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*Testimony before the Senate Committee on Human Services, Children and Families
Senator André Jacque
April 27, 2021*

Good Morning Committee Members,

I want to thank you for your time this morning. Senate Bill 256, a bill relating to providing permanency plans and comments to out-of-home care providers in advance of a permanency plan review or hearing is a proposal that I care deeply about. I want to thank my colleague, Rep. Murphy for his leadership on this proposal in the State Assembly.

For many years it has been a common practice for foster parents to receive a copy of the permanency plan for the children in their care. For kids in the foster system, often the goal is reunification with their biological parents. The permanency plan is an assessment of the child and their needs. It focuses on what is in the child's best interests. The importance of stability and continuity form the basis for the plan.

A permanency plan is a valuable tool for foster parents. Although the information contained in it is sensitive, it is the very information foster parents need to help provide the best care they can for their foster child.

Within the past few years, some county corporation counsels have found that there is no explicit statutory authority in the Wisconsin Children's Code to distribute these plans to foster parents. Concerned about liability, several counties have reluctantly stopped sharing the plans with foster parents.

A recent panel of county foster care coordinators in Northeast Wisconsin lamented the change, calling it a "huge disservice" that should be fixed.

This bill adds a child's foster parent or other guardian to the list of individuals that may, at a county's option, receive a copy of a permanency plan and any written comments submitted to the agency that is preparing the permanency plan. Any information that is required to remain confidential under federal or state law must be redacted from the permanency plan before it is provided to the out-of-home care provider.

Knowing what a child has been through is vital to being an effective parent. If foster parents are trusted with a child's care, they can certainly be trusted with the child's story.

Thank you for your consideration of Senate Bill 256.



DAVE MURPHY

State Representative • 56th Assembly District

Senate Committee on Human Services, Children and Families

Public Hearing, April 27, 2021

Senate Bill 256

Testimony of State Representative Dave Murphy

Mr. Chair and members of the committee, thank you for hearing Senate Bill 256 today.

As a member of the Assembly Adoption Task Force last session, I heard from countless foster parents that the key to successfully providing a safe and nurturing environment for a child is understanding the trauma that the child may have experienced before arriving in a foster home. Unfortunately, some counties now feel that Wisconsin state statutes do not explicitly allow them to share this very information with foster parents and so they have stopped providing this information out of caution of running afoul of the law.

Senate Bill 256 would explicitly allow a county to provide a child's permanency plan to foster parent, ensuring that the individuals trusted by our state to care for children have all the information necessary to be successful. While permanency plans can contain sensitive information, it is the very information required to provide all the love and care a foster child deserves.

Foster parents dedicate their lives to protecting and raising children in need, the least we can do as a state is ensure those foster parents have all the information they need to carry out this critical service.



TO: Chair Jacque, Vice-Chair Ballweg, and Honorable Members of the Senate
Committee on Human Services, Children, and Families

FROM: Amanda Merkwae, Legislative Advisor

DATE: April 27, 2021

SUBJECT: 2021 Senate Bill 256

The Department of Children and Families (DCF) 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 guided by the principals of prevention, reunification, permanence, and connection to relatives. It is through the lens of these principles that DCF reviewed SB256 and will be testifying for information.

This bill would allow a child welfare agency to provide a copy of a child's permanency plan and written comments on the plan to a child's out-of-home care provider. Under the bill, any information that is required to remain confidential under federal or state law must be redacted from the permanency plan before it is provided to the out-of-home care provider. Under current law and administrative rules, child welfare agencies must provide an out-of-home care provider with information about a child, including the child's developmental medical, cultural, emotional, behavioral, and educational needs; the child's placement history and permanence goal(s); considerations for making reasonable and prudent parenting decisions; and any additional information critical to the care of the child. Out-of-home care providers must also be given notice of permanency review proceedings held every six months and their right to be heard at these reviews.

The relational dynamics in a child welfare or youth justice case can be complicated. As the child welfare and youth justice systems strive to transition children in out-of-home care safety back with their family, whenever possible, the trust that is established between the child, caseworker, biological parent, out-of-home care provider, and tribe (in a case where the Wisconsin Indian Child Welfare Act (WICWA) applies) is critical for co-parenting to occur.

Notwithstanding the confidentiality provisions in the bill, there is a delicate balance that must be reached regarding the information an out-of-home care provider needs to provide care to a child and the sensitive information contained in the permanency plan detailing the parents' trauma history and treatment that could impact the relationships among those working to meet the child's needs. As a result, DCF appreciates that the ability to provide a copy of these documents to out-of-home care providers is discretionary for local child welfare agencies, as this flexibility reflects deference to local practice and decision-making.

