

Non-Custodial Parent Policy

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Any information referenced within this document is considered to be a part of this policy with the exception of the "related resources" section.

Summary

This policy provides the process to use when a child is moved from the home of a custodial parent to the home of a non-custodial parent or the parent who does not have primary placement (i.e. 50-50 custody between the parents).

Related Resources

- [Access and Initial Assessment Standards September 24, 2007](#)
- [Child Protective Services Safety Intervention Standards issued May 2, 2006; effective July 17, 2006](#)
- [DSP Memo Series 2011-07 June 28, 2011; Modifications to the Child Protective Services Safety Intervention Standards](#)
- [Ongoing Services Standards January 2013](#)
- [Children's Court Directive 12-03](#)
- Temporary Physical Custody Policy IA 00.00, IIHS 00.00 and OCM 00.00 (available after May 1, 2014).
- Placement Referral Policy IA 51.00, IIHS 13.00 and OCM 52.00
- Placement of a Child in Out of Home Care Policy IA 17.00, IIHS 00.00 and OCM 12.00

- [DCF 56 Foster Care](#)
- [Case Transition from Initial Assessment to Intensive In-Home Services and Immediate Responsibilities IA 31.00 and IIHS 1.01](#)
- [Case Transition from Initial Assessment to Ongoing Case Management Services and Immediate Responsibilities IA 32.00 and OCM 01.00](#)
- [Documenting a Service in eWiSACWIS](#)

Policy

This policy is to ensure a child's safety and a consistent approach with the law and DSP/ BMCW Standards of Practice when it has been determined to take and hold a child in temporary physical custody (TPC) and place the child with the non-custodial (including but not limited to alleged father or adjudicated father) parent who may or may not have a pre-existing family court order.

- When a child is taken and held via TPC and placed immediately with the non-custodial parent (adjudicated or non-adjudicated) and no other children are placed in out-of-home care, the case is an Intensive In-Home Services case and permanency support does not apply.
- When a child is taken and held via TPC and placed immediately with the non-custodial parent and at least one other child (at the time of removal of the applicable children) is placed in out of home care, this case is an Ongoing Case Management Services case; therefore the child residing with the non-custodial parent is eligible to receive 12 months permanency support services from the time the child was placed with the non-custodial parent.
- When a child is placed with a non-custodial parent after an out -of-home placement, the child is eligible to receive 12 months of permanency support services from the time the child was placed with the non-custodial parent.
- Contracted agencies must follow the requirements of permanency support in accordance to the DCF and said agency contracts. In addition, the contracted agency must offer permanency support to the non-custodial parent as directed in *Ongoing Standards January 2013 pages 29, 93, and 149, Bureau of Milwaukee Child Welfare Permanency Support*.

For the purposes of this document, "worker" is the Initial Assessment specialist (IAS) or contracted agency case manager; whoever has primary responsibility for the case. For cases starting with Initial Assessment, it is the responsibility of the IAS to fulfill the requirements of this policy until the case is successfully transferred to a contracted agency. For cases open in Intensive In-Home or Ongoing Case Management Services that may open again in Initial Assessment (shared cases), it is the responsibility of the contracted agency's case manager to fulfill the requirements of this policy.

Procedures

A. To move the child from a custodial parent, by taking the child into temporary physical custody (TPC) and to adjudicated the non-custodial parent with no pre-existing family court custody or joint custody:

1. When the worker takes and holds a child via TPC, identification and assessment of the adjudicated, non-custodial parent will occur. A child can be moved into the home of the adjudicated, non-custodial parent at that time if it has been determined to be a safe and viable option. A Safety Assessment and Plan will be completed and documented for the adjudicated, non-custodial parent in eWiSACWIS using the Safety Assessment and Plan document(s) within 24 hours of the child being moved into the home of the adjudicated, non-custodial parent.
 - a. If the child cannot safely move to the adjudicated, non-custodial parent, the child must be placed in out-of-home care or other suitable relative providers. If the safety of the child cannot be ensured in the home of the adjudicated, non-custodial parent, the worker will disregard the remainder of this procedure and follow standard practice for the placement of the child into out-of-home care. Reference the *Temporary Physical Custody Policy IA 12.00, IIHS 00.00 and OCM 21.00* and *Placement of a Child in Out-of-Home Care Policy IA 17.00, IIHS 00.00 and OCM 12.00*.
2. Reference the *Placement Referral Unit (PRU) Policy IA 51.00, IIHS 13.00 OCM 52.00* for the following:
 - a. The worker will contact the PRU for provider information and provider number. The worker will need to provide the PRU with the name, address and dates of birth (DOB) of all of the residents in the non-custodial parent's home to facilitate background checks. Background checks will occur on individuals 17 years and older.
 - b. As applicable, request an Intensive In-Home Services or Ongoing Case Management Services assignment.
 - c. The worker will enter a service strip into eWiSACWIS using the "Non-Custodial Parent" provider number which was provided by the PRU. Reference the *Documentation Section* of this policy for additional directions related to the creation of a service strip.
3. The worker will refer to the applicable *Transition from Initial Assessment to Intensive In-Home (IA 31.00 and IIHS 1.01)* or *Ongoing Case Management Services (IA 32.00 and OCM 1.00) Policies* for the case to be transitioned to a contract agency.
4. While Permanency Planning would not be triggered in eWiSACWIS, case planning and documentation are still required of the worker.
5. The worker will collaborate with both parents to notify agencies of the child's change in placement related to county, state, or federal benefits (i.e. W-2, Foodshare, Badgercare, Supplement Security Income (SSI) benefits, etc.). The non-custodial parent may directly contact the benefit agencies regarding the child's placement. The worker should assist the non-custodial parent as needed. The worker will

provide the non-custodial parent a letter on agency letterhead including the following information:

