

# JERRY PETROWSKI

WISCONSIN STATE SENATOR

## *Senate Bill 141*

September 1, 2015

Good afternoon, members of the committee, and thank you for the opportunity to provide testimony today on Senate Bill 141, which relates to the notification of relatives when a child is removed from a parent's custody, and the placement of the child with a parent who has custody of that child's sibling.

I would also like to thank Representative Loudenberg and the Department of Children and Families for their work on this bill. Representatives from the department are present today and will be available to answer any technical questions you may have regarding the notification and placement procedure.

In short, SB 141 brings state law into compliance with new federal regulations expanding the list of relatives who are notified and considered for placement when a child is taken into custody by child welfare. The bill adds the parent of a sibling of a child to the list of notified relatives if that parent has custody of the sibling. For example, a child and his or her sibling may have different fathers, but the same mother; in this case, the father of the sibling would be notified and considered for placement if he has custody of the sibling.

It should be noted that failure to comply with this requirement, as passed in the federal Preventing Sex Trafficking and Strengthening Families Act, would cost the state approximately \$105 million per year in federal child welfare Title IV-E funding.

Thank you again for the opportunity to speak on this bill. I would be happy to answer any questions you may have.

29TH SENATE DISTRICT

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Secretary's Office

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Date: September 1, 2015  
To: Members of the Senate Committee on Judiciary and Public Safety  
From: Fredi-Ellen Bove, Administrator, Division of Safety and Permanence  
Re: Department Position on SB 141 – In Support

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Senator Wanggaard and Senate Committee on Judiciary and Public Safety,

Thank you for the opportunity to testify on SB 141. My name is Fredi Bove, and I am the Administrator for the Division of Safety and Permanence at the Wisconsin Department of Children and Families (DCF). With me is Ron Hermes, the Director of the Bureau of Permanence and Out-of-Home Care at DCF.

Under current law, when a child is removed from his or her parent's custody, the juvenile court orders DCF, the county department, or the agency responsible for providing services to the child under the custody order to attempt to locate certain adult relatives of the child and provide them with information related to the child's removal. That information includes notice that the child has been removed from the custody of the child's parents and an explanation of the adult relative's options to participate in the child's care and placement.

Under current law, "relative" means a parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, brother-in-law, sister-in-law, first cousin, second cousin, nephew, niece, uncle, aunt, step uncle, or step aunt. The definition also includes any person of a preceding generation as denoted by the prefix of grand, great, or great-great, whether by blood, marriage, or legal adoption, or the spouse of any person named in this subsection, even if the marriage is terminated by death or divorce. For purposes of applying the federal Indian Child Welfare Act, "relative" includes an extended family member by blood, marriage, or adoption, including adoption under tribal law or custom.

The recently passed federal Preventing Sex Trafficking and Strengthening Families Act requires DCF to expand the relatives notified under current law for children in out-of-home care. In order to continue receiving federal child welfare Title IV-E funding, which equals approximately \$105 million per year, the state must comply with this federal law change by January 1, 2016.

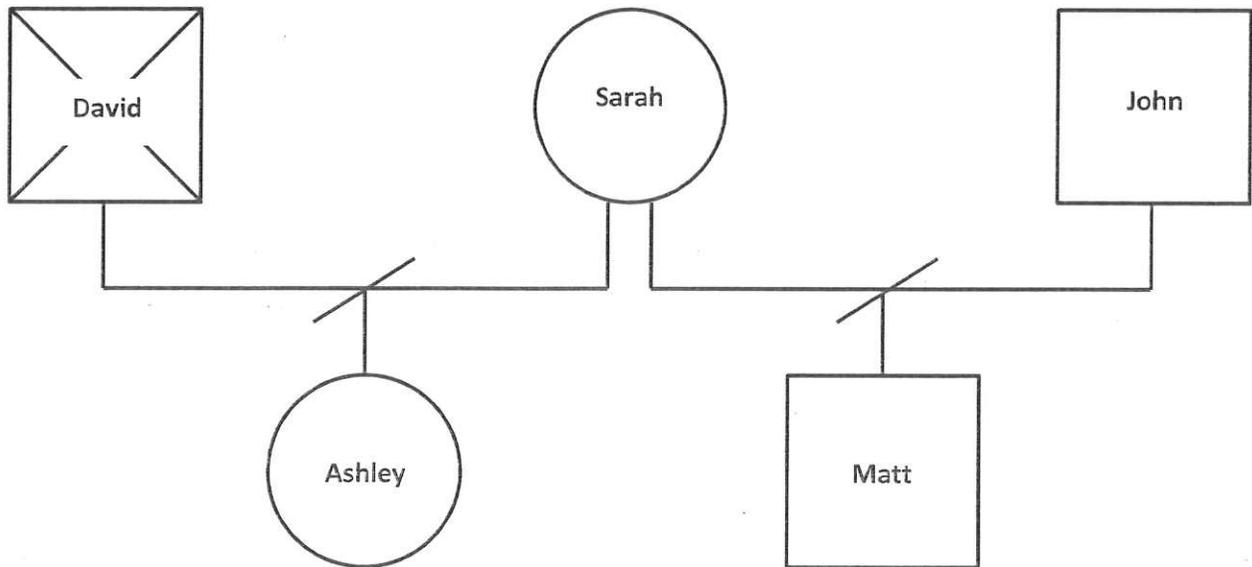
As a result, SB 141 adds the parent of a sibling of the child (when the parent has legal custody of the sibling) to that list. For example, a child and her sibling may have the same mother but different fathers. If the child is removed from her parents' custody, SB 141 would require DCF, a county department or a child welfare agency to notify the father of her sibling if he has custody of the sibling.

