

AGENDA

Eau Claire County
Human Services Board Meeting (Educational)

Date: February 1, 2021

Time: 5 PM

Location: Virtual Meeting via WebEx Events

Those wishing to make public comments must submit their name and address no later than 30 minutes prior to the meeting to alexa.dennis@co.eau-claire.wi.us. Comments are limited to 3 minutes; you will be called on during the public comment section of the meeting. Written comments will also be accepted and should be submitted to alexa.dennis@co.eau-claire.wi.us

Public Access:

Dial in Number: 1-415-655-0001, Access Code: 145 263 5373

****mute your personal device upon entry***

1. Welcome & Call to Order
2. Roll Call
3. Confirmation of Meeting Notice
4. Public Comment
5. Review of January 4, 2021 meeting minutes – **Action Accept/Denial/Revise**
6. Education Session:
 - Topic –Question and Answer with Corporation Counsel on legal aspects of Human Services – Tim Sullivan, Corporation Counsel- **Discussion**
7. Adjourn

Next Human Services Board Meeting: February 22, 2021

Prepared by Alexa Dennis – Department of Human Services

Please note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language, interpreters, or other auxiliary aids. For additional information or to request the service, contact the County ADA Coordinator at 715-839-6945 (FAX) 715-839-1669 or (TDD) 715-839-4735 or by writing to the ADA Coordinator, Human Resources Department, Eau Claire County Courthouse, 721 Oxford Ave., Eau Claire, Wisconsin 54703

MINUTES

HUMAN SERVICES BOARD MEETING - Educational

Date: January 4, 2021

Time: 5 PM

Location: Virtual Meeting via WebEx Events

Present: Colleen Bates, Sandra McKinney, Donald Mowry, Martha Nieman, Katherine Schneider, Jim Catlin, Kathleen Clark, Lorraine Henning, Paul Maulucci, Kimberly Cronk (joined at 5:18pm), Katherine Schneider (joined by phone at 5:19pm)

Absent: Kimberly Cronk, Katherine Schneider

Others: Alexa Dennis –Committee Clerk, Diane Cable – DHS, Vickie Gardner – DHS, Ron Schmidt – DHS, Sarah Diedrick-Kasdorf- Wisconsin Counties Association

Chair Bates called the meeting to order at 5:00 p.m.

Chair Bates introduced the new Board member, Jim Catlin.

Verbal roll call was taken for the Human Services Board and is noted above under present.

Chair Bates confirmed the meeting notice.

Motion made by Supervisor Nieman to move forward and confirm public comment. Paul Maulucci seconded the motion.

The board reviewed the December 7th, 2020 meeting minutes. Lorraine Henning motioned to approve the minutes. Supervisor McKinney seconded the motion.

Presenter Sarah Diedrick-Kasdorf introduced herself to the Human Services Board.

Colleen Bates touched on the history of Human Services Board.

Sarah Diedrick-Kasdorf presented an education session on Codes, Policies, Statutes regarding Human Services. Discussion and questions followed presentation.

The meeting was adjourned at 6:48 p.m.

Respectfully submitted,

Alexa Dennis
Committee Clerk – Human Services

CORPORATION COUNSEL

Legal Authority

- Created by Wis. Stat. §59.42 & Chapter 2.07 of the Eau Claire County Code.
- 4 ATTORNEYS
 - Tim Sullivan – Corporation Counsel;
 - Sharon McIlquham, Richard Eaton and Charles Ellefsen – Assistant Corp. Counsel
- 3 LEGAL SPECIALISTS
 - Yvonne Kuehn, Stacey Haugo & Lisa Le Barron

The Child Support Agency is a division of the Office of Corporation Counsel (15 staff members)

WHAT IS THE CORPORATION COUNSEL?

- We are the attorney for the county, but we are not the District Attorney.
- We prosecute cases in court, but not criminal cases.
- The cases we handle often result in deprivation of a person's liberty, including being locked in a treatment facility or long-term care facility; children being removed from their parent's home, involuntary termination of parental rights; juvenile detention; and jail.
- We give advice to the county board, the various departments agencies and committees of the county, but our client is the corporation that is Eau Claire county, not any one department or agency.

What is contd.

- We are subject matter experts in the law related to mental health commitments; CHIPS, JIPS, TPR, Child Support, Guardianship and Protective Placement & Municipal Law.
- We also need to know real property law, bankruptcy law, and employment law among other areas.
- A large majority of our work is confidential because it is with DHS and CSA.

DUTIES

- REPRESENTS EAU CLAIRE COUNTY, THE BOARD, COMMITTEES, DEPARTMENTS AND AGENCIES.
 - Advise the board and departments
 - Public record and open meetings questions and advice
 - Personnel issues
 - Contract review and drafting
 - Drafting of ordinances and resolutions
 - Parliamentarian for the county board
 - Prosecution of county ordinance violations
 - Real Property issues
 - Bankruptcy issues

Duties Contd.

