

Division of Safety and Permanence

DSP Numbered Memo Series 2024-16

October 28, 2024

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: John Elliott
Administrator



Re: **DCF 1**

PURPOSE

The purpose of this memo is to provide an overview of the new administrative rule DCF 1. This administrative rule specifies the conditions under which the department establishes and collects fees and delegates to county departments the authority to establish and collect fees under Wis. Stat. § 49.32 (1) and 49.345 (14) (a), Stats. The chapter also specifies the manner of application of Ch. DCF 150 when determining child support under Wis. Stat. § 49.345 (14) (b) and (c), and the procedures for collecting child support under Wis. Stat. § 49.345 (14) (e).

BACKGROUND

A fee system has applied to child welfare services under Chapter 48 and other HSS/HFS since the 1970s. After DCF was created in 2008, DCF had continued authority to use the previous DHS administrative rule, DHS 1, Wis. Admin. Code. As of 2020, a new DHS 1 rule went into effect and limited services under Chapters 46 and 51. DCF submitted a new statement of scope and drafted a new rule.

DCF has a statutory obligation to implement DCF 1. Wisconsin Stat. § 49.32(1)(a) states that the department shall establish a uniform system of fees for services under this subchapter and Ch. 48, and community-based juvenile delinquency-related services under Ch. 938 purchased or provided by the department, or a county department except when the department determines a fee is administratively unfeasible or would significantly prevent accomplishing the purpose of the service.

POLICY AND PROCEDURE REQUIREMENTS

Effective January 1, 2025, county departments are required to comply with the provisions in DCF 1 when determining services for which fees may be charged, who is liable to be charged a fee, and how the fee amount is established. DCF 1 also instructs when county departments may refrain from collecting fees. DCF developed [DCF 1 - Frequently Asked Questions](#) and [DCF 1 - Best Practice](#) documents to assist county departments in implementation of this new rule.

ACTION SUMMARY

County departments may already have an internal policy regarding charging and collecting fees. Beginning January 1, 2025, county departments must adhere to DCF 1 to determine the maximum monthly payment amount based on the liable individual's gross monthly income and the number of individuals living in the family. A county department may waive **all or part of a** liable individual's fees at any time due to **any** of the following:

1. Collection is inappropriate due to the needs of the liable individual or their family.
2. Collection is administratively unfeasible.
3. Collection would significantly prevent accomplishing the purpose of the service.
4. The liable individual is receiving Medical Assistance, Supplemental Security Income, or Social Security Disability Insurance.
5. The liable individual's maximum monthly payment amount is \$0.

DCF encourages counties to evaluate how charging and collecting fees may impact youth and families. There is an **inherent tension** between DCF's Family First initiatives and its statutory obligation to establish a uniform fee system. Research shows that fines and fees cause **strain on youth and families**, which hinders DCF's goals of strengthening of local communities, implementing innovative practices, and preparing our youth to thrive. Additionally, unaffordable fees often **do not achieve** their stated purpose of decreasing recidivism and supporting children to thrive.

Technical assistance will be provided by DCF BRO Administrators and DSP staff. Presentations will be offered to county financial managers, directors, and supervisors starting in late October 2024.

REGIONAL OFFICE CONTACT: DCF Area Administrator

CENTRAL OFFICE CONTACT: DCFOneAdministrativeRule@wisconsin.gov

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

Attachments: [DCF 1 - Best Practice](#)
[DCF 1 - Frequently Asked Questions](#)