



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

Memo No. 6

TO: MEMBERS OF THE SPECIAL COMMITTEE ON STRENGTHENING WISCONSIN FAMILIES

FROM: Laura Rose, Deputy Director, and Scott Grosz, Staff Attorney

RE: Options for Legislation on Strengthening Wisconsin Families

DATE: January 3, 2007 (Revised March 12, 2007)

This Memo presents legislative options for consideration by the Special Committee on Strengthening Wisconsin Families. These are options that have been suggested by committee members and speakers at various times since the committee began meeting in September 2006.

This listing of legislative options is not exhaustive. Committee members may suggest options in addition to those listed under each topic heading, or suggest additional topics for committee consideration.

I. SYSTEM INTEGRATION EFFORTS AND COLLABORATIVE SERVICE TEAMS

Background

The scope of study for the Special Committee on Strengthening Wisconsin Families instructs the committee to study methods to improve collaboration between the Wisconsin Works (W-2) Program and the child welfare system. Systems integration efforts would be a direct approach to increase the collaboration between W-2 and the child welfare system.

The committee has heard about several systems integration models. At the committee's first meeting, Secretaries Roberta Gassman, Department of Workforce Development (DWD), and Helene Nelson, Department of Health and Family Services (DHFS), explained the Families Forward-Wisconsin pilot program. Dane, Kenosha, La Crosse, and Milwaukee Counties are sites for the pilot program. The Families Forward-Wisconsin integration efforts are meant to address a family's economic stability as well as child safety and well-being.

The committee also learned about the systems integration program adopted by El Paso County, Colorado. Generally, the program shifted to less adversarial approaches and reduced court involvement in child welfare cases and favored community involvement. Flexibility in funding was a key component to the integration program. Administrators in the El Paso County systems integration program emphasized the individual efforts of leadership personnel as a key to its success. Information on the El Paso County program was included in Memo. No. 1.

The paper included in Memo No. 1, *A Vision for Eliminating Poverty and Family Violence: Transforming Child Welfare and TANF in El Paso County, Colorado*, illustrated the changes within El Paso County TANF and child welfare agencies that enhanced integration efforts in the county. Notable TANF initiatives included revised assessment policies meant to empower families and focus on family strengths as well as training of TANF workers. The training increased knowledge of TANF, child welfare, and other employment programs and reduced staff turnover. Diversion programs, earned income disregards, retrospective budgeting, and work supports were adopted in order to “make work pay” for TANF participants. Additionally, a sanctions prevention team was developed to promote development of appropriate individual responsibility contracts (IRCs).

A similar evolution occurred with regard to El Paso County child welfare initiatives. In addition to staff training improvements, child welfare initiatives included shifts to home and community based services and reductions in adversarial options.

At the same time, integration efforts based on coordinated case planning and fathers’ parenting skills were adopted. Other integration efforts shifted some prevention and family integration services from one agency to the other in order to reduce the perceived stigma of receiving the services.

At the November 21, 2006 committee meeting, Dan Naylor of White Pines Consulting, Waupaca, provided information and materials on coordinated service teams (CSTs). Coordinated service teams represent another model for systems integration. The CSTs attempt to coordinate the delivery of services for families involved in multiple systems of care. This is done by developing a team of service providers from the family, the family’s systems of care, and members of the family’s informal support network. Currently, there are CST sites in 26 Wisconsin counties and 1 tribe, the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin. The counties with CST sites are: Adams, Bayfield, Brown, Buffalo, Calumet, Crawford, Douglas, Eau Claire, Grant, Green Lake, Iron, Jefferson, Juneau, La Crosse, Lafayette, Manitowoc, Marquette, Pierce, Polk, Portage, Richland, Sauk, Sheboygan, St. Croix, Waupaca, and Washburn.

At the same meeting, Brenda Bell-White spoke about the Milwaukee Family Services Integration office. The office, at this time in its infancy, will focus on systems integration between the W-2 and child welfare systems to advance Families Forward-Wisconsin, as well as integration of employment and human services programs targeted at the corrections population and participants in the public health birth outcomes improvement project.

Options

1. Mandate or encourage programs modeled on Families Forward-Wisconsin to be adopted statewide.

2. Pursue the establishment of options in counties that are modeled after the systems integration program adopted by El Paso County, Colorado.
3. Mandate or encourage statewide establishment of CSTs.
4. Create offices similar to the Milwaukee Family Services Integration office throughout the state.

II. TRANSPORTATION ISSUES

Background

The committee has received testimony and engaged in discussions regarding the relationship between access to transportation and the success of social programs.

In particular, Terence Ray and Curtis Marshall, who spoke on the topic of Milwaukee's Fatherhood Summit, noted the high level of interest at the Summit in a change, under 2005 Wisconsin Act 25, to the "habitual traffic offender" (HTO) classification found in ch. 351, Stats. The speakers raised the issue that there was not substantial awareness of these changes.

Clearinghouse Rule 06-041, enclosed, analyzes the changes to state law that redefine the HTO determination. Clearinghouse Rule 06-041 changes Department of Transportation (DOT) administrative rules in order to be consistent with the changes to Wisconsin statutes. Under the changes, the DOT estimates that approximately 10,000 to 12,000 drivers will no longer be subject to a five-year license revocation for HTO status and may be eligible to reinstate their operating privileges earlier than otherwise anticipated.

The geographic barriers that exist between individuals in need of employment and employers with hiring needs were another issue discussed by the committee. In particular, committee members pointed to unemployment in Milwaukee and the hiring needs of employers in the surrounding counties. One existing program that addresses that geographic barrier is a bus line, the Ozaukee County Express. The bus line provides service from downtown Milwaukee to Ozaukee County.

Options

1. Direct the DOT to promote awareness of the changes to the habitual traffic offender law.
2. Provide funding to decrease geographic barriers to employment access through programs similar to the Ozaukee County Express.

III. INFORMATION SHARING AND CONFIDENTIALITY ISSUES

Background

Members of the committee have suggested changes to the information sharing abilities of the W-2 and child welfare agencies, as confidentiality often is perceived to be a barrier to integration

programs. The efforts of the committee in this regard should be considered in light of existing guidelines for confidentiality and information sharing.

For child welfare, s. 48.78, Stats., generally governs confidentiality. The section maintains the confidentiality of records, except for information shared under listed statutory provisions. [s. 48.78 (2) (a), Stats.] Additionally, the section describes several circumstances where information may be released with the consent of persons such as parents, guardians, or children over the age of 14. [s. 48.78 (2), Stats.] Further, the section does not prohibit confidential exchanges of information between an agency and another social welfare agency, law enforcement agency, or school. [s. 48.78 (2) (b), Stats.]

For W-2, numerous statutes relate to confidentiality. Section 49.32 (10), Stats., describes the limited circumstances under which information may be released to law enforcement agencies. Section 49.83, Stats., prohibits the disclosure of information for purposes other than those connected to program administration.

Additionally, DWD administrative rules also relate to confidentiality in a variety of contexts. For example, s. DWD 12.08 (2), Wis. Adm. Code, instructs W-2 agencies that “[t]he Wisconsin works agency shall keep all information that it receives regarding victims of domestic abuse strictly confidential, except to the extent needed to administer Wisconsin works.” Chapter DWD 68, Wis. Adm. Code, relates to confidentiality in the context of vocational rehabilitation programs. Chapter DWD 15 relates to cooperation by W-2 participants with child support efforts. Several sections in the chapter relate to information sharing. [See s. DWD 15.03 (2), Wis. Adm. Code.]

Also, section 4.7 of the Wisconsin Works Manual relates to confidentiality. The manual generally advises that, except for limited law enforcement purposes, confidentiality must be preserved unless for purposes of program administration. A release of information also may be authorized by a patient-participant.

A data exchange and systems access agreement has been developed by DWD and DHFS, as part of the state’s response to the federal Child and Family Services Review. The agreement allows child welfare agency staff and DHFS’s Division of Children and Families’ staff access to the Kid Information Data Systems (KIDS) to obtain information for the purposes of:

- Identifying and contacting parents or putative parents of children for potential placement.
- Preparing child protective services, juvenile protective services, and juvenile delinquency cases for court action.
- Making child support referrals for appropriate out-of-home care cases.
- Reconciling payment in kinship care or substitute care cases.
- Updating parent and child demographics and support collections information.

The agreement allows local child support agencies and DWD’s Bureau of Child Support access to Wisconsin Statewide Automated Child Welfare Information System (E-WISACWIS) for the following purposes:

- Identifying and contacting putative parents for establishing paternity.
- Preparing paternity judgment cases for court action.
- Locating non-custodial parents and identifying possible employment and earnings of child support obligors.
- Updating parent and child demographics and support collection information.
- Reconciling payment in kinship care and substitute care cases.

Options

1. Explore options to increase information sharing abilities of child welfare and W-2 agencies. Some options may include:
 - a. Expand the existing lists that authorize information sharing to include additional entities and situations chosen by the committee.
 - b. Draft more precise or extensive legislation that applies only to systems integration efforts.
 - c. Pursue expanded use of a “release of information” procedure for either of those situations.
2. Increase awareness about existing law and proposed legislation related to confidentiality.

Regardless of the options pursued by the committee, the committee should consider the implications of any changes to confidentiality on participants’ interaction in the adversarial systems that play a role in the child welfare and W-2 contexts.

IV. FAMILY IMPACT STATEMENTS

Background

The committee suggested requiring family impact statements as a part of the legislative and rule-making processes.

Currently, Wisconsin law requires impact statements, or their equivalent, in several contexts. The scope and detail of the required statements varies based on subject matter. Sections 13.093 to 13.099, Stats., refer to various review procedures mandated for legislation.

Some review procedures apply to broad categories of legislation. One example is the fiscal estimate requirement of s. 13.093, Stats. A fiscal estimate must be incorporated in “[a]ny bill making an appropriation, any bill increasing or decreasing existing appropriations or state or general local government fiscal liability or revenues, and any bill that modifies an existing surcharge or creates a new surcharge that is imposed under ch. 814....” [s. 13.093, Stats.] Section 13.093, Stats., also describes the content that must be included in a fiscal estimate.

Other review procedures apply to more limited categories of legislation. Examples include review procedures for legislation involving vehicle weight limits, energy availability, alcohol and other drug abuse, and housing. [ss. 13.096, 13.0975, 13.098, and 13.099, Stats.]

Another review procedure exists for legislation and agency action affecting the environment. Environmental impact statements likely are the most thorough impact statements produced in the legislative and agency rule-making processes. Section 1.11, Stats., outlines the responsibilities of state agencies with regard to environmental impact statements. As the section notes, environmental impact statements are comprehensive and complex reports, often stand-alone documents, issued in accordance with federal guidelines. Wisconsin statutes and the Administrative Code also refer to environmental assessments: preliminary reports relating to whether a full-scale environmental impact statement must be completed.

Review procedures and impact statements also exist for the promulgation of administrative rules. For some subject matter, review procedures run parallel to the review procedures for related legislation. For example, s. 227.115, Stats., governs review procedures for rules related to housing. Section 227.117, Stats., governs rules related to energy availability. Section 227.114, Stats., governs review procedures that consider the effect a proposed rule may have on small business. The particular review procedures are outlined in the statutes and vary depending on the subject matter of the legislation.

In addition, the special review procedures for some subject matter, the preface to all proposed rules must contain an analysis. The requirements for this analysis are found in s. 227.14 (2) (a), Stats. Requirements include:

1. A reference to each statute that the proposed rule interprets, each statute that authorizes its promulgation, each related statute or related rule, and an explanation of the agency's authority to promulgate the proposed rule under those statutes.
2. A brief summary of the proposed rule.
3. A summary of and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule.
4. A comparison with similar rules in Illinois, Iowa, Michigan, and Minnesota.
5. A summary of the factual data and analytical methodologies that the agency used in support of the proposed rule and how any related findings support the regulatory approach chosen for the proposed rule.
6. Any analysis and supporting documentation that the agency used in support of the agency's determination of the rule's effect on small businesses under s. 227.114 or that was used when the agency prepared an economic impact report under s. 227.137 (3).

Options

1. Require family impact statements for new legislation, or administrative rules, or both. Questions which could be asked regarding this proposal include:

- a. Which categories of legislation and administrative rules would the requirement apply to?
- b. What would be the scope and format of the required analysis?
- c. Would additional agency personnel be allocated to this task?

V. ADULT BASIC EDUCATION

The committee has discussed the pursuit of options that could enhance access to adult basic education. Enclosed is a memorandum from committee member Charity Eleson, Executive Director, Wisconsin Council on Children and Families. The memorandum outlines options to improve access and outcomes in adult basic education.

VI. HOME VISITATION PROGRAMS

Background

Two memoranda have been prepared for the Special Committee on home visitation. Memo No. 1 describes evaluations of home visitation programs, including the Prevention of Child Abuse and Neglect (POCAN) program; now referred to as “Family Foundations,” that was created in 1997 Wisconsin Act 293. Memo No. 4 describes major national home visitation models; the critical elements of the Healthy Families America model; and the extent of the implementation of various home visitation program models in Wisconsin.

Evaluations

National evaluations of various home visitation programs have demonstrated positive outcomes in families in a number of areas related to child development and increasing parenting skills. Some of these positive short-term outcomes include:

- Better birth outcomes.
- Enhanced parent-child interactions.
- More efficient use of health care services.
- Enhanced child development and early detection of developmental delays.
- Early literacy skills and social competence in children.
- Parent involvement in child’s learning.

Some positive longer term outcomes include:

- Reduced welfare dependency.
- Higher rates of school completion and job retention.

- Reduction in frequency and severity of maltreatment.
- Stronger school performance and fewer behavioral problems in children.
- Higher rates of high school graduation.¹

The DHFS conducted an evaluation of the Family Foundations program. Some of the following outcomes of the Family Foundations program were noted in the 2003 Final Evaluation Report:

- Increased rate of children who were up to date on immunizations.
- Increased rate of children who received all scheduled Health Check examinations.
- Improved maternal employment and education status.
- Improved family functioning and positive parenting practices improved during the time of program participation.
- Reduced emergency room visits for treatment of childhood injuries.
- Increased screening of children to analyze child development and subsequent referral to the Birth-to-Three Program, when necessary.
- Reduction in the expected cases of abuse and neglect. There were 11 substantiated reports of child abuse and neglect (4% of the study population) among program participants. This compares with an expected 16% rate of reports of child abuse and neglect among this high-risk population.²

Healthy Families-La Crosse serves approximately 130 families per year. A 2000 evaluation of the program conducted by Richard E. Morehouse, Ph.D., of Viterbo University, found the following benefits of the program:

- Reduced referrals to child protective services.
- Few children placed in out-of-home care.
- Elimination of required medical care due to child abuse or neglect.
- Few children being the subject of petitions under ch. 48, children in need of protection or services.

¹ Daro, Deborah; *Home Visitation: Assessing Progress, Managing Expectations*, Ounce of Prevention Fund and Chapin Hall Center for Children, 2006.

² Troia, Nina; *Prevention of Child Abuse and Neglect (POCAN), Final Evaluation Report*, Wisconsin Department of Health and Family Services, Office of Strategic Finance, Evaluation Section, September 2003.

- Fewer children using child care program services.
- No involvement in jury trials for child abuse or neglect.

Home Visitation Program Coverage in Wisconsin

The Family Foundations home visiting program was implemented in nine counties and one tribe and continues in those counties as of this date.

All together, approximately 42 counties in Wisconsin have some form of home visitation program (see Memo No. 4).

Of these, nine counties have a Healthy Families America home visitation program. HFA is one of several national home visitation program models implemented in the United States (see Memo No. 4). The HFA model focuses on the prevention of child abuse and neglect as one of its major goals. This is not necessarily the primary goal of all home visitation programs. Some models, such as Parents as Teachers (PAT) and Home Instruction for Parents of Preschool Youngsters (HIPPI), have early childhood education as their primary focus.

Cost Estimates and Financing Methods for Home Visitation Programs

Under 1997 Wisconsin Act 293, \$995,700 general purpose revenue (GPR) per year was appropriated for the 10 Family Foundations projects. These funds were allocated among the recipient projects based on a formula that takes into consideration the percentage of Medical Assistance (MA) births in the county.

In addition to GPR, project funds include MA targeted case management reimbursements, federal block grant funds, local property tax revenues, Title IV-E incentive funds, and private funds.

The DHFS 2005-07 Budget request recommended expansion of Family Foundations statewide, with an estimated cost per year of \$642,400 all funds in fiscal year 2005-06 and \$2,639,000 all funds in fiscal year 2006-07. The 2005-07 Governor's budget proposal included funding of \$1,454,500 all funds for this program. The Legislature deleted the proposal.

In 2000, HFA-La Crosse served 138 families for a cost of \$235,000. (Viterbo evaluation.) Recent data shows approximately 125-130 families served per year, at an average annual cost of \$2,500 per family, which would bring the current annual cost to approximately \$325,000. Funding sources for HFA-La Crosse include the following: United Way, La Crosse Community Foundation, La Crosse County Human Services, Gundersen Lutheran Medical Foundation, Franciscan-Skemp Healthcare Foundation, MA targeted case management reimbursements, and various fundraising events (personal communication with John Burgess, committee member, December 21, 2006).

Options

1. Recommend funding to implement the Family Foundations or a similar home visitation model statewide during the 2007-09 biennium. Target the funding to population centers based on a formula that takes into account the number of MA funded births, and possibly other factors, such as the

number of child abuse and neglect substantiated findings, the number of children in out-of-home care, or other indicators.

2. Recommend phasing in statewide implementation of Family Foundations over two or more biennia.

VII. TRAINING IN FAMILY SYSTEMS THEORY

Background

Both the W-2 program and the child welfare systems have established training requirements for their workers.

Chapter DWD 17 sets out the standards for W-2 worker training. A copy of ch. DWD 17 is enclosed with this Memo as Enclosure 3.

The DHFS, in collaboration with other partners, has established the Wisconsin child welfare training system. The website for this system is: www.wcwts.wisc.edu.

At its November meeting, the Special Committee heard testimony from Mr. Tom Prete on family systems theory. Mr. Prete's handout on family systems theory is posted on the Special Committee's website: www.legis.state.wi.us/lc.

Options

1. Establish family systems training standards for DHFS child welfare workers and DWD W-2 workers. Require completion of this training for all current and new workers, by a specified date. Questions which could be asked regarding this proposal include:

- a. What is the deadline for completion of this training?
- b. Will current workers be required to be trained, or will they be "grandfathered" in?
- c. Which entities may provide the training?
- d. How many hours of training would be required?
- e. How will the training be funded?

2. Additionally, establish family systems training standards for school personnel and law enforcement personnel. Require completion of this training for all of these personnel. If this is recommended, the same questions as listed under Option 1 should be examined.

VIII. STATE FAMILY POLICY BOARD AND LOCAL FAMILY COLLABORATIVES

Background

Several states have established state level "family policy boards" or similar entities. Many of these family policy boards encourage formation, at the local level, of collaborative structures that provide integrated services for families.

Some examples of these state models include the following:

Washington: Washington State Family Policy Council: This council was established by statute in 1992. The Family Policy Council members are the Superintendent of Public Instruction, the Secretary of Social and Health Services, the Secretary of Health, the Commissioner of the Employment Security Department, and the Director of the Department of Community, Trade, and Economic Development, one legislator from each caucus of the Senate and House of Representatives, and one representative of the Governor. (Rev. Code of Washington, s. 70.190.010) The Family Policy Council encourages establishment, at the local level, of “community public health and safety networks.” These networks are collaborative organizations that work to reduce child abuse and neglect, youth substances abuse, youth violence, dropping out of school, youth suicide, domestic violence, and teen pregnancy. The network also makes recommendations to the Governor and Legislature on changes to state programs, policies, and funding to improve coordination of programs that affect families. (Email correspondence, Laura Porter, Staff Director, Washington State Family Policy Council.)

Minnesota: Minnesota Children’s Cabinet: The Children’s Cabinet was established by statute in 1993. The Children’s Cabinet consists of the Commissioners of Education, Human Services, Employment and Economic Development, Public Safety, Corrections, Finance, Health, Administration, Housing Finance Agency, and Transportation, and the Director of the Office of Strategic and Long-Range Planning. The Governor designates one member to serve as cabinet chair. The chair is responsible for ensuring that the duties of the Children’s Cabinet are performed. (Minn. Stat., s. 4.045.) The Children’s Cabinet, among other duties, is required to assist local family services and children’s mental health collaboratives on the local levels. (Minn. Stat. ss. 127D.23 and 245.493.)

The state agency heads that are part of the Children’s Cabinet have not met as a children’s cabinet for the past two administrations. Collaborative entities have been established at the local level in Minnesota. (Email correspondence, Amalia Mendoza, Children’s Mental Health Divisions, Minnesota Department of Human Services.)

North Carolina: North Carolina Partnership for Children: The North Carolina Partnership for Children is a private, nonprofit organization which serves as the lead early childhood organization for the state on behalf of young children, birth to age 5, and their families. The Partnership is the lead voice on behalf of young children and their families in North Carolina, and is also responsible for managing the Smart Start initiative, which is an early childhood initiative, a comprehensive program focusing on affordable and accessible high quality early child care and education, access to health services, and support to families. Funds flow from the state to the Partnership, and then to 79 community-based local partnerships for children. These local partnerships work within their communities to develop and implement a plan for their local early childhood system. (Email correspondence, Gerry Cobb, Director, Smart Start Technical Assistance Center.)

Wisconsin: The Child Abuse and Neglect Prevention Board (Children’s Trust Fund or CTF) is an example of an agency that brings representatives of several cabinet-level agencies together to improve coordination of programs affecting children and families. The CTF consists of 20 members: the Governor; Attorney General; Secretaries of Health and Family Services, Corrections, and Workforce Development; Superintendent of Public Instruction; four legislators; and 10 public members appointed by the Governor. Cabinet members may appoint a designee.

Among other duties, the CTF is charged with recommending to the Governor, the Legislature, and state agencies changes needed in state programs, statutes, policies, budgets, and rules to reduce the problems of child abuse and neglect, improve coordination among state agencies that provide prevention services, promote individual, family, and community strengths, build parenting skills, and provide community support for children and families. (s. 48.982 (2) (g) 1., Stats.)

The CTF is involved in several collaborative efforts to strengthen families and improve child well-being. The CTF was one of the agencies involved in convening the State Call to Action to Prevent Child Abuse and Neglect in 2004. The report of the State Call to Action (distributed to committee members at the October 24, 2006 meeting) included recommendations from the Uniform, Comprehensive Systems of Family Support workgroup. Some of these recommendations include establishing local collaborative councils in Wisconsin communities. The report noted that collaborative councils currently exist in some Wisconsin communities.

The CTF is also one of seven states involved in the “Strengthening Families through Early Care and Education” initiative, funded through the Center for the Study of Social Policy. Enclosure 4 to this Memo describes this initiative.

Proposals have been discussed to create a family policy board in Wisconsin. One proposal is to rename the CTF as the “Family Policy Board.” The board would expand the membership of the CTF and add to its duties. One of the duties of the family policy board would be to encourage communities to form local collaborative entities that would coordinate provision of services to families.

Options

1. Retain and emphasize the role of the CTF as a collaborative, state-level entity to improve coordination among state agencies that provide prevention services, promote individual, family, and community strengths, build parenting skills, and provide community support for children and families.

2. Create a new state-level family policy board to promote the coordination of services to families to achieve several goals, including child health, school readiness, and healthy communities; establish a policy for member agencies that priority is given to promotion of healthy families through provision of comprehensive, integrated services; recommend policies to the Governor and Legislature regarding service coordination and funding consolidation for services to families; and encourage communities to form local family collaboratives.

3. Rename the CTF as the “Family Policy Board,” and expand its duties and membership.

IX. FATHERHOOD INITIATIVES

Background

The Special Committee heard testimony on the Wisconsin Fatherhood Initiative, the Milwaukee Fatherhood Summit, and the Nurturing Fathers program at its November 21, 2006 meeting.

The federal government provides grants for responsible fatherhood and marriage promotion. The Deficit Reduction Act of 2005 provides \$150 million for each of federal fiscal years 2006 through

2010 to promote and support healthy marriages and responsible fatherhood. The funds are awarded as competitive grants to government entities, faith-based organizations, or community organizations. Up to \$50 million per year may be awarded to government entities, faith-based organizations, or community organizations to fund activities promoting responsible fatherhood.

In Wisconsin, Rosalie Manor Community and Family Services of Milwaukee received a \$500,000 grant under this program in 2006.

On the state level, the Children First (CF) program in DWD is a work program for non-custodial parents (NCPs). Most of the participants are fathers. Thirty-eight counties operated CF programs in 2006. CF participants may be involved in activities up to 32 hours per week. CF services provide NCPs with an opportunity to improve their ability to pay court-ordered support and to provide overall support to their children. Services may include case management, services to assist the NCP in finding and maintaining employment, skills training, and parenting improvement services to promote self-sufficiency and responsible parenting. Individual CF programs may design services to enhance program outcomes. These *may* include fatherhood and/or peer support services.