Today we see more complex and fluid family structures than ever before. Children are more likely to be affiliated with more than one family unit and transition through multiple family

configurations, such as full, half, and step siblings and different types of parental figures. Approximately one third of children in the U.S. will spend time living with a parent to whom they are not biologically related. The relative notification change in SB 141 updates the statute to reflect today's modern families.

Thank you for the opportunity to testify on this legislation. We thank Senator Petrowski and Representative Loudonbeck for authoring this bill and thank the Chair for holding a hearing. We are pleased to answer any of your questions.

### Relative Notification AB 193



This genogram illustrates the relationship described below for an example of the relative notification being pursued through AB 193 as required under federal law:

Sarah and David were in a relationship and had a child, Ashley. David passed away, so Sarah began raising Ashley as a single mom. Sarah entered into a relationship with John and they also had a child, Matt. Sarah and John's relationship ended; John began raising Matt as a single dad (i.e. he has legal and physical custody of Matt). Sarah's new boyfriend maltreated Ashley and Sarah does not believe Ashley. Therefore, Ashley was taken into protective custody and is placed into out-of-home care. Since John has custody of Matt, Ashley's half-brother, he is required to receive a relative notification that Ashley is in care and may be considered as a placement option for Ashley as a relative caregiver.

**Testimony of Rep. Amy Loudenberg**  
**Senate Bill 141/Assembly Bill 193**  
**Senate Committee on Judiciary and Public Safety**  
**September 1, 2015**

Thank you to the Committee Chair and to my colleagues in the Senate for the opportunity to provide testimony on Senate Bill 141 relating to the notification of relatives when a child is removed from the custody of the child's parent and placement of a child with a parent of a sibling of the child who has custody of the sibling.

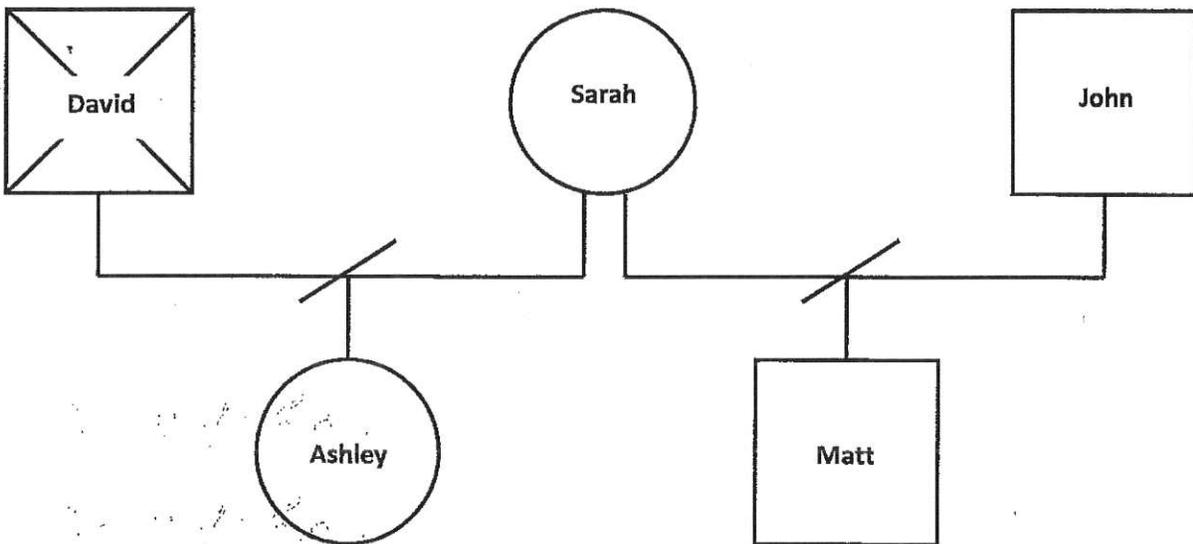
This bill will update state law to match new federal requirements expanding the list of relatives outlined under current law who are notified and considered for placement when a child is taken into custody by child welfare.

This bill adds the parent of a sibling of the child to the list of notified relatives if that parent has custody of the sibling. For example, a child and his sibling may have the same mother but different fathers, so the father of the sibling would be notified and considered as a placement option if he has custody of the sibling.

I am pleased to have worked with the Department of Children and Families on this bill. The language change is a requirement for the Department of Children and Families that comes from the federal Preventing Sex Trafficking and Strengthening Families Act. In order to continue receiving federal child welfare Title IV-E funding, which equals approximately \$105 million per year, the state must comply with these federal law changes that were effective September 29, 2014.

Colleagues, thank you for your time today and for allowing me to share information about this important proposal.

## AB 193 - Relative Notification Example



This genogram illustrates the relationship described below for an example of the relative notification being pursued through AB 193 as required under federal law:

Sarah and David were in a relationship and had a child, Ashley. David passed away, so Sarah began raising Ashley as a single mom. Sarah entered into a relationship with John and they also had a child, Matt. Sarah and John's relationship ended; John began raising Matt as a single dad (i.e. he has legal and physical custody of Matt). Sarah's new boyfriend maltreated Ashley and Sarah does not believe Ashley. Therefore, Ashley was taken into protective custody and is placed into out-of-home care. Since John has custody of Matt, Ashley's half-brother, he is required to receive a relative notification that Ashley is in care and may be considered as a placement option for Ashley as a relative caregiver.