LC Staff Brief

Overview of the Wisconsin Works Program and the Child Welfare System

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Strengthening Wisconsin Families

INTRODUCTION

The Joint Legislative Council's Special Committee on Strengthening Wisconsin Families was established by the Joint Legislative Council on June 9th, 2006 by a mail ballot. It is chaired by Representative Steve Kestell. The charge to the Special Committee is as follows:

> Study the Wisconsin Works (W-2) Program and the child welfare system to determine methods to improve collaboration between the two systems in order to support, strengthen, and, in some cases, reunify families. The committee shall review recent legislative audits of both systems. The committee shall determine how the W-2 Program may be more supportive of the family unit. In addition, the committee shall study how participation in the child welfare system affects the receipt of public benefits and how public benefits affect a parent's ability to meet conditions under a child welfare court order.

The purpose of this Staff Brief is to provide a summary of the two systems that are the subject of this study: the W-2 program and the child welfare system.

- ***Part I***: Overview of the W-2 Program.
- ***Part II***: Overview of the Child Welfare System.

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PART I

THE WISCONSIN WORKS PROGRAM

The Wisconsin Works Program (W-2) began statewide in 1997. The program replaced the Aid to Families with Dependent Children (AFDC) program, which had existed since 1935.

The W-2 program's purpose is to assist participants, who are individuals with dependent children, in gaining employment to enable them to support their families. The program does this through various levels of job placement and by providing supports such as child care and transportation assistance to enable participants to work.

The primary funding sources for W-2 are federal funds under the Temporary Assistance to Needy Families (TANF) block grant program and state general purpose revenue (GPR) funds.

In 2005-06, $607,424,700 all funds ($187,660,700 state funds) are appropriated for W-2 and other TANF-related programs. In 2006-07, $589,901,700 all funds ($182,939,800 state funds) are appropriated for W-2 and TANF.

Of this amount, $127,719,400 all funds are allocated for 2005-06 W-2 agency contract expenditures, and $112,227,100 all funds are allocated for 2006-07 W-2 agency contract expenditures.[1]

As of June 2006, there were 10,109 W-2 cases. Of this number, 7,138 cases were receiving W-2 cash benefits, and 2,971 cases were receiving W-2 case management.[2]

W-2 Eligibility Criteria

Nonfinancial Eligibility Criteria

There are several nonfinancial criteria that an individual must meet in order to be eligible to participate in the W-2 program. The individual must:

- Be a custodial parent age 18 or older, or a dependent child.
- Be a United States citizen or a qualifying immigrant.
- Be a Wisconsin resident.
- Fully cooperate in establishing paternity of a dependent child, and in efforts to obtain child support for a dependent child. This requirement applies to every parent in the W-2 group.
- Make a good faith effort to obtain employment, and not have refused a bona fide job offer in the 180-day period prior to applying for W-2.
- Not be a recipient of Supplemental Security Income or Social Security Disability Income.
- Not be in a W-2 employment position.
- Assign his or her rights to child support or maintenance that accrue to the individual during the W-2 eligibility period.[3]

Financial Eligibility Criteria

The following financial criteria apply to an individual applying for the W-2 program:

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[1] Legislative Fiscal Bureau.

[2] Legislative Fiscal Bureau.

[3] Section 49.145 (2), Stats.

- The resources of a W-2 group may not exceed $2,500. Automobiles with a value not exceeding $10,000, and the value of one home serving as the homestead, are excluded.
- The gross income of a W-2 group must be at or below 115% of the federal poverty level. All earned and unearned income is counted, except for the following:
    - W-2 employment position and parent of an infant benefits.
    - Kinship and foster care payments for children who are not members of the W-2 group.
    - Federal and state earned income tax credit payments.
    - Certain loan proceeds
    - Earnings of a dependent child.
    - Child support payments.
    - Financial aid and scholarships.

Income of a nonmarital parent, and the income of the individual's spouse, are included in calculating financial eligibility.[4]

The following amounts represent 115% of the federal poverty level, per month, in 2006, for different group sizes:

Group Size	Monthly 115% FPL	Group Size	Monthly 115% FPL
1	$939	6	$2,568
2	$1,265	7	$2,894
3	$1,591	8	$3,220
4	$1,917	9	$3,546
5	$2,243	10	$3,872
		Each Added Person	$326

Source: Wisconsin Department of Workforce Development and Department of Health and Family Services; Bureau of Eligibility Management; Operations Memo 06-09, February 6, 2006.

W-2 Time Limits

There is a 60-month lifetime time limit for an individual to receive W-2 benefits, including receipt of payments in a subsidized W-2 employment position. The 60 months do not need to be consecutive.[5] Time that an individual spends in sanctions is counted as part of the time limit.

The W-2 agency may extend the 60-month time limit. This decision is reviewable by the Department of Workforce Development (DWD). In order for the time limit to be extended, unusual circumstances must exist, such as the disability of an individual; being needed to care for someone in the W-2 group with a disability; or poor labor market conditions.

W-2 Application Process and Eligibility Determinations

Any individual may apply for W-2. The W-2 agency must schedule an interview with an applicant within five working days of receiving a signed application. An applicant has seven working

[4] Section 49.145 (3), Stats.

[5] Section 49.145 (2) (n), Stats.

days from the time of the interview to provide any requested information and documentation pertaining to eligibility.[6] This assessment and placement is done by a W-2 financial and employment planner. The W-2 agency must complete the application process, eligibility determination, and placement decision, as soon as possible, but no later than 30 days after receiving the individual's signed application.[7] Certain emergency assistance may be provided to the W-2 applicant, if necessary, while the applicant is waiting for the eligibility determination.

W-2 Employment Positions

The following types of employment positions are provided under the W-2 program. The employment positions are listed in order of the level of support provided, from least to most supportive.

Unsubsidized Employment

W-2 participants who are determined to be "job ready" are required to search for unsubsidized employment.[8] The W-2 agency must assist a job ready individual in his or her employment search.

Trial Jobs

A trial jobs position provides a wage subsidy, not to exceed $300 per month for a full-time employee, to an employer who agrees to hire a W-2 participant. The subsidy is prorated if employment is less than full-time. The employer must agree to make a good faith effort to retain the individual as a regular, unsubsidized employee. For a single trial job placement, there is a three-month maximum participation period. A W-2 agency may grant a three-month extension if determined appropriate by the agency. There is a 24-month time limit for all trial job placements combined, for an individual W-2 participant.[9]

Community Service Jobs

A W-2 agency may place a participant into a community service job, which is a project that serves a useful public purpose, or whose cost is partially or wholly offset by revenue generated by the project. A W-2 participant may be required to participate up to 30 hours per week in a community service job, plus 10 hours per week in education and training activities (such as a general educational development (GED) completion program, technical college courses, or courses that provide an employment skill). A single community service job may be for a maximum of six months, with a possible three-month extension. There is a 24-month time limit for all community service job placements combined, for an individual W-2 participant. [10]

Transitional Placements

A transitional placement is for an individual, or for a family member of an individual, who is determined to be incapacitated, or is incapable of performing a trial job or community service job.

Transitional placement activities include community rehabilitation programs, community service jobs, or volunteer activities, as well as education and training activities. A W-2 agency may also require a person in a transitional placement to engage in counseling, therapy, or treatment related to a disability that is contributing to the person's incapacity. A person in a transitional placement participates 28 hours per week in work and treatment activities, and 12 hours per week of education and training activities.[11]

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[6] Section DWD 12.06, Wis. Adm Code.

