



DMCPS Approval Process for Level 5 (Exceptional Treatment Foster Home)

Policy Number:	IA 62.00, OCM 62.00, IHS 17.00
Subject:	Case Management, Level 5 Exceptional Treatment Foster Home, Foster Care
Last Updated/Reviewed:	February 27, 2025
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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

In Milwaukee, the Division of Milwaukee Child Protective Services (DMCPS) has the responsibility to perform the child welfare functions for Milwaukee County. One of those functions is contracting with Treatment Foster Care agencies (TFC) for licensing and monitoring Level 3-5 foster homes. These placement settings are for children/youth who require a higher level of care and are subject to jurisdiction of Wis. Stat. ch. 48. TFC agencies are licensed according to [Ch. DCF 54, Adm Code](#) as a Child Placing Agency (CPA). When a CM or a TFC agency has identified a potential Level 5 Exceptional Treatment Foster Home (Level 5), they are required to follow this policy.

The intent of this policy is to provide the Contracted Case Management agencies (CM) with a process to follow when identifying a youth in need of a Level 5 and steps that follow for placement. Level 5 providers are licensed Treatment Foster Care (TFC) homes that have a licensing exception approved by the DCF Level 5 Panel. The exception allows Level 5 homes to operate with shift staff who offer 24-hour, awake supervision for the youth specified on the Level 5 application. These specialized homes are intended to be designed specific to the needs of a particular youth.

Licensing and the Level 5 application process is mainly the responsibility of the TFC agency; however, CM plays a role in the process and is required to assist and collaborate with the TFC agency during the licensing process.

Procedures

Identification of a Level 5 Youth



CM agencies will identify youth who are appropriate for a Level 5. Level 5 foster homes are intended to serve older youth expected to need long-term care in a community setting. They typically have extensive needs because of medical conditions and/or cognitive deficiencies.

Youth appropriate for Level 5 have higher needs than youth placed in foster homes with lower level of care certifications. A Level 5 should only be considered as the last community placement option when all other options have been determined to be unable to meet the child's needs or are not in the best interest of the youth. When determining if a youth is appropriate to be placed in a Level 5, consider whether the circumstances pursuant to [Wis. Admin. Code s. DCF 56.13\(7\)\(a\)](#) exist, and that all the conditions below are applicable to the youth.

- Youth has behaviors or conditions requiring high level of supervision
- Youth requires 24-hour awake care by staff
- The youth is expected to need long term support care into adulthood

Youth appropriate for Level 5 will have at least one of the following conditions:

- Medical needs that can be met in a foster home setting but also require 24-hour supervision and care.
- Significant cognitive and/or developmental delays resulting in substantial limitations in their ability to function in any of the following:
 - Receptive and expressive language
 - Learning
 - Mobility
 - Self-direction
 - Capacity for independent living
 - Economic self-sufficiency
- Mental health diagnoses that co-exist with the significant cognitive or developmental delay but are not the primary treatment need. Level 5's are a foster home placement option and not a treatment setting.

DMCPS "Pre-Approval" Review Requirement

Once a youth has been identified as appropriate for a Level 5, the CM agency must first notify the DMCPS Ongoing Services Section by submitting the "Pre-Approval to Begin Child Specific Planning for Level 5" form ([DCF-F-5177-E](#)). The CM agency will send this form, along with other pertinent collateral documents, to the Level 5 Contract Administrator within the Ongoing Services Section. DMCPS requires referred youth to be assessed by [Children's Long Term Support \(CLTS\)](#). The CLTS assessment must be submitted along with the Pre-Approval form (DCF-F-5177-E).

DMCPS may request additional collateral information such as recent psychological evaluation, Individual Education Plan (IEP), and recommendations from treating physician and/or mental health professional. A staffing between the CM team and DMCPS may also be requested.



Basic requirements outlined in [Wis. Admin. Code ch. DCF 56](#) and referenced above are reviewed for appropriateness. Information provided to DMCPs should be detailed which clearly describes the youth's needs, how these needs can only be met by a Level 5, general functioning, and why no other placement setting is appropriate. DMCPs seeks to uphold the intended purpose of Level 5, which is to provide a stable and safe home for those high-needs youth requiring care after the age of 18 and transitioning into adult services.

