



TYLER VORPAGEL

STATE REPRESENTATIVE • 27TH ASSEMBLY DISTRICT

AB 282: appeals of denials of kinship care payments based on arrest or conviction record

Testimony of State Representative Tyler Vorpapel

Assembly Committee on Family Law

December 8th, 2015

Thank you, Chairman Larson and members of the Family Law Committee for hearing Assembly Bill 282. AB 282 was brought to me by the Wisconsin Department of Children and Families. The law currently doesn't allow an administrative appeal hearing in a kinship care that has been denied established by an arrest, conviction or penalty. This State law needs to be updated to comply with federal requirements to continue receiving TANF funding. This bill amends and allows those who are denied kinship care for the above reasons and opportunity for an administrative hearing. Currently state law allows for an administrative hearing if kinship care has been denied for any other reason.

This bill was recommended to us by the Department as they noticed a gap in compliance with the federal fund requirement for TANF. There will be a small increase in cost which the agency is able to absorb within its budget. I am happy to answer any questions you may have but may defer to the Department of Children and Families.



DEVIN LEMAHIEU

STATE SENATOR

Testimony on AB 282

RE: Appeals of denials of kinship care payments based on arrest or conviction record December 8, 2015

Thank you Chairman Larson and Members of the Assembly Committee on Family Law for holding this hearing on Assembly Bill 282. I apologize that I am unable to appear in person today, but I hope that you will consider my written testimony.

Assembly Bill 282 brings Wisconsin into compliance with federal requirements for Temporary Assistance for Needy Families funding. Kinship care payments are made to relatives of a child who provide care and maintenance if certain conditions are met.

One of those conditions requires that the county department of human services or social services (county department) or, in Milwaukee County, the department of Children and Families (DCF) conducts a background investigation to determine if any arrests or convictions could adversely affect the child or the kinship caregiver's relative's ability to care for the child.

Current law permits a person who is denied kinship care payments based on arrest or conviction record to request a review of that decision by the director of the county department (county director) or, in Milwaukee County, by a person designated by the Secretary of Children and Families to conduct those reviews (Secretary's designee). This decision is final and is not subject to further administrative review.

AB 282 permits a person who is aggrieved by a decision of a county director or secretary's designee denial of kinship care payments based on arrest or conviction record to petition DCF for a hearing on that decision.

Under this bill DCF must give the petitioner an opportunity for a fair hearing, and the decision of DCF after the hearing is final, subject to judicial review.

Thank you for your consideration on Assembly Bill 282.



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Governor Scott Walker
Secretary Eloise Anderson

Secretary's Office

Date: December 8, 2015
To: Members of the Assembly Committee on Family Law
From: Ron Hermes, Director, Bureau of Permanence and Out-of-Home Care
Re: Department Position on AB 282/SB 202 – In Support

Representative Larson and Assembly Committee on Family Law,

Thank you for the opportunity to testify on AB 282 and SB 202. My name is Ron Hermes and I am the Director of the Bureau of Permanence and Out-of-Home Care at the Wisconsin Department of Children and Families (DCF).

First, I wish to express the Department's deep appreciation for the individuals who support and care for children in need through kinship care. These family members step forward to assist a child of another family member when the child welfare system is involved to ensure that the child is in a safe, stable and nurturing home while the parent(s) work on strengthening their ability to care for their children.

The Kinship Care program is administered by counties, with oversight by the Department of Children and Families. Under Kinship Care, the caretaker relative receives a monthly payment of \$232 to care for the child. Kinship Care is funded with federal Temporary Assistance to Needy Families (TANF) funding and therefore must adhere to federal TANF requirements.

To become eligible for the Kinship Care payment, the relative and other adult members of the household must pass a background check. Current law provides a person denied Kinship Care eligibility due to a past arrest or conviction the right to appeal the denial to the county director or, for Milwaukee, a person within the Division of Milwaukee Child Protective Services. AB 282/SB 202 allows individuals who disagree with the decision of the county or DMCPD the right to an administrative hearing through the Division of Hearings and Appeals. This provision reflects the federal TANF regulation which requires that individuals who are denied financial assistance funded by TANF be given an opportunity for an administrative hearing.

The Department thanks Representative Vorpapel and Senator LeMahieu for authoring this bill and thanks the Chair for holding a hearing. We thank the Committee for your consideration of the Department's comments and appreciate the Committee's commitment to support positive outcomes for vulnerable children and families in our state. I am pleased to answer any of your questions.