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Governor Tony Evers
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Division of Safety and Permanence

February 5, 2020

Child Welfare Licensing Memo Series 2020-05-lic
Supersedes CWLS Memo Series 2014-15-lic

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

From: Wendy Henderson, Administrator
Division of Safety and Permanence

A handwritten signature in black ink, appearing to read "Wendy Henderson".

Re: Voluntary Placements in Shelter Care Facilities

This memo replaces Child Welfare Licensing Memo Series 2014-15L. The purpose of this memo is to provide guidance to placing agencies and providers on the effects of 2013 Wisconsin Act 335, Voluntary Placement of Children in Shelter Care Facilities, which permits a child to be placed in a shelter care facility under a voluntary agreement. Prior to 2013 Wisconsin Act 335, voluntary placements were not permitted in shelter care facilities. The new law allows for the voluntary placement of a child into a shelter care facility per s. 48.63(1)(b) and s. 938.22(2)(c), Wis. Stats.

2013 Wisconsin Act 335 provides that a child's parent, guardian, Indian Custodian, the Department of Children and Families, the Department of Corrections, a county department under s. 46.215, 46.22, or 46.23, or a child welfare agency licensed to place children in a shelter care facility, may place a child or negotiate or act as intermediary for the placement of the child in a shelter care facility if the Department of Children and Families has approved the shelter care facility for such placements under s. 938.22(2)(c), Wis. Stats. Additionally, Act 335 allows a child to be placed in a shelter care facility for no more than 20 days under a voluntary agreement.

Shelter care facilities will have two options for implementing this provision: Voluntary Placement Agreements and respite care services.

Voluntary Placement Agreements

A shelter care facility may accept a child under a Voluntary Placement Agreement into a shelter care facility. The applicable form, DCF-F-5040-E, may be used to meet s. 48.63, Wis. Stats. Under a Voluntary Placement Agreement, a county department or child placing agency is required to supervise the placement and the placement must follow the requirements set forth in the Ongoing Services Standards for placements. This voluntary placement may not be utilized for mental health crisis stabilization services under Ch. DHS 34 of the Wisconsin Administrative Code. Children placed under a Voluntary Placement Agreement shall not be placed into a shelter care facility for more than 20 days. The Act prohibits an extension beyond the 20 days.

Children previously placed under a Voluntary Placement Agreement must have exited a shelter care facility for at least 30 days before re-entering a shelter care facility under another Voluntary Placement Agreement.

Respite Care Services

A shelter care facility may be used for the purposes of respite care services. Respite care is a service, not a placement, and only a parent or guardian may consent to respite care services for the child in a shelter care facility. If the child is at least 12 years of age, the child must also consent. An episode of respite care services shall not exceed 20 days during any 30-day period. The 20-day limit shall not be extended. The shelter care facility must receive an exception to Ch. DCF 59, Wis. Admin. Code from their Department of Children and Families Licensing Specialist prior to providing respite care services. The Department does not have a required respite care agreement form, so each shelter care facility shall use its own respite care agreement containing the signature of the parent or guardian and child, if at least 12 years old, authorizing respite care services.

Questions regarding this memo can be directed to the Child Welfare Program Specialist.

CENTRAL OFFICE CONTACT: Child Welfare Program Specialist
Department of Children & Families
(262) 446-7856

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

FORMS LINK:

DCF-5040-E, Voluntary Placement Agreement for Shelter Care (English, Spanish, Hmong)
<https://dcf.wisconsin.gov/forms>