



# DCF 1 Best Practice

## I. DCF 1 Summary

### A. Why did DCF promulgate DCF 1?

1. DCF has a statutory obligation to implement DCF 1. Wisconsin Stat. § 49.32(1)(a) states in part that: “[T]he department shall establish a uniform system of fees for services under this subchapter and Ch. 48, and community-based juvenile delinquency-related services under Ch. 938 purchased or provided by the department, or a county department...except when as determined by the department, a fee is administratively unfeasible or would significantly prevent accomplishing the purpose of the service....”
2. This provision requires DCF to establish a uniform fee system but authorizes county departments to make exceptions to the uniform fees when a fee is administratively unfeasible or would significantly prevent accomplishing a service’s purpose.
3. DCF 1 is one example of a uniform system of fees in the child welfare system. Child support referrals and payments to child welfare is a separate system.

## II. Guidance on Best Practice

### A. The Role of Child Welfare in Wisconsin

1. Pursuant to Wis. Stat. § 48.01(1)(a), “the goal of this chapter is to consider the best interests of children, preserve the unity of family, and strengthen families through assisting parents”.
2. Pursuant to Wis. Stat. § 938.01 (2), the goal of the youth justice system is rehabilitation, accountability, skill-building, and harm repair.
3. DCF’s Family First strategic initiatives strive to strengthen local communities, build services to support families in the home, keep children in family settings when possible, and support our workforce with solutions and improvements.
4. DCF’s Youth Justice Vision and Strategic Plan outlines a system focusing on prevention, diversion, accountability and services to youth and families to prepare them to thrive.

### B. Impacts on Recidivism and Reunification

1. There is an inherent tension between DCF’s Family First initiatives and its statutory obligation to establish a uniform fee system. Research shows that **finances and fees cause strain on youth and families** which hinders DCF’s goals of strengthening of local communities, implementing innovative practices, and preparing our youth to thrive.
2. Assessment of unaffordable fines and fees often **does not achieve** the fines and fees’ stated purpose. In fact, unaffordable fines and fees **undermine rehabilitation, successful reentry, and increase recidivism** for adults and minors. Critically, many jurisdictions do not track the costs of collecting fines and fees. When the time and resources spent on collection are considered, it is difficult to assess **whether they generate revenue at all**. A revenue-neutral (or even net-negative) system of fines and fees serves no purpose other than to place an unnecessary and punitive burden on families<sup>1</sup>.

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<sup>1</sup> *Decoding the DOJ’s Dear Colleague Letter: Key Talking Points for Advocates*. (2023). Fines and Fees Justice Center. Retrieved October 12, 2024, from <https://finesandfeesjusticecenter.org/content/uploads/2023/06/Dear-Colleague-Letter-Key-Talking-Points-for-Advocates.pdf>

3. According to the Children’s Bureau and Administration for Children and Families, reducing a parent’s income **impedes their ability to engage in reunification efforts** and **extends the time a child may spend in foster care**<sup>2</sup>.
4. In addition, the imposition of fines and fees **may erode trust** between local governments and their constituents according to the U.S. Department of Justice<sup>3</sup>. Families may view human service agencies as **punitive instead of supportive** which can have a **trickle-down effect** on engagement, service delivery and exiting families out of the child welfare system.
  - a. Rural WI counties report a service deficiency and sometimes families must travel at least two hours to access services. The local human service agency is considered the only “service” in their area. Families may not have alternatives of where they can locally obtain or seek services if they mistrust their local human service agency.

## C. How are families impacted by fines and fees?

### 1. Poverty

- a. 1 in 10 children in Wisconsin live below the federal poverty line. 1 in 3 households cannot afford to meet their basic household needs and are not prepared for an emergency response<sup>4</sup>.
- b. Fines and fees could create or perpetuate the cycle of poverty for families. Local and state government are responsible to provide services to their constituents instead of already economically stressed youth and families<sup>5</sup>.
- c. Office of Juvenile Justice and Delinquency Prevention (OJJDP) recommends jurisdictions should presume that children and youth under the jurisdiction of the juvenile justice system **should be presumed indigent** and **unable to pay fines and fees**<sup>6</sup>.

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<sup>2</sup> Child Welfare Information Gateway (2021). *Child Welfare Practice to Address Racial Disproportionality and Disparity*. Child Welfare Information Gateway.  
<https://api.childwelfare.gov/resources/child-welfare-practice-address-racial-disproportionality-and-disparity/>

<sup>3</sup> U.S. Department of Justice. (2023, April). *Dear Colleague Letter to Courts regarding Fines and Fees for Youth and Adults*. U.S. Department of Justice.  
<https://www.justice.gov/opa/press-release/file/1580546/dl>

<sup>4</sup> *Putting Families First Playbook: Research on Supporting Children and Families*. (2021). Wisconsin Department of Children and Families. Retrieved October 12, 2024, from  
<https://dcf.wisconsin.gov/files/familyfirst/playbook-research.pdf>

<sup>5</sup> Harris, A. (2016). *A Pound of Flesh: Monetary Sanctions as Punishment for the Poor*. Russell Sage Foundation.  
<http://www.jstor.org/stable/10.7758/9781610448550>

<sup>6</sup> U.S. Department of Justice. (2023, April). *Dear Colleague Letter to Courts regarding Fines and Fees for Youth and Adults*. U.S. Department of Justice.  
<https://www.justice.gov/opa/press-release/file/1580546/dl>

## 2. Confusion and Burden of Paperwork<sup>7</sup>

- a. Multiple agencies could charge fines and fees to youth and families including law enforcement, county youth justice agency, the district attorney's office, the public defender's office, the juvenile probate office, circuit court judges, and collections agencies. If the services are provided by multiple agencies, the family will get separate bills from each agency versus one uniform bill for the total fines or fees they owe. Families may not be aware that they are charged fines or fees until they receive a bill.
- b. Best practice is for the agency to inform families about potential fines and fees before providing a service. This includes developing written and electronic notice that is concise and transparent about what services the agency charges a fee for and how the fee amount is determined. This notice should be widely displayed for families to access. Consider forming a committee to create guidance based on perspective and input of individuals with lived expertise in this area.
- c. Agencies should also evaluate the forms families are required to complete to ensure the instructions are clear and have someone designated to answer questions regarding the process.

## 3. Disproportionality and Disparities in WI

- a. Most children in Wisconsin are white. Eleven percent of children have Hispanic ethnicity, ten percent are Black, four percent are Asian, and two percent are Native American<sup>8</sup>.
- b. Wisconsin has among the most racially disparate economic outcomes in America. As of 2015, Wisconsin's black-white disparities ranked 3<sup>rd</sup> highest in unemployment, 3<sup>rd</sup> in income, and 2<sup>nd</sup> in poverty<sup>9</sup>.
- c. Nonwhite children and youth are significantly over-represented in Wisconsin's child welfare system, including both Child Protective Services and Youth Justice<sup>10</sup>.
  - i. Black children's proportion of being reported to CPS and investigated is double compared to the percentage of Black children living in WI. Compared to the two percent of Native American children living in the state, three times are reported and investigated. At the stage of removal in the CPS process, there is an over-representation of Black and Native American children. Forty percent of the children in congregate care are Black.

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<sup>7</sup> George, Liz, et al. (2021, July 7). *Minors Facing Major Debt: The Immense Burden of Court Fees on Macomb County Youth and Families*. Fines and Fees Justice Center. <https://finesandfeesjusticecenter.org/articles/minors-facing-major-debt-the-immense-burden-of-court-fees-on-macomb-county-youth-and-families/>

<sup>8</sup> *Child Population by Race and Ethnicity in United States*. (2024, July). Annie E. Casey Foundation: Kids County Data Center. Retrieved October 11, 2024, from <https://datacenter.aecf.org/data/tables/103-child-population-by-race-and-ethnicity#detailed/1/any/false/2545,1095,2048,574,1729,37,871,870,573,869/72,66,67,367,69,70,71,12/423,424>

<sup>9</sup> Dresser, L., and J. Rodriguez. (2017). *Wisconsin's Extreme Racial Disparity Vast Chasm Separates Whites and African Americans in the State*. High Road Strategy Center: University of Wisconsin: Madison. <https://highroad.wisc.edu/building-the-high-road/>

<sup>10</sup> Wisconsin Department of Children and Families: Division of Safety and Permanence. (2024, February). *Wisconsin Youth Justice Referrals and Intake: Report for Calendar Year 2022*. Wisconsin Department of Children and Families. <https://dcf.wisconsin.gov/files/publications/pdf/5549.pdf>

- ii. At each stage of involvement, Black and Native American youth were more likely than white peers to go deeper into the Youth Justice system. Following arrest, referral to YJ services, and intake recommendations, a Black youth in Wisconsin was 6 times more likely to appear in front of a judge than a White peer. A Native youth was five times more likely.
- d. Nonwhite youth, whose families are already among the most economically disadvantaged in the nation, will carry a disproportionate burden of system fines and fees<sup>11</sup>.

## D. Potential Impact on Counties for Consideration

### 1. Administrative Challenges

- a. There most likely will be **little financial gain for county human service agencies** and it is unlikely to build your service array for youth justice programming to support youth<sup>12</sup>.
- b. County feedback about fines and fees compared to collection.
  - i. A county in the western BRO region found they receive 20 to 25 percent of payments within the year they are charged.
  - ii. A county in the northeastern BRO region reported one third of all electronic monitoring bills are paid.
- c. Several counties reviewed their county practice during the pandemic and determined they no longer wanted to charge fines/fees.
  - i. A county in the southeastern BRO region found they had high enforcement costs (\$310,580) with little financial gain. While total charges were over \$300,000 in a three-year period (2017-2020), total payments were only \$23,997<sup>13</sup>.
  - ii. A county in the southern BRO region reported “High poverty rates make it prohibitive to apply fees on top of court fees/restitution”. The agency briefly attempted to collect fees several years ago, but the amount of time billing staff spent trying to collect payment outweighed any fees/costs to collect.
  - iii. One community partner from a southern county stated “Racial inequity was a big reason the County Board pushed for fee elimination. The nature of eliminating feeds has a big impact on youth of color”<sup>14</sup>.

<sup>11</sup> Weller, Christian et al. (2022, December 13). *America’s Broken Criminal Legal System Contributes to Wealth Inequality*. Center for American Progress. <https://www.americanprogress.org/article/americas-broken-criminal-legal-system-contributes-to-wealth-inequality/>

<sup>12</sup> Caffrey, Genevieve, et al. (2021). *Improving Outcomes in Wisconsin’s Youth Justice System Post Pandemic: Fines, Fees, and Community Supervision*. Lafollette School Public Affairs. <https://lafollette.wisc.edu/research/improving-outcomes-in-wisconsins-youth-justice-system-post-pandemic-fines-fees-and-community-supervision/>

<sup>13</sup> Caffrey, Genevieve, et al. (2021). *Improving Outcomes in Wisconsin’s Youth Justice System Post Pandemic: Fines, Fees, and Community Supervision*. Lafollette School Public Affairs. <https://lafollette.wisc.edu/research/improving-outcomes-in-wisconsins-youth-justice-system-post-pandemic-fines-fees-and-community-supervision/>

<sup>14</sup> Caffrey, Genevieve, et al. (2021). *Improving Outcomes in Wisconsin’s Youth Justice System Post Pandemic: Fines, Fees, and