[7] Section DWD 12.06 (4) (c), Wis. Adm Code.

[8] Section 49.146 (2), Stats.

[9] Section 49.146 (3), Stats.

[10] Section 49.146 (5), Stats.

[11] Section 49.146 (5), Stats.

Community service job and transitional placement participants may exceed 10 and 12 hours, respectively, if the participant is enrolled in a technical college program. The technical college program must be full-time and likely to lead to employment. The participant must maintain a 2.0 grade point average to remain in the program. In addition, a technical college program participant must still participate in a community service job or transitional placement for 25 hours per week.[12]

Cash Benefits Under W-2

Participants in the following employment components receive cash benefits. The cash benefits are reduced for each hour of employment, training, or educational activity the participant misses.

Trial Jobs Participants

Trial jobs participants must be paid at least the minimum wage for every hour worked or when participating in education and training activities.[13]

Community Service Job Participants

Community service jobs participants are paid a cash benefit of $673 per month for the W-2 group. This also applies to participants who are enrolled in the technical college program.[14]

Transitional Jobs Participants

Transitional jobs participants are paid a cash benefit of $628 per month for the W-2 group. This also applies to participants who are enrolled in the technical college program.[15]

Other Benefits

W-2 participants may be eligible for a variety of other benefits. Some of the major benefits are described in this Part.

Job Access Loans

Job access loans may be available from a W-2 agency. Loan amounts range from $25 to $1,600 in any 12-month period. The loans may be used in cases of immediate financial crisis or to rectify a problem that may jeopardize employment if not addressed, such as vehicle repair. An individual may be eligible if he or she has not defaulted on a previous job access loan, and if the applicant is not a migrant worker.

A job access loan recipient must enter into a repayment plan. Twenty-five percent of the loan must be repaid in cash. The remaining 75% of the loan must be repaid either in cash or by a combination of cash and in-kind volunteer work.[16]

Transportation Assistance

A W-2 agency must arrange for and provide transportation assistance to W-2 participants. Transportation assistance emphasizes the use of existing public transportation systems. The W-2 agency must provide easy access to transportation, either on a case-by-case basis or agency-wide.[17]

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[12] Section 49.146 (5m), Stats.

[13] Section 49.148 (1) (a), Stats.

[14] Section 49.148 (1) (b), Stats.

[15] Section 49.148 (1) (c), Stats.

[16] Section 49.147 (6), Stats., and s. DWD 12.17, Wis. Adm Code.

Medical Assistance and BadgerCare

The Medical Assistance (MA) program provides a broad range of acute and long-term health care services. Most W-2 recipients are eligible for MA. Other groups who are eligible for MA include persons who are aged, blind, disabled, and certain low-income children and low-income pregnant women.

BadgerCare provides benefits similar to MA to low-income families with children, whose income is too high for MA, but is still no more than 185% of the federal poverty level. Eligibility continues until the family's income exceeds 200% of the federal poverty level.

Low-Income Home and Energy Assistance Program (LIHEAP)

A household is eligible for LIHEAP if an adult member of the household is in a trial job, community service job, or transitional placement. The LIHEAP is primarily federally funded, and provides payment assistance for heating and electric bills, and other types of assistance.

Nutrition Programs

Children in W-2 households are eligible for free school breakfast and school lunch, which are federally funded programs through the United States Department of Agriculture. In addition, qualifying household members are eligible for the Women, Infants, and Children nutrition program.

FoodShare Wisconsin (Food Stamps)

Persons with gross income at or below 200% of the federal poverty level are categorically eligible for FoodShare, formerly known as the Food Stamp Program. The FoodShare program provides monthly benefits to purchase food at most retail food stores, through the use of electronic debit cards. The FoodShare program benefits are federally funded, and program administration is 50% federally funded and 50% state funded. As of July 2006, there were 156,082 households and 370,797 persons participating in the FoodShare program, with monthly average payments for 2006 totaling $28,948,106.[18]

As with other public assistance programs, FoodShare has monthly gross and net income limits, as follows:

Household Size	Gross Income Limits	Net Income Limits
1	$1,596	$798
2	2,140	1,070
3	2,698	1,341
4	3,226	1,613
5	3,770	1,885
6	4,312	2,156
7	4,856	2,428
8	5,400	2,700

*For each additional household member, add $544 to the gross income limit and $272 to the net income limit.

Source: FoodShare Wisconsin: Eligibility and Benefits; Wisconsin Department of Health and Family Services, October 2005, page 9.

Net income is calculated by subtracting the following from a person's gross monthly income:

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[17] Section 49.157, Stats., and s. DWD 12.05 (12), Wis. Adm Code.

[18] Wisconsin Department of Health and Family Services website: www.dhfs.wisconsin.gov/em/rsdata/index.htm.

- 20% of earned income.
- A standard deduction which varies by family size.
- Actual child care expenses, which are capped at $200 per month for a child under the age of two, and $175 per month for a child age two and older.
- Medical expenses.
- Child support payments.
- Shelter costs in excess of 50% of an individual's income, after the above deductions, capped at $388 (update).
- LIHEAP payments.

The maximum monthly allotment of FoodShare benefits is as follows:

Household Size	Maximum Monthly Allotment
1	$152
2	278
3	399
4	506
5	601
6	722
7	798
8	912

Source: FoodShare Wisconsin: Eligibility and Benefits; Wisconsin Department of Health and Family Services, October 2005, page 9.

Child Care Under W-2: Wisconsin Shares

Wisconsin Shares is a child care subsidy program administered by DWD through local W-2 agencies and county human and social services departments.[19] Under Wisconsin Shares, both the state and the parents share the cost of child care. The state subsidizes the child care costs for children under age 13 (or under age 19, if disabled) for qualified families by making payment directly to the child care provider chosen by the parents. The parent's co-payment amount is based on income, family size, the type of child care selected and, the number of children in care. Wisconsin Shares provides a subsidy to:

- Low-income families who require child care to obtain or retain employment.
- Teen parents in school or an equivalent program.
- Working families who need training to improve employment status.

An individual is eligible for Wisconsin Shares if he or she is any of the following:

- Custodial parent.
- Guardian of a child.
- Foster parent or legal custodian.
- Person acting in the place of a parent.
- Person providing kinship care for a child under the age of 13 (under the age of 19 if the child is physically or mentally incapable of care for himself or herself).

[19] Section 49.155, Stats.

In addition, the individual must need the child care services in order to participate in one of the following activities:

- Obtain a high school diploma or participate in a course of study to obtain a GED if the parent is under 20 years old.[20]
- Work in an unsubsidized job, including training provided by an employer during the regular hours of employment.[21]
- Work in a W-2 employment position, including participation in job search, orientation, education, and training activities required under W-2.[22]
- Participate in a job search or work experience component of the Food Stamp Employment and Training program.[23]
- Participate in basic education, including an English as a second language course, literacy tutoring, or a course of study meeting the standard established by the state superintendent of public instruction.[24]
- Participate in a course of study at a technical college, or participate in educational courses that provide an employment skill, as determined by DWD.[25]

There are both financial and nonfinancial eligibility requirements.

Financial Eligibility Criteria

Initial eligibility

The child care subsidy program is limited to families with a gross income of no more than 185% of the federal poverty level.[26]

Retaining eligibility

Once the initial stage is passed, the family retains eligibility until gross income exceeds 200% of the federal poverty level for two consecutive months. Once a case has been closed for more than 30 days, the family must reapply. The family must meet the initial stage requirement (gross income below or at 185% federal poverty level).

