

Division of Safety and Permanence

DSP Informational Memo Series 2025-03i

February 3, 2025

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: High-cost Pool Fund for Tribal Court Placements**

## PURPOSE

This memo explains the process for accessing High-Cost Pool funds for unusually high-cost out-of-home care placements of Indian Juveniles who have been adjudicated delinquent by tribal court. The High-Cost Pool does not supplant the overall responsibility of county human/social service agencies to pay for placements ordered by tribal courts under 161 Agreements.

High-Cost Pool funds can be requested as supplemental funding to meet the specific needs of Indian children placed by a tribal court where the costs significantly affect the county or tribal out-of-home care budget. Requests can be made for specific children in situations where the county or tribe meets the High-Cost Pool requirements.

This memo supersedes DSP Memo Series 2016-39i.

## BACKGROUND

Wisconsin statute s. 938.485(4) allows the Department of Children and Families (DCF) to reimburse Indian tribes and county departments “for unexpected or unusually high-cost out-of-home care placements of Indian Juveniles who have been adjudicated delinquent by tribal courts.” The phrase “unusually high-cost out-of-home placements” means “the amount by which the cost to an Indian tribe or to a county department of out-of-home care placements of Indian juveniles who have been adjudicated delinquent by tribal courts exceeds \$50,000 in a fiscal year.” A total of \$75,000 is provided through 2009 Wisconsin Act 28 to reimburse tribes and counties each state fiscal year through this program.

On January 1, 2016, DCF assumed responsibility for the community-based juvenile justice system. This change included the transfer of responsibility for this program under Wis. Stat. s. 938.485(4) to DCF.

## INFORMATION SUMMARY

### Tribal Out-of-Home Care Placements

- A. Accessing Funds:
  - 1. A tribe and a county must submit a joint application for the county to receive funds. This applies to situations where the county is paying for placements made by the tribal court.
  - 2. A tribe may submit an individual application if the tribe is paying for placements made by the tribal court.
  - 3. The tribe and county, for a joint application, or a tribe for an individual application must expend a minimum of \$50,000 for out-of-home care costs to access the High-Cost Pool fund.
- B. Eligibility of Placements:
  - 1. Eligible youth are Indian juveniles who have been adjudicated delinquent by a tribal court.
  - 2. The tribe and county, for a joint application, or a tribe for an individual application must expend a minimum of \$50,000 for out-of-home care costs.
- C. Award Calculation Formula:
  - 1. The Department will prorate the funds based on each county or tribe's percentage of the total expenditures, above the \$50,000 threshold. To determine each award, the Department will use the following calculations:
    - i. Total allowable expenditures are submitted by an individual jurisdiction.
    - ii. \$50,000 is subtracted from the total expenditures on each application to determine an adjusted expenditure.
    - iii. The sum of all adjusted expenditures across all applicants' equal total expenditures eligible for reimbursement.
    - iv. Each applicant's adjusted expenditures are divided by the total expenditures eligible for reimbursement to determine their percentage of that total.
    - v. That percentage is multiplied by the available funds, \$75,000, to determine each applicant's award amount.

## REQUESTS FOR FUNDING

- 1. Requests must be made on a form prescribed by the Department. Placement requests must identify the actual duration of the placement during the application period, the placement provider, and the actual cost for that particular child.
- 2. High-Cost Pool funds are available during each State fiscal year. This application period will **cover expenditures from January 1, 2024 through December 31, 2024**. All applications are **due by March 31, 2025**. The portion of the request not funded remains the fiscal responsibility of the county or tribe.
- 3. All applications must include proof of payment for each child.
- 4. All applications must include a copy of the Tribal Court Order, placing the child in each placement.

5. Incomplete documentation will not be considered for reimbursement.

### **ACTION SUMMARY**

Those seeking to access High-Cost Pool funds must inform the Tribal Affairs Specialist of your intent to apply by March 1, 2025. You will then receive access to a SharePoint site where you will upload the attached application and supporting documentation for each child listed on the application by March 31, 2025.

CENTRAL OFFICE CONTACT: Tribal Affairs Specialist  
Division of Safety and Permanence  
608-212-0426  
[dcfwicwa@wisconsin.gov](mailto:dcfwicwa@wisconsin.gov)

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

Attachments [High-Cost Pool Fund Application](#)