



Clearinghouse Rule 10-028

State of Wisconsin Department of Children and Families

Home Visitation to Prevent Child Abuse and Neglect

DCF 35

The Wisconsin Department of Children and Families proposes an order to create Chapter DCF 35, relating to home visitation to prevent child abuse and neglect and affecting small businesses.

Analysis Prepared by the Department of Children and Families

Statutory authority: Sections 48.983 (2) and 227.11 (2) (a), Stats.

Statutes interpreted: Section 48.983, Stats.

Related statutes or rules: NA

Explanation of agency authority

Under s. 48.983, Stats., as affected by 2009 Wisconsin Acts 28 and 82, a county, private agency, or Indian tribe may apply to the department for an annual grant that will be used to operate a home visiting program to prevent child abuse and neglect and promote healthy birth outcomes.

The home visiting program will provide case management services that will begin when a woman who is eligible for Medical Assistance is pregnant if an assessment indicates the presence of risk factors for poor birth outcomes or child abuse and neglect. Services will generally continue until the child is 3 years old. One of the purposes for which the grant may be used is to reimburse a case management provider for the amount of the allowable charges under the Medical Assistance program that is not reimbursed by the federal government. The grants may also be used for flexible funds for appropriate expenses of each participating family, worker training activities, and a grantee's start-up costs and capacity building.

The minimum amount of a grant is \$10,000. The county, private agency, or Indian tribe shall agree to match at least 25% of the grant amount annually in funds or in-kind contributions. The department shall determine the amount of a grant awarded to a county, private agency, or Indian tribe in excess of \$10,000 based on the need for a grant, as determined by a formula that the department shall promulgate by rule. The formula shall determine need based on the number of births that are funded by Medical Assistance

in that county, the area in which that private agency is providing services, or the reservation of that Indian tribe and on the rate of poor birth outcomes, including infant mortality, premature births, low birth weights, and racial or ethnic disproportionality in the rates of those outcomes, in that county, the area in which that private agency is providing services, or the reservation of that Indian tribe.

Summary of the proposed rule

The minimum amount of a grant is \$10,000. The department shall determine the amount of an initial grant awarded to a county, private agency, or Indian tribe in excess of the minimum amount based the following weighted criteria applied to the population in that county, the area in which the private agency is providing services, or the reservation of that Indian tribe:

- The number of births that are funded by Medical Assistance shall be weighted 40%.
- The rates of poor birth outcomes shall be considered as follows:
 - The infant mortality rate shall be weighted 10%.
 - The premature birth rate shall be weighted 10%.
 - The rate of low birth weights shall be weighted 10%.
- The level of racial or ethnic disproportionality in poor birth outcomes shall be weighted 30%, with each factor weighted 10%.

Summary of factual data and analytical methodologies

Despite a steady decline in the white infant mortality rate over the last 20 years, the black infant mortality rate has essentially remained the same.

The UW-Extension website has a directory of home visiting programs in Wisconsin at <http://www.uwex.edu/ces/flp/homevisit/directory/index.cfm>.

Comparison with rules in adjacent states

Other states fund home visiting programs with purposes that include promoting healthy birth outcomes and preventing child abuse and neglect. The formulas for distributing the funds are not in rule.

Summary of existing or proposed federal regulations

None

Effect on small businesses

The proposed rule will affect small businesses as defined in s. 227.114 (1), Stats., but will not have a significant economic impact on a substantial number of businesses.

Analysis used to determine effect on small businesses

Private agencies are eligible to apply for a grant.

Agency contact person

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Place where comments are to be submitted and deadline for submission

Comments may be submitted to Elaine Pridgen, Office of Legal Counsel, Department of Children and Families, 201 E. Washington Avenue, P.O. Box 8916, Madison, WI, 53708-8916 or dcfpublichearing@wisconsin.gov. The comment deadline is April 7, 2010.

SECTION 1. Chapter DCF 35 is created to read:

Chapter DCF 35

Home Visitation to Prevent Child Abuse and Neglect

DCF 35.01 Authority and purpose. This chapter is promulgated under the authority of s. 48.983 (2), Stats., to establish a formula that will be used to determine the amount of an initial grant in excess of the minimum amount under the child abuse and neglect prevention program.

DCF 35.02 Definitions. In this chapter,

- (1) “Infant mortality” means the death of a baby within the first year of life.
- (2) “Low birth weight” means a birth weight under 2,500 grams.
- (3) “Premature birth” means the birth of a baby less than 37 weeks after conception.

DCF 35.03 Formula to determine grant amount. The minimum amount of a grant is \$10,000. The department shall determine the amount of an initial grant awarded to a county, private agency, or Indian tribe in excess of the minimum amount based the following weighted criteria applied to the population in that county, the area in which the private agency is providing services, or the reservation of that Indian tribe:

- (1) The number of births that are funded by Medical Assistance under subch. IV of ch. 49, Stats., shall be weighted 40 percent.
- (2) The rates of poor birth outcomes shall be considered as follows:
 - (a) The infant mortality rate shall be weighted 10 percent.
 - (b) The premature birth rate shall be weighted 10 percent.
 - (c) The rate of low birth weights shall be weighted 10 percent.

(3) The level of racial or ethnic disproportionality in poor birth outcomes under sub. (2) shall be weighted 30 percent. The level of racial or ethnic disproportionality in sub. (2) (a), (b), and (c) shall each be weighted 10 percent.

SECTION 2. EFFECTIVE DATE. This rule shall take effect the first day of the month following publication in the Administrative Register as provided in s. 227.22 (2) (intro.), Stats.