One practical hurdle created for local child welfare agencies opting to distribute these documents to an out-of-home care provider in order to comply with state and federal confidentiality laws is the method of redaction. Currently, the statewide child welfare information system known as eWiSACWIS does not have an electronic redaction function. Local child welfare agencies could use software such as AdobePro for redaction of individual documents or redact the documents manually. Either way, there would be local costs associated with child welfare workers' time to redact confidential provisions in each permanency plan and written comments.

DCF appreciates the provisions to protect information that must remain confidential under state and federal law and would recommend the following amendments to align with other confidentiality provisions in Chapters 48 and 938:

1. Because SB256 permits the disclosure to the out-of-home care provider of both the permanency plan and any written comments, DCF would recommend that the confidentiality provisions reflect that the written comments must also be redacted as required by federal and state law.
2. Currently the bill does not contain language noting that an out-of-home care provider receiving a child's permanency plan and written comments may not disclose any information from the records to any other person, except as permitted by law. This language appears in other parts of the permanency plan statute; for example, s. 48.38(5)(d) which states, "[a] person permitted access to a child's records under this paragraph may not disclose any information from the records to any other person." DCF would recommend similar language be added to SB256.

Thank you for the opportunity to testify about this legislation. We would be pleased to respond to any questions.

4/26/21
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My name is Otis Miller. I've been a foster parent in Winnebago County for the past 6 years. I've also had placements from Outagamie County and last year I adopted 2 children from the foster care system. I assure you changes to the foster care system are badly needed. When my daughters finally got permanence, they were ages 6 and 8 and they had spent 5 of those years in foster care. I'd like to speak more generally about how kids in foster care are viewed and what we as a society can do for them.

Foster parents are trained and qualified to be partners with social workers and others to guide kids through the foster care system. There are many professionals involved with a child in foster care from the social worker, the judge, guardian ad litem, the birth parents, in some cases, casa workers. Of all these people no one spends more time with the children than the foster parents. They are the only ones who see and spend time with the child every day. No one understands the child's current situation as the family that they are living with. It makes no sense to leave that person out of the discussion of how to best care for the child. And a big way to help them parent is by sharing the permanency plan.

The perm. plan is a vital tool in helping to parent a foster child. All parents need to be detectives. From them you constantly hear things like, 'tell me what happened' and 'how did that make you feel?' You can't understand a behavior until you know the motivation behind it. You must get to the reason why a child does what they do. Often the trauma experienced by these kids runs deep. But how deep? Is a child's bad behavior the result of trauma or defiance? Do they believe something that isn't true or is it just an age-appropriate phase? These are questions that parents must try to figure out. They are questions about a child's past.

The permanency plan has the history of the case and holds answers to a child's past for detective parents to unlock. Just last week I spoke to a foster parent who received a perm plan and they said things made so much sense as they read it. They said they understood their foster child better. I'd like to give you specifics of how the perm plan has helped them but they didn't give me any and I knew enough not to ask. Which brings me to my next point. Foster parents can be trusted with confidential information.

While the permanency plan does have sensitive information about the birth parents and the birth family is that information any more precious than the child? If the foster parents can be trusted with the child they can certainly be trusted with the child's story. Foster parents already handle private information by having these kids in their homes. Denying foster parents as much information and history on a child as possible will only give you ineffective parents. The result here is more frustration with the system and foster children who change homes more often. If you want to retain foster parents then treat them as partners.

I am a big fan of foster care. Foster care has so many advantages over other systems. I am so glad that large, overcrowded orphanages are a thing of the past. Children should be raised in homes, not institutions and they should be raised by parents, not administrators. But when you deny foster parents the available information on a child and when you tell them that they don't need to know what a child has been through and they don't need to worry about where that child will end up. Then that child is not part of a family, they are just a roommate. Then you have degraded that parent into an administrator and you have taken that home and made it an orphanage. Please, give children a home and give them parents.

My daughter who's in 1st grade was sent to the principal last week on Friday. She told me this when I picked her up at the end of the day. As any parent would do, I asked her why. She told me that one of her classmates was pulling her socks down. I asked if she was goofing off. She said no. I asked what she did about it. She said she pulled her socks up. So, you went to the principal because you pulled your socks up? She said no. Why didn't the classmate go to the principal? She said they did. She said there were 4 of them in the office, or 7. I asked if she was goofing off. She said not really. For the whole ride home, we went back and forth like this until I finally got tired of incomplete thoughts and contradictory statements. Not for an instant did I think I had been told the whole story but that was fine because I knew that my inbox probably already had a message from the principal telling me exactly what happened. They would send that message so that I at home can back up the correction the school started and my daughter can learn from her mistakes and improve. And if I don't get that message from the school then I could contact the principal or the teacher and they would tell me what happened. Now imagine I reach out to the school and they tell me it's classified. How can I parent a child in that circumstance? How can a child learn from their mistakes if I the parent don't have enough of the story?

Please, partner with foster parents.