



Division of Safety and Permanence

DSP Informational Memo Series 2023-23i

November 17, 2023

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
Private Child Placing Agencies
Residential Care Center Providers
Shelter Care Providers
Tribal Chairpersons

From: Wendy Henderson
Administrator

Re: **2023 Wisconsin Act 19 – Tribal Subsidized Guardianship**

Purpose:

2023 Wisconsin Act 19 was signed into law by Governor Evers on July 5, 2023. The bill contains provisions that grant statutory authority for the Wisconsin Department of Children and Families (DCF) to enter into agreements with Tribes to allow Tribes to administer subsidized guardianships ordered by a tribal court under a tribal law substantially similar to Wis. Stat. § 48.977(2) and to be reimbursed by DCF for eligible subsidized guardianship payments. This memo provides guidance on the option for Tribes to administer subsidized guardianships and the new reimbursement structure for subsidized guardianship payments under this legislation, which became effective July 7, 2023.

Background:

Following a demonstration period in Milwaukee, subsidized guardianship became available as a statewide permanency option in July 2011. Under statute, county child welfare agencies and the DCF Division of Milwaukee Child Protective Services (DMCPS) are required to offer subsidized guardianship to all eligible providers. 2021 Wisconsin Act 132 required DCF to reimburse child welfare agencies for subsidized guardianship payments, including subsidized guardianship payments for Indian children under eligible tribal guardianship orders. Act 132 went into effect on January 1, 2022.

Wisconsin Act 19 expanded statutory authority and funding to include the direct reimbursement of Tribes for subsidized guardianship payments for guardianships that meet eligibility requirements.





Information Summary:

In order for a Tribe to administer subsidized guardianship, Act 19 requires that the governing body of the Tribe enter into an agreement with DCF. Once a Tribe enters into such an agreement with DCF, DCF will begin reimbursing the Tribe for incurred expenses for qualifying subsidized guardianship payments. Tribes will be responsible for meeting all subsidized guardianship requirements as provided in Wis. Stat. § 48.623 and Wis. Admin. Code DCF 55, including determining eligibility and conducting annual redeterminations for subsidized guardianships.

Under Act 19, Tribes also have the option to enter into an agreement with a county department for the county department to provide subsidized guardianship payments for eligible guardianships of children ordered by the tribal court.

Tribes interested in administering subsidized guardianship should contact the Tribal Affairs Specialist. Each interested Tribe would negotiate an agreement with DCF relating to administration of and reimbursement for tribal subsidized guardianship payments via an appendix to the Tribe's State and Tribal Contract Covering Children and Families Programs.

CENTRAL OFFICE CONTACT: Tribal Affairs Specialist
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MEMO WEB SITE: <https://dcf.wisconsin.gov/cwportal/policy>

ATTACHMENT LINKS: [2023 Wisconsin Act 19](#)
[Subsidized Guardianship Policy \(wisconsin.gov\)](#)