- Draft pleadings
- Preparation of witnesses and exhibits for trial
- Appear in court and examine witnesses and argue cases
- Draft orders
- Consult with case workers
- Draft appellate briefs
- Participate in committees
- Advise departments on legal procedures

CHAPTER 51

MENTAL HEALTH ACT

Mental Health Commitments. The person is suffering from a mental illness and there is a substantial probability of harm to self or others.

Alcohol incapacitation/habitual use of alcohol, dangerous to self.

Chapter 51 requires that the person is treatable.

CHAPTER 48

CHIPS & TPR CASES

- CHIPS = child(ren) in need of protection or services
- TPR = Termination of Parental Rights
- Guardianship – child
- CHIPS - **Grounds:** Children who are: without a parent; abandoned; abused; likely to be abused; neglected or likely to be neglected; receiving inadequate care when a parent is missing or incarcerated; is suffering emotional damage; is not immunized
- TPR - Abandonment, relinquishment, continuing need of protection or services, continuing parental disability, denial of period of physical placement, failure to assume parental responsibility, incestuous parenthood; murder of a parent; child born as a result of sexual assault; commission of a felony against a child; & prior involuntary TPR.

Chapters 54/55

- Chapter 54 = Guardianship adult & child
- Chapter 55 = Protective Placement
- Generally, this office does not handle guardianships without a protective placement (except for children).
- Guardianship is for a person who has an incapacity to care for their person or estate, and that incapacity is or is likely to be permanent.
- Protective placement is the placement of persons under guardianship, in the least restrictive setting consistent with their needs to provide for their care and safety.

How does it work?

- Case Chapter 48 & Chapter 51
- **Background** Mother and Daughter. The daughter is a toddler. The mother suffers from Mental illness, with delusions about her ability to revive her dead dog(s). Her child is found in a bedroom with a dead animal that was in the process of decay. The room is the child bedroom. The mother believed that she could revive the dead animal. The mother was exposing the child to harm and after further investigation it was determined was neglecting the care of her daughter. She had food for the dog(s) but not the daughter.
- The mother was detained under Chapter 51 and brought to a behavioral health unit for evaluation, & ultimately placed under chapter 51 commitment. She was released and treated in the community and the Ch 51 was dismissed.
- The child was removed under Chapter 48 –CHIPS and placed in alternate care Permanency was achieved through TPR, guardianship or placement with a fit and willing relative.

Referral

- ALL CASES BEGIN WITH A REFERRAL. That referral can come from:
- Law enforcement, caseworkers, family, mandatory reporters, neighbors, etc..
- Referrals can be as simple as phone call to DHS
- Referrals can be as complex as police action, that results in an immediate detention (CH 51, 54/55 Emergency Detention) or removal of a child from the parent's home (Ch 48 – Temporary Physical Custody), or emergency protective placement.
- Referrals can also result in a direct petition to the court, without immediate detention.
- Referrals can also lead to the acceptance of voluntary services.

Referral

In the case at hand the referral came from a neighbor. Law enforcement and DHS responded together, after observing the home, which included the child's bed/crib in the room with the dead & decaying dog, and questioning the mother, both the mother was detained and the child placed in alternate care.

Initial hearing

- Chapter 51- Within 72 hours of detention – probable cause hearing
- Chapter 48- within 48 hours of the child being removed – Temporary Physical Custody hearing
- Guardianship would be a temporary guardianship hearing

INITIAL HEARING CONTD.

- The initial hearing is to allow the subject to and the county to appear before the court and the court to determine if there is sufficient evidence to continue the detention (ch. 51) or removal of the child (ch. 48).
- The initial hearing also provides an opportunity to make sure the subject is aware of their rights, including the right to a trial and the right to counsel.

Final Hearing

- Within statutory time limits
- To the court or to a jury
- CHIPS cases disposition may be a separate hearing
- TPR cases disposition is a separate hearing

Post Trial

- Chapter 51 there is a review (recommitment) hearing at 6 months, and then annually thereafter
- Chapter 48 there is a review hearing every 6 months.
- Continuation of the case depends on the actions/behavior of the subject(s)
- Issues such as placement, treatment, are all subject to review throughout the case.
- DHS can ask that cases be dismissed early depending on the status of the case.

Goals

- Chapter 51 - Treatment – placement in the least restrictive setting based on the subject's needs.
- Chapter 48 CHIPS - permanency established concurrent goals: reunification, placement with a fit and willing relative; adoption; guardianship, etc.
- Chapter 54/55 - safety and protection of the ward and placement in the least restrictive placement consistent with the wards needs.
- Chapter 48 TPR - permanency for the child

Child Support

- Child Support – A IVD agency. Cases are referred to child support from DHS (economic support) when a parent receives state or federal assistance
- Child support: Paternity establishment, child support establishment and enforcement.
- Child Support serves to increase the financial resources available for the child, in some instances increase the involvement of the non-custodial parent in the child's life and decrease eligibility for benefits.

In alternate care cases the child support is redirected to the county to help pay for the care of the child.

Services

- It is not uncommon that within families multiple areas of service are implicated:
- CHIPS, CH51, Child Support, Criminal, JIPS, Guardianship.

QUESTIONS?