


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: Child Welfare-related State Legislation

PURPOSE

The purpose of this memo is to provide a summary of the child welfare-related legislation that has passed in the 2015-16 legislative session. The memo highlights the bills that have an impact on local and tribal child welfare agencies and indicates the implementation timeframe for the bills.

BACKGROUND

In its 2015-16 legislative session, the legislature passed a significant number of child welfare-related bills. Some of the bills were initiated by the Department to comply with new federal requirements and were described in Information Memo 2016-03. The remaining bills were initiated by the Department to address programmatic issues or were initiated by legislators. This memo provides a summary of all child welfare-related legislation passed in the 2015-16 legislative session. The Department has or will be issuing separate memos for each bill with more detailed information regarding implementation, including, where applicable, new training, eWISACWIS updates, and changes in policy or standards.

INFORMATION SUMMARY

Bills Involving Implementation Actions by Child Welfare Agencies with Immediate Implementation within the next three months

2015 Act 128: Reasonable and Prudent Parenting Standards and Improving Permanency Options for Older Youth (required by federal Preventing Sex Trafficking and Strengthening Families Act--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 Living Arrangement (OPPLA) - 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 the child for adoption, or place the child 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 contracts as a subcategory under the permanency plan goal of Other Planned Permanency Living Arrangement.

2015 Act 129: Successor Guardian Provisions *(required by the federal Preventing Sex Trafficking and Strengthening Families Act--PL 113-83)*

Streamlines the procedures for establishing a successor guardian in subsidized guardian cases by enabling a successor guardian to 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.

2015 Act 101: Relative Notification When a Child Is placed in Out-of-Home Care *(required by the federal Preventing Sex Trafficking and Strengthening Families Act--PL 113-83)*

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 issued in November 2015 provided details on the implementation of this new law.

2015 Act 143: Subsidized Guardianship Eligibility Criteria

Expands the eligibility criteria for subsidized guardianship to include a person who develops a familial relationship with a child or the child's family during the child's placement in out-of-home care. The bill is effective immediately but requires the Department to establish rules for the definition of "like-kin" which will be effective this fall.

2015 Act 166: Kinship Care Appeals

Establishes a right to appeal a denial of kinship care payments through the state administrative hearing process.

AB 39: Standardized Home Study *(Passed by Assembly and Senate and sent to Governor for signature)*

Requires the use of a standardized home study specified by the Department for prospective foster and adoptive parents. The Department plans to specify the use of the SAFE home study to meet this statutory requirement.

Bills Requiring Implementation Actions by Child Welfare Agencies with Future Implementation more than three months from the date of this memo.

AB 42: Reporting on Disrupted Adoptions *(Passed by Assembly and Senate and sent to Governor for signature)*

Requires the Department to collect and report to the legislature information on the number of children who have been adopted or given a guardian and have re-entered out-of-home care, which will require local child welfare agencies to enter this information in eWiSACWIS.

AB 745: Children Missing from Care Protocols *(required by the federal Preventing Sex Trafficking PL113-83 and Strengthening Families Act and the Justice for Victims Trafficking Act PL114-22; Passed by Assembly and under consideration by the Senate)*

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. If passed and enacted, the provisions will be implemented in June 2016.

2015 Act 161: Access to School Records for Children in Out-of-Home Care

As permitted under the federal Uninterrupted Scholars Act, allows a child's child welfare caseworker access to the child's K-12 educational records, including in cases where it was not possible to obtain parental consent. The Department expects to provide further guidance to counties on implementation in the summer of 2016.

AB 514/SB 387: Court Procedures *(Passed by Assembly and Senate and sent to Governor for signature)*

Changes a number of court procedures in the change in placement process pre-disposition and post-Termination of Parental Rights. The bill is effective six months from the date of publication (which follows immediately after Governor's signature of a bill).

AB 667/SB 574: Children with Disabilities in the Child Welfare System *(Passed by Assembly and Senate and sent to Governor for signature)*

Requires the Department to develop a plan to improve services for children with disabilities involved in the child welfare system. The plan must be completed by January 1, 2017 and developed with input from the Department of Health Services, law enforcement, and other stakeholders.

AB 737/SB 618: Non-Caregiver Cases of Sex Trafficking *(required by the Justice for Victims Trafficking Act PL114-22; Passed by Assembly and Senate and sent to Governor for signature)*

Requires child welfare agencies to screen-in and investigate all allegations of children alleged to be victims of sex trafficking, including cases involving non-caregiver maltreaters. As required by federal law, the state statutory provisions are effective May 2017.

Bills that do not require implementation action by Child Welfare Agencies

2015 Act 134: Adoptions Search process

Modifies the adoption search policies in a number of ways, including providing adult adoptees access under certain circumstances to information about birth parents who are deceased.

AB40: Training for Adoptive Parents (Passed by Assembly and Senate and sent to Governor for signature)

Establishes new requirements regarding training for adoptive parents and the services provided by the Post Adoption Resource Centers.

Next Steps

Through upcoming numbered memos, DSP will provide more detailed information about each bill that involves implementation action child welfare agencies, including information related to any training, eWiSACWIS updates or changes in policy or standards. The Department recognizes the significant number of child welfare bills enacted in this legislative session and is developing implementation approaches that seek to make implementation of these new statutory requirements as smooth and manageable as possible for child welfare agencies.

CENTRAL OFFICE CONTACT: Administrator
Division of Safety and Permanence
608-422-6891

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