

January 30, 2017

Child Welfare Licensing Series Memo 2017 – 04L

To: Private Child Placing Agencies
Residential Care Center Providers
Group Home Providers
Shelter Care Providers

From: Ron Hermes
Bureau Director



RE: **REPORTING SERIOUS INCIDENTS (Re-Issued)**

This memo replaces CWLS Memo 2017- 04L, regarding the types of serious incidents that must be reported to the Child Welfare Licensing Section (CWLS) <https://dcf.wisconsin.gov/cwlicensing>. The memo has been revised to include updated Serious Incident Report (SIR) reporting requirements. These requirements apply to Residential Care Centers for Children and Youth (RCC's), Group Homes (GH's), Shelter Care (SC's) facilities and private Child Placing Agencies (CPA's) that license foster and pre-adoptive homes. In this memo, the term "placement setting" refers to RCC's, GH's, SC's and foster/adoptive homes; "child in out-of-home care" refers to residents/children placed in a RCC, GH, SC or foster and adoptive/pre-adoptive home.

Reportable Serious Incidents

Per Wis. Admin Code DCF 52, DCF 57, DCF 59 and DCF 54, each agency shall report to the Department of Children and Families within 48 hours (72 hours for GH's) after a serious incident is known to have occurred. In addition, all licensees are required to promptly respond to requests for information from the Department or any other governmental agency with statutory authority to see the information according to Wis. Admin Code DCF 52, DCF 57, DCF 59 and DCF 54 and Chapter 48, Wis. Stats.

Effective immediately, the "Serious Incident Review" form DCF-F-5114-E will no longer be required. The SIR form (DCF-F-2146-E) has been updated to include certain information that was contained within the Serious Incident Review form.

Agencies continue to be required to report all serious incidents on the "Serious Incident Report" (SIR) form DCF-F-CFS-2146-E (attached) to the Department's serious incident email box (DCF.SIR@wi.gov) within 48 hours (72 hours for GH's) of the serious incident. **Reporting times do NOT include weekends and state legal holidays with the exception that all deaths must be reported within 24 hours.** The form is fillable from a computer and information must be typed, whenever possible; electronic signatures are accepted. The information provided must be as complete as possible at the time of submitting the report.

Below you will find clarification on what incidents must be reported and what incidents need not be reported. If you are unsure if a serious incident report is required, you should submit the serious incident report. You will receive an email notification if the SIR was not required.

INCIDENTS TO REPORT TO THE SIR EMAIL BOX

✓ **A reported incident of child abuse or neglect**

Any incident of suspected, known or reported child abuse and/or neglect (regardless of who reported it), including adult to child or child to child, that occurred at the placement setting, while the child is under the primary supervision of caregivers/staff, OR that identifies an individual specified below as the alleged maltreater:

- 1) An employee, volunteer or contracted person of the agency/facility
- 2) Another child residing in the placement setting
- 3) A household member as defined in DCF 56 Foster Home Care for Children
- 4) A person responsible for supervising the child who was NOT approved by the placing agency (for example: a babysitter selected by the foster parent or someone the child was with for an activity that was permitted by way of a prudent parenting decision)

Do NOT report to the SIR email box: Allegations that are historical or that do not allege one of the above (1-4).

✓ **A suicide attempt**

A physical act by a child for the purpose of ending one's life OR repeated behaviors/suicidal gestures accompanied by verbalizations of wanting to end one's life, which may or may not include a plan.

Do NOT report to the SIR email box: Acts of self-injury, self-harm, self-mutilation or self-abuse where intent to end one's life is not present, injury is superficial *and medical attention is not necessary.*

✓ **An incident requiring the services of a law enforcement agency**

- 1) Incidents requiring law enforcement services that occur at the placement setting or while the child is under the primary supervision of caregivers/staff, including:
 - A. Physical or sexual assault (including when the child is interviewed by law enforcement as either a suspect or a victim)
 - B. Alcohol or drug related offenses
 - C. Theft of vehicles, medication or other things that have an impact on child safety
 - D. Weapons offenses

Do NOT report to the SIR email box:

- 1) Offenses that occurred when the child was away from the placement setting **AND** the agency was not responsible for supervision of the child (at school, on a home pass, AWOL)
- 2) Offenses related to truancy, violating curfew, underage possession/consumption of

tobacco

- 3) AWOL offenses, **UNLESS** it is believed the child was a victim of human trafficking while AWOL.
- 4) Law enforcement transportation of a Type 2 resident to a Type 1 facility or other resident transportation
- 5) When a child is considered a witness and is interviewed as part of a criminal investigation
- 6) Property damage (unless it results in the placement setting being out of compliance with licensing rules and poses a safety hazard) [Note: If a SIR is not necessary, an email to your licensor letting them know about the damage is encouraged.]

