

COUNTY OF MILWAUKEE
Inter-Office Communication

Date: January 13, 2021

To: Sup. Marcelia Nicholson, Chairwoman, Milwaukee County Board of Supervisors

From: Shakita LaGrant-McClain, Director, Department of Health and Human Services

Subject: **Report from the Director, Department of Health and Human Services, providing an update on the implementation of the Caregiver Background Check Policy**

Issue

On May 28, 2020, the Milwaukee County Board of Supervisors adopted File No. 20-287 which amended the background check process for the Milwaukee County Department of Health and Human Services (DHHS) and other departments that provide services to youth directly or through contract vendors services. This revision allowed departments to adopt the barrable offenses outlined in the Wisconsin Caregiver Law and to accept the rehabilitation of any individual as determined by the State of Wisconsin's appeal process under Wis. Stat. § 50.065.

File 20-287 also requested that DHHS collaborate with the Office of Corporation Counsel to modify the current background check process to comport with the direction provided in the resolution for implementation and provide an informational report to the County Board on the status of the reform. Further, the resolution directed DHHS to submit the new policy to the Mental Health Board for consideration and possible adoption to ensure a uniform policy that aligns with the State Caregiver Law and appeal process, except for those Chapter 948, State Statutes, offenses barred only by the County.

Background

The purpose of modifying the county's previous background check policy was to allow for a rehabilitation appeal process to enable individuals with barrable offenses to participate as caregivers with young people. The intent of the policy is to connect at-risk youth with rehabilitated individuals who could positively influence the attitudes and behaviors of these youth and share relatable personal experiences.

This revision in the policy is consistent with the State of Wisconsin Department of Health Services Administrative Code, Chapter 12 – Caregiver Background Checks which allows for the Substantially Related Test to be utilized to allow convictions, such as for Domestic Violence, to be reviewed to determine if it should disqualify the individual for the position they hold. The State of Wisconsin under Wis. Stat. § 50.065(5c) permits an individual who has failed to demonstrate to the Wisconsin Department of Health Services that he or she has been

rehabilitated has the right to appeal to the Secretary of Health Services and request a judicial case review.

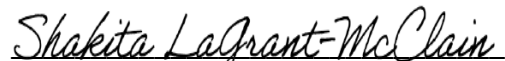
Discussion

DHHS Contract Administration staff worked with Corporation Counsel and amended its Caregiver Background Checks policy on June 30, 2020 to be consistent with File 20-287. In addition, the Milwaukee County Mental Health Board (MHB) unanimously adopted the policy as stated in File 20-287 at its October 22, 2020 meeting.

This revised policy is attached to this report.

Recommendation

This report is informational and no action is required.



Shakita LaGrant-McClain, Director
Department of Health and Human Services

Attachment (1)

cc: County Executive David Crowley
Sup. Jason Haas, Chair, Finance Committee
Sup. Felesia Martin, Vice Chair, Health & Human Needs Committee
Mary Jo Meyers, County Executive's Office
Julie Landry, DAS Director
Kelly Bablitch, County Board
Steve Cady, Research and Policy Director – Comptroller's Office
Pam Matthews, Budget Analyst - DAS