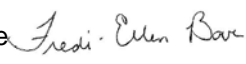


To: DCF Area Administrators
Child Placing Agency Directors
Child Welfare Agency Directors
County Departments of Community Programs Directors
County Departments of Human Services Directors
County Departments of Social Services Directors
Group Home Providers
Tribal Social Service/Indian Child Welfare Directors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

From: Fredi-Ellen Bove 
Administrator

Re: Recent and Upcoming State Law Changes in Response to Federal Legislation

PURPOSE

The purpose of this memo is to provide an overview to counties and partner agencies about recent and upcoming changes in state law in response to recent federal legislation related to serving minor victims of sex trafficking, independent living, transitional planning, subsidized guardianship, and reporting of missing children.

BACKGROUND

The Federal Preventing Sex Trafficking and Strengthening Families Act of 2014 (PL 113-83) <https://www.gpo.gov/fdsys/pkg/PLAW-113publ183/pdf/PLAW-113publ183.pdf> , and the Federal “Justice for Victims of Trafficking Act of 2015 (PL 114-22)- <https://www.congress.gov/114/plaws/publ22/PLAW-114publ22.pdf> were enacted to improve outcomes for older youth in the child welfare system. The Preventing Sex Trafficking and Strengthening Families Act responds to the growing incidence of child sex trafficking to mandate that states develop policies and procedures for better serving, reporting and tracking victims of sex trafficking. As required by the federal legislation, based on consultations with counties and other stakeholders and information about other state and national practices, DCF developed a plan for responding to and serving child sex trafficking victims. The plan and information on related efforts focused on combatting sex trafficking was distributed in DCF/DSP Information Memo 2015-24.

Federal PL 113-83 also aims to make the child welfare system more responsive to the needs of children and youth in out-of-home care through changes to court proceedings and expanding extra-curricular, recreational and other opportunities through use of the reasonable and prudent parenting standard.

The Justice for Victims of Trafficking Act revises the federal Child Abuse Prevention and Treatment Act (CAPTA) by requiring state child welfare systems to handle non-caregiver, as well as caregiver, cases of sex trafficking. The act also offers a broad range of cross-system improvements so that state and local agencies can be better trained and more responsive to the complex needs of trafficking victims.

Please note that other proposed bills, not related to federal requirements, are also pending review by the state legislature. These bills are not described in this memo.

INFORMATION SUMMARY

The Department has developed several pieces of legislation to bring state statutes in conformity with the new federal requirements. The bills are in different stages of the legislative deliberation process. Below is a summary of the bills, including the status of the bill as of January 21, 2016. A DCF memo providing detailed information on each bill will be issued when the bill is signed into law.

Reasonable and Prudent Parenting Standards and Improving Permanency Options for Older Youth

Senate Bill (SB) 309 proposes the following changes to comply with certain provisions of federal PL 113-83:

- Requires the use of the reasonable and prudent parenting standard when children are placed in any out-of-home care setting with a foster parent, relative, or other out-of-home care provider. Under this standard, the out-of-home care provider must make decisions that ensure a child's participation in age appropriate or developmentally appropriate activities including extra-curricular, enrichment, employment, and cultural and social activities. The new standard will help promote normalcy for children in out-of-home care by allowing them to pursue their interests, engage in the same activities as their peers, build skills for their future, and promote a trusting, caring relationship with their foster parent(s).
- Restricts the use of a permanency plan goal of Other Planned Permanency Arrangement (OPP:A) - defined as not have a goal to return home, adoption or placement with a guardian or fit/willing relative – to children 16 or older, raising the age criterion from the current level of 14 or older, Any agency that has proposed a permanency plan of OPPLA for a youth must present to the juvenile court evidence that intensive and ongoing efforts were made by the agency, including social media searching, to return the child home, place for adoption, or place with a fit/willing relative
- Requires that transition plans be developed for any youth over the age of 14, lowering the age criterion from the current level of age 15, and that the plan be developed in consultation with the child.
- Eliminates sustaining care placement as a permanency goal for a child following a termination of parental rights.

As of January 20, SB 309 passed both houses of the legislature and will be sent to the Governor for signature.

Successor Guardian Provisions

Senate Bill (SB) 308 proposes the following changes that streamline the procedures for establishing a successor guardian in subsidized guardian cases and comply with the new successor guardian requirements of federal PL 113-83. Under SB 308, a successor guardian can be named at the time a subsidized guardianship is established. Subsidized guardianship payments can continue to be made to the successor guardian if the relative guardian dies or is incapacitated.

As of January 20, SB 308 passed both houses of the legislature and will be sent to the Governor for signature.

Relative Notification When a Child Is placed in Out-of-Home Care

Wisconsin Act 101 was developed to address the new relative notification requirements of federal PL 113-83. Specifically, Wisconsin Act 101 expands the definition of relative to include a parent of a sibling of the child who has legal custody of that sibling. Wisconsin Act 101 was approved by the legislature and signed into law by the Governor in November 2015. Numbered Memo 2015-06 provides details on the

implementation of this new law.

Non-Caregiver Cases of Sex Trafficking

Assembly Bill (AB) 737 proposes the following change to comply with the recent federal Justice for Victims of Trafficking Act. Child welfare agencies will be required to screen-in and investigate all allegations of children alleged to be victims of sex trafficking, including cases involving non-caregiver maltreaters.

AB 737 was introduced on January 15. A legislative hearing on the bill will be held in the Assembly Committee on Children and Families on January 27.

Children Missing from Care Protocols

Assembly Bill (AB) 745 proposes the following changes to comply with the missing children provisions in federal PL 113-83. AB 745 requires child welfare agencies to report information and a photograph of missing children to local law enforcement within eight hours of making the determination the child is missing; and to the National Center for Missing and Exploited Children within 24 hours after making that determination.

AB 745 was introduced on January 20. A legislative hearing on the bill will be held in the Assembly Committee on Children and Families on January 27.

Next Steps

DCF will provide more detailed information about each bill after it is signed into law, including information related to any training or eWiSACWIS changes related to the bill's implementation.

CENTRAL OFFICE CONTACT: Policy Initiatives Advisor
 Administrator's Office
 Division of Safety and Permanence
 608-422-6896

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