DMCPs will work diligently within regular business hours to review all pre-approval information submitted for Level 5. The review process includes thorough information exchange between the CM agency and DMCPs. Discussions regarding appropriateness of Level 5 might also include other professionals at DMCPs, as well as the DCF Level 5 Exceptions Panel. All steps in the Level 5 process are planful and specific to the youth. CM can request a meeting with DMCPs at any time during the process to discuss youth information, decision making and pre-approval determinations.

Level 5 Panel Pre-Approval Requirement

After review by DMCPs the Level 5 Contract Administrator will forward the "Pre-Approval to Begin Child Specific Planning for Level 5" form ([DCF-F-5177-E](#)) to the DCF Level 5 Exceptions Panel. The DCF Level 5 Exceptions Panel consists of at least 3, non-DMCPs individuals who collectively are knowledgeable about the foster care program, licensing practices and any special needs of youth who may be served by the applicant for an exception. The Level 5 Contract Administrator attends panel meetings specific to youth being serviced by DMCPs. The Level 5 panel will communicate their decision to both the referring CM agency and DMCPs.

The intent of the pre-approval process is to ensure the development and planning of a Level 5 is only being pursued for youth who meet the criteria and intended purpose of a Level 5.

Placement Search and Matching

Once a youth is approved by the Level 5 panel, placement search and matching can begin. **Searching and matching for Level 5 foster homes may not be started until DMCPs has reviewed the Level 5 request and the Level 5 panel have approved the youth for a Level 5 placement.** The CM agency is responsible for seeking placement options through those TFC agencies who both have contracts with DMCPs and license Level 5 homes. The CM agency and TFC agency will work collaboratively to ensure all information regarding the youth is shared so appropriate matching can take place.

DMCPs Requirements for Level 5 Providers

The CM agency must notify DMCPs once a potential placement match has been made. DMCPs will connect with the TFC agency to discuss characteristics of the provider.

DMCPs requires Level 5 foster parents spend a significant amount of time participating in regular parental duties with the youth. At least 50% of all caretaking/parental duties will be completed by the foster parent. To ensure adherence to this standard, DMCPs will **not** approve



placements with Level 5 providers who operate more than one Level 5 home. DMCPs will consider utilizing a Level 5 where there are more than one Level 5 youth placed. DMCPs does not contract for Level 5 homes with individuals who have existing licensed congregate care facilities that service DMCPs youth, as the individual would be unable to provide at least 50% of all caretaking duties due to their other role within the Milwaukee child welfare system.

DMCPs must approve any potential Level 5 provider(s) prior to moving forward with introduction between the youth and provider.

Respite Care

Prior to a Level 5 placement occurring, CM agencies cannot utilize any Level 5 provider for respite without DMCPs approval. Level 5's cannot be used for respite for youth not approved by DMCPs and the Level 5 Panel for a Level 5 placement. Once a youth is placed in a Level 5, respite guidance can be located in the [Level 5 Exceptional Treatment Foster Home Guide](#).

Timelines, Licensing, and Application

When a match between a Level 5 home and a youth occurs and is supported by DMCPs, CM agency and the TFC agency coordinate to create a timeline which includes licensing steps/requirements along with a potential placement date. Regular meetings should take place between CM and the TFC agencies to ensure the timeline is followed. CM agency will assist the TFC agency with completing and gathering required documents and ensuring the Level 5 is set up to meet the individual needs of the youth. When applicable, CLTS must be included in planning and placement of the youth.

TFC agencies follow steps and requirements outlined by DCF in the "[Level 5 Exceptional Treatment Foster Home Guide](#)". TFC agencies licensing Level 5 are responsible for meeting the requirements pursuant to [Wis. Admin. Code Ch. DCF 56](#) and [Wis. Admin. Code Ch. DCF 54](#).

Budget

A budget must be completed by the Level 5 Licensee with guidance from the TFC agency. Budgets are negotiated between the Licensee, TFC agency and DMCPs, however CM may be asked to verify budget requests as they relate to the youth's specific needs. A budget for services to the youth must be approved by DMCPs before the placement can occur. Detailed budget information can be located in the DMCPs Level 5 Rate Setting policy.