- a. Both parents' names and the non-custodial parent's date of birth, address, and telephone number.
 - b. The child's (placed with the non-custodial parent) name, date of birth, and prior address with the custodial parent.
 - c. A statement informing the agency that the BMCW has placed the child with a non-custodial parent via a TPC order and including the date of placement.
 - d. BMCW and/or contracted agency contact information (agency name and location, names, telephone numbers and email addresses) of the worker and supervisor.
6. The worker will confer with the non-custodial parent's attorney and have the attorney petition the court to seek a change of custody by way of the Unified Court (i.e., Children's Court will work collaboratively with Family Court to seek a change of custody to the previously joint - or non-custodial parent). *Reference to Children's Court Directive 12-03.* The non-custodial parent should speak with the attorney on matters related to child support.
 7. Once the change of custody order is in place (Unified Court transfer of custody to non-custodial parent) and the Child in Need of Protection and Services (CHIPS) petition/order is dismissed; the worker will close the Non-Custodial Parent service strip and change the Legal Status to "none".
 8. When the change of custody order is in place and the CHIPS petition/order is NOT dismissed; the worker will close the Non-Custodial Parent service strip and change the Legal Status to the applicable choice in accordance with the CHIPS petition/order.
 9. Reference the *Documentation Section* of this policy for further guidance related to eWiSACWIS documentation.

B. To move the child from the custodial parent to the non-adjudicated / non-custodial parent with no court order for custody.

1. Please follow # 1 through #5 in Section A.

NOTE: The non-adjudicated parent may not qualify for benefits until paternity is legally established.

2. The worker will submit the request for paternity testing at the TPC hearing and ensure that the child is made available for paternity testing.
3. If the non-custodial parent is found to be the biological parent, please follow # 6 through #9 in Section A.
4. If the non-custodial parent is found not to be the biological parent, the placement procedures for an unlicensed non-relative will be followed, including the completion of an emergency foster care license request.

- a. The worker will contact the PRU or agency designee and request an Unlicensed Non-Relative Provider placement strip be created.
 - b. The worker will close the Non-Custodial Parent service strip with the date the agency received official notice that the non-custodial parent is not the biological parent and enter the closing reason as “Agency Requested Change.”
 - c. The worker will enter the placement for the child as an Unlicensed Non-Relative placement with the placement date of the following day the Non-Custodial Parent service strip was closed.
5. In the event the child is immediately moved from the placement after paternity has found the non-custodial parent not to be the biological parent, the worker will close the Non-Custodial Parent service strip with the date the child was moved and enter the closing reason as “Agency Requested Change.” Reference the *Temporary Physical Custody Policy IA 12.00, IIHS 00.00 and OCM 21.00* and *Placement of a Child in Out-of-Home Care Policy IA 17.00, IIHS 00.00 and OCM 12.00*.
6. The worker will complete a *Confirming Safe Environments (CSE) assessment* on the unlicensed non-relative placement. Reference *Ongoing Standards: CSE Page 51*

Documentation

This provides information on how to properly document these case types in eWiSACWIS.

These cases (non-custodial parent) will be identified via the designated Services Page as follows using the Documenting a Service in eWiSACWIS link:

- The Service Category of Non-Custodial Parent and the Service Type of Non-Custodial Parent are to be selected to designate the non-custodial parent case;
- A single provider has been created to represent these non-custodial parent scenarios. The “Non-Custodial Parent” provider will be attached to the above referenced Service Category and Service Type.
- Select the Service Detail of “Child Res w/family (not AA)”.
- Because no costs are associated with this service; the next area will be grayed out.
- Upon selecting the Service Category and Service Type, search for the provider Non-Custodial Parent (8045977). Select the Target Population: CHIIPS – Abuse and Neglect (NYA – 61).
- The begin date for this service is the date the child was placed in the home of the non-custodial parent and, when applicable, the end date is the date the court discontinued this order, the date the child is no longer residing with the non-custodial parent or the date Unified Court transfers custody.
- The child’s address should be updated manually to the home address of the non-custodial parent to represent where the child currently resides. This is done on

the Person Management page/Address tab; click the Edit link to update the address.

- Each case participant's Person Management must be updated as information is known and/or changes.
- The worker will create and update the child's legal status as applicable.

Responsibilities

Initial Assessment specialist and their supervisors, Intensive In-Home Services case managers and their supervisors, Ongoing case managers and their supervisors, Licensing specialists and their supervisors, and Placement Unit.