October 25, 2010

TO: Members, Dane County Legislative Delegation
FROM: Kathleen Falk, Dane County Executive
RE: Potential Dane County Problem--Need Your Help

The purpose of my memo is to ask your help in preventing a huge fiscal problem for Dane County taxpayers.

Dane County is now less than about 27,000 people away from reaching the 500,000 population mark. Best guesstimates have our county reaching that mark in the 2010 Census figures that will be released to each state by April 2011.

There are over 160 provisions scattered throughout state law specific to a county that reaches the 500,000 population threshold; currently the only county to reach that mark is Milwaukee County. One of these provisions is particularly troublesome for Dane County. Contained within the Children’s Code of state statutes is a provision adopted when the State took over full responsibility for Milwaukee County’s child welfare system. Attached is Subchapter XII, section 48.561, that requires “A county having a population of 500,000 or more shall contribute $58.8 million in each state fiscal year for the provision of child welfare services in that county by the department.”

Needless to say, this provision will create huge problems for Dane County taxpayers when Dane County is at the 500,000 population threshold: 1) State law will require Dane County pay the State $58.8 million per year for State-run child welfare services; and 2) Besides the fiscal burden itself, Dane County is proud of the child welfare services we provide and would not want the State to “take us over”, as the State was compelled to do given the then poor quality of Milwaukee County services. In addition, the State has shown no reason/desire to justify a take over of Dane County child welfare services and is pleased with our work—as opposed to the need for improvements/overhaul in the prior Milwaukee system.

My office has met with Joint Finance Committee Co-chairs, Sen. Miller and Rep. Pocan, seeking an amendment to prevent this situation from applying to Dane County.

This memo seeks your support.

I don’t need to tell you how heavy a fiscal burden this would be to the citizens we represent or what a significant change it would be to the kids we protect.

Thank you for your consideration and assistance to keep Dane County fiscally sound and strong.
48.547 CHILDREN'S CODE

Drug abuse program in a limited number of counties. The purpose of the program is to develop intake and court procedures that screen, assess, and give new dispositional alternatives for children and expectant mothers with needs and problems related to the use of alcohol beverages, controlled substances, or controlled substance analogs who come within the jurisdiction of a court assigned to exercise jurisdiction under this chapter and ch. 938 in the counties selected by the department.

(2) DEPARTMENT RESPONSIBILITIES. Within the availability of funding under s. 20.437 (1) (mb) that is available for the program, the department shall select counties to participate in the program. Unless a county department of human services has been established under s. 46.23 in the county that is seeking to implement the program, the application submitted to the department shall be a joint application by the county department that provides social services and the county department established under s. 51.42 or 51.437. The department shall select counties in accordance with the request for proposal procedures established by the department. The department shall give a preference to counties applications that include a plan for case management.

(3) MULTIDISCIPLINARY SCREEN. The department shall provide a multidisciplinary screen for the program. The screen shall be used by an intake worker to determine whether or not a child or an expectant mother of an unborn child is in need of an alcohol or other drug abuse assessment. The screen shall also include indicators that screen children and expectant mothers for:

(e) Family dysfunction.

(f) School, truancy or work problems.

(g) Mental health problems.

(h) Delinquent or criminal behavior patterns.

(4) ASSESSMENT CRITERIA. The department shall provide uniform alcohol and other drug abuse assessment criteria to be used in the pilot program under ss. 48.245 (2) (a) 3. and 48.295 (1). An approved treatment facility that assesses a person under s. 48.245 (2) (a) 3. or 48.295 (1) may not also provide the person with treatment unless the department permits the approved treatment facility to both in accordance with the criteria established by rule by the department.


48.548 Multidisciplinary screen and assessment criteria. The department shall make the multidisciplinary screen developed under s. 48.547 (3) and the assessment criteria developed under s. 48.547 (4) available to all counties.


48.55 State adoption information exchange and state adoption center.

(1) The department shall establish a state adoption information exchange for the purpose of finding adoptive homes for children with special needs who do not have permanent homes and a state adoption center for the purposes of increasing public knowledge of adoption and promoting to adolescents and pregnant women the availability of adoption services. From the appropriation under s. 20.437 (1) (dg), the department may provide not more than $175,000 in each fiscal year as grants to individuals and private agencies to provide adoption information exchange services and to operate the state adoption center.

(2) The department shall promulgate rules governing the adoption information exchange and rules specifying the functions of the state adoption center. The rules specifying the functions of the state adoption center shall include all of the following:

(a) Training persons who provide counseling to adolescents including school counselors, county or department employees providing child welfare services under s. 48.56 or 48.561 and employees of a clinic providing family planning services, as defined in s. 253.07 (1) (b).

(b) Seeking persons to undergo training.

(c) Operating a toll-free telephone number to provide information and referral services.

(d) Distributing pamphlets which provide information on the availability of adoption services.

(e) Promoting adoption through the communications media.


Cross Reference: See also chs. DCF 62, 50, and 51, Wis. adm. code.

SUBCHAPTER XII

CHILD WELFARE SERVICES

48.56 Child welfare services in counties having populations of less than 500,000. (1) Each county having a population of less than 500,000 shall provide child welfare services through its county department.

(2) Each county department shall employ personnel who devote all or part of their time to child welfare services. Whenever possible, these personnel shall be social workers certified under ch. 457.

(3) This section shall not apply to those counties which had child welfare services administered by the staff of the juvenile court prior to January 1, 1955.


48.561 Child welfare services in a county having a population of 500,000 or more. (1) The department shall provide child welfare services in a county having a population of 500,000 or more.

(2) The department shall employ personnel in a county having a population of 500,000 or more who devote all of their time directly or indirectly to child welfare services. Whenever possible, these personnel shall be social workers certified under ch. 457.

(3) A county having a population of 500,000 or more shall contribute $28,993,000 in each state fiscal year for the provision of child welfare services in that county by the department. That contribution shall be made as follows:

1. Through a reduction of $37,209,200 from the amounts distributed to that county under ss. 46.440 (2) and 48.563 (2) in each state fiscal year.

2. Through a reduction of $1,583,000 from the amount distributed to that county under s. 46.440 (2m) (a) in each state fiscal year.

3. Through a deduction of $20,101,300 from any state payment due to county under s. 79.03, 79.04, 79.058, 79.06, or 79.08 as provided in par. (b).

(b) The department of administration shall collect the amount specified in par. (a) 3. from a county having a population of 500,000 or more by deducting all or part of that amount from any state payment due to that county under ss. 79.03, 79.04, 79.058, 79.06, or 79.08. The department of administration shall notify the department of revenue, by September 15 of each year, of the amount to be deducted from the state payments due under s. 79.03, 79.04, 79.058, 79.06, or 79.08. The department of administration shall credit all amounts collected under this paragraph to the appropriation account under s. 20.437 (1) (kw) and shall notify the county from which those amounts are collected of that collection. The department may not expend any moneys from the appropriation account under s. 20.437 (1) (kw) for providing services to children and families under s. 48.48 (17) until the amounts in the appropriation account under s. 20.437 (1) (kw) are exhausted.


48.562 Milwaukee child welfare partnership council. The Milwaukee child welfare partnership council shall do all of the following: