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Governor Scott Walker
Secretary Eloise Anderson

Division of Safety and Permanence

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Child Welfare Licensing Memo Series 2014-15L

To: Private Child Placing Agencies
Group Home Providers
Shelter Care Providers
Residential Care Providers

From: Ron Hermes
Bureau Director

A handwritten signature in black ink, appearing to be "RH", written over the printed name "Ron Hermes".

Re: Voluntary Placements in Shelter Care Facilities

The purpose of this memo is to provide guidance to placing agencies and providers on the effects of 2013 Wisconsin Act 335, Voluntary Placement of Children in Shelter Care Facilities, which permits a child to be placed in a shelter care facility under a voluntary agreement. Prior to the changes voluntary placements were not permitted in Shelter Care Facilities. The new law allows for a voluntary placement of a child into a shelter care facility per s. 48.63(1) (b) and s.938.22 (2) (c), Wis. Stats.

2013 Wisconsin Act 335 provides that a child's parent, guardian, Indian Custodian, the Department of Children and Families, the Department of Corrections, a county department under s. 46.215, 46.22, or 46.23, or a child welfare agency licensed to place children in a shelter care facilities, may place a child or negotiate or act as intermediary for the placement of the child in a shelter care facility if the Department of Children and Families has approved the shelter care facility for such placements under s. 938.22(2)(c) Wis. Stats. Additionally, Act 335 allows a child to be placed in a shelter care facility for no more than 20 days under a voluntary agreement.

Voluntary Placement Agreements

Shelter care facilities will have two options for implementing this provision. A shelter care facility may accept a child under a Voluntary Placement Agreement into a Shelter Care Facility. The applicable form, DCF-F-5040-E, is required. Under a Voluntary Placement Agreement placement, a county department or child placing agency is required to supervise the placement and the placement must follow the requirements set forth in the Ongoing Services Standards for placements. This voluntary placement may not be utilized for mental health crisis stabilization services under Ch. DHS 34 of the Administrative Rules. Children placed under a Voluntary Placement Agreement shall not be placed into a shelter care facility for more than 20 days. The Act prohibits an extension beyond the 20 days. Children previously placed under a Voluntary Placement Agreement must have exited a Shelter Care Facility for at least 30 days before re-entering a Shelter Care Facility under another Voluntary Placement Agreement.

The shelter shall obtain approval from the Department of Children and Families Child Welfare Licensing Section prior to accepting any children under voluntary placement agreements.

Respite Care Services

The second option will be for a child to enter a shelter care for the purposes of receiving respite care services. Respite care is a service, not a placement, and only a parent or guardian may consent to respite care services for the child in a Shelter Care Facility. If the child is at least 12 years of age the child must also consent. An episode of respite care services shall not exceed 20 days during any 30 day period. The 20 day limit shall not be extended. Shelter Care Facilities continue to be prohibited from providing mental health crisis stabilization under Ch. DHS 34 of the Administrative Rules. The shelter care facility must receive an exception to Wis. Admin. Ch. DCF 59 from the Department of Children and Families Child Welfare Licensing Section prior to providing respite care services. An exception will be considered granted if a shelter care facility checks the box for providing respite care services

on Form DCF-F-5041-E and the Department approves the request. The Department does not have a required respite care agreement form, so each Shelter Care Facility shall use its own respite care agreement containing the signature of the parent or guardian and child if at least 12 years old authorizing respite care services.

If a currently licensed shelter care facility desires to obtain approval from the Department to take voluntary placements or provide respite care, the shelter care facility must submit the attached approval form and required supporting documentation to its licensing specialist. The Request By Shelter Care Facility to Accept Voluntary Placements and/or to Provide Respite Care Services Form (DCF-F-5041-E) must be approved by the Department prior to a shelter care facility accepting voluntary placements or providing respite services. Any violations of this policy memo may result in the Department rescinding its approval.

Questions regarding this memo can be directed to the Child Welfare Program Specialist.

CHILD WELFARE LICENSING SECTION CONTACT:

Child Welfare Licensing Program Specialist
Division of Safety and Permanence
Bureau of Permanence and Out of Home Care
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MEMO WEB SITE: <https://dcf.wisconsin.gov/cwportal/policy>

ATTACHMENTS:

DCF-5040-E, Voluntary Placement Agreement for Shelter Care
<https://dcf.wisconsin.gov/forms>

DCF-50410E, Request By Shelter Care Facility to Accept Voluntary Placements and/or to Provide Respite Care Services
<https://dcf.wisconsin.gov/forms>