

## ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda-underwritten by global corporations—includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

### ALEC's Corporate Board —in recent past or present

- AT&T Services, Inc.
  - centerpoint360
  - UPS
  - Bayer Corporation
  - GlaxoSmithKline
  - Energy Future Holdings
  - Johnson & Johnson
  - Coca-Cola Company
  - PhRMA
  - Kraft Foods, Inc.
  - Coca-Cola Co.
  - Pfizer Inc.
  - Reed Elsevier, Inc.
  - DIAGEO
  - Peabody Energy
  - Intuit, Inc.
  - Koch Industries, Inc.
  - ExxonMobil
  - Verizon
  - Reynolds American Inc.
  - Wal-Mart Stores, Inc.
  - Salt River Project
  - Altria Client Services, Inc.
  - American Bail Coalition
  - State Farm Insurance
- For more on these corporations, search at [www.SourceWatch.org](http://www.SourceWatch.org).

**DID YOU KNOW?** Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

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### Privatization of Foster Care and Adoption Services

Did you know that global pharmaceutical company Bayer Healthcare was the corporate co-chair in 2011?

**Section 1. {Title}** This Act shall be known and may be cited as the "Privatization of Foster Care and Adoption Services Act."

**Section 2. {Definitions}** As used in this Act:

- A. "Privatize" means to contract with qualified community-based providers
- B. "Qualified" means community-based providers that meet the eligibility requirements listed in Section 3.
- C. "Community-based provider" means the for-profit or non-profit private agency with which the Department shall contract for the provision of child protective services in a district.
- D. "District" means a community that is no smaller than a county. {Drafting Note: Define maximum size of community.}
- E. "Child protective services" mean family preservation, independent living, emergency shelter, residential group care, foster care, therapeutic foster care, intensive residential treatment, foster care supervision, case management, postplacement supervision, long-term, adoption and family reunification.
- F. "Child protective investigations" mean inquiries carried out by the Department or local law enforcement agencies regarding the well being of the child(ren) involved.
- G. "Department" means the appropriate state child and family services Department.
- H. "Competitive contracting" means the state Department chooses the private providers from which it will purchase services. The Department must decide to renew or not renew a contract on a (insert time frame e.g. 1 year). Chosen private contractors must demonstrate a guarantee of confidentiality in the change of provider.

**Section 3. {Eligibility of Community-Based Provider}** The community-based provider must have:

- A. To provide directly, or contract for, through the most appropriate provider identified in a timely manner, all necessary child protective services, as listed in Section 2 (E);
- B. To ensure continuity of care from entry to exit for all children referred from the protective investigation and court systems; {Drafting note: The community-based provider cannot turn down a child or eject a child from its care if that child is part of the group of children in the geographical location for which the community-based provider has earned a provider contract.}
- C. To be accountable by meeting the outcomes and performance standards related to child protective services established by the state legislature and the Federal Government; {Drafting note: This provision does not preclude new or non-related organizations from submitting proposals.}
- D. To serve all children referred to it from the protective investigation and courts systems, regardless of the level of funding allocated to the community by the state, provided all related funding is transferred; {Drafting note: The community-based provider cannot turn down a child or eject a child from its care if that child is part of the group of children in the geographical location for which the community-based provider has earned a provider contract.}
- E. To ensure that each individual or organization who provides child protective services complete the training required of child protective services by the Department at the very least; and

**Section 4. {License Requirement}**

- A. Each foster home, therapeutic foster home, emergency shelter, or other placement facility operating by the qualified community-based agency must be licensed by the Department.
- B. For-profit and non-profit private providers are encouraged to set and utilize additional standards, such as: marital status, income, and religious beliefs. {Drafting note: Private providers in various states are already employing standards higher than those used by states.}

## Section 5. {Department Plan}

A. The Department must submit a plan to accomplish privatization statewide through a competitive contracting process in keeping with the norms of the state procurement process, and the plan must be phased in over a {insert timeframe, e.g. minimum of one year}.

B. Included in the plan must be:

1) Qualified community-based providers and current local participants in developing the plan; and

2) Methodology for determining and transferring all available funds appropriated and budgeted for all services that have been incorporated into the project which are necessary to accomplish the objectives outlined in this legislation, including all management, capital office overhead, and administrative funds. Providers must assess anticipated costs of payments to subcontractors.

## Section 6. {Private Contracting}

A. The Department shall issue request for proposals for the delivery, administration, or management of child protective services specified in Sections 2 (E).

B. Contracts with organizations responsible for services must include the management and administration of all privatized child protective services as listed in Section 2 (E).

C. The Department may use funds for contract management only after obtaining written approval from the Governor's office. The request must include a statement of the proposed amount of such funds and a description of the manner in which such funds will be used. {Drafting note: If state has existing contract management language, then do not include this language.}

## Section 7. {Performance Incentives}

A. The Department must submit an annual report regarding quality performances, outcome measure attainment, and cost-effectiveness to the state legislature and Governor.

B. This report shall include:

1. The percentage of children in foster care placed in adoptive homes in a {insert timeframe, e.g. 12 months} period. The Department must furnish the community-based provider with a percentage rate range to which the community-based provider contract will be renewed.

2. The payments made by the Department to the community-based provider must be on a decreasing sliding scale basis over a {insert specific time frame, e.g. 24 months} time period for each foster care child remaining not placed in a permanent home. After the established time frame {e.g. 24 months}, the Department must make payments of which must be calculated to not provide any financial return above costs.

3. The Department must award the community-based provider a bonus for each child in foster care placed in an adoptive home or reunification with the original family. The bonus amount must be calculated to provide financial incentives in placing children in foster care into adoptive homes at the earliest period possible. The bonus amount must reflect, through a rate to be determined by the state, the timeframe in which the foster child is adopted {i.e. within two months, the bonus is 100 percent, within four months, the bonus is 75 percent, within six months, the bonus is 50 percent, etc}. The amount of the financial bonus must be greater than the expected financial return from keeping children in foster care, including any future bonus award.

**Section 8. {Liability}** The Department shall retain responsibility for the quality of contracted services, and shall ensure that services are delivered in accordance with applicable federal and state statutes and regulations.

**Section 9. {Severability clause}**

**Section 10. {Repealer clause}**

**Section 11. {Effective date}**

Were your laws repealed?

*Adopted by the Health and Human Services Task Force and approved by the ALEC Board of Directors in 1998.*

**About Us and ALEC EXPOSED.** The Center for Media and Democracy reports on corporate spin and government propaganda. We are located in Madison, Wisconsin, and publish [www.PRWatch.org](http://www.PRWatch.org), [www.SourceWatch.org](http://www.SourceWatch.org), and now [www.ALECExposed.org](http://www.ALECExposed.org). For more information contact: [editor@prwatch.org](mailto:editor@prwatch.org) or 608-260-9713.