



Division of Safety and Permanence      Child Welfare Licensing Memo Series 2026-17L

Supersedes DCF Child Welfare Licensing Memo Series 2012-02L

June 1, 2026

To:            DCF/DMCPS Administrator  
                DCF Area Administrators  
                Child Placing Agency Directors  
                Child Welfare Agency Directors  
                County Departments of Community Programs Directors  
                County Departments of Human Services Directors  
                County Departments of Social Services Directors  
                Group Home Providers  
                Child Placing Agencies  
                Residential Care Center Providers  
                Shelter Care Providers  
                Tribal Chairpersons

A handwritten signature in black ink, appearing to read "John Elliott".

From:        John Elliott  
                Administrator

Re:            Resident Rights

## **PURPOSE**

This memo provides information related to revisions to [Wis. Admin. Code ch. DCF 57](#), effective June 1, 2026. This memo highlights and clarifies existing resident rights requirements and identifies updates specific to group home providers. All other resident rights requirements remain unchanged.

## **BACKGROUND**

Licensed group care providers and child placing agencies are required to protect the rights of residents in their care. These requirements are established in and pursuant to [Wis. Admin. Code ch. DCF 52](#), [ch. 54](#), [ch. 57](#), and [ch. 59](#); [Wis. Stat. § 51.61](#); and [ch. DHS 94](#). Resident rights were previously clarified in Child Welfare Licensing Memo Series 2012-02L.

Revisions pursuant to Wis. Admin. Code ch. DCF 57 adopt a trauma-informed approach to resident rights for group home providers.

## **POLICY SUMMARY**



It is the licensee's responsibility to ensure that staff and volunteers understand and observe resident rights and grievance procedures.

For residents receiving services for mental illness, developmental disability, or substance use treatment, licensees shall comply with patient rights and grievance procedures under [Wis. Stat. § 51.61](#) and pursuant to [Wis. Admin. Code ch. DHS 94](#).

For residents not receiving those services, licensees shall ensure that residents are provided rights and grievance procedures that are comparable to those under [Wis. Stat. § 51.61](#) and pursuant to [Wis. Admin. Code ch. DHS 94](#), as required under applicable administrative rules.

The list of resident rights below is not exhaustive, and additional information is available on the Wisconsin Department of Health Services Client rights website at <https://www.dhs.wisconsin.gov/clientrights/index.htm>. Special attention should be paid to the following:

**Least restrictive treatment and conditions ([Wis. Stat. § 51.61\(1\)\(e\)](#); [Wis. Admin Code s. DHS 94.07](#))**

Residents shall be provided with the least restrictive treatment and conditions that allow for the maximum amount of personal and physical freedom.

**Prompt and Adequate Treatment ([Wis. Stat. § 51.61\(1\)\(f\)](#); [Wis. Admin Code s. DHS 94.08](#))**

Residents shall be provided with prompt and adequate treatment, supports, services, and educational opportunities appropriate to the resident's needs.

**Labor Performed by Residents ([Wis. Stat. § 51.61\(1\)\(b\)](#); [Wis. Admin. Code s. DHS 94.15](#))**

Residents may only be required to perform tasks that are comparable to personal housekeeping chores, such as light cleaning of shared living spaces. These tasks must be reasonable and shared as equally as possible among residents.

Any labor performed by residents which is of financial benefit to the provider must meet applicable requirements, including:

- being part of the resident's treatment plan, when applicable;
- appropriate supervision by staff;
- compensation in accordance with state and federal law, when required; and
- informed and voluntary consent by the resident, which may be withdrawn at any time.

All labor performed by a resident, whether compensated or not, must be documented in the resident's record.

**Religious Worship ([Wis. Stat. § 51.61\(1\)\(L\)](#); [Wis. Admin. Code s. DHS 94.16](#))**

Residents shall be provided opportunities for voluntary religious expression and participation in religious activities, unless there are documented safety or security concerns.

Residents may not be required to participate in religious activities.

A resident whose disruptive behavior interferes with other residents' right to worship may be removed from worship services.

**Confidentiality of Records ([Wis. Stat. § 51.61\(1\)\(n\)](#); [Wis. Admin. Code s. DHS 94.17](#))**

All resident records shall remain confidential and may only be accessed or released as permitted by law.

**Filming and Taping ([Wis. Stat. §§ 48.672 and 51.61\(1\)\(o\)](#); [Wis. Admin. Code s. DHS 94.18](#))**

Residents may not be recorded, photographed, or filmed without informed consent, except as otherwise authorized by law.

A photograph may be taken without consent for the resident's treatment record.

Under [Wis. Stat. § 48.672](#), group homes, shelter care facilities, and residential care centers for children and youth may use video surveillance and recording in common areas, entrances, and exits without consent. Licensees must:

- inform the resident and the resident's parent, guardian, legal custodian, or Indian custodian;
- maintain a written policy on monitoring safety; and
- ensure surveillance is not used as a substitute for one-on-one monitoring of a child who is at high risk for self-harm.

