

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 Acts 252 and 259

#### **PURPOSE**

The purpose of this memo is to provide notice of modifications to Chs. 48 and 51 Wis. Stats., related to the changes in the release of mental health information and the definition of basic dental care, set forth in 2017 WI Acts 252 and 259 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.

On November 28, 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 regarding 2017 WI Acts 252 and 259 which include updated provisions related to the release of mental health information and basic dental care that allow for limited release of mental health information to out-of-home care providers and child welfare agencies, and amends the definition of dental care to specify treatment that can be provided without additional parental consent for children in out-of-home care than what is provided through the Medical Consent Form or a court ordered consent for routine dental care.

#### **POLICY AND PROCEDURE REQUIREMENTS**

Agencies should discuss requirements and procedures with their legal counsel.

**2017 WI Act 252** creates Ch. 51.30 (4) (cg) Wis. Stats to allow for limited release of mental health information of children in out-of-home care. This Act permits a health care provider to disclose a portion, but not a physical copy, of a child's mental health treatment records to an out-of-home care provider or to

a child welfare agency without informed written consent of the birth parent. Under Ch. 51.30 (4) (cg) Wis. Stats, health care providers must reasonably believe the information is necessary for the out-of-home care provider or child welfare agency to provide for the proper care of the child. The information shared can include a diagnosis, treatment plan, and medication management plan.

**2017 WI Act 259** further defines “dental care” under Ch. 48.02 (3t) Wis. Stats. This Act updates statute to define “dental care” as routine dental care, including diagnostic and preventative services, and treatment including restoring teeth, tooth extractions, and use of nitrous oxide. This amendment clarifies basic level of dental care that may be provided to children placed in out-of-home care without additional parental consent than what is provided by the Medical Consent Form or a court ordered consent for routine dental care.

**eWiSACWIS DOCUMENTATION**

There are no changes to eWiSACWIS functionality or documentation requirements due to 2017 WI Acts 252 or 259.

**ACTION SUMMARY**

The updates included Acts 252 and 259 became effective April 6, 2018.

REGIONAL OFFICE CONTACT: DCF Area Administrator

CENTRAL OFFICE CONTACT: Program and Policy Analyst  
Out-of-Home Care Section  
(608) 422-6751

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