



TO: Members of the Wisconsin State Legislature

FROM: Kathy Markeland, Executive Director
Emily Coddington, Associate Director

DATE: January 2, 2024

RE: **Co-sponsorship of LRB-5301 (Psychiatric Residential Treatment Facility) & LRB-5437 (Video Recording in Youth Settings) – Regulatory Reforms to Improve Options for Youth with Complex Needs**

On behalf of the Wisconsin Association of Family & Children’s Agencies (WAFCA), we thank Senator James and Representative Dittrich for their leadership in bringing forward LRB-5301 and LRB-5437 for co-sponsorship this session. After more than a decade of sending children out of their home state to receive more intensive mental health treatment, these bills advance reforms that will improve the ability of existing providers to respond, while also launching a new state resource in our Wisconsin continuum of care for children with complex needs - thus keeping children closer to their family and easing transitions back to home, school and community.

WAFCA is a statewide association that represents nearly fifty child and family serving agencies and advocates for the more than 200,000 individuals, children, and families that they impact each year. Our members’ services include family preservation services; community-based outpatient and day treatment therapies; foster care and adoption programs; and residential care for both children and adults. We value supporting children in community whenever possible and we also recognize that in some circumstances higher levels of care, such as residential treatment or hospitalization, may be the most appropriate treatment setting. The regulatory reforms addressed in LRB-5301 (Psychiatric Residential Treatment Facility) & LRB-5437 (Video Recording in Youth Settings) will improve the continuum of options for youth and ideally connect children more quickly with the right care at the right time.

Psychiatric Residential Treatment Facilities in Wisconsin (LRB-5301)

While our WAFCA member providers of residential care services for children are working to respond to the needs of children with higher acuity, they are not equipped to provide the intensity of services some of our children need. The level of security and clinical staffing provided in a Psychiatric Residential Treatment Facility (PRTF) is unique, and provides a level of safety for the child, the family, and the community, that other options in our continuum of care currently cannot deliver.

On any given day, it is estimated that more than twenty Wisconsin children are placed into PRTFs in other states. The reality is that current in-state and, in some instances, even the out-of-state

resources are insufficient to meet the current needs, leaving children languishing in inappropriate settings such as offices, detention centers or hospital emergency rooms.

WAFCA and the Wisconsin County Human Services Association (WCHSA) have partnered for years to study the issue of children waiting for care and/or leaving our state to receive mental health treatment. The creation of PRTF has continually emerged as an important, needed addition to Wisconsin's mental health service array for children. Even as we have expanded programs like Comprehensive Community Services and the Children's Long Term Support program, we know that some children need other options. These children emerge in all corners of our state. In fact in 2022 over a six month period, a WAFCA initiative to try and connect children at risk of out-of-state placement to in-state resources, received referrals from more than half of Wisconsin's counties.

Enactment of LRB-5301 will not solve all of the issues our system is facing to care for children with complex needs, but it empowers Wisconsin to bring one more option to the table for our children and families. Now is the time to take action and create a resource that will change the trajectory for Wisconsin's children and families into the future.

Permitting Video Recording in Youth Settings (LRB-5437)

Under current law, children placed into a youth care setting under the Children's Code have a right not to be filmed or taped without their consent. While video monitoring is permitted in youth settings, recording video is not. LRB-5437 would require all youth care settings to develop a safety plan that may include video recording in common areas. No setting would be required to adopt video recording, but providers would have that option based on an agency safety plan.

This change in state law is supported by providers and others who have been working to increase care options for children with complex needs and would extend the video recording option to newly created PRTF settings, if that legislation successfully advances.

Residential care centers, group homes and shelters serve an important and evolving role within our Wisconsin continuum of care for children. As the level of complexity of the children in these care settings continues to grow, the regulatory environment has not kept pace to enable providers to pivot and respond to the needs of counties and our communities. Video recording is simply one additional tool to advance safety and training within these critical care settings. Having a video record may enable more timely resolution of allegations against staff by assisting law enforcement, child protective services, licensing, and the facility itself to investigate matters in a more complete, less subjective, way. Currently, investigations can take months to complete which takes a financial and emotional toll on all parties involved.

A video record can validate the voice of a young person harmed in care by increasing accountability for individuals who engage in abusive, neglectful, or inappropriate behavior. Meanwhile staff who are absolved of wrongdoing can more rapidly return to their direct care role, supporting staff retention and continuity of care within a facility. Beyond serving as a tool for investigating incidents, videos provide a valuable resource for debriefing critical incidents and supporting staff training.

We know that many legislators are supporting constituents who have faced mental health crises with youth in their communities. There is significant work to be done to continue growing a continuum of care that provides the right services at the right time for our children and our communities. We urge you to cosponsor this legislation to continue to expand options and serve more Wisconsin children closer to home.

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