These video recordings are confidential and may be released only under limited circumstances as permitted by law.

**Mail ([Wis. Stat. § 51.61\(1\)\(cm\)](#); [Wis. Admin. Code s. DHS 94.19](#))**

Residents shall be allowed to send and receive mail.

Upon request of the resident or the resident's guardian, staff may open and read mail to the resident. The initial request shall be documented in the resident's treatment record.

Mail may be physically examined for contraband in the resident's presence only when there is reason to believe it contains contraband or materials that threaten

the safety or security of residents, staff, or others. Staff may not read the contents of the mail.

Any reason for inspecting mail must be documented in the resident's record.

### **Telephone Calls ([Wis. Stat. § 51.61\(1\)\(p\)](#); [Wis. Admin. Code s. DHS 94.20](#))**

Residents shall have reasonable access to a telephone to make and receive calls within reasonable limits.

Residents shall be allowed to make and to receive an unlimited number of private telephone calls to and from legal counsel.

### **Clothing ([Wis. Stat. § 51.61\(1\)\(q\)](#); [Wis. Admin. Code s. DHS 94.26](#))**

Residents have the right to wear their own clothing, including shoes.

Whenever possible, residents shall participate in selecting and purchasing their clothing.

Provision shall be made to launder the residents' clothing.

### **Searches**

Search requirements differ depending on whether a resident is subject to [Wis. Stat. § 51.61](#) and [Wis. Admin. Code ch. DHS 94](#).

Residents subject to [Wis. Stat. § 51.61](#) and [Wis. Admin. Code ch. DHS 94](#):

- A personal search includes searching a resident's person, such as pockets, a pat-down of the body, examination of shoes or headwear, and visual inspection of the mouth.
- Personal searches may be conducted by staff only under specific circumstances, including when there is reason to believe the resident possesses items that may threaten the safety or security of the resident or others.

Group Home providers – Residents not subject to [Wis. Stat. § 51.61](#) and [Wis. Admin. Code ch. DHS 94](#):

- Under [DCF 57.25\(2\)](#), search authority is limited for residents who are not subject to [Wis. Stat. § 51.61](#) and [Wis. Admin. Code ch. DHS 94](#).
  - Staff may search a resident's sleeping area, belongings, or storage space without consent only when staff believe the search is necessary to prevent harm to the resident or another person.
  - Personal searches are not authorized.
  - If a search occurs without prior consent, staff shall inform the resident.

Other providers – Residents not subject to [Wis. Stat. § 51.61](#) and [Wis. Admin. Code ch. DHS 94](#):



- Searches shall be comparable to those that apply to residents subject to [Wis. Stat. § 51.61](#) and [Wis. Admin. Code ch. DHS 94](#).

Searches shall be documented as required by applicable administrative rules, and any dangerous items found shall be handled in accordance with the facility's policies and procedures.

**Food and Nutrition (Group Homes Only; [Wis. Admin. Code s. DCF 57.30](#))**

A licensee may not lock or restrict access to food except when:

- food is being stored for future meals or snacks, or
- access is restricted based on a diet prescribed or recommended by a medical provider, registered dietician nutritionist, or prenatal care provider to meet the resident's needs, and a statement outlining the prescribed or recommended diet is maintained in the resident's record.

**Education (Group Homes Only; [Wis. Admin. Code s. DCF 57.33\(2\)](#))**

Licensees shall provide residents with internet access sufficient to complete school assignments.

**Limitation or Denial of Resident Rights**

The following rights may be limited or denied only as provided in [Wis. Stat. §51.61\(2\)](#):

- Reasonable access to make and receive telephone calls.
- Using and wearing one's own clothing and personal articles.
- Access to a reasonable amount of storage space for private use.
- Reasonable privacy in toileting and bathing.
- The right to see visitors each day.

If the resident's rights are limited or denied, the licensee must document the limitation or denial in the resident's record. [Form F-26100](#), *Client Rights Limitation or Denial Documentation*, may be used.

All licensed providers shall post a copy of patient rights and grievance procedures under [DHS 94](#) and other applicable administrative rules, as required by law. Group homes shall also post a copy of the search provisions under [Wis. Admin. Code s. DCF 57.25\(3\)](#).

For more information or questions, please contact the following:

CENTRAL OFFICE CONTACT:      Licensing Section  
   Bureau of Permanence and Out-of-Home Care  
   Division of Safety and Permanence  
   [DCFCWLR@wisconsin.gov](mailto:DCFCWLR@wisconsin.gov)

MEMO WEB SITE:      <https://dcf.wisconsin.gov/cwportal/policy>



Attachments

[Wis. Admin. Code ch. DCF 57](#)