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[20] If the teen parent is age 17 or younger, the individual must also reside with his or her custodial parent, with a kinship care relative, in a foster home, a group home, or an independent living arrangement supervised by an adult. [s. 49.155 (1m) (a) 1m.b., Stats.]

[21] Section 49.155 (1m) (a) 2., Stats.

[22] Section 49.155 (1m) (a) 3., Stats.

[23] Section 49.155 (1m) (a) 3m., Stats.

[24] An individual may receive aid under this section for up to two years. [s. 49.155 (1m) (a) 4., Stats.]

[25] If the W-2 agency determines that the course would facilitate the individual's efforts to maintain employment, the individual may receive a child care subsidy under this provision for up to two years. [s.49.155 (1m) (a) 5., Stats.]

[26] Foster and kinship care parents (who are caring for a child under court order and receiving kinship care payments) may be eligible at the time the child was removed from the home was at or below 200% FPL. If the natural parent's income is over 200% FPL, the foster/kinship care parent's gross income must be at or below 185% FPL at the time of application. [s. 49.155 (1m) (c) 1g., Stats.]

The family's gross monthly income must be equal to or less than the amount listed for the family size.[27]

Family Size	Monthly Income
2	$2,035
3	$2,559
4	$3,083
5	$3,608
6	$4,132
7	$4,656
8	$5,180
9	$5,704
10 or more	$6,228

Nonfinancial Eligibility Criteria[28]

An individual must meet all of the following non-financial eligibility criteria:

- Be a US citizen, or a qualifying alien.
- Be a Wisconsin resident and intend to continue to reside in Wisconsin.
- Fully cooperate with efforts to establish paternity for any minor child and in obtaining support payments for that child.
- Furnish the W-2 agency with any relevant information that the agency determines is necessary, within seven working days after receiving the request (which may be extended if the agency determines that seven days would be unduly burdensome).

Once an individual has been determined eligible for the program, the W-2 agency must refer the individual to a county department of social or human services to determine an individual's co-payment, and to provide a voucher to individuals for the payment of child care services, or reimburse child care providers. The county department also set the maximum reimbursement rates for day care providers; assist eligible individuals to identify and select appropriate child care; and certify Level I and Level II day care providers that are not licensed by the state.

Allowable Child Care Providers

If the parent is approved for child care financial assistance, the child must be enrolled in one of the following regulated care settings:[29]

- A licensed day care center (Family Day Care Center).
- A Level I certified day care provider.
- A Level II certified day care provider.
- A child care program run by a public school.

Level I and II day care settings are not required to be licensed by the state, but must be certified by the county department of social or human services. Level I "regular" day care providers must complete at least 15 hours of training for certification. In order to receive the Level I payment rate, the provider must care for at least one child who is not related to the caregiver. A Level I certification is for

[27] Chart obtained from the DWD website. Last updated January 31, 2006. http://www.dwd.statte.wi.us/dws/programs/childcare/wishshares/eligibility.htm.

[28] For a complete and detailed listing, see s. DWD 12.09 (2), Wis. Adm Code.

[29] Section DWD 55.04 (5), Wis. Adm Code.

a period of two years and must be renewed upon application if the provider continues to comply with the certification standard.[30] Level II "provisional" day care providers are not subject to the 15-hour training requirement but must also demonstrate compliance with all certification standards set by DWD in s. DWD 55.08, Wis. Adm Code.

The chart below shows the number of children served by each type of the child care provider.

CHILDREN SERVED BY PROVIDER TYPE[31]
2nd Quarter (April-June) 2006

Provider Location Category	Served Children	Percent of Total	Cumulative Sum of Percentage
Licensed Group	42,440	62.48%	62.48%
Licensed Family	14,297	21.05%	83.53%
Regular Certified	7,657	11.27%	94.80%
Provisional Certified	1,764	2.60%	97.39%
School Programs	1,770	2.61%	100.00%
		100%	

The child is counted in the provider category which is the primary care arrangement for the month. If a child has two primary care arrangements in different months he/she would be counted in each of the provider categories.

Maximum Reimbursement Rates

Each type of provider has a maximum reimbursement rate set by the child care agencies. These rates are set according to the age group of the children cared for by the provider. The are four age groups: (1) infants and toddlers under 2 years of age; (2) children age 2 to 3 years; (3) children age 4 to 5 years; and (4) children age 6 to 13 years.[32] Each age group has a maximum rate for each type of provider, the highest being licensed group providers (school) and the lowest being Level II providers. For example, the regular certified provider (Level I) rates are set at 75% of the licensed family day care rate, and the provisionally certified provider (Level II) rates are set at 50% of the licensed family day care rate.[33]

Co-Payment Responsibility

The co-payment can be as low as 2% of the family gross income and is designed so that the family co-payment does not exceed 12% of gross income, if the parent chooses a provider with prices within the maximum reimbursement limits. To determine a qualified individual's co-payment, the child care agency takes into consideration these factors:[34]

- Family size.
- Gross monthly income.
- Number of children in care.
- Type of child care provider chosen.
- Number of hours of care for each child.

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[30] Section DWD 55.08 (3) (b) (2a), Wis. Adm Code.

[31] Data obtained from DWD website. Last updated July 10, 2006. http://www.dwd.state.wi.us/dws/programs/childcare/wishares/scplc.htm

[32] Section DWD 55.06 (2) (c), Wis. Adm Code.

[33] DWD Day Care Manual: General Program Overview: Flow Chart 8.2.0.

[34] Section DWD 56.08 (1), Wis. Adm Code.

There are some exceptions to this co-payment responsibility and they are:[35]

- Foster parents, for the foster children in their care.
- Kinship care relatives who are providing care for a child under court order. (Kinship care relatives who are providing care or a child without a court order are responsible for the minimum co-payment based on the number of children in the family in child care and the type of child care selected.)
- Parents who have left a W-2 employment position for unsubsidized employment. (These parents may pay the minimum co-payment amount based on the number of children in the family in child care and the type of child care selected for the first month of the unsubsidized employment.)
- Individuals under the age of 20 and attending high school or participating in a course of study to obtain a GED. (These parents may pay the minimum co-payment amount for the type of child care received and the number of children receiving child care.)
- Minor teen parents who are Learnfare participants.
- Participants in the Food Stamp Employment and Training program.

The following chart shows Wisconsin Shares payments for 2005 and the first two quarters of this year:[36]

Calendar Quarter	Milwaukee County Issuances	Balance of State Issuances	Statewide Issuances
2005 1st Quarter	$36,473,908	$30,619,144	$67,093,052
2nd Quarter	$42,920,054	$35,293,168	$78,215,222
3rd Quarter	$42,158,099	$36,984,676	$79,142,775
4th Quarter	$45,858,878	$36,658,465	$82,517,343
2006 1st Quarter	$38,766,534	$31,025,952	$69,792,486
2nd Quarter	$44,875,710	$35,614,452	$80,490,162

According to the data from second quarter of 2005:

- Over 65% of the children served by the subsidy program are under the age of six. Almost 50% are between the ages of two and six.
- Families served are small in size, with:
  - 36% in a two-person family.
  - 32% in a three-person family.
  - 18% in a four-person family.
- On average, the program covers over 90% of the cost of child care for families served.
- 82% of the families have monthly incomes under $2,000.
- 49% of the families have incomes under 100% of the federal poverty level.

The most recent data for family and children served this year is in the calendar quarter from April to June 2006, 39,502 families and 65,452 children were served in Wisconsin Shares:[37]

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[35] Exceptions taken from s. DWD 56.08 (2) (b) through (e), Wis. Adm Code.

