


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: 2015 WI Act 128: Other Planned Permanent Living Arrangements (OPPLA), and
Independent Living Services

PURPOSE

As explained in DSP Informational Memo 2016-07 issued on March 9, 2016, the legislature passed a number of child welfare-related bills in the 2015-16 legislative session. A number of these bills were initiated by the Department to comply with recent federal legislation.

The federal Preventing Sex Trafficking and Strengthening Families Act of 2014 amends the Title IV-E foster care program to address a number of different issues including: introducing a requirement for "Reasonable and Prudent Parent Standard" for out-of-home care providers when children are in out-of-home care, limiting the permanency goal of Other Planned Permanent Living Arrangements to youth 16 years or older, reducing the age for independent living services for youth in out-of-home care from 15 to 14 years old, allowing for a successor guardian in Subsidized Guardianship agreements, expanding the relative notification requirements when a child has been placed in out-of-home care, and updating the reporting requirements when a child is missing from out-of-home care.

This memo is the first of three memos to establish policy requirements as described in the Preventing Sex Trafficking and Strengthening Families Act. Additional memos will be forthcoming with information specific to the ability to name a successor guardian in Subsidized Guardianship agreements and the Reasonable and Prudent Parent Standard.

As explained in DSP Informational Memo 2016-07, the Department will be issuing additional memos regarding the requirements in the other state bills passed in the 2015-16 legislative session.

BACKGROUND

On September 18, 2014, the U.S. Senate passed the Preventing Sex Trafficking and Strengthening Families Act (H.R. 4980). The bill has major implications for the public child welfare system and includes a number of provisions to minimize risks, increase opportunities, and improve permanency for foster youth.

H.R. 4980 includes provisions to strengthen child welfare efforts to prevent sex trafficking and improve opportunities for foster youth to secure permanency. It also reauthorizes and improves Adoption Incentives, extends the Family Connection Grants, and includes provisions aimed at improving child support enforcement.

On February 4, 2016, the Governor signed 2015 WI Act 128 related to the Reasonable and Prudent Parent Standard, Other Planned Permanent Living Arrangements, and independent living services for youth age 14 and older to conform with the new federal requirements in H.R. 4980.

POLICY AND PROCEDURE REQUIREMENTS

A summary of the new requirements in the above legislation, as they relate to policy and procedure, are outlined below. The Ongoing Services Standards have been updated to include changes related to Other Planned Permanent Living Arrangements, independent living services for youth in out-of-home care, allowing for a successor guardian, relative notification requirements, and requirements for when a child or youth is missing from out-of-home care.

An updated version of the full Ongoing Services Standards is attached. In addition, an “in-brief” version of the Standards has been included, which highlights the sections affected by the new legislation. A reference table, cross referencing the changes in the new legislation to the modified page number is also attached.

The Ongoing Services Standards have also been updated to include clarifying information related to the following:

- Updated language to reflect the change from the Bureau of Milwaukee Child Welfare to the Division of Milwaukee Child Protective Services.
- The use of the Geographic Placement Resource System to improve placement matching, disaster preparedness, and targeted recruitment for out-of-home care placement resources.
- Case transition requirements for the Foster Care Independence Program for youth who age out of care.
- The Extension of Out-of-Home Care to age 21 under certain conditions.
- Supervised Independent Living placements.

Other Planned Permanent Living Arrangements (OPPLA):

- The law provides that Tribes have until September 29, 2017 to come into compliance with this requirement.
- The use of OPPLA is restricted to children age 16 or older, repeals existing sustaining care contracts for children under the age of 16, and prohibits agencies from entering into any new sustaining care contracts. Additionally, sustaining care and long-term foster care are no longer sub-options under OPPLA in the permanency plan.
 - Any agency with a sustaining care contract must engage the family in discussions to determine an alternative permanency plan goal, and if appropriate, concurrent goal for the child. Agencies must also document a new placement and uniform foster care rate setting in eWiSACWIS that is not correlated to the sustaining care contract that is no longer valid.
- When OPPLA is selected as the permanency goal for a child, the agency must demonstrate that it made intensive and ongoing efforts, including searching social media, to return the child to the child’s home or to place the child for adoption, with a guardian, or with a fit and willing relative and that those efforts have proved unsuccessful.
- The agency must determine why OPPLA is the best goal for the child and why it continues not to be in the best interests of the child to be returned to his or her home or to be placed for adoption, with a guardian, or with a fit and willing relative.

