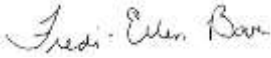


To: DCF / DMCPs Administrators
DCF Area Administrators
Child Placing Agency Directors
Child Welfare Agency Directors
County Departments of Community Programs Directors
County Departments of Developmental Disabilities Services Directors
County Departments of Human Services Directors
County Departments 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: Documentation of Division of Hearings and Appeals Orders Regarding Substantiated Determinations of Child Abuse or Neglect

PURPOSE

This memo modifies the requirements outlined in DSP Memo Series 2014-07, Appeal Procedures for Substantiated Determinations of Child Abuse or Neglect, related to documentation of Division of Hearings and Appeals (DHA) requests and findings.

BACKGROUND

The federal Child Abuse Prevention and Treatment Act (CAPTA) requires that persons who are substantiated to have abused or neglected a child have access to due process related to this finding. DSP Memo Series 2014-07 requires child protective service (CPS) agencies to utilize templates and appeals process tracking in eWiSACWIS, including the requirement to document all actions related to appeals determinations in eWiSACWIS at both the local agency and DHA level.

POLICY AND PROCEDURE REQUIREMENTS

Effective June 16, 2017, local CPS agencies and the Division of Milwaukee Child Protective Services (DMCPS) are no longer required to enter the DHA requests and findings dated on or after June 16, 2017 into eWiSACWIS. Based on coordination with the state/county CPS Appeals Workgroup, and as sanctioned by the Wisconsin County Human Services Association (WCHSA), eWiSACWIS documentation related to DHA requests and findings dated on or after June 16, 2017 will be centralized to the Division of Safety and Permanence (DSP). DHA related information will be entered in to eWiSACWIS by DSP staff on a local CPS agency's behalf.

Local CPS agencies will continue to be responsible for and required to maintain diligent records of all CPS appeals related correspondence received by the local CPS agency regarding DHA requests and findings dated prior to June 16, 2017, as outlined in DSP Memo Series 2014-07. In addition, CPS agencies continue to be required to enter all CPS appeals related correspondence regarding the initial determination, final determination, agency review and outcome at the agency level in eWiSACWIS.

eWiSACWIS DOCUMENTATION

The Division has developed a CPS Appeals Report (ADHOCOC080), called the CPS Appeals Outcome Report, which will allow agencies to more easily monitor and evaluate the outcomes of Agency Reviews and DHA requests and findings. The CPS Appeals Monitoring Report (SM06A114) continues to be available to agencies to assist with monitoring requirements outlined in DSP Memo Series 2014-07.

ACTION SUMMARY

Documentation responsibilities associated with DHA related requests and findings dated on or after June 16, 2017 will be centralized with DSP staff. All other CPS Appeals related practice and documentation requirements specified in DSP Memo Series 2014-07 remain in effect as required by that policy memo.

The Division has updated the Frequently Asked Questions and Legal Issues Regarding Appeals Notice, Timeliness and Motion Practice Outline documents that were originally released with the DSP Memo Series 2014-07. The updates made to these documents were done in response to situations and issues that have arisen since the last memo referenced above. Additionally, the DCF Appeals Website will be regularly updated to address other questions and informational topics identified by the CPS Appeals Workgroup. The website can be accessed here: <https://dcf.wisconsin.gov/cwportal/access-ia/appeal>

Thank you for your continuing efforts to ensure child safety, as well as due process responsibilities, as part of our child protective service Initial Assessment work.

REGIONAL OFFICE CONTACT: Area Administrator

CENTRAL OFFICE CONTACT: Child Welfare Program and Policy Analyst
Bureau of Safety and Well-Being
Division of Safety and Permanence
DCFCPSappeals@wisconsin.gov

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

DCF Appeals Website: <https://dcf.wisconsin.gov/cwportal/access-ia/appeal>