Some W-2 agencies are involved in establishing fatherhood programs. For example, Forward Service Corporation, a W-2 agency serving Forest, Oneida, Vilas, Lincoln, and Langlade Counties, provided funding to have two staff persons certified as practitioners for Working with Young Fathers Curriculum through the National Center for Strategic Non-Profit Planning and Community Leadership. This Fatherhood Development Program assists young fathers to explore the issues and challenges of fatherhood, through group discussions and activities. The groups will provide support, information, and motivation in the areas of parenthood, relationships, and responsible manhood. The goal is to promote a positive identity for participants as men and fathers, enable fathers to see the importance of accepting responsibility for their children, increase parenting skills, and the ability to become self-sufficient by taking control of their own lives.

The DHFS' Division of Public Health works with new fathers to stress the importance of father's involvement in positive birth outcomes. One of the recommendations of a recently published DHFS report recommends working with fathers, families, community leaders, and state programs to develop and support fatherhood programs in communities with high rates of disparities in birth outcomes.³

Many local agencies have adopted Fatherhood Programs or made existing programs more "father friendly." The state has used federal funds from the Promoting Safe and Stable Families (PSSF) Act to fund the development and piloting of a "father friendly" assessment tool. In addition, the Bureau of Milwaukee Child Welfare continues to work to strengthen efforts to identify fathers and connect children and fathers.

The DHFS' Division of Children and Family Services (DCFS) is allocating PSSF moneys to expand fatherhood activities: (1) to enhance efforts to identify, locate, and involve fathers and paternal

³ *A Framework for Action to Eliminate Racial and Ethnic Disparities in Birth Outcomes*, Wisconsin Department of Health and Family Services, 2006.

relatives in an effort to better meet the needs of children in the CPS system; and (2) to develop protocols that provide technical assistance and service assessments to counties/agencies that assist in removing barriers to create father friendly programs and services. Several counties included specific fatherhood programs in their 2005-2007 plans.

As part of Wisconsin's response to the federal Child and Family Services Review (CFSR), DCFS is also implementing an initiative to strengthen the relationships between non-custodial fathers and their children in the child welfare system. A series of focus groups has been held in several counties with fathers who have children in the child welfare system. The data obtained at those meetings will be formatted and presented statewide so that all counties will have information they can use to develop programs and remove barriers with the goal of strengthening bonds and enhancing the relationships of children in the child welfare system and their non-custodial fathers.

In August of 2005, DHFS/DCFS sponsored a *Nurturing Fathers Facilitator Training* and provided conference scholarships for the Wisconsin State Prevention Conference in Wisconsin Rapids. Approximately 18 individuals attended the Nurturing Fathers Training and received curriculum/materials to start a Nurturing Fathers program.⁴

According to Terence Ray, coordinator of the Milwaukee Fatherhood Initiative and speaker at the November 21, 2006 meeting of the Special Committee, the Department of Corrections has begun to offer a Nurturing Fathers program to offenders who are about to re-enter the community from a correctional institution. The Nurturing Fathers program is a 13-week, group-based program for developing attitudes and skills for male nurturance.

Mr. Ray, along with Curtis Marshall of DHFS, presented information on the outcome of the Milwaukee Fatherhood Summit at the Committee's November 21, 2006 meeting. The two-day summit offered concurrent workshops on a variety of topics, including driver license recovery and child support issues. Mr. Ray estimated that over 1,200 people attended part or all of the conference.

Options

1. Expand current state efforts to provide fatherhood training, such as through the Nurturing Fathers program, by one or all of the following methods:
 - a. Require Nurturing Fathers training (or similar fatherhood training) for fathers who are leaving the correctional system.
 - b. Require DWD to provide Nurturing Fathers training (or similar training) to all CF program participants.
 - c. Require DHFS to expand the initiative to strengthen the relationship between non-custodial fathers who may have children in the child welfare system, by providing Nurturing Fathers training (or similar training) to these fathers.

⁴ Wisconsin Department of Health and Family Services, *Wisconsin Child and Family Services State Plan, Annual Progress and Services Report*, 2006.

