

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

Testimony before the Senate Committee on Education
Senate Bill 737
February 6, 2018

Thank you Chair Olsen and committee members for holding a public hearing on Senate Bill 737. This bill is vital to ensuring that our most vulnerable youth can access the mental health services they need to begin leading healthy, stable lives.

In Wisconsin, minors who are 12 years of age or older can access alcohol or other drug abuse services without obtaining consent from a parent or guardian if he or she cannot be found. While our state law grants some exceptions for health services for minors who cannot gain parental consent, currently, minors wishing to obtain mental health services like counseling cannot do so without the consent of a parent or legal guardian.

Senate Bill 737 allows certified health care providers to deliver outpatient mental health treatment for 30 days without first obtaining informed parental consent in emergency situations. Under the bill, in order for the provider to begin services, a reasonable effort must have been made to obtain consent from the parent. Senate Bill 737 includes services like counseling, but does not include inpatient services or prescribing medication.

This bill will be incredibly influential for the lives of Wisconsin's homeless youth. For the 2015-2016 school year, the Department of Public Instruction estimated that Wisconsin was serving nearly 18,600 homeless minors in our public schools. National data shows that these children experience trauma at a higher rate than other youth. Studies done by the National Conference of State Legislatures showed 46% of homeless youth reported physical abuse, 38% reported emotional abuse, and 17% reported sexual abuse by a family member.

While homeless youth experience trauma, they are not able to receive mental health services like counseling without obtaining parental consent. In many cases, it is impossible to find the birth parent to consent to services. These youth need to access mental health services to begin to treat the trauma they have endured, start the road to recovery, and begin to lead healthy and stable lives.

This bill is crucial to ensuring vulnerable minors in our state have access to critical mental health services. In passing this legislation, Wisconsin will join the 17 other states who have embarked upon similar reforms.

I'd like to thank Representative Loudenberg for her leadership on this bill and for all of her work on legislation for homeless and unaccompanied youth. I urge your support on Senate Bill 737.



Amy Loudenbeck

REPRESENTING WISCONSIN'S 31ST ASSEMBLY DISTRICT

**Testimony before Senate Committee on Education
Senate Bill 737
Rep. Amy Loudenbeck
February 6, 2018**

Thank you, Mr. Chairman and committee members for the opportunity to testify in favor of this bi-partisan legislation, Senate Bill 737. SB 737 will allow minors to access mental health treatment in emergency situations without the written consent of a parent or guardian.

According to the National Conference of State Legislatures (NCSL), recent studies have shown that runaway and homeless youth who experience high rates of traumatic events should be treated by mental health professionals. For example, 46% have reported being physically abused, 38% reported being emotionally abused, and 17% reported being forced into unwanted sexual activity by a family or household member.

According to Education for Homeless Youth and Children Data a total of 2,235 "Unaccompanied Homeless Youth" were identified by local education agencies in Wisconsin for the 2016-2017 school year.^[1] Under Federal law (the McKinney-Vento Homeless Assistance Act), an individual must meet both of the following criteria to be classified as "Unaccompanied Homeless Youth".

1. The child's or youth's living arrangement meets the Act's definition of *homeless*, and
2. The child or youth is not in the physical custody of a parent or guardian. ^[2]

Advocates for unaccompanied and homeless youth in Wisconsin have indicated that additional flexibility is needed in order for vulnerable youth to access mental health treatment services in a timely fashion, particularly when harm may come to the minor if treatment is not initiated before written consent is obtained.

Under current law a minor who is 14 years or older may petition a mental health review officer (MHRO) to review a parent's refusal or inability to consent to the minor's mental health treatment. This is a quasi-judicial process that can take several weeks to complete. My office has been working with local advocates and stakeholders to increase the use of the MHRO process but concerns remain regarding the health and well-being of an unaccompanied minor in between the time of referral and the determination of the MHRO.

^[1] <https://dpi.wi.gov/homeless/data>

^[2] <http://nche.ed.gov/downloads/briefs/youth.pdf>



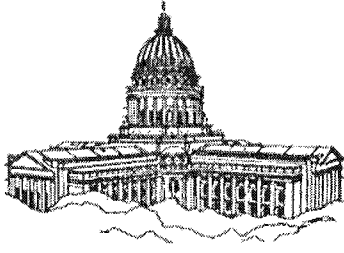
Amy Loudenbeck

REPRESENTING WISCONSIN'S 31ST ASSEMBLY DISTRICT

SB 737 would waive the requirement for informed consent for outpatient mental health treatment of *minors in emergency situations or where time and distance requirements preclude obtaining written consent before beginning treatment and a determination is made that potential harm may come to the patient or others* before written consent is obtained. SB 737 requires that before this waiver may be used, the provider must have made an effort to obtain written consent from a parent or guardian of a minor patient. Additionally, under the provisions of SB 737, the waiver is limited to a period of 30 days during which time informed consent shall be obtained in writing or the MHRO process shall be initiated.

SB 737 specifically prohibits the health care provider from admitting a minor to an inpatient facility or an inpatient treatment facility and prohibits the health care provider from prescribing medications to a minor seeking treatment for a mental health condition without the consent of a parent or guardian.