Independent living services for youth in out-of-home care age 14 and older:

- Current law requires an independent living plan to be developed for children at age 15. The new federal and state laws change this requirement to age 14.
- Additionally for youth ages 14 and older, the agency must prepare the permanency plan in consultation with the youth and with two individuals selected by the youth who are not the youth's foster parent(s) or caseworker. The agency may reject a person selected by the youth if the agency has good cause to believe that the person would not act in the best interests of the youth.
- The Handbook for Youth in Foster Care must describe the rights of the child with respect to education, health, visitation, and participation in juvenile court proceedings, the right of the child to receive identification documents, and the right of the child to stay safe and to avoid exploitation.
- The agency must provide youth age 16 and over with a copy of his or her credit report annually. If there are any inaccuracies in the credit report, the agency shall make efforts to amend these errors.
- For youth who have been in care for six months and reach the age of majority, the agency responsible for providing services to the youth must ensure the youth is in possession of the following: a certified copy of their birth certificate, their social security card, information on maintaining health care coverage, either a driver's license or a state-issued identification card, and a copy of the youth's health care records.

Child and Adolescent Needs and Strengths Tool (CANS):

- The Child and Adolescent Needs and Strengths Tool (CANS) has been updated to include one additional item in the trauma module, Victim of Sex Trafficking.
- This item will assess whether or not there is any evidence that the child or youth has experienced sex trafficking.
- This item will not impact foster care rates, the Subsidized Guardianship algorithm, or the Adoption Assistance algorithm.

eWiSACWIS DOCUMENTATION

Changes to eWiSACWIS documentation occurred in the November 2015 and February 2016 releases. The following is a summary of the changes that occurred during each release:

November 2015:

- OPPLA will be limited to children age 16 and over or those who have a documented ICWA status.
- New questions on the permanency plan hearing and review related to the agency's intensive efforts when OPPLA is the selected permanency goal.
- New question related to the child's or youth's involvement in creating the permanency plan.
- New question related to developing the permanency plan in consultation with two adults selected by the child or youth.
- Independent Living eligibility will begin at 14 years old and six months in out-of-home care.
- New question and date field for the date the youth received the Handbook for Youth in Foster Care.
- A new indicator when a credit report is run for a child and questions related to the credit report.

February 2016:

- Changes to the Child and Adolescent Needs and Strengths (CANS) page:
 - Creates a new item to rate under the Trauma domain: Victim of Sex Trafficking. This new item will not impact foster care rates, the Subsidized Guardianship algorithm, or the Adoption Assistance algorithm.

The following templates have been updated:

- DCF-F-CFS2132: Permanency Plan
- DCF-F-CFS2433: Independent Living and Transition Planning

- DCF-F-2549: Independent Living Transition to Discharge (ILTD) Plan
- DCF-F-2612: Child and Adolescent Needs and Strengths (CANS) Results 0-5
- DCF-F-2611: Child and Adolescent Needs and Strengths (CANS) Results 5-21

TRAINING OPPORTUNITIES

Information related to Act 128 will be incorporated into caseworker pre-service and Foundation training, foster parent pre-placement training, and foster parent Foundation training.

ACTION SUMMARY

All county agencies and the DMCPs are required to comply with all of the requirements set forth in this memo and the attached policies.

Effective February 4, 2016, the application of the statutory change first applies to any new permanency goal of Other Planned Permanent Living Arrangements (OPPLA) and independent living services for youth in out-of-home care age 14 and older and for existing cases in the permanency plan that is submitted for the child’s next 6 month permanency plan review or hearing.

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

Attachments

Ongoing Services Standards
<https://dcf.wisconsin.gov/files/cwportal/policy/pdf/ongoing-services-standards.pdf>

Child and Adolescent Needs and Strengths (CANS) 0-5 Manual
<https://dcf.wisconsin.gov/files/cwportal/fc/pdf/cans/cans-b-5.pdf>

Child and Adolescent Needs and Strengths (CANS) 5-21 Manual
<https://dcf.wisconsin.gov/files/cwportal/fc/pdf/cans/cans5-21.pdf>

Handbook for Youth in Foster Care, DCF-P-405
<https://dcf.wisconsin.gov/publications>