



Updated February 12, 2021

DCF Order #13

## COVID-19 Guidance Placement and Foster Home Licensing

### Introduction

The Department is committed to supporting the children and families in our communities, and to keeping our workforce safe and healthy. Child protection is an essential community service for some of our most vulnerable residents and families who are struggling to safely care for their children. In general, there is no substitute for seeing children and families in person. Given the current COVID-19 pandemic, it is necessary and prudent to balance the need to see children and families in-person with the use of distance visits, in some circumstances, to protect the health of our workforce and the children in placements and in the community. Please [see Face-to-Face Guidance During COVID-19 Pandemic](#) for guidance on face-to-face contacts.

The Department strongly supports continuity of care for children in placement and acknowledges the ongoing importance of children maintaining contacts and relationships with loved ones. The use of video technology is encouraged, when in-person visits are not safe, to help children maintain contact with loved ones and to assist the worker in assessing and monitoring safety. Please see [Family Interaction During the COVID-19 Pandemic](#) for guidance on family interaction.

DCF Emergency Rule EMR2009, granting flexibility with respect to certain child welfare requirements, expires on February 12, 2021. Therefore, authority for some modifications to rules, as previously described in this document, no longer applies. This document has been updated to reflect the expiration of DCF Emergency Rule EMR2009.

### Guiding Principles

The following guiding principles surround the Department's effort to provide guidance related to our child welfare system requirements given the current public health condition faced by our communities:

- Child safety is the top priority of the child welfare system.
- If child welfare workers are unable to react in times of emergency, due to exposure to COVID-19, more children will be at risk.



- We need to balance the key priorities of assessing and ensuring child safety while keeping our workforce healthy and available to respond to emergency child abuse and neglect situations.
- In-person visits are highly encouraged; however, this guidance provides information that directs the use of technology when in-person visits have been determined to be unsafe to complete, due to COVID-19 concerns.

## I. Placement Requirements

Please reference the document titled "[Case Practice: Face to Face Caseworker Contacts](#)" on the DCF COVID-19 website for details related to face-to-face contact. The information below provides additional detail on the contact requirements with respect to CSE and RCSE.

### 1. Confirming Safe Environments (CSE):

One responsibility prior to placing a child in out-of-home care is to assess and confirm the placement is safe for the child. Assessing and confirming a safe environment in placement settings occurs every time a new placement is considered. Below is the guidance related to the home visit requirements for the CSE at the initiation of a child's placement.

#### Confirming Safe Environments in an Unlicensed Home

Prior to placement in an unlicensed home the caseworker or designee must:

- Conduct a home visit to assess and evaluate the safety of the placement setting and assist the caregiver in obtaining provisions needed for the care of the child. This includes discussing expectations and clarifying the role of the out-of-home care provider and providing information on any issues related to the care of the child.
- If a home visit cannot be made prior to placement (e.g., an emergency), the caseworker or designee must have video or verbal contact at the time the child is placed to assess and evaluate the safety of the placement setting and assist the caregiver in obtaining provisions needed for the care of the child. In this circumstance, an initial home visit must occur within three (3) days of the child's placement.

The home visit requirements detailed above shall be conducted in-person. The use of technology to complete the home visit via means other than in-person is prohibited in placements in unlicensed homes. In the event that an in-home visit is not possible due to a critical shortage of county workers or a COVID-19 exposed home and an inability to access personal protective equipment, a personal contact using social distancing should be completed outside the home, or counties should partner with other first responders to make entry into the home for a safety assessment.

All other requirements of the CSE in unlicensed homes apply.



**Confirming Safe Environments in Placement Settings When Respite and Pre-Placement Visits Have Previously Been Approved in an Unlicensed Home**

Where an unlicensed home has previously been used for respite or pre-placement visits, this home can become an unlicensed placement resource. In this scenario the caseworker or designee may:

- Utilize technology (such as Skype, FaceTime, Zoom, etc.) to make video or verbal contact with the caregiver within three (3) working days following the initiation of placement to assess and evaluate safety in the placement environment if an in-person contact is not feasible due to concerns related to COVID-19.

All other requirements of the CSE in unlicensed homes when respite and pre-placement visits have previously been approved apply.

**Confirming Safe Environments in a Licensed Foster Home**

Prior to placement, the caseworker or designee must have in-person, video or verbal contact with the placement provider to assess and evaluate safety in the placement environment. The caseworker or designee must discuss expectations and clarify the role of the out-of-home care provider and provide information on any issues related to the care of the child.

Within three (3) business days of the date of placement, the caseworker or designee may utilize technology (such as Skype, FaceTime, Zoom, etc.) to make video or verbal contact with the foster parent to assess and evaluate safety in the placement environment.

Additionally, within seven (7) business days following the initial home visit or video/verbal contact the caseworker or designee must:

- Conduct a home visit to assess and evaluate for a safe environment in the placement setting. The caseworker or designee may utilize technology (such as Skype, FaceTime, Zoom, etc.) to make video or verbal contact with the foster parent.

All other requirements of the CSE in licensed foster homes apply.

**Confirming Safe Environments in Group Homes or Residential Care Centers**

Prior to placement, the caseworker or designee must evaluate the safety of the group home or residential care center. The caseworker or designee may utilize technology (such as Skype, FaceTime, Zoom, etc.) to make video or verbal contact with the facility, if needed, to protect the health of the caseworker, designee, and members of the group home or residential care center.

All other requirements of the CSE in group homes and residential care centers apply.

**2. Reconfirming Safe Environments:**



While the child resides in out-of-home care the caseworker or designee must, at a minimum, evaluate and confirm the safety of a specific placement every six months or at the review of the Permanency Plan, whichever comes first.

**Reconfirming Safe Environments of Unlicensed Homes and Foster Homes**

The caseworker or designee must:

- Have face-to-face contact with the out-of-home care provider(s) to evaluate the safety of the placement home by assessing placement danger threats. The caseworker or designee may utilize technology (such as Skype, FaceTime, Zoom, etc.) to complete this contact requirement with the placement provider to assess and evaluate safety in the placement environment; however, in-person visits should occur whenever possible.

All other requirements of the RCSE in unlicensed homes and foster homes apply.

**Reconfirming Safe Environments in Group Homes or Residential Care Centers**

At a minimum, the caseworker or designee must evaluate and confirm the safety of the environment in the group home or residential facility setting every six months while a child remains in this placement setting. The caseworker or designee may utilize technology (such as Skype, FaceTime, Zoom, etc.) to make video or verbal contact with the facility to confirm the facility has the continued capacity to meet the child's needs, if needed, to protect the health of the caseworker, designee, and members of the group home or residential care center.

All other requirements of the RCSE in group homes and residential care centers apply.

**3. Reasonable and Prudent Parent Standard Guidance:**

Out-of-home care providers will continue to make decisions for children placed in their home using the Reasonable and Prudent Parent Standard (RPPS), even if individuals in the family home are quarantined as a result of COVID-19. This standard allows out-of-home care providers to make reasonable and prudent parenting decisions, which encourage normalcy for children in their home. Under RPPS, a provider would carefully come to a decision about the best interests of the child, taking into consideration the level of maturity of the child, as well as the child's cognitive, emotional, physical, and behavioral capacities. It will also be important to consider any state or local emergency orders in making parenting decisions. Remember, decisions made using RPPS cannot violate existing court orders and decisions related to visitation, therapy, or other related schedules for the child.

While family interaction may be impacted due to COVID-19 related concerns, agencies should support families in maintaining connection with parents and siblings. Families are encouraged to connect via technology when in-person contact is not possible. More frequent contact with families and siblings may be helpful to help children through this uncertain time. In addition, decisions made using RPPS may not undermine any existing



laws applicable to other areas, such as the law relating to medical or educational decision-making. The child's parent and/or guardian generally retains the right to make medical and educational decisions for their child, unless a court has ordered otherwise, or the parent or guardian has delegated his or her powers to another person.

It is also important to ensure that children in care continue to have access to and connection with individuals that are important to them. Individuals that may be important would include the child's parents, their siblings, extended relatives, and/or friends from the community. Face-to-face contact between parents and children in out-of-home care is essential to the welfare of both children and their parents and contributes to timely and positive permanency outcomes for children. Parents and children need time together and face-to-face family interaction should resume whenever possible, using best-practice safety measures. While this contact may not always be able to occur face-to-face due to concerns with the child and family's health and safety, contact via letters, phone calls, FaceTime/Skype and other interactive mediums are an appropriate alternative for maintaining these important connections.

Regular well-child physical and dental exams must take place in accordance with the usual deadlines and can no longer be delayed due to the pandemic as provided under DCF Emergency Rule EMR2009, which expires on February 12, 2021.

## II. Foster Home Licensing Requirements

The information below provides guidance on foster home licensing requirements with respect to the COVID-19 pandemic.

### 1. Foster Home Licensing Exceptions and Waivers

During the COVID-19 pandemic, the Department expects to provide additional flexibility regarding the following requirements:

- a) Ch. DCF 56.09(1m)(f) Admin. Code – *Total number of individuals receiving care*
  - i. The Department recognizes that foster families may need to provide care for more individuals than what is generally allowed due to the COVID-19 crisis. As long as the family has the capacity to care for additional individuals, and the agency has the ability to support the increased needs of the family while caring for additional individuals, the Department will provide flexibility where possible and safe, depending on the circumstances, to allow for more than 6 individuals to be cared for in Level 3+ foster homes, or 8 individuals in Level 1 or 2 foster homes. An exception request must be submitted to the department. *As a reminder, the number of individuals receiving care includes foster children, biological children, adopted children, adults receiving care, children receiving respite services, etc.*
  - ii. **Please note**, while the Department can grant an exception to allow for more individuals to receive care in the home, at this time, the Department cannot grant exceptions to Ch. DCF 56.09(1m)(a) Admin. Code which specifies that no more than **4 foster children** can be placed in a foster home, at this time.



This is a statutory requirement, and foster homes can only have more than 4 foster children if the children meet the requirements outlined in Ch. DCF 56.09(1m)(b) – *sibling connection*, (c) – *parental connection*, or (cm) – *placement continuity exception*.

- b) Ch. DCF 56.09(2)(c) Admin. Code – *Supervision of Children*
  - i. The Department recognizes that many certified and/or licensed childcare facilities are either closed or at capacity due to the COVID-19 public health emergency. The Department will provide flexibility in approval of exceptions to allow foster parents to utilize informal supports or other creative childcare arrangements to ensure children are cared for by safe and responsible adults during this public health crisis. See below under “Uniform Foster Care Rate Setting” for more information related to reimbursement for this expense.
- c) Ch. DCF 56.13 Admin. Code – *Foster Parent Training*
  - i. The Department has and will continue to provide flexibility through the approval of exceptions to this requirement regarding the timeline for completion of a foster parent’s pre-placement, initial, and ongoing training hours. The Department recognizes that in-person trainings are being cancelled due to the COVID-19 public health emergency and replaced with virtual-led trainings, and thus, foster parents may be unable to ensure timely completion of these hours. Exception requests to the foster parent training timeframe requirements outlined in Ch. DCF 56.13 Admin. Code will be granted to ensure there are no lapses in licensure or negative impacts on a foster parent’s Level of Care Certification. Exception requests are not needed for virtual-led training during the COVID-19 public health emergency.

While the Department is specifically identifying these three requirements as those with which flexibility will be granted, agencies must still submit the exception request for case-specific review. In addition, agencies may continue to submit exception requests to the Department specific to any other requirement in Ch. DCF 56 Admin. Code in order to support the most appropriate placements for children in foster care. For agencies that do not have access to eWiSACWIS, exceptions must be submitted via form DCF-F-CFS0847-E to [DCFDSPFCEExceptions@wisconsin.gov](mailto:DCFDSPFCEExceptions@wisconsin.gov). Agencies with eWiSACWIS access must submit exception requests via the Foster Home Licensing page in eWiSACWIS.

## 2. Expansion of Child-Specific Licenses to Allow for Future Placements

In response to the COVID-19 pandemic, foster home licensing agencies are permitted to expand current child-specific foster home licenses to allow for placements of other children in the home that are unrelated or who did not have a previous-existing relationship with the foster parent (i.e. future placements). Dependent on the foster home’s level of care certification, the licensing agency may need to request exceptions to various licensing requirements under Ch. DCF 56 Admin. Code, which are detailed below. Please see above for additional information related to licensing and exceptions granted by the DCF Exceptions Panel. During the COVID-19 pandemic



the Department expects to provide additional flexibility regarding the below exceptions and waivers granted by the DCF Exceptions Panel.

**a) Level of Care 2, 3, and 4 Foster Homes**

Child-specific foster home licenses with a level of care certification two (2), three (3), or four (4), may not require any exceptions or waivers prior to the allowance of additional placements. Any non-safety related waivers previously granted on the license, shall be modified into exceptions. Child-specific licenses with these levels of care only require a license modification be granted by the licensing agency prior to the placement of any future placements.

It is important to note that, regardless of the foster home's level of care certification, additional exceptions and waivers may be required to allow for future placements, such as exceptions and waivers to the physical environment requirements. Licensing agencies shall document these exceptions on the foster home provider's license.

With the expiration of the Governor's public health emergency, placements made under this provision should be reviewed.

**3. Uniform Foster Care Rate Setting**

All licensed foster parents receive a foster care payment to reimburse for the care of a foster child, called the Uniform Foster Care Rate. There are four parts of the Uniform Foster Care Rate. One such component is the Exceptional Rate, which can be used to reimburse foster parents for the care of a foster child whose level of needs are above and beyond what is covered by the Basic and Supplemental portions of the foster care rate. Only licensed foster parents certified as a level 2 or higher are eligible for the exceptional payments.

Under Title IV-E, the Exceptional Rate may reimburse foster parents for the cost of childcare, including the cost of a babysitter or providers that are not certified/licensed, to provide daily supervision during a foster parent's working hours when the child is not in school. This allowance includes the cost of childcare during the COVID-19 pandemic. Caseworkers should work with their agency Foster Care Rate Setter to ensure this cost is properly reimbursed in the Exceptional Rate as a child's supervision need. In the Exceptional Rate narrative, this shall be documented to include the cost of childcare in the following manner:

- Childcare costs related to COVID-19: \$XXX

In addition to the cost of childcare, foster parents may experience an increase in other child-specific costs related to COVID-19, such as supervision, additional time, cleaning supplies, an increase in food needs, etc. Questions about other types of reimbursement related to COVID-19



should be directed to the agency Foster Care Rate Setter. Allowable COVID-19 costs may be reimbursed in the exceptional portion of the child's foster care rate using the following allowable justifications:

- COVID-19: Additional supervision needs: \$XXX
- COVID-19: Additional foster parent time: \$XXX
- COVID-19: Child personal incidentals: cleaning supplies \$XXX
- COVID-19: Child personal incidentals: additional food \$XXX
- COVID-19: Child personal incidentals: other expenses \$XXX

The purchase of tablets or other technologies for foster parents to assist with agency contacts, and for other means as needed in relation to COVID-19, is not an allowable expenditure in the Exceptional Rate. At this time, the Department recommends that agencies keep a record of any COVID-19 related costs that the agency has incurred.

#### **4. Initial Foster Home Licenses**

Licensing workers that are in the initial licensing process must obtain all required documents, as required under Ch. DCF 56.04 and 56.055 Admin. Codes prior to the issuance of the initial foster home license. Documents that are required prior to initial licensure can be shared or authorized via mail, fax, or e-mail with the agency to expedite the licensing process during the COVID-19 pandemic.

##### **a) Background Check Requirements**

All background check requirements must be fulfilled.

##### **b) Licensing Home Visits**

The licensing worker is required to verify the home meets the physical environment requirements under Ch. DCF 56.07 Admin. Code prior to the issuance of the initial foster home license. The licensing worker may utilize technology (such as Skype, FaceTime, Zoom, etc.) to make video or verbal contact with the foster parent and verify the home meets the physical environment requirements under Ch. DCF 56.07 Admin. Code. If the licensing worker utilized technology to make this home visit, the placing worker shall conduct an in-person home visit prior to or at the time of placement of any child in the home. Additionally, if a worker has conducted a visit to the home prior to the licensing process, the licensing worker may utilize technology to complete the initial licensing home visit. If the licensing worker utilized technology to make this home visit, the licensing worker shall conduct an in-person home visit as soon as feasible taking into consideration any health or safety that may be impacted by COVID-19.



### **SAFE Home Study**

Licensing workers may utilize video technology to complete the SAFE home study questionnaires and interviews, if necessary. The SAFE tool provides an allowance for licensors to conduct the SAFE questionnaires and interviews via video communication methods.

#### **c) Foster Parent Physical Examinations:**

Prospective foster parents are required to provide a written statement from a physician, physician assistant, or nurse practitioner that indicates the health of the applicant and any household members prior to initial licensure. However, during the pandemic, clinics may be unable to see patients on a non-emergency basis. Licensing agencies may grant an exception to the requirement for applicants and household members to complete a physical health examination. If this exception is granted, the foster parent and any household member shall complete a physical health exam as soon as it is safe to do so.

If the licensing agency has not received all of the required documents from the prospective foster parent, the agency has not completed a home visit to ensure compliance with Ch. DCF 56.07 Admin. Code, or the home does not meet the foster home licensing requirements set forth in Ch. DCF 56 Admin. Code, the agency shall not issue the foster home license and any placement made in these homes shall be documented as an unlicensed placement setting in eWiSACWIS.

### **5. Foster Home License Renewal**

Licensing workers that are in the relicensing process due to pending foster home license expiration must obtain all required documents, including completed background checks, as required under Ch. DCF 56.04 and 56.055 Admin. Codes prior to the renewal of the foster home license. Documents that are required prior to license renewal can be shared or authorized via mail, fax, or e-mail.

#### **a) Licensing Home Visits**

The licensing worker may utilize technology (such as Skype, FaceTime, Zoom, etc.) to make video or verbal contact with the foster parent and verify the home meets the physical environment requirements under Ch. DCF 56.07 Admin. Code. The use of technology for this contact is only allowable for foster home license renewals. If technology is used to make this contact, the licensing worker shall conduct an in-person home visit as soon as permissible taking into consideration any health or safety that may be impacted by COVID-19.



**b) SAFE Home Study**

Licensing workers may utilize video technology to complete the SAFE home study questionnaires and interviews, if necessary. The SAFE tool provides an allowance for licensors to conduct the SAFE questionnaires and interviews via Skype or other video communication methods.

**c) License Modifications**

Licensing workers that are modifying a license due to a foster parent's recent move, shall conduct an in-person home visit to ensure the home meets the physical environment requirements outlined in Ch. DCF 56.07 Admin. Code. In these circumstances, a home visit is required prior to approving the license modification.

**d) Foster Parent Physical Examinations:**

Prospective foster parents are required to provide a written statement from a physician, physician assistant, or nurse practitioner that indicates the health of the applicant and any household members only if required by the licensing agency prior to license renewal. If the licensing agency does not require this physical health examination, the foster parent and any household member is not required to provide this information to the agency prior to license renewal. If the licensing agency does typically require the physical health examination prior to license renewal, this requirement may be granted an exception by the agency. If this exception is granted, the foster parent and any household member shall complete a physical health exam as soon as it is safe to do so.

**6. SAFE Home Study Requirements**

The SAFE home study assessment is a standardized home study developed by the Consortium for Children. The SAFE home study assists agencies in performing a thorough, structured, and uniform evaluation of families who have applied to become foster or adoptive parents. The home study interview is considered the most important aspect of the SAFE home study process. Licensing workers may utilize video technology to complete the SAFE home study questionnaires and interviews, if necessary. The SAFE tool provides an allowance for licensors to conduct the SAFE questionnaires and interviews via video communication methods.

**III. Kinship – Initial Applications and Renewals**

Initial and renewal kinship care applications typically require an in-person walk-through of the home. These walk-throughs can be completed virtually, if needed. If it is not possible to complete the walk-through virtually, then it must be completed in-person if no other caseworker has been to the home. The application can be completed via other technology means, such as over the phone. A home visit should be scheduled as soon as practicable.



#### **IV. Congregate Care**

The information below provides guidance on congregate care placement setting requirements with respect to the COVID-19 pandemic.

##### **1. License Continuations**

- a) Regular congregate care licenses do not expire. Continuations may be delayed during the pandemic.
- b) Continuation applications and fees will not be required to ensure continuation until after the public health emergency is resolved.

##### **2. Probationary License Expiration**

- a) The probationary license process does not change. A second probationary license may be granted if all probationary license monitoring activities cannot be completed due to the COVID-19 pandemic.

##### **3. Can facilities that own multiple locations move residents between locations to allow for staffing or quarantine needs related to COVID-19?**

- a) Moving a child from one facility to another would be considered a change of placement under Chapters 48 and 938, which must be initiated by the child's case worker or the agency with placement and care responsibility. There are provisions in Chapters 48 and 938 that permit emergency changes in placements when the circumstances necessitate them. The child's case worker or the agency with placement and care responsibility should consult with their legal counsel as to whether statutory requirements for an emergency change in placement are met. Generally, emergency changes in placement do not require a prior court order but do require notifications and, depending on the context, a hearing may be set. The court must approve or deny the placement.

#### **V. Congregate Care Placement Availability**

Congregate care providers will be completing a regular survey regarding their placement capacity. Results of this survey will be posted to eWiSACWIS and can be used by local agencies to assist in expediting the location of appropriate congregate care settings for children, if needed. This information can be found on the Quick Links page of eWiSACWIS under "Congregate Care Placement status."

#### **VI. Permanency Plan Review Hearings and Administrative Review Panels**

The information below provides an updated version of DCF's COVID-19 related guidance on permanency plan review hearings and administrative review panels. The updates are based on guidance that has been provided by the Children's Bureau since DCF released its initial guidance on this area. Please note that this guidance should not be construed as legal advice, and counties should consult with their local legal representatives on any legal questions.



1. State statutes and federal law requires review of permanency plans to occur each 6 months, by court hearing or administrative review panel. *See* Wis. Stat. § 48.38(5).
2. Agencies should make efforts to still move forward with Permanency Plan Review Hearings and Administrative Review Panels during the COVID-19 public health emergency via video technology or telephone, if in-person reviews are not feasible.
3. Federal law requires a judicial finding of reasonable efforts to finalize the permanency plan within 12 months of a child entering foster care and 12 months thereafter for the purposes of Title IV-E funding. Unlike some other hearings, the Permanency Hearing cannot be adjourned if it would delay the court from making this judicial finding within 12 months of removal or a previous judicial finding. *See* Wis. Stat. § 48.315(2m)(b).
4. [Please note that this guidance has been updated based on receiving further clarification from the Children's Bureau.] In the event that it is not feasible for the court to make the reasonable efforts to finalize the permanency plan finding timely, either at a Permanency Hearing or as part of another hearing (e.g., extension hearing, disposition hearing, etc.), it may be possible for the court to issue an order after an administrative review panel is held through another administrative procedure that ensures participation by all parties. Before moving forward with this option, please contact the IV-E Program Coordinator at [DCFIV-EProgram@wisconsin.gov](mailto:DCFIV-EProgram@wisconsin.gov).
5. The Children's Bureau has issued the following guidance regarding court hearings and reviews: <https://wicourts.gov/news/docs/remotehearingsamended.pdf>