

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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1. Type of Estimate and Analysis

Original    Updated    Corrected

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2. Administrative Rule Chapter, Title and Number

DCF 55, Subsidized guardianship

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3. Subject

Subsidized guardianship

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4. Fund Sources Affected

GPR    FED    PRO    PRS    SEG    SEG-S

5. Chapter 20, Stats. Appropriations Affected

20.437(1)(dd) and 20.437(1)(pd)

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6. Fiscal Effect of Implementing the Rule

No Fiscal Effect    Increase Existing Revenues    Increase Costs  
 Indeterminate    Decrease Existing Revenues    Could Absorb Within Agency's Budget  
 Decrease Cost

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7. The Rule Will Impact the Following (Check All That Apply)

State's Economy    Specific Businesses/Sectors  
 Local Government Units    Public Utility Rate Payers  
 Small Businesses (**if checked, complete Attachment A**)

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8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes    No

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9. Policy Problem Addressed by the Rule

Implementing 2015 Wisconsin Acts 129 and 143

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10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

The department solicited comments from county departments of social services and county departments of human services and others who have requested to be on the numbered memo and child welfare listservs.

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11. Identify the local governmental units that participated in the development of this EIA.

Sauk County commented that subsidized guardianship payments come directly from county levy not foster care and these arrangements require ongoing worker/staff time to maintain. Though good practice, it's getting more and more difficult to fulfill the expectations being put upon counties and agency staff.

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12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

Extending eligibility to a person who has a significant emotional relationship with the child's family that is similar to a familial relationship or who, during the child's placement in out-of-home care, developed a relationship with the child or the child's family that is similar to a familial relationship is expected to have minimal fiscal impacts. Since the children are already in out-of-home care, foster care payments are already made on behalf of these children. Expanding eligibility for subsidized guardianship means that these children would be eligible for subsidized guardianship payments, rather than foster care payments, which would be a similar monthly payment. Similarly, in counties, it is anticipated that any increase in cost would be minimal as subsidized guardianship payments would replace foster care payments.

Naming a prospective successor guardian would not increase subsidized guardianship expenditures, since only one

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subsidized guardianship payment is provided on behalf of a child at any time, so there will not be duplicate payments to the guardian and the successor guardian. Some current guardianship agreements may need to be amended to include a successor guardianship. The cost is unknown, but anticipated to be minimal.

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13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule  
Complying with 2015 Wisconsin Acts 129 and 143

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14. Long Range Implications of Implementing the Rule

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15. Compare With Approaches Being Used by Federal Government

42 USC 673 (d) (3), as created by Section 207 of the Preventing Sex Trafficking and Strengthening Families Act, provides for continuation of subsidized guardianship payments if the guardian dies or is incapacitated, and a successor guardian was named in the agreement before the guardian's death or incapacity. Implementation of Section 207 is required as a condition of funding under Title IV-E of the Social Security Act. Section 207 was effective September 29, 2014, and Wisconsin is currently under a Program Improvement Plan due to delayed implementation.

The Administration for Children and Families (ACF) Program Instruction ACYF-CB-PI-10-11, Fostering Connections to Success and Increasing Adoptions Act of 2008 Comprehensive Guidance, July 9, 2010, provides that a State has discretion to define the term "relative" for the purposes of the subsidized guardianship program. The ACF will accept a Title IV-E plan or amendment that contains a reasonable interpretation of "relative," including a plan that limits the term to biological and legal familial ties or a plan that more broadly includes tribal kin, extended family and friends, or other "fictive kin."

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16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Minnesota. The definition of "relative" includes an individual who is an important friend with whom a child has resided or had significant contact. Minnesota has provisions on successor guardianship that are similar to the Wisconsin provisions.

Illinois. The definition of "fictive kin" is an individual who is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual. Illinois has provisions on successor guardianship that are similar to the Wisconsin provisions.

Iowa. Iowa does not have a federally-funded subsidized guardianship program.

Michigan. It appears that nonrelatives may be eligible to be a legal custodian of the child and receive state-funded guardianship assistance. Michigan has successor guardianship provisions that apply to Title IV-E-funded guardianship assistance payments.

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17. Contact Name

DCF/Kim Swissdorf

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18. Contact Phone Number

422-6351

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**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

not applicable

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

not applicable

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

not applicable

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

not applicable

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5. Describe the Rule's Enforcement Provisions

not applicable

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes     No
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