

To: DCF/DMCPS Administrator
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: 2017 WI Act 251

PURPOSE

The purpose of this memo is to provide notice of modifications to Wis. Stat. Chs. 48 and 938, relating to school notice and transfer of pupil school records in 2017 WI Act 251 as enacted as part of the Speaker's Task Force on Foster Care legislative package.

BACKGROUND

In June 2017, Speaker Robin Vos (R-Rochester) formed the Speaker's Task Force on Foster Care. The bipartisan group of legislators was tasked with developing ideas to improve the child welfare system in Wisconsin.

In November 2017, the Speaker's Task Force on Foster Care introduced its legislative package which was titled "Foster Forward." Eleven of the bills in the Foster Forward legislative package were passed and signed into law in April 2018. A brief summary of all of these and other state child welfare-related legislation passed in the 2017-18 legislative session is provided in DSP Informational Memo 2018-13i issued in April.

This memo provides more detailed information on one of the Foster Forward Acts: 2017 WI Act 251 which includes required notice to a school of a Permanency Review or Hearing, notice to a school district of an out-of-home care placement, and the immediate transfer for pupil records, no later than the next working day after a school receives notice of change in schools.

POLICY AND PROCEDURE REQUIREMENTS

In an effort to improve communication between child welfare, courts, and schools, 2017 WI Act 251 made four statute changes with regard to school notification:

1. Amends multiple areas in Wis. Stats. Chs. 48 and 938 related to notification of Permanency Review and Hearings.

The amended statutes require that the child's school be added to the list of entities that must be notified of a Permanency Review or Hearing. The Notice of Permanency Reviews and Hearings

provides schools an opportunity to submit written comments about the child's plan and an opportunity to participate in Permanency Hearings at the Court's discretion.

§ 48.38(5) Permanency Review:

1. Includes the child's school as an entity that shall receive notice.
2. Allows the school to provide written comment.
3. Does not allow the school to otherwise participate in the review.

§48.38(5m) Permanency Hearing:

1. Includes the child's school as an entity that shall receive notice.
2. Allows the school to provide written comment.
3. May provide the school an opportunity to participate at the hearing. The school's participation is at the Court's discretion and is subject to the Court's normal procedures in regards to sensitive information and the best interest of the child.

2. Amends Wis. Stat. §§ 48.62(3) and 48.625(2m) to remove "clerk" as the notified individual.

The amendments change the requirements for school notification when a foster home and group home have been licensed within a school district or when a child has been placed in out-of-home care. Both Wis. Stat. §§ 48.62(3) and 48.625(2m) are amended to remove "clerk" as the receiving individual for notification of a newly issued license.

3. Amends Wis. Stat. § 48.64(1r) to include both school district and schools in notification.

The amendment requires that notice of placement shall be given to the school district and the school in which the child is enrolled, instead of the school district clerk. If the child remains in his/her school of origin, notice shall be given to both the school of residence and the school of origin.

4. Amends Wis. Stat. § 118.125(4) to require the immediate transfer of school pupil records.

Once a school receives notification that a child has changed schools, the school in which the child was previously enrolled shall transfer all pupil records for the child to the new school in which the child is enrolled, within one working day of receiving the initial notice.

The following forms have been updated to reflect the changes:

1. Foster Home Licensure Notification (dcf-f-cfs2187-E)
2. Licensure Notification – Group Home for Children (dcf-f-cfs2188-E)
3. Out-of-Home Placement or Recommended Placement Notification (dcf-f-cfs2189-E)

eWiSACWIS DOCUMENTATION

Changes to the Foster Home Licensure Notification (dcf-f-cfs2187-E) and Out-of-Home Placement or Recommended Placement Notification (dcf-f-cfs2189-E) forms were included in the June 2018 eWiSACWIS release. Further changes that allow for a dropdown menu and filtering of schools by school district will be added in the October eWiSACWIS release.

ACTION SUMMARY

The updates included in 2017 WI Act 251 became effective April 6, 2018.

REGIONAL OFFICE CONTACT: DCF Area Administrator

CENTRAL OFFICE CONTACT: Section Chief
Out-of-Home Care Section
(608) 422-6930

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

FORMS WEB SITE: <https://dcf.wisconsin.gov/forms>