


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: Protective Planning Documentation in eWiSACWIS, Protective Planning with Indian Children, and Updates to Safety Intervention Standards

## **PURPOSE**

This memo provides direction and information on the following areas within the *Child Protective Services (CPS) Safety Intervention Standards*, dated January 2016:

- 1) Clarifies requirements related to documentation of Protective Plans when present danger threats are identified, and clarifies the roles and responsibilities of child welfare workers in regards to the electronic documentation of protective plans.
- 2) Emphasizes the importance of notifying and involving tribes in the protective planning process with Indian children.
- 3) Consolidates current present danger threats and impending danger threats, originally introduced in prior policy and eWiSACWIS releases, into these standards.

## **BACKGROUND**

Currently, the *CPS Safety Intervention Standards (2006)* state if a present danger threat is determined to be actively occurring or in the process of occurring, a protective plan must be put in place to control for the present danger threats. A Protective Plan is an immediate, voluntary, and short term action that protects a child from present danger threats until sufficient information can be gathered and analyzed to determine whether impending danger threats exist and if a Safety Plan is necessary. Additionally, *CPS Safety Intervention Standards* require the involvement of the tribe in all aspects of safety intervention, which includes protective planning casework responsibilities.

Currently in eWiSACWIS, the Protective Plan document can be found under the "Planning" tab and is provided in a template form. Historically, electronic documentation of the Protective Plan was optional.

## **REQUIREMENTS FOR PROTECTIVE PLANNING DOCUMENTATION**

The following requirements will be effective as of February 1, 2016 and will support consistent practice in regards to documentation of Protective Plans:

### 1. Signatures

When a Protective Plan is put into place to control for present danger threats it must be developed in collaboration with the parents/caregivers and plan participants. When modifications to the Protective Plan are needed, a new Protective Plan must be developed in collaboration with the parents/caregivers, plan participants and tribal agents. At the time of implementation of a Protective Plan, the caseworker must have the Protective Plan document (*DCF-F-S2179*) signed by all parties who are participating in the plan, including the parents, protective adults, supervisor, and worker.

### 2. Scanning

Within two business days of implementation of a Protective Plan, the signed copy must be scanned into eWiSACWIS. When there are modifications made to the Protective Plan, a new Protective Plan must be developed and the signed Protective Plan must be scanned in to eWiSACWIS within two business days of its implementation. Protective Plans can be scanned in to eWiSACWIS under the "Planning" section.

### 3. Documentation

When a Protective Plan is put into place, the present danger threat(s) identified, the assessment surrounding the present danger threats identified, and the safety responses used in the Protective Plan must be clearly documented in a case note. As noted in the *CPS Safety Intervention Standards*, dated January 2016, page 8, IV. Overseeing the Protective Plan and Monitoring Safety, the caseworker must review and, if needed, modify the Protective Plan weekly, at a minimum. Beginning February 1, 2016, when reviewing the Protective Plan, the caseworker must document in a case note the status of the present danger threat(s); the sufficiency, feasibility, and sustainability of the Protective Plan; and any needed revisions.

When present danger threats are no longer active in the family and a Protective Plan is no longer needed, the assessment surrounding this determination and the end of the Protective Plan must be documented in a case note.

Child Welfare staff must reference the *CPS Safety Intervention Standards*, dated January 2016, pages 5-8, II. *Assessing and Controlling Present Danger Threats at the Initial Contact with Families* for additional requirements and guidance related to protective planning.

## REQUIREMENTS FOR PROTECTIVE PLANNING WITH INDIAN CHILDREN

According to DCF Memo Series 2012-08, all local CPS agencies must provide notice to the tribal agent for the appropriate tribe or band of all CPS Reports received (screened-in and screened-out reports) pertaining to a child or unborn child whom the agency knows to be an Indian child or Indian unborn child. The notice must be made within 24 hours from the receipt of the report and is to include the eWiSACWIS case I.D. The CPS Report must be sent as part of the notice for the Menominee Nation, only. To meet the 24-hour deadline, notice must be given by fax, phone or e-mail. Pursuant to s. 48.981(7)(a)2., Stats., the CPS agency is able to disclose information to the tribal social services department to support tribal staff in clearly identifying the child, facilitate a county-tribal collaborative response whenever possible, and facilitate the delivery of prevention and supportive services by the tribe.