✓ **A serious injury or trauma requiring the services of a licensed medical practitioner**

Any serious injury or physical trauma that requires the resident (or group home staff member) to receive medical treatment, including, all of the following:

- 1) A broken bone
- 2) A burn
- 3) A concussion
- 4) A wound requiring stitches
- 5) The ingestion of poison or drug overdose
- 6) A traumatic incident such as a resident who nearly drowns or suffocates or who goes into shock

Do NOT report to the SIR email box: Minor injuries, such as sprains or cuts; illnesses; scheduled or mental health hospitalizations; injuries or traumas that occur while the child is away from the placement setting (on a home pass, field trip, at school, with a person approved by the placing agency to supervise the child, etc.)

✓ **A medication error**

A medication error is any error in medication administration to a child in out-of-home care, whether by a child in out-of-home care approved to self-administer, a caregiver or a staff member. A violation of any of the following five rights of medication administration is considered a medication error: the right child, the right drug, the right dose, the right route, and the right time. Failing to timely fill a prescription is also a medication error.

Do NOT report to the SIR email box: If a medication *was given*, but was not documented. This is an error in documentation and should be corrected at the facility. The action taken to correct the documentation error should be noted on the child's Medication Administration Record. Medication refusals are not errors; however, all refusals of medications must be logged. Errors that occur while the child is away from the placement setting (at school off grounds, on a home pass, AWOL) need not be reported *unless* the placement setting failed to send the correct medication or failed to send it with the correct child, thereby causing the error. **CPAs do not need to report medication errors, but should log the errors reported to them by their foster parents.**

Any use of a restraint on a child in out-of-home care (GH, SC, AND CPA ONLY)

Note: Level 5 foster homes must follow the child specific approval for use of restrictive

measures or physical restraint reporting requirements.
✓ Any injury of a child in out-of-home care sustained during the use of a restraint
✓ Any use of physical force to apprehend a Type 2 resident attempting to AWOL (RCC ONLY)
✓ The death of a child in out-of-home care (This must occur within 24 hours)
✓ Any damage to the premises that would affect compliance with licensing rules Structural damage that affects the safe shelter of children or any failure in the heating, cooling, electrical, plumbing or smoke detection system at the location of the placement setting that cannot be repaired within 24 hours.
✓ Any incident requiring the execution of an agency's disaster plan, or requiring the closing of a placement setting that results in the relocation of residents.
✓ A fire that requires the services of the fire department
✓ An outbreak of a serious communicable disease as defined in DHS 145 Appendix A.

- ❖ Incidents that do NOT rise to the level of requiring the submission of a serious incident report must still be documented and included in the child's record. Placing agencies and parents/legal guardians should be made aware of all incidents.
- ❖ Most employees of licensed facilities are mandated reporters. **ALL** incidents of abuse and neglect must be reported as required under §48.981, Wis. Stats.
- ❖ All serious incidents must be reported on the Serious Incident Report (SIR) form, DCF-F-CFS-2146-E, <https://dcf.wisconsin.gov/forms> to the Department's serious incident email box (DCF.SIR@wi.gov) within 48 hours (72 hours for GHs) of the serious incident.
- ❖ **Reporting times do NOT include weekends and state legal holiday with the exception that all deaths must be reported within 24 hours.**

CENTRAL OFFICE CONTACT: Child Welfare Program Specialist
 Department of Children and Families
 Division of Safety and Permanence
 (608) 446-7856
DCFCWLR@wisconsin.gov

Attachment: Serious Incident Report (DCF-F-CFS-2146-E), <https://dcf.wisconsin.gov/forms>