



Division of Safety and Permanence

DSP Informational Memo Series 2024-19i

December 18, 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
 Tribal Social Service/Indian Child Welfare Directors
 Private Child Placing Agencies
 Residential Care Center Providers
 Shelter Care Providers
 Tribal Chairpersons

From: John Elliott
 Administrator

Re: **2023 WI ACT 119: Like-Kin Legislation**

PURPOSE

2023 Wisconsin Act 119 was signed into law by Governor Evers on March 14, 2024, and will have an effective date of January 1, 2025. This legislation positively impacts children in Wisconsin by expanding the definition of relatives, creating a new definition of like-kin, and expanding the ability to support children and their caregivers through the kinship care subsidy under Wis. Stat. ss. 48.57(3m)-(3t).

BACKGROUND

Following bipartisan support and advocacy efforts from numerous tribal and county partners, Governor Evers signed 2023 Wisconsin Act 119 into law on March 14, 2024. The Act did not include additional funding for the expansion under Wis. Stat. s. 49.175 (s) and identified an effective date of July 1, 2025, with the allowance for an earlier date based on the following process:

If, prior to July 1, 2025, the department of children and families determines that there is sufficient funding allocated under s. 49.175 (1) (s) to fund the expansion of the kinship care and long-term kinship care programs under this act, the department shall submit to the legislative reference bureau for publication in the Wisconsin Administrative Register a notice specifying the date of that determination.

In October 2024, the Department sought approval from the Joint Committee on Finance to reallocate TANF funds such that the allocation for kinship care under Wis. Stat. s. 49.175 (s) will have sufficient funding to fund the expansion under 2023 WI Act 119. The Joint Committee on Finance has since approved this reallocation request, thus allowing for a January 1, 2025 implementation date.



INFORMATION SUMMARY

This legislation impacts child welfare practice in the following areas:

- **Expanded definition of “relative”**- Adds “first cousin once removed” to the definition of relative in Wis. Stat. 48.02(15).
- **Added “like-kin” definition** - Defines “like-kin” and incorporates into the definition individuals identified by the child's tribe according to tribal tradition, custom or resolution, code, or law.

Wisconsin Stat. ch. 48.02(12c) “like-kin” means an individual who has a significant emotional relationship with a child or the child’s family that is similar to a familial relationship and who has not previously been the child’s licensed foster parent. For an Indian child, “like-kin” includes individuals identified by the child’s tribe according to tribal tradition, custom or resolution, code, or law.

- **Expanded eligibility for the kinship care subsidy** - Adds “extended family members” under s. 48.028(2)(am) (the Wisconsin Indian Child Welfare Act or “WICWA”) and “like-kin” as defined above to the provisions granting eligible to apply for financial support from the Kinship Care program: Wis. Admin. Code DCF 58.
- **Expanded placement options with like-kin** - Adds like-kin to the provisions for court-ordered out-of-home care placement in Chapters 48 and 938 without time constraints. This means that a like-kin provider is no longer considered an unlicensed non-relative under these chapters.

While the 2023 WI Act 119 makes great progress toward keeping children and youth connected to those who know and love them, it does not supersede placement preferences as required by the Indian Child Welfare Act and the Wisconsin Indian Child Welfare Act.

CENTRAL OFFICE CONTACT: Program and Policy Analyst
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MEMO WEB SITE: <https://dcf.wisconsin.gov/cwportal/policy>

ATTACHMENT LINKS: [2023 Wisconsin Act 119](#)
[Impact of Like-Kin on Child Welfare Practice](#)