


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

From: Fredi-Ellen Bove   
Administrator

Re: *Child Protective Services Access and Initial Assessments Standards* revisions: Unborn  
Child Abuse Allegations

## PURPOSE

The intent of this memo is to notify agencies of changes to the *Wisconsin Child Protective Services Access and Initial Assessment Standards* regarding maltreatment determinations made at the conclusion of initial assessments that include unborn child abuse. The revision to Standards and eWiSACWIS functionality will be effective November 20, 2015.

## BACKGROUND

The *Wisconsin Child Protective Services Access and Initial Assessment Standards*, dated September 24, 2007, provide direction regarding maltreatment and maltreater determinations that must be made at the conclusion of an Initial Assessment of unborn child abuse. Standards allow for a determination of “substantiated” or “unsubstantiated” for unborn child abuse, but not for the identification of the maltreater of unborn child abuse. Furthermore, the Federal Child Abuse Prevention and Treatment Act (CAPTA) and Wisconsin State Statute, Section 48.981 do not require or authorize appeal rights for individuals who have been documented as substantiated perpetrators of unborn child abuse. Due to the nature of the relationship between the mother and the unborn child, the maltreater is known regardless of whether the individual is identified by name.

To ensure consistent, appropriate, and equitable determinations related to unborn child abuse allegations are made across the state, the new policy requires a different determination, consistent with statutes and engagement efforts in these cases.

## POLICY AND PROCEDURE REQUIREMENTS

Effective November 20, 2015, the *Wisconsin Child Protective Services Access and Initial Assessment Standards* are revised in the following ways:

- Changes in substantiation determinations for an allegation of unborn child abuse
  - Determinations will exclusively include the categories of “Services Needed” or “Services Not Needed,” rather than “Substantiated” or “Unsubstantiated” for cases of unborn child abuse.
- Clarification regarding the identification of a maltreater

- Identification of a maltreater in cases of unborn child abuse is not authorized by Statutes, as appeal rights are not accessible for cases of unborn child maltreatment.

Changes to the *Wisconsin Child Protective Services Access and Initial Assessment Standards*, dated 2015, can be found in the following sections:

- Chapter 20, Determinations of Maltreatment and Maltreaters,
  - Section XX.B: Criteria for Services Needed Determinations in Unborn Child Abuse, page 61
  - Section XX.C: Criteria for Substantiating a Specific Person as a Maltreater, page 61-62
- Glossary, page 75-77
- Appendix 2: Substantiating the Different Types of Maltreatment, page 93

The criteria for making a determination regarding unborn child abuse are not changed by this policy and the agency must find: 1) an unborn child is at risk of serious harm; 2) the risk of harm is caused by the habitual lack of self-control of the expectant mother in the use of alcohol beverages, controlled substances, or controlled substance analogs; and 3) the habitual lack of self-control in the use of the substances is exhibited to a severe degree. Wisconsin State Statute 48.133, *Jurisdiction over unborn children in need of protection or services and the expectant mothers of those unborn children*, describes jurisdictional findings which remain analogous to the criteria for determinations listed above. Further, all jurisdiction, custody, procedures and dispositions available in Wisconsin State Statute, Chapter 48 remain available for cases of unborn child abuse.

#### **eWiSACWIS DOCUMENTATION**

The November 20, 2015 eWiSACWIS release will reflect the new determination categories for allegations of unborn child abuse. When selecting the determination for an allegation of unborn child abuse, the options available will be “Services Needed,” “Services Not Needed,” and “Unable to Locate Source.” Agencies will no longer be able to select a determination of substantiated or unsubstantiated. Further, functionality will not allow for the identification of a maltreater as a data element for unborn child abuse services determinations.

#### **ACTION SUMMARY**

This policy is effective November 20, 2015, at which time any determination made regarding unborn child abuse will be restricted to those indicated in this policy. This includes any initial assessment open, and not yet approved prior to the November eWiSACWIS release.

The policy change described in this memo relates only to the determination and named maltreater of allegations of unborn child abuse at the conclusion of an Initial Assessment. The policy change does not impact the Standards related to the functions of Access or the Initial Assessment process required to get to the point of a determination. Further, all jurisdiction, custody, procedures and dispositions available in Wisconsin State Statute, Chapter 48 remain available for cases of unborn child abuse.

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CENTRAL OFFICE CONTACT: Child Welfare Policy Section Manager  
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 Bureau of Safety and Well-being  
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MEMO WEB SITE: <https://dcf.wisconsin.gov/cwportal/policy>

Attachments [Wisconsin Child Protective Services Access and Initial Assessment Standards, https://dcf.wisconsin.gov/cwportal/policy/?accactive=0%20](https://dcf.wisconsin.gov/cwportal/policy/?accactive=0%20)