There are certain line items that are not included in the Level 5 budget approved by DMCPs. These items, including, but not limited to, transportation, crisis intervention, therapy, etc., as described in the [DMCPs Rate Setting for Level 5](#) policy, should be covered by other sources, and require a discussion between the CM agency and any other service provider(s) to determine the appropriate payor.

It is the CM agency's responsibility to monitor the youth in the placement and report to the DMCPs Contract Administrator if the youth's needs are higher than what was approved, or if the Level 5 home does not require the level of need that was approved. The CM agency should be in



regular communication with the DMCPs Contract Administrator if there are issues or concerns with the Level 5 home.

Level 5 Exceptions Panel

Level 5 require exceptions pursuant to [Wis. Admin. Code Ch. DCF 56](#). The Application for Certification and Child Placement Level 5 Foster Home serves as the required documentation that must be submitted as part of the exception request for the Level 5. **The TFC agency is the primary contact for the application to the DCF Level 5 Panel but communicate with the CM agency at all times.** All agencies should work together to complete the required documents for the application. **The TFC agency is responsible for compiling all the documents received and submitting the Application for Certification and Child Placement Level 5 Foster Home ([DCF-F-2559-E](#)) to the panel for review.**

The [Level 5 Treatment Foster Home Guide](#) should be referenced for all licensing steps and requirements. After the DCF Level 5 Panel provides written approval, the TFC agency, CM agency, CLTS program and DMCPs will communicate to ensure the Level 5 foster parent(s), shift staff and physical home location are tailored to meet the youth's specific needs and desired outcomes.

MOU and Contract Process with DMCPs

CM, TFC and when applicable, CLTS, must read, sign, understand, and apply the Memorandum of Understanding (MOU), as required by the DCF Level 5 Panel and licensing requirements. The MOU should provide detail to ensure all involved agencies know and understand their role and responsibilities. The MOU must contain who the responsible agency is for any requirement that must be met by the CM and TFC agencies pursuant to Wis. Admin. Code Ch. DCF 56. DMCPs, as the Contract Administrator of the CM agencies, does not typically sign the MOU.

A contract must be in process prior to placement of any DMCPs youth. The contract is between DMCPs and the TFC agency. Roles and responsibilities for DMCPs and the TFC agency are outlined in their individual contract. DMCPs works directly with the TFC agency to ensure all required areas of the contract are fulfilled. DMCPs holds the contract with the TFC agency, not the licensee/foster parent.

With input from the CM team and TFC agency, DMCPs creates a Scope of Service for each Level 5 foster home, which is added to the TFC agency's annual contract with DMCPs. The contracts, budget and Scope of Service are reviewed by DMCPs for renewal annually. Information regarding annual Licensing renewal requirements can be located in the [Level 5 Treatment Foster Home Guide](#).

The minimum information required to be completed by the TFC agency for the contract is:

1. Youth-specific information
2. DMCPs Approved Budget
3. Staffing Patterns and Staff Ratio
4. Other, as required or requested by DMCPs Contract Administrator



Rate Setting and Payment

Payment for Level 5 services is paid directly to the TFC agency through eWiSACWIS. The CM team will enter the placement strip and rate information as normal, with added information and exceptional rate from the DMCPs L5 Contract Administrator.

The Child and Adolescent Needs and Strengths (CANS) tool must be completed by the Case Management agency for any child placed in the Level 5 Foster Home, which helps determine the supplemental portion of the foster care rate. Level 5 Foster Homes typically exceed the maximum foster care rate because the exceptional rate may include administrative fees to run the foster home, wages and fringe benefits for the foster parent and staff, rent, utilities, and transportation expenses. These costs are documented as an exceptional cost under "Least Restrictive Setting- Foster Parent Supervision, Time, and Training." Any costs that exceed this amount shall be documented under "Costs > Spending Limit" on the rate setting page. The Contract Administrator will provide this information to the case management team at the time of placement.

More information related to Rate Setting and Budget can be found in the [DMCPs Rate Setting for Level 5 Policy](#).