[36] Chart was obtained from DWD website: Last updated July 11, 2006.
http://www.dwd.state.wi.us/dws/programs/childcare/wishares/cceq.htm

[37] Information obtained from DWD website:
http://www.dwd.state.wi.us/dws/programs/childcare/wishares/scbag.htm

The following data for June 2006 show the distribution Wisconsin Shares participants among income ranges:[38]

Percent	Annual Income Range	Monthly Income Range
8.10%	more than $30,000	more than $2,500.00
8.97%	less than $6,000	less than $500.00
12.26%	$24,000 - $30,000	$2,000.00 - $2,499.99
19.33%	$6,000 - $12,000	$500.00 - $999.99
25.08%	$18,000 - $24,000	$1,500.00 - $1,999.99
26.25%	$12,000 - $18,000	$1,000.00 - $1,499.99

This chart shows that almost half of the families in Wisconsin Shares have annual income of less than $18,000.

Sanctions and Dispute Resolutions

Sanctions apply to individuals who fail to comply with various W-2 program components. If an individual misses a work placement or educational or training activity that is a part of a community service job or transitional placement, the person is penalized at the rate of $5.15 per hour.[39]

If an individual refuses to participate three times in any W-2 employment component, the individual becomes ineligible to participate in that component.[40]

If an individual fails to cooperate with child support or paternity establishing without good cause, the person is ineligible to participate in W-2 until they do cooperate, or until six months passes, whichever is later.[41]

An individual who commits an intentional program violation three times may be permanently barred from W-2 eligibility.[42]

An individual who is aggrieved by certain W-2 program action may petition for review. The petition must be filed no more than 45 days of the date of the agency's action. If a W-2 agency denies an application; modifies, cancels, or incorrectly calculates benefits; or inappropriately places an individual in an employment position, the individual affected by the action is entitled to review of the action by the W-2 agency. If either the individual or the agency is unsatisfied with the W-2 agency decision, DWD may review the W-2 agency's decision. DWD is required to review W-2 agency decisions of financial eligibility determinations. Other W-2 agency decisions are reviewed at DWD's discretion.

If a benefit level was erroneously calculated, the remedy is restoration of the correct benefit level, retroactive to the date of the error.

If a person was erroneously placed in an inappropriate employment positions, the W-2 agency must place the person in the first available and appropriate W-2 placement.[43]

DWD is required to recover overpayments of W-2 benefits and child care subsidies. DWD does so by monthly benefit reductions, which vary by amount, depending on the amount of the overpayment.

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[38] DWD website: http://www.dwd.state.wi.us/dws/programs/childcare/wishares/sfir.htm

[39] Section 49.148 (1), Stats.

[40] Section 49.151 (1), Stats.

[41] Section 49.151 (2), Stats.

[42] Section 49.152, Stats.

[43] Section 49.152, Stats.

DWD is authorized to access windfall payments that an individual receives, and to conduct tax intercepts, in order to recover overpayments.[44]

W-2 Program Administration

Either a county agency or a private organization administers local W-2 programs. DWD awards contracts, through a competitive process, to administer W-2 programs DWD provides a right of first selection to agencies that administered the W-2 program in the prior contract round. The current contract round runs from January 1, 2006 to December 31, 2009.

The right of first selection is given if the agency meets specific performance and selection criteria.

W-2 contracts contain performance-based incentives established by DWD. The contracts must require W-2 agencies to do the following:

- Establish a community steering committee to advise the W-2 agency on implementation of the program.
- Establish a children's services network, to provide information on community resources available to dependent children in the W-2 group.
- Employ at least one financial and employment planner.
- Employ staff to work with clients with linguistic and cultural barriers to employment.
- Ensure coordination of services under W-2, FoodShare, and MA.
- Determine eligibility for Wisconsin Shares.
- Perform credit establishment and credit repair assistance.[45]

W-2 agencies may receive performance bonus payments on criteria such as job placement and retention rates; wages and benefits earned by a W-2 participants; and customer satisfaction.

W-2 contract agencies for the current contract round that runs from January 1, 2006 through December 31, 2009 are as follows:

W-2 CONTRACT AGENCIES JANUARY 1, 2006 THROUGH DECEMBER 31, 2009

COUNTY	AGENCY
Adams County	Wood County Department of Social Services (Portage, Adams, and Wood Counties consortium).
Ashland County	Ashland County Human Services Department (Ashland and Price Counties).
Barron County	Workforce Resource, Inc. (Barron and Chippewa Counties).
Bayfield County	Bayfield County Department of Human Services.
Brown County	Forward Service Corporation (Bay Area Consortium for Florence, Kewaunee, Menominee, and Brown Counties).
Buffalo County	Buffalo County Department of Health and Human Services.
Burnett County	Burnett County Department of Health and Human Services.
Calumet County	Outagamie County Department of Health and Human Services (Outagamie and Calumet Counties).

[44] Section 49.161, Stats.

[45] Section 49.143, Stats.

COUNTY	AGENCY
Chippewa County	Workforce Resource, Inc. (Barron and Chippewa Counties).
Clark County	Clark County Department of Social Services.
Columbia County	Workforce Connections, Inc. (Columbia County).
Crawford County	Crawford County Human Services Department.
Dane County	Dane County Department of Human Services (Capitol Consortium for Dane, Dodge, Marquette, and Sauk Counties).
Dodge County	Dane County Department of Human Services (Capitol Consortium for Dane, Dodge, Marquette, and Sauk Counties).
Door County	Door County Department of Social Services.
Douglas County	Workforce Connections, Inc.
Dunn County	Dunn County Department of Human Services.
Eau Claire County	Eau Claire County Department of Human Services.
Florence County	Forward Service Corporation (Bay Area Consortium for Florence, Kewaunee, Menominee, and Brown Counties).
Fond du Lac County	Fond du Lac County Department of Social Services.
Forest County	Forward Service Corporation (Northern Consortium on behalf of Forest, Vilas, Oneida, Langlade, and Lincoln Counties).
Grant County	Grant County Department of Social Services (Southwest Consortium for Grant, Green, Iowa, Lafayette, and Richland Counties).
Green County	Grant County Department of Social Services (Southwest Consortium for Grant, Green, Iowa, Lafayette, and Richland Counties).
Green Lake County	Green Lake County Department of Health and Human Services.
Iowa County	Grant County Department of Social Services (Southwest Consortium for Grant, Green, Iowa, Lafayette, and Richland Counties).
Iron County	Iron County Human Services Department.
Jackson County	Workforce Connections, Inc. (Western Wisconsin Consortium – Jackson, Juneau, Monroe, and Trempealeau Counties).
Jefferson County	Jefferson County Human Services.
Juneau County	Workforce Connections, Inc. (Western Wisconsin Consortium – Jackson, Juneau, Monroe, and Trempealeau Counties).
Kenosha County	Kenosha County Department of Human Services.
Kewaunee County	Forward Service Corporation (Bay Area Consortium for Florence, Kewaunee, Menominee, and Brown Counties).
La Crosse County	La Crosse County Human Services Department.
Lafayette County	Grant County Department of Social Services (Southwest Consortium for Grant, Green, Iowa, Lafayette, and Richland Counties).
Langlade County	Forward Service Corporation (Northern Consortium on behalf of Forest, Vilas, Oneida, Langlade, and Lincoln Counties).
Lincoln County	Forward Service Corporation (Northern Consortium on behalf of Forest, Vilas, Oneida, Langlade, and Lincoln Counties).
Manitowoc County	Sheboygan County Health and Human Services (W-2 Lakeshore Consortium for Manitowoc and Sheboygan Counties).
Marathon County	Marathon County Department of Employment and Training.
Marinette County	Marinette County Health and Human Services Department.