- d. Develop an initiative to expand Nurturing Fathers training (or similar training), to expectant fathers during the prenatal period, to enhance healthy birth outcomes for children and mothers.

2. Provide support for establishing Fatherhood Summits, like the Milwaukee Fatherhood Summit, in other areas throughout the state that provide workshops in various topics to fathers.

X. W-2 PROGRAM CHANGES

Background

Wisconsin Legislative Council Staff Brief 06-01, *Overview of the Wisconsin Works Program and the Child Welfare System*, prepared for the Special Committee, provides an overview of the Wisconsin Works (W-2) program. There are currently four types of employment positions under the W-2 Program: unsubsidized employment; trial jobs; transitional jobs; and community services jobs. The last three programs require 28 to 30 hours of work per week (depending on the program), along with a combination of other types of activities, for a total 40 hours per week of W-2 program activities.

Chapter 8 of the Wisconsin Works Manual, Version 06-01, outlines the education and training requirements for W-2 program participants. This chapter provides that, in some cases, a W-2 participant may be enrolled in postsecondary education. The number of hours a participant may participate in postsecondary education activities are limited. Currently, a participant may only be enrolled in 10 to 12 hours per week of “education and training” activities. In some cases, the W-2 program allows a participant to enroll in an intensive education and training program provided the number of hours for these activities in a year does not exceed 516 hours.

Also, in some cases, a participant may enroll in a technical college program, but the participant must still engage in work activities for 25 hours per week, in addition to class time. Study time does not count as participation time. The W-2 agency, in this case, is not obligated to pay for the technical college program, but must assist the participant in applying for financial aid and identifying available funding.

Options

1. Require participants in W-2 work programs to work 40 hours per week. Education and training hours would not be counted in the 40 hours.

2. Require W-2 participants who are enrolled in any postsecondary education activities to take out loans to finance their education.

XI. EQUALIZING PERIODS OF PHYSICAL PLACEMENT

Background

Currently in an action affecting the family, such as a divorce or a paternity action, a court must determine the legal custody of a minor child based on the best interest of the child. In current law, there is a presumption that joint legal custody is in the child’s best interest. The court also must allocate periods of physical placement between the parties. The court is required to set a placement schedule that

allows the child to have regularly occurring, meaningful periods of physical placement with each parent and that maximizes the amount of time the child may spend with each parent, taking into consideration geographic separation and accommodations for different households. The court may deny periods of physical placement with a parent only if the court finds that the physical placement would endanger the child's physical, mental, or emotional health. When determining custody and periods of physical placement, the court is required, under current law, to consider a number of factors.

Also under current law, in an action affecting the family in which legal custody of, or physical placement with, a child is contested, a party seeking physical placement or sole or joint legal custody is required to file a parenting plan with the court before any pretrial conference. In a parenting plan, a parent provides information about his or her residence and employment and about how he or she intends to address various issues relating to the child.

Current law also addresses various situations involving modifications to custody and physical placement. Within two years after making an initial order of legal custody or physical placement a court may not revise legal custody or physical placement in a manner that substantially alters the time a parent may spend with his or her child unless the party seeking the modification shows by substantial evidence that the modification is necessary because the current custodial conditions are physically or emotionally harmful to the best interest of the child. Generally, after two years, the court may make a modification if the court finds that the modification is in the best interest of the child and that there has been a substantial change in circumstances since the last order was made. Current law also provides that in all cases in which modification of legal custody or physical placement is sought, the court must consider the custody and placement factors that the court considers when making initial custody and physical placement orders and must make its determination in a manner consistent with the requirements for making its initial determinations on legal custody and physical placement.

Finally, under current law, a guardian ad litem in an action affecting the family is to be an advocate for the best interests of the child and must consider the positions of others as to the best interest of the child.

Options

1. Modify the law relating to establishing periods of physical placement by requiring the court to consider the parenting plans filed by the parties, and requiring the court to set a placement schedule that equalizes, to the highest degree possible, the amount of time the child may spend with each parent, taking into account geographic separation and accommodations for different households.

2. Modify the law relating to modification of custody and physical placement orders, to require the court to set a physical placement schedule that equalizes to the highest degree possible, the time each parent spends with his or her child.

3. Require a guardian's ad litem's advocacy in an action affecting the family to be consistent with requirements that apply to a court in making its initial determination on legal custody and physical placement.

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Enclosures