

Alberta Darling
Wisconsin State Senator
Co-Chair, Joint Committee on Finance

Senate Committee on Universities, Technical Colleges, Children and Families

Senate Bill 609

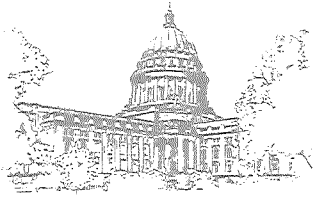
Thank you Chair Kooyenga and committee members for taking the time to hear Senate Bill 609. The bill before the committee reforms our congregate care homes to meet the requirements laid out in the federal Family First Prevention Services Act (FFPSA).

In 2018, the FFPSA was signed into law as part of the Bipartisan Budget Act. The law changes federal investments into child welfare by putting more resources towards prevention and limiting the use of non-family settings, like congregate care and group homes, for children in out-of-home care. Wisconsin has a deadline of October 1, 2021 to implement the new FFPSA provisions.

One key provision of the FFPSA changes funding eligibility for congregate care. Under the FFPSA, only Qualified Residential Treatment Programs (QRTP) are eligible for federal reimbursement for services provided to youth in congregate care settings in out-of-home care. QRTPs would be a new type of congregate care setting for Wisconsin. Currently in Wisconsin, we operate shelters, group homes, and Residential Care Centers. None of these currently licensed providers match the QRTP criteria. In order to enable federal Title IV-E reimbursement funds for congregate care placements, Senate Bill 609 creates a QRTP certification in statute and administrative rule.

Senate Bill 609 allows the Department of Children and Families to promulgate rules to establish, certify, and operate QRTPs within group homes, shelters, or residential care centers. The FFPSA changed the way Wisconsin will receive federal funds for child welfare services. Senate Bill 609 updates our statutes to ensure our providers are still eligible for federal funds, continue serving our kids, and also ensure Wisconsin taxpayers don't pay more than their fair share to keep our child welfare system running.

I hope to count on your support for this legislation.



STATE SENATOR
LaTonya Johnson

WISCONSIN STATE SENATE

6TH DISTRICT

Senate Committee on Universities, Technical Colleges, Children and Families
Testimony on Senate Bill 609
January 22, 2020

Good morning members of the committee,

Thank you for holding this hearing on Senate Bill 609 (SB 609), which allows the Department of Children and Families (DCF) to promulgate rules regarding Qualified Residential Treatment Programs (QRTP).

The 2018 federal Family First Prevention Services Act (FFPSA) represents a sea change in the way that child welfare systems will be incentivized to promote primary prevention of child abuse and neglect as well as move away from certain types of congregate care settings for children in out-of-home care. FFPSA does this by tying these programmatic changes to a states' utilization of federal Title IV-E funding.

To that end, FFPSA, with narrow exceptions, requires congregate care to be provided by a Qualified Residential Treatment Program in order to be eligible for Title IV-E funding.

QRTPs are not currently defined in Wisconsin statutes or administrative code, so SB 609, and its grant of rule promulgation authority to DCF, is necessary for Wisconsin's child welfare system to continue to utilize millions of dollars in federal Title IV-E funds. Wisconsin has a deadline of October 1, 2021 to implement the FFPSA, so I hope the committee recognizes the urgency of this proposal, and passes it without delay.

I would like to thank my co-authors, Senator Darling, Representative Ballweg, and Representative Billings for their work on this bill and thank you, committee members, for your consideration of this proposal.



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CO-CHAIR, JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

41st ASSEMBLY DISTRICT

Senate Bill 609: Qualified Residential Treatment Programs
Testimony of State Representative Joan Ballweg
Senate Committee on Universities, Technical Colleges, Children and Families
January 22, 2020

Thank you, Chair Kooyenga and members of the committee, for holding a public hearing on Senate Bill 609.

This legislation was brought forward at the request of the Department of Children and Families (DCF) to help ensure Wisconsin will be in compliance with new changes coming in the federal Family First Prevention Services Act. Specifically, Senate Bill 609 will provide DCF with the authority to promulgate rules for the establishment, certification, and operation of a Qualified Residential Treatment Program (QRTP) within a group home, shelter or residential care center.

The new Family First Act will allow states to use Title IV-E funding for prevention services. Previously, this money could only be used to help cover the costs of administering foster care for eligible children. Prevention efforts are meant to help prevent a child from entering into the child welfare system.

In order to comply with the new federal law and remain eligible for reimbursement for Title IV-E funds, Wisconsin must create a new type of congregate care setting called a Qualified Residential Treatment Program (QRTP). Currently, Wisconsin statute and administrative rules provide for three types of licensed child welfare congregate care providers: shelters, group homes and Residential Care Centers (RCCs). None of these currently licensed provider types match the QRTP criteria. To preserve the opportunity to claim federal Title IV-E reimbursement funds for congregate care placements, this change must be made in statute and administrative rule by October 1, 2021.

With the authority granted to the department in Senate Bill 609, Wisconsin will be able to continue providing care to these youth with a trauma-informed, preventative approach.

Thank you for your time and I'm happy to answer any questions.