COUNTY	AGENCY
Menominee County	Forward Service Corporation (Bay Area Consortium for Florence, Kewaunee, Menominee and Brown Counties).
Milwaukee County	YWCA of Greater Milwaukee.
Milwaukee County	Maximus.
Milwaukee County	United Migrant Opportunity Services.
Monroe County	Workforce Connections, Inc. (Western Wisconsin Consortium – Jackson, Juneau, Monroe, and Trempealeau Counties).
Oconto County	Oconto County Department of Health and Human Services.
Oneida County	Forward Service Corporation (Northern Consortium on behalf of Forest, Vilas, Oneida, Langlade, and Lincoln Counties).
Outagamie County	Outagamie County Department of Health and Human Services (Outagamie and Calumet Counties consortium).
Ozaukee County	Arbor Education & Training (Ozaukee, Washington, and Waukesha Counties consortium).
Pepin County	Pepin County Department of Human Services.
Pierce County	Workforce Connections, Inc. (Pierce and St. Croix Counties).
Polk County	Polk County Department of Human Services.
Portage County	Wood County Department of Social Services (Portage, Adams, and Wood Counties consortium).
Price County	Ashland County Human Services Department (Ashland and Price Counties).
Racine County	Racine County Human Services Department
Richland County	Grant County Department of Social Services (Southwest Consortium for Grant, Green, Iowa, Lafayette, and Richland Counties).
Rock County	Rock County Human Services Department.
Rusk County	Rusk County Department of Health and Human Services.
St. Croix County	Workforce Connections, Inc. (Pierce and St. Croix Counties).
Sauk County	Dane County Department Of Human Services (Capitol Consortium for Dane, Dodge, Marquette, and Sauk Counties).
Sawyer County	Sawyer County Health and Human Services (Sawyer and Washburn Counties consortium).
Shawano County	Shawano County Job Center, Inc.
Sheboygan County	Sheboygan County Health and Human Services (W-2 Lakeshore Consortium for Manitowoc and Sheboygan Counties).
Taylor County	Taylor County Human Services Department.
Trempealeau County	Workforce Connections, Inc. (Western Wisconsin Consortium – Jackson, Juneau, Monroe, and Trempealeau Counties).
Vernon County	Vernon County Department of Human Services.
Vilas County	Forward Service Corporation (Northern Consortium on behalf of Forest, Vilas, Oneida, Langlade, and Lincoln Counties).
Walworth County	Kaiser Group, Inc. (for Walworth County).
Washburn County	Sawyer County Health and Human Services (Sawyer and Washburn Counties consortium).
Washington County	Arbor Education and Training (Ozaukee, Washington, and Waukesha Counties consortium).

COUNTY	AGENCY
Waukesha County	Arbor Education and Training (Ozaukee, Washington, and Waukesha Counties consortium).
Waupaca County	Waupaca County Department of Health and Human Services.
Waushara County	Forward Service Corporation.
Winnebago County	Winnebago County Department of Human Services.
Wood County	Wood County Department Of Social Services (Portage, Adams, and Wood Counties consortium).

Source: Department of Workforce Development.

PART II

WISCONSIN CHILD WELFARE SYSTEM

The Wisconsin child welfare system identifies children in need of protective services (CHIPS) and subsequently provides protective services as necessary and appropriate.

In Wisconsin, county departments of human or social services (county departments) are responsible for providing child welfare services. The one exception is Milwaukee County, where the DHFS provide services through the Bureau of Milwaukee Child Welfare.

Grounds for Jurisdiction

Section 48.13, Stats, sets forth the conditions under which a child may be found to be CHIPS and subject to the jurisdiction of the juvenile court (i.e., the courts authorized to exercise jurisdiction under chs. 48 and 938, Stats.). The following are some examples of circumstances that place a child in need of protective services:

- Abandonment.
- Abuse (self-inflicted and that inflicted by others).
- Substantial risk of abuse (self inflicted and that inflicted by others).
- Parental relinquishment of custody of a newborn under s. 48.195 (1), Stats.
- Petition from parent or guardian requesting assistance for a child who needs special treatment or care.
- Petition from a child in need of special treatment or care, 12 years or older, requesting assistance.
- A parent, guardian, or legal custodian's neglect, refusal, or inability ***for reasons other than poverty*** to provide necessary care, food, clothing, medical, or dental care or shelter so as to seriously endanger the physical health of the child.
- A substantial risk of a parent, guardian, or legal custodian's neglect, refusal or inability ***for reasons other than poverty*** to provide necessary care, food, clothing, medical or dental care, or shelter so as to seriously endanger the physical health of the child.
- Emotional damage for which the parent, guardian, or legal custodian has neglected, refused, or been unable and is neglecting, refusing, or unable, ***for reasons other than poverty***, to obtain necessary treatment or to take necessary steps to ameliorate the symptoms.
- Inadequate care during the period of time a parent is missing, incarcerated, hospitalized, or institutionalized.
- A child's alcohol and other drug abuse impairment, exhibited to a severe degree, for which the parent, guardian, or legal custodian is neglecting, refusing, or unable to provide treatment.

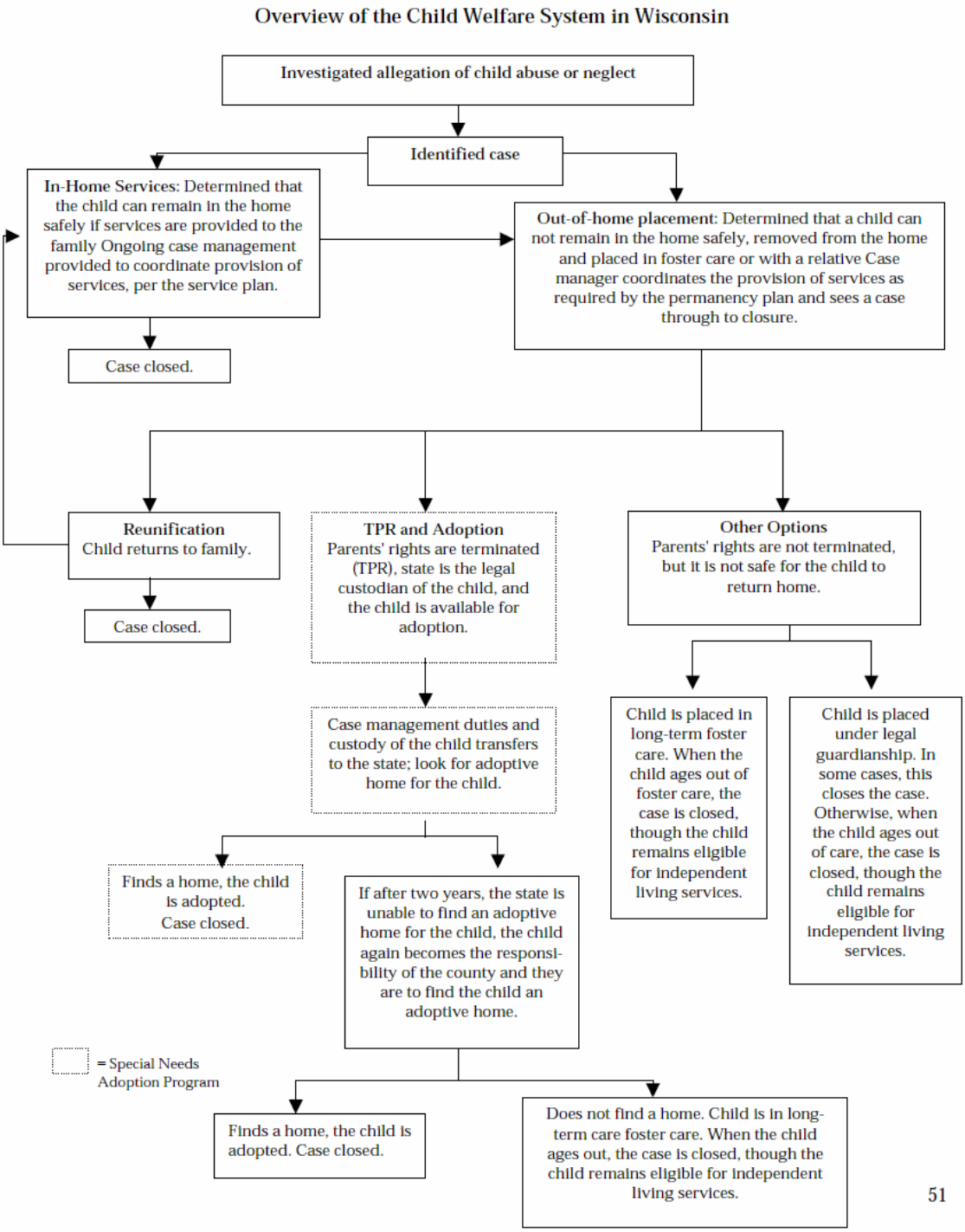
As highlighted above, a child who is not receiving necessary care, food, clothing, medical or dental care, or shelter (i.e., is neglected); is at risk of being neglected; or is suffering emotional damage solely due to poverty is not subject to juvenile court jurisdiction. However, the other grounds (e.g., abuse, need of special care, or treatment) do not consider the parent's poverty status.

The Child Welfare Process

Treatment in the Wisconsin child welfare system consists of the following four stages: investigation, determination of CHIPS jurisdiction, permanency planning and disposition, and the post-disposition stage.

The figure below is a procedural flow-chart prepared by the Legislative Fiscal Bureau for its January 2005 Informational Paper, "*Child Welfare Services in Wisconsin*."[46]

[46] Legislative Fiscal Bureau, Informational Paper #50, p. 51, January 2005.



Investigation

Most children enter the child welfare system following an investigation of a report of child maltreatment.[47] Entrance occurs via *report and referral.* Reports take place in one of three ways. Reports may be:

[47] The common exception would be for children whose parents submit a petition for services under, for example, s. 48.13 (4), Stats. In this case, the parent is authorized to directly file a petition under s. 48.25 (1), Stats.

- Voluntary (by a parent, relative, neighbor, or friend, for example).
- Mandatory (by a person with legal reporting obligations).
- By law enforcement.

Under s. 48.981, Stats., Wisconsin's child abuse reporting law, reports of abuse or neglect are required of persons employed in positions where discovery of a child's need for protective services is likely. Section 48.981 (2) identifies persons for whom reports are mandatory when the person sees a child in the course of professional duties and has reasonable cause to suspect that the child has been abused or neglected or that the child has been threatened with abuse or neglect and it is likely that abuse or neglect will occur. Some of those persons include:

- Physicians.
- Nurses.
- Dentists.
- Therapists.
- Counselors.
- Other mental and physical health professionals.
- Coroners and medical examiners.
- Social workers.
- Teachers.
- School administrators.
- Day care and child care providers.
- Clergy who make observations outside of confidential communications.
- Emergency medical technicians.

The table below sets forth, for 2004, the number and percentage of reports made by several categories of reporters (mandatory and voluntary).

REPORTER'S RELATIONSHIP TO CHILD, 2004

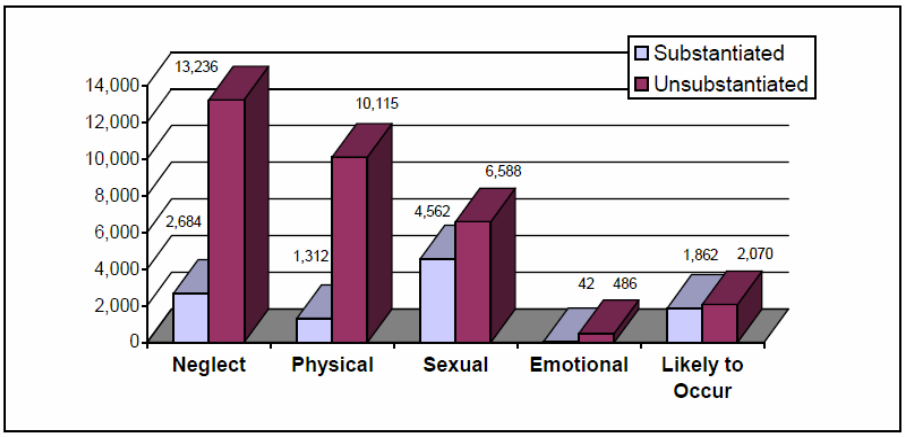
Reporter Relationship to Alleged Child Victim	Frequency	Percent of All
Social Service	8,727	16.6%
Educational Personnel	8,001	15.2%
Legal/Law Enforcement Personnel	7,984	15.2%
Other *	7,576	14.4%
Parent of Alleged Child Victim	3,721	7.1%
Relative of Alleged Child Victim	3,563	6.8%
Neighbors/Friends	2,747	5.2%
Mental Health Personnel	2,613	5.0%
Anonymous	2,197	4.2%
Medical **	2,161	4.1%
Child Care Providers	619	1.2%
Alleged Child Victim	265	0.5%
Out-of-Home Care Provider	81	0.2%
Alleged Maltreater	34	0.1%
Total Reporters- All	**52,502**	**100.0%**

Source: 2004 Wisconsin Child Abuse and Neglect Report, p. 10, Division of Children and Family Services, DHFS.
* "Other" includes other reporters not categorized in one of the above groups.
** Acupuncturists, optometrists, chiropractors, and dietitians are included within the Medical Personnel relationship group.

If a report of suspected child abuse or neglect is made under s. 48.981, Stats., a reporter must immediately inform, by telephone or personally, the county department or local law enforcement of the facts and circumstances contributing to the suspicion of abuse or neglect. If reported to law enforcement, the sheriff or police department must, within 12 hours exclusive of weekends and holidays, refer the report to the county department. Additionally, the reporter may request an immediate investigation by law enforcement if the reporter has reason to believe the child is in immediate danger.[48]

The figure below notes, for 2004, the statewide substantiation of referrals by allegation type. This is the most recent year for which data is available.