In addition to the existing requirements related to notification as described above, casework staff must involve tribes in all aspects of safety intervention (*CPS Safety Intervention Standards*, dated January 2016, I.C. *ICWA Requirements*, page 3). As such, any safety intervention needed on behalf of an Indian child should recognize and must include the following considerations and actions:

- Active efforts, as outlined in s. 48.028(4)(g), are required as part of protective planning with an Indian child and his or her family. These efforts include ongoing, vigorous and concerted interventions which are intended to promote communication, collaboration, and coordination with the Indian child's tribe to develop, implement and modify, if needed, Protective Plans involving Indian children.

- When implementing a Protective Plan with an Indian child, it is important to note tribal representatives designated by the Indian child's tribe have substantial knowledge of the prevailing social and cultural standards and child-rearing practice within the tribal community and evaluate the circumstances of the Indian child's family and assist in developing a case plan that uses the resources of the tribe and of the Indian community, including traditional and customary support, actions, and services, to address those circumstances.
- The casework staff must consider that should Temporary Physical Custody, Delegation of Powers, or a Voluntary Placement Agreement be needed to ensure child safety, placement preferences as outlined in s. 48.028 (7) and Active Efforts as outlined in s. 48.028(4)(g), would be required.
- Considering these statutory requirements when using separation as a means of controlling for child safety in the protective planning process would help avoid unnecessary moves of Indian children at the point any subsequent formal placement action and/or court involvement.

Given these requirements and casework expectations and considerations, if an Indian child's tribe was not notified of CPS involvement at the point of Access and subsequently engaged to ensure active communication, coordination, and collaboration in any subsequent protective planning process, the caseworker must contact the Indian child's tribe and provide the Protective Plan document to the Indian child's tribe within 24 hours of the Protective Plan begin date.

Child welfare casework staff can reference the following link to locate the contact information for the eleven Wisconsin Indian Tribes: <https://dcf.wisconsin.gov/tribalaffairs/tribalinformation>

Further requirements regarding active efforts can be found at the publication Active Efforts Guide, DCF-P-464 <https://dcf.wisconsin.gov/publications>

## **UPCOMING SUPPORTS**

Beginning in June 2016, the Division will provide additional information regarding upcoming changes to the Protective Plan template and how it is stored in eWISACWIS, as well as continued clarification regarding protective planning practice and guidance. The Division has been working with a workgroup made up of state, county and tribal representatives and begun to seek feedback from parents with experience in the child welfare service process to develop these changes and to refine practice requirements and guidance associated with protective planning.

## **ACTION SUMMARY**

Protective Plans are now required to be signed by all parties and scanned into the case file within two business days of implementation of the protective plan. The present danger threat(s) identified, the assessment surrounding the present danger threats identified, and the safety responses used in the protective plan must be clearly documented in the case note. When it is determined that present danger threats do not exist and a Protective Plan is no longer needed, the assessment surrounding this determination must be clearly documented in the case note.

Protective planning and Protective Plans with Indian children must include timely communication, collaboration and coordination with the appropriate tribe(s).

The *CPS Safety Intervention Standards*, dated January 2016, have been updated to formally integrate the present and impending danger threats, as well as the above outlined updates to protective planning requirements. This document reflects consolidation and alignment of all the updated material and can be used as the single source of information for the current requirements and guidance associated with safety assessment and planning responsibilities.

The *CPS Safety Intervention Standards* can also be found at <https://dcf.wisconsin.gov/files/cwportal/policy/pdf/safety-intervention-standards.pdf>

CENTRAL OFFICE CONTACT: Child Welfare Program and Policy Analyst-Advanced  
Department of Safety and Permanence  
Bureau of Safety and Well-Being  
608-422-6957

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