Thank you for the opportunity to testify on this bill today. I would be happy to answer any questions at this time.



LENA C. TAYLOR

Wisconsin State Senator • 4th District

HERE TO SERVE YOU!

**Testimony of State Senator Lena C. Taylor
Senate Committee on Education
Public Hearing Senate Bill 663
February 6, 2018**

Good Morning Chairman Olsen, Vice Chair Darling and members of the Senate Committee on Education. Thank you for the opportunity to submit written testimony on SB 663, which creates a pilot project to expand four-year-old kindergarten (4K) programs and making an appropriation.

In 2005, a report entitled "A Case Study on the Expansion of Four Year Old Kindergarten and The Wisconsin Forces for Four-Year-Olds Community Initiative" extolled the rationale for promoting and expanding four-year-old kindergarten in Wisconsin.

In 2004, then DPI Superintendent Elizabeth Burmaster, said in a weekly website message that "Wisconsin, like many other states, understands the impact that early childhood education has on its future and is poised to expand four-year-old kindergarten education as a result. There is unevenness in the current offerings across the Wisconsin school districts wherein less than half of the districts provide kindergarten to four-year olds. There is also evidence that suggests universal four-year-old kindergarten programs are good for Wisconsin's children, families and communities."

In 2018, it's frustrating that 14 years later, we have not reached parity in providing Universal 4K Wisconsin statewide. We should be ensuring that our children receive every advantage to address skills gaps and improve school readiness. But even in that frustration, I know that the state has a long history in valuing 4K schooling, considering that education for 4-year-olds was a part of Wisconsin's Constitution in 1848. In fact, the first kindergarten in the United States was founded in Watertown, Wisconsin in 1856. Therefore, I know we get it and the evidenced-based studies of the program backs us up!

The research on this issue is clear, the earlier exposure to formalized education improves language comprehension, literacy, classroom behavior, improves coordination across the education system with private and community partners already providing 4K education, and frankly helps us address the needs of working families. Further as we look to the sustainability and productivity of Wisconsin's workforce, access to 4K education improves the likelihood of increased educational attainment, employment, earnings, and ultimately revenue for the state. On the other hand, 4K also has the potential to save us money in decreased social service, crime, and health-care spending.

This bill allows us to address the needs of underserved communities and economically disadvantaged school districts. I am honored to be a part of the bi-partisan work on this bill, as we prioritize Wisconsin's children. Therefore, I thank you for this public hearing and ask for your support of SB 663.

**Senator Lena C. Taylor
4th Senate District**



TO: The Honorable Members of the Senate Committee on Education
FROM: Linda A. Hall, Executive Director
DATE: February 6, 2018
RE: **WAFCA Support for Senate Bill 655**

The Wisconsin Association of Family & Children's Agencies (WAFCA) supports Senate Bill 655 which proposes some simple modifications to state law to clarify and improve communications between the child welfare system and schools.

WAFCA is a statewide association that represents over fifty child and family serving agencies and leaders in the field and advocates for the more than 250,000 individuals and families that they serve each year. Our members' services include family, group and individual counseling; chemical dependency treatment; crisis intervention; outpatient mental health therapy; and foster care programs, among others.

In 2010, WAFCA was pleased to partner with the Wisconsin Department of Public Instruction and the Wisconsin Department of Children and Families to update the "Educational Services for Children in Foster Care" guidance – a resource to facilitate cooperation between the child welfare and school systems. Over the past several years there has been additional significant work at the state and federal level to improve educational outcomes for youth in foster care by supporting efforts to maintain school stability and quality exchange of information between the school and child welfare systems.

WAFCA has also appreciated the opportunity to work closely with the Speaker's Foster Care Task Force in the development of their package of proposals to improve Wisconsin's systems of care for vulnerable children and families.

One of the key elements that the 2010 guidance seeks to promote is the establishment of dedicated liaison responsibilities within schools and county child welfare agencies to increase the level of competency across systems to better serve children in foster care by maintaining active channels of communication while also protecting confidentiality.

Senate Bill 655 proposes a few simple changes to further the goal of quality communication between schools and the foster care system and to recognize the critical role that school plays in the stability and well-being of children in care. The bill proposes three changes:

- Adding the child's school to the list of entities or persons that receive notice of a permanency plan review or hearing, which will afford the school the opportunity to submit relevant information to the courts regarding the child's progress;

- Requiring that licensing agencies inform school districts when a new foster home or group home is licensed in their school district; and
- Requiring that a child welfare agency making an out-of-home care placement notify the school district and school where the child will attend after the placement is made.

In practice, agencies are currently making notifications to the appropriate school when a child is placed in out-of-home care, however, the current statutes require notification to the clerk of the school district, which does not align with best practice and has also caused confusion, because it is often unclear who functions as the clerk of a school district. Requiring direct communication with the school where the child will actually be attending will conform the statute to practice and reduce confusion.

With regard to school notification of upcoming hearings on a child's permanency plan, WAFCA has also partnered with the court system in recent years to promote tools to assist judges in assessing the educational stability for children and youth in the system. Adding schools to the official list of interested parties would codify recognition of the significant role that schools play in the success of our vulnerable children in care.

Thank you for your support for SB 655.