



CAP TEAM

WCA County Ambassador Program

SECURED RESIDENTIAL CARE CENTERS FOR CHILDREN AND YOUTH

2017 Wisconsin Act 185 significantly changes the juvenile corrections system in Wisconsin. After reviewing the legislation in greater detail, counties have the following concerns that need to be addressed legislatively. Failure to resolve these issues in a timely manner may result in counties choosing not to submit grant applications to operate secured residential care centers for children and youth (SRCCCY).

Continuation of 365/180 Programs

2017 Wisconsin Act 185 limits the number of beds a county that chooses to continue operation of its 365/180 program (does not accept a SRCCCY grant) may maintain to the number of juveniles housed at the juvenile detention facility on January 1, 2021.

Concerns have been raised by counties with regard to the use of the arbitrary date. In particular, counties work with their judges to send juveniles home for the holidays whenever possible (best practice model). As a result, county detention populations on January 1 of any given year will be artificially low. In addition, population numbers in county long-term programs tend to ebb and flow so the use of a single date does not reflect the true ADP of the 365/180 programs.

Brown County is currently in a unique position with regard to its juvenile detention facility. Due to jail overcrowding issues, its usual 50 bed juvenile detention facility is temporarily down to 15 beds. Brown County's new jail will not be operational prior to January 1, 2021; therefore, if the January 1, 2021 date remains in place, Brown County loses its ability to serve as a regional resource if it chooses to maintain its current 365 program due to its current artificially low capacity.

Counties request that the January 1, 2021 date be changed to a facility's highest population day in either CY18, CY19, or CY20. In the case of Brown County, the number should be either the county's total rated capacity, or a number negotiated between Brown County and the Office of Detention Facilities within the Department of Corrections.

Use of Medical Assistance

The treatment needs of juveniles who will be placed in SRCCCYs is extremely high. As a result, the operational costs for SRCCCYs will be extremely high as well.

Counties request that the Department of Health Services be required to submit a demonstration waiver to the federal government to change the definition of temporarily absent from the home to include juveniles in SRCCCYs and 365/180 programs. In the alternative, counties request state assistance in identifying statutory changes that will make the SRCCCYs MA eligible.

Counties believe that MA eligibility for juveniles receiving services in SRCCCYs is in line with the core principles of CMS and will provide better outcomes for juveniles who will be able to continue to receive care from their own providers (physicians, mental health professionals, etc.).

Education

The level of educational support school districts provide secure detention facilities varies greatly from district to district.

Counties request that school districts be required to provide a minimum level of services to juveniles who are placed in a SRCCCY or 365/180 program. Proposed changes include requiring programming to comply with DPI curricular and instructional hours requirements; allowing expelled juveniles to re-enroll while in a SRCCCY; requiring districts to honor IEPs; and requiring districts to provide curricula found in a typical public school, such as gym, art, music, etc.

Timeline

The date included in 2017 Wisconsin Act 185 by which counties are required to have SRCCCYs operational is simply unworkable. Counties will not even know what is required with regard to programming, services, and facility design until mid-late December 2018. Counties have until March 31, 2019 to submit grant applications to the Juvenile Corrections Grant Committee (JCGC). According to the Act, the JCGC cannot recommend a county for a grant unless DOC approves the plans and specifications for the site and the design and construction of the proposed SRCCCY. After consultation with an architect, these timelines cannot be met.

Sample Timeline (following receipt of administrative rule):

Activity	Time Needed
County approval to move forward with a grant application	2-3 months
RFP to secure an architect	2-3 months
Architectural design (assumes new construction)	8 months
Bid and award project	1-2 months
Construction	12-15 months

This timeline does not consider the time between which an application is recommended for approval by the JCGC and the time it will take the Joint Committee on Finance to approve the statewide plan.

Counties request modifications to the statutory timelines to reflect the actual time needed to complete the tasks required not only to submit a grant application and construct the facility, but also the time that is needed to train staff once the new facility is completed. Counties recommend an additional six months to one year.

Bonding Authority

Based on preliminary figures, the \$40 million authorized to reimburse counties for 95% (100% for facilities to house females) of design and construction costs is woefully inadequate.

Counties request the state allocate adequate funding to address the actual costs associated with the design and construction of SRCCCYs.

Joint Facilities/Youth Aids Bonus

The Act seems to provide differing standards with regard to “joint” facilities. In order for counties to qualify for the youth aids bonus, a county must operate “a joint secured residential care center for children and youth under s. 46.20 (1m) that was funded by a grant...” The JCGC “shall encourage multicounty coordination by favoring applications...”

In discussions with counties that are considering operating SRCCCYs and counties that are not choosing to operate an SRCCCY, the term “joint” facility causes concern. Counties will either choose to operate an SRCCCY or purchase services from a county that operates a SRCCCY. The use of the terms “joint” SRCCCY and “multicounty coordination” do not reflect what is likely to happen in practice. There are legitimate

reasons why a county would not want to operate a “joint” facility; however, that does not mean that counties are not working together in a regional capacity.

Counties request that the requirement for the operation of a “joint” SRCCCY be removed from the youth aids bonus language. Instead, a county should qualify for the youth aids bonus if its SRCCCY serves youth from other counties.

Start Up Costs

Counties will incur costs prior to the official opening of a SRCCCY. Such costs include staff training, administration, IT, utilities, human resources, liability insurance, consumables, etc. Counties will not be receiving any revenue to offset those costs as counties cannot accept juveniles for placement until the staff is trained and the facility is approved by DOC.

Counties request that the state provide SRCCCYs with up to two months of startup costs prior to the county’s placement of juveniles in a SRCCCY. Counties will agree to an LAB audit of such costs.

Operating Loss Reimbursement Program

The language in Wis. Stat. 301.373 relating to the operating loss reimbursement program specifies that the “department shall reimburse a county that operates a secured residential care center for children and youth that holds only female juveniles in secure custody...” Counties are concerned that the use of the term “only” excludes co-located facilities with a female pod or wing (it is not likely that any counties will construct a female-only facility).

Counties request that the language be clarified by removing the term “only” and specifying the reimbursement program applies to SRCCCYs that hold females in secure custody.

Additional Items Counties Need Clarification On (may or may not be legislative in nature):

- Judicial discretion on placement
- Grant pay out structure
- What is included in the definition of design and construction costs (land purchase, “outfitting the facility,” etc.)

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