to maintain their compliance.

### **Conclusion**

Wisconsin's foster care caseloads have remained steady for the past year.<sup>29</sup> However, in previous years, the State has seen a significant decrease in foster care caseloads, particularly in Milwaukee County. Several Wisconsin counties use a family group decision-making model and comprehensive family-based substance abuse treatment model, which State and county administrators have determined to be effective programs. The most recent economic downturn has affected Wisconsin's public and private in-home and out-of-home programs. Although public and community resources are scarce in Wisconsin, the state will work to implement the mandated provisions of P.L. 110-351 and is exploring which options in P.L. 110-351 will be cost-effective to assist their child welfare population.

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<sup>1</sup> Wisconsin Department of Children and Families, Division of Safety and Permanence. Wisconsin Children in Out-of-Home Care Report, 2007.

<sup>2</sup> Conference call with Reggie Bicha, Cyrus Behroozi, Bonnie Kees & John Tuohy, Wisconsin Department of Children and Families, on April 17, 2009.

<sup>3</sup> Ibid.

<sup>4</sup> Wisconsin Department of Children and Families, Division of Safety and Permanence. Wisconsin Children in Out-of-Home Care Report, 2007.

<sup>5</sup> Conference call with Reggie Bicha, Cyrus Behroozi, Bonnie Kees & John Tuohy, Wisconsin Department of Children and Families, on April 17, 2009.

<sup>6</sup> Ibid.

<sup>7</sup> Wisconsin Department of Children and Families, Division of Safety and Permanence. Wisconsin Children in Out-of-Home Care Report, 2007.

<sup>8</sup> Conference call with Reggie Bicha, Cyrus Behroozi, Bonnie Kees & John Tuohy, Wisconsin Department of Children and Families, on April 17, 2009.

<sup>9</sup> Wisconsin Department of Children and Families, Division of Safety and Permanence. Wisconsin Children in Out-of-Home Care Report, 2007.

<sup>10</sup> Conference call with Reggie Bicha, Cyrus Behroozi, Bonnie Kees & John Tuohy, Wisconsin Department of Children and Families, on April 17, 2009.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

**Release Date: May 28, 2009**

*A special thank you to Casey Family Program for their financial support and guidance during this project. For more information on the How States are Implementing the Fostering Connections documents, please contact Courteney Holden, Senior Legislative Associate, American Public Human Services Association (APHSA) at 202-682-0100 ex 249 or by email at [Courteney.Holden@aphsa.org](mailto:Courteney.Holden@aphsa.org).*