FINDINGS BY ALLEGATION TYPE, 2004



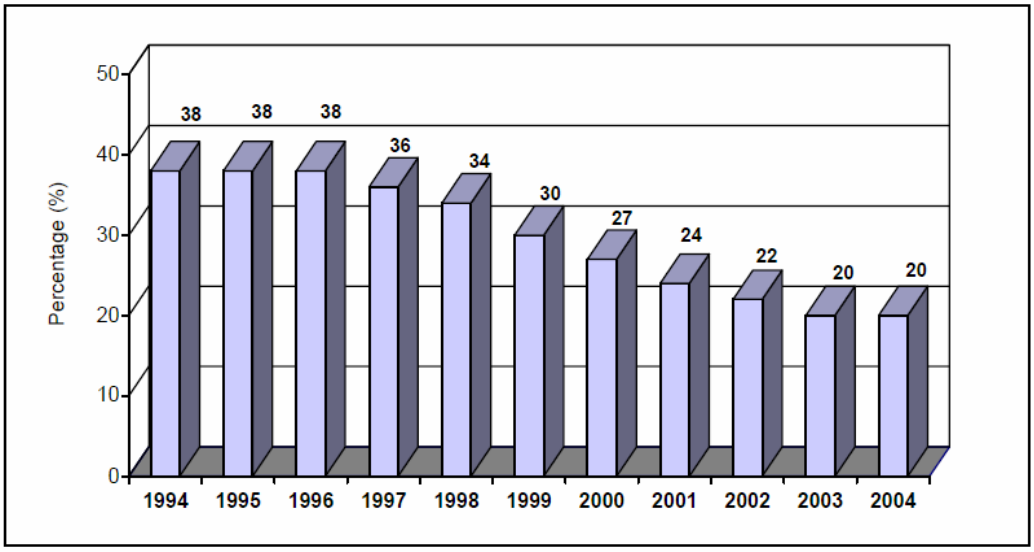
Source: 2004 Wisconsin Child Abuse and Neglect Report, p. 13, Division of Children and Family Services, DHFS.

[48] Section 48.981 (3), Stats.

The substantiation rate is much higher for allegations of sexual abuse than for other types of abuse. This increase exists because totals for sexual abuse include allegations of mutual sexual activity between peers and include the allegation type of "Other Sexual Abuse." Allegations of mutual sexual activity are often substantiated by admission. The allegation type "Other Sexual Abuse" was not included in the totals for the previous years and constitutes the total of 1,726 allegations statewide. Of these specific allegations, 604 were substantiated.[49]

The next figure shows a substantial decline in substantiation rate from 1994-2004. According to DHFS, the decrease likely is due to factors such as a change in the federal requirements associated with appeals by substantiated maltreaters. The requirements prompted a shift to a more rigorous process for substantiation decisions.[50]

STATEWIDE SUBSTANTIATION RATES*, 1994-2004



Source: 2004 Wisconsin Child Abuse and Neglect Report, p. 13, Division of Children and Family Services, DHFS.
*Substantiation rates are rounded.

Upon referral, the county department conducts an inquiry to determine if the available facts, by a preponderance of evidence, show neglect or abuse to have occurred or be likely to occur. This process is known as substantiation. At the same time, the court or the department intake worker[51] determines if the available facts establish probable cause for CHIPS jurisdiction.[52] This determination, as well as a custody hearing, must be made within 48 hours if a child has been taken into short-term physical custody.[53] If the child remains at home, the intake worker has 40 days to resolve the case.[54] The intake worker must make one of three determinations. First, the intake worker may close the case.

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[49] 2004 Wisconsin Child Abuse and Neglect Report, p. 13, Division of Children and Family Services, DHFS.

[50] 2004 Child Abuse and Neglect Report, p. 12, Division of Children and Family Services, DHFS.

[51] Section 48.06 (1), states that the department shall provide the court with the intake services in counties with a population of 500,000 or more. Section 48.06 (2) states that county boards of other counties shall authorize the county department or the court or both to provide intake services.

[52] Substantiation is not required in order to proceed with a CHIPS petition, though substantiation has legal ramifications for the alleged maltreater. "*Child Welfare Services in Wisconsin*," Legislative Fiscal Bureau Informational Paper#50, pp. 7-8, January 2005.

[53] Section 48.21 (1), Stats.

[54] Section 48.24 (5), Stats.

Second, the intake worker may find probable cause for CHIPS jurisdiction. In this situation, the worker has two options: informal disposition or a request for filing of a CHIPS petition. Informal disposition is available only under certain circumstances where CHIPS jurisdiction exists but neither the interests of the child nor the public require the filing of a petition. Section 48.245 outlines the circumstances where informal disposition is appropriate. Services that may be provided to a family under an informal disposition are limited to:

- Counseling of child and parent or guardian.
- Alcohol or other drug assessment.
- Alcohol or other drug outpatient treatment or education.
- Satisfaction of obligations that tend to ensure the rehabilitation, protection, or care of the child.

An informal disposition may not include any form of residential placement and may not exceed six months. A district attorney or corporation counsel may terminate an informal disposition within 20 days of receipt of the notice of informal disposition.

The third option is when an intake worker finds probable cause for CHIPS jurisdiction, and informal disposition is not appropriate. In that case, the intake worker requests that the district attorney or corporation counsel file a CHIPS petition to initiate juvenile court proceedings.

The figure below, "Investigative Dispositions," classifies the results of the intake substantiation investigation carried out by county intake workers. While many outcomes are unavailable or undocumented the most common disposition was the opening of a case coupled with a court petition or consent decree. A consent decree is a court order agreed to by the parent, guardian, or legal custodian under which the CHIPS proceeding is suspended and certain conditions must be met by the child and the parent, guardian, or legal custodian.

INVESTIGATIVE DISPOSITIONS, 2004

Investigation Dispositions*	Frequency				
	Neglect	Physical Abuse	Sexual Abuse	Emotional Abuse	Maltreat-ment Likely to Occur
Case Closed-No additional services necessary[1]	4.7%	10.4%	20.3%	0.0%	7.9%
Case Closed-Family refused services	2.6%	3.2%	5.8%	2.4%	13.7%
Case Closed-Referred family for community services	5.1%	9.3%	27.3%	0.0%	16.2%
Case Closed-Cannot locate family members	0.7%	0.8%	0.7%	0.0%	1.8%
Case Opened-Voluntary	5.4%	6.9%	2.3%	14.3%	7.5%
Case Opened-Informal court disposition	2.6%	3.0%	0.8%	0.0%	2.8%
Case Opened-Court petition/consent decree filed	53.5%	30.0%	5.3%	52.4%	21.3%
Other agency services	3.6%	5.3%	9.1%	0.0%	4.8%
Case referred to law enforcement[2]	0.4%	5.3%	10.4%	0.0%	1.3%
Agency initiated child abuse restraining order	1.0%	0.1%	0.0%	0.0%	0.0%
Not Available/Documented	20.4%	25.7%	18%	30.9%	22.7%

* Cases may have more than one disposition. Therefore, the percentages in the column may add up to more than 100%. For example, a case may be referred for a CHIPS petition and may be referred to law enforcement. The following tables reflect multiple dispositions in some cases.

1 The Child Protective Services (CPS) worker may provide brief counseling or referral services to families as part of the investigation assessment. Those services are not reflected in these tables.

2 Data regarding referral to law enforcement should not be construed as a lack of law enforcement involvement. Many referrals received by the CPS agencies come from law enforcement. In these situations, the CPS agency often works with the law enforcement agency to respond to the referral, but the case would not be recorded statistically as a referral to law enforcement.

Source: 2004 Wisconsin Child Abuse and Neglect Report, p. 26, Division of Children and Family Services, DHFS.

Determination of CHIPS Jurisdiction

As explained above, some low-risk situations may be resolved through an informal disposition, which is a written agreement that provides services without a formal court disposition. When an inquiry by an intake worker reveals that informal disposition would be inappropriate, a formal CHIPS proceeding may be commenced.

Under s. 48.25, a CHIPS petition is filed by the district attorney, corporation counsel, or by the counsel for a parent, guardian, relative, or child. If a party contests the allegations of the petition, due process requirements must be satisfied. Requirements include:

- Notice of hearing.
- Plea hearing.
- Psychological and medical evaluations.
- Discovery.
- Pretrial motions and hearing.
- Consent decree, if agreed to by the parent, guardian, or legal custodian.

After the due process requirements are satisfied, the judge conducts the fact-finding hearing to determine if the allegations in the petition are proved by clear and convincing evidence. In the alternative, a child, child's parent, guardian, or legal custodian may request that a jury determine whether the child is in need of protection or services.

Throughout this process, children in immediate danger may be placed in short term out-of-home placements in order to ensure their safety.[55]

Permanency Planning and Disposition

Once a child is found to be CHIPS, whether by hearing, admission, or plea of no contest, the proceeding moves to the disposition stage. The outcomes of hearings at this stage are a permanency plan and dispositional order. These are the documents that determine and authorize the particular services due to a child in need of protection. Services, often referred to as "Safety Services," include:

- Supervision and observation.
- Alcohol and other drug abuse (AODA) services.
- Mental health and counseling services.
- Hospitalization and medical care.
- Child care and respite care.
- Basic home management services.
- Parenting assistance or a parent-aide.

[55] Sections 48.19 and 48.21, Stats.

- Basic needs assistance (transportation, food, clothing, shelter, financial assistance).
- Out-of-home protective placement, such as foster care and kinship care.

The plan and order are tailored to the circumstances that led to the referral. Under state law, if out-of-home placement is a part of the order, there must be a permanency plan, unless specified conditions are met so that reunification is not required to be pursued. A permanency plan is an in-depth justification of the placement as well as a plan for reunification of the child with the parents. In cases where there is a high likelihood that an initial permanency plan will fail, an alternative plan also may be pursued in a process called concurrent planning. The simultaneous development of two plans (a plan for reunification and a plan for another permanent placement) minimizes delays and disruptions for the child if the initial plan fails.

The following chart shows out-of-home placement statistics for 2005, including statistics on foster care and kinship care placement.[56]

[56] 2005 DHFS Placement statistics, available at: http://dhfs.wisconsin.gov/cwreview/reports/OOHC/2005-OOHC-wrpt.pdf.

Wisconsin Department of Health and Family Services

OUT-OF-HOME CARE CASELOAD COUNT FOR DECEMBER 31, 2005

Case Counts Include Foster Care (FC) and Court-Ordered Kinship Care (COKC)

COUNTY	FC	COKC	TOTAL	COUNTY	FC	COKC	TOTAL
Adams	17	2	19	Marinette	28	0	28
Ashland	22	0	22	Marquette	8	0	8
Barron	63	16	79	Menominee	14	0	14
Bayfield	9	0	9	Milwaukee	2062	773	2,835
Brown	205	93	298	Monroe	29	2	31
Buffalo	5	0	5	Oconto	31	10	41
Burnett	17	2	19	Oneida	21	11	32
Calumet	24	5	29	Outagamie	60	17	77
Chippewa	50	9	59	Ozaukee	14	2	16
Clark	29	2	31	Pepin	6	2	8
Columbia	33	6	39	Pierce	25	0	25
Crawford	10	3	13	Polk	34	3	37
Dane	359	44	403	Portage	59	16	75
Dodge	87	16	103	Price	21	0	21
Door	25	7	32	Racine	201	18	219
Douglas	16	1	17	Richland	23	0	23
Dunn	37	15	52	Rock	218	23	241
Eau Claire	132	30	162	Rusk	10	3	13
Florence	10	0	10	Saint Croix	39	6	45
Fond du Lac	116	14	130	Sauk	46	8	54
Forest	13	7	20	Sawyer	18	1	19
Grant	25	0	25	Shawano	12	3	15
Green	33	16	49	Sheboygan	92	25	117
Green Lake	17	3	20	Taylor	14	2	16
Iowa	16	4	20	Trempealeau	13	7	20
Iron	7	0	7	Vernon	16	0	16
Jackson	14	3	17	Vilas	25	0	25
Jefferson	58	7	65	Walworth	38	23	61
Juneau	16	5	21	Washburn	21	4	25
Kenosha	225	49	274	Washington	52	8	60
Kewaunee	8	15	23	Waukesha	101	14	115
La Crosse	133	26	159	Waupaca	52	23	75
Lafayette	28	1	29	Waushara	18	1	19
Langlade	12	5	17	Winnebago	167	22	189
Lincoln	4	2	6	Wood	118	33	151
Manitowoc	62	16	78				
Marathon	139	7	146	State Adopt Prgrm	346	5	351
				State Total	**6,128**	**1,496**	**7,624**

Notes: 1. Foster Care caseload includes children placed in family foster care, treatment foster care, group homes and residential care centers.

2. Court-Ordered Kinship Care caseload includes children in the TANF Kinship Care Program with a court order for child welfare services.

Data sources: DCFS/OPEP OHC Caseload Summary Report (r254, 3/01/06) which is based on data taken from WiSACWIS.

Post Disposition

Dispositional orders generally last up to one year, and can be extended by the court. An order placing a child in an out-of-home placement may remain in effect until the child reaches age 18.

Permanency plans are reviewed every six months and the court may also make plan revisions during the reviews.

Families may be financially responsible for satisfaction of a dispositional order. During the post-dispositional period, parents are often responsible for meeting goals and objectives set forth in the order, including obtaining safe and stable housing. Additionally, the court may order a parent to pay for treatment and placement services under ss. 48.36, 48.361, and 48.362, Stats.

Families that do not succeed in meeting the conditions of a dispositional order may be subject to termination of parental rights (TPR), and under some circumstances (e.g., when a child has been in out-of-home placement for 15 of the last 22 consecutive months), the district attorney or corporation counsel is generally required to file a TPR petition under current federal law.

Participation in Support Programs by Mothers Receiving Safety Services (Milwaukee)

The figures below show support program participation by mothers of children in out-of-home placement and of children receiving safety services for Milwaukee County, in 2004, the most recent year in which the statistics were available.

Support Program Participation by Mothers with Children in Out-of-Home Care

Program	January 2003	January 2004	January 2005
Medical Assistance	25.6%	34.6%	35.6%
Food Shares	41.1	39.2	40.8
Child Care Subsidy	3.9	4.7	3.2
W-2:			
Subsidized Placements	8.2	8.6	8.3
Unsubsidized Placements	1.3	0.8	1.0
Other Work Programs[1]	18.6	15.7	11.0

[1] Includes Food Stamp Employment and Training, Children First, Welfare to Work, and Workforce Attachment and Advancement.

Support Program Participation by Mothers Receiving Safety Services

Program	January 2003	January 2004	January 2005
Medical Assistance	58.7%	67.0%	66.7%
Food Shares	60.8	68.6	68.3
Child Care Subsidy	12.2	19.9	18.8
W-2:			
Subsidized Placements	25.7	34.0	28.0
Unsubsidized Placements	5.9	3.7	4.8
Other Work Programs[1]	24.3	30.9	16.1

[1] Includes Food Stamp Employment and Training, Children First, Welfare to Work, and Workforce Attachment and Advancement.

Source: Milwaukee County Child Welfare: Program Issues," p. 75,57 (LAB Report 06-1).

[57] Legislative Audit Bureau Report, 06-1.

The figures show that approximately 40% of mothers with children in out-of-home placement receive FoodShares assistance. That number increases to 60% to 70% for mothers of children receiving safety services (in home placements). Mothers exhibit similar participation in Medicaid Assistance. Reliance on W-2 is fairly common for mothers of children receiving safety services. W-2 assistance is lower for mothers with children in out-of-home placements. W-2 program limits on payments to mothers who do not have a child living with them is the likely cause of the difference.