JILL BILLINGS
STATE REPRESENTATIVE

January 22, 2020

Chairman Kooyenga and Members of the Committee:

Thank you for holding a hearing on Senate Bill 609, which grants rulemaking authority to the Wisconsin Department of Children and Families (DCF) to promulgate rules for the establishment, certification and operation of a Qualified Residential Treatment Program (QRTP). This legislation is necessary for Wisconsin to move forward with our plans to meet the federal Family First Prevention Services Act (FFPSA or *Family First*).

The federal *Family First* act was enacted in 2018. As the National Conference on State Legislatures stated to this committee, *Family First* makes a monumental shift in child welfare funding and structure. *Family First* aims to provide more funding into preventing children from entering the child welfare system and also limiting the use of non-family settings (congregate care) for children who are removed from their home.

It is the change and focus on congregate care settings, which the federal law requires, that brings us here today to discuss SB 609. *Family First* alters the types of congregate care settings that are eligible for reimbursement with federal Title IV-E child welfare funding. *Family First* defines a new type of congregate care setting called a Qualified Residential Treatment Program (QRTP). Other than very limited exceptions for specialized populations, QRTP is the only type of congregate care setting eligible for federal Title IV-E child welfare reimbursement after the initial two weeks.

Currently, Wisconsin statute and administrative rules provide for three types of licensed child welfare congregate care providers: shelters, group homes, and Residential Care Centers (RCCs). None of these current licensed provider types match the QRTP criteria. Wisconsin currently has a deadline of October 1, 2021 to implement the new FFPSA prevention and congregate care provisions. To preserve the opportunity to claim federal Title IV-E reimbursement funds for congregate care placements after the implementation date, Wisconsin must create a QRTP certification in statute and administrative rule.

Due to the lengthy nature of the rules process, it is vital that we pass this legislation this session, so that DCF can establish, certify and operate the Qualified Residential Treatment Program (QRTP) to meet this federal deadline. The Assembly Children and Families committee recently passed the assembly version out of committee on a unanimous vote.

Thank you again for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Jill Billings".

Jill Billings
State Representative
95th Assembly District



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Governor Tony Evers
Secretary Emilie Amundson

Secretary's Office

TO: Chair Kooyenga and Members of the Senate Committee on Universities, Technical Colleges, and Children and Families

FROM: Wendy Henderson, Administrator, Division of Safety and Permanence

DATE: January 22, 2020

SUBJECT: 2019 Senate Bill 609

Thank you for the opportunity to provide testimony in support of Senate Bill 609. This bill is an extension of the work started by the legislature in the biennial budget to support the Wisconsin child welfare system in shifting towards prevention and keeping children with their families. Thank you to the authors of this legislation which will allow DCF to comply with the federal Family First Prevention Services Act.

The Department of Children and Families is committed to the goal that **all** Wisconsin children and youth are safe and loved members of thriving families and communities. To support this goal, the Wisconsin child welfare system is strengthening all Wisconsin families to raise their children. Wisconsin's child welfare system is guided by the following principles, which are also embodied in the new federal child welfare law, the Family First Prevention Services Act, which Wisconsin must implement by October 2021:

- **Prevention**: Child welfare increasingly focuses on preventing children from being removed from their homes by strengthening families to raise their children.
- **Relatives**: Relatives play an important part in children's lives as caregivers or ongoing supports and should be used as out-of-home placements whenever possible.
- **Reunification**: The primary goal is to reunify a child with his/her family whenever it is safe to do so.
- **Permanence**: The child welfare system aims to transition children in out-of-home care (OHC) safely and quickly back with their family, whenever possible, or to another permanent home.

The federal Family First Prevention Services Act (FFPSA or Family First) was passed in 2018. This law shifts the focus of the child welfare system to preventing children from entering out of home care and makes a parallel shift in funding towards prevention and family settings and away from congregate (group) care. Importantly for the purposes of this discussion, under Family First the federal government will only provide federal child welfare reimbursement dollars (Title IV-E funds) for congregate care settings that include specific markers of quality of care. As specified in Family First, the new type of congregate care eligible for federal reimbursement, called a Qualified Residential Treatment Program (QRTP), must include the following components:

- Use a trauma-informed treatment model;
- Have access to 24-hour nursing care and critical individualized medical and psychological treatment and support for children;
- Engage the family throughout the treatment; and
- Provide aftercare services to children and families once they leave the QRTP.

Current state statute and administrative rules provide for three types of licensed child welfare congregate care providers in Wisconsin: shelters, group homes and Residential Care Centers. None of these current license provider types match the QRTP criteria listed above. This bill authorizes DCF to promulgate rules for the establishment, certification and operation of a QRTP and provides DCF the authority to certify that a congregate care facility is functioning as a QRTP by determining the facility has met state and federal requirements of a QRTP.

Title IV-E funds are the primary means of federal reimbursement for state child welfare systems. When Family First becomes operational in Wisconsin in October 2021, IV-E reimbursement for congregate care will only be provided for QRTP settings, except in limited circumstances. Absent this bill, Wisconsin will be unable to certify a program as a QRTP or access federal reimbursement for congregate care settings.

Strengthening families to raise their children is the primary goal of the Wisconsin child welfare system. When children with complex treatment needs enter group care settings, the quality standards enacted under federal law will help Wisconsin ensure those children's treatment needs are met while also making Wisconsin eligible for critical federal reimbursement.

Thank you for your support of this legislation to allow DCF to comply with federal law and obtain federal reimbursement for congregate care settings. We would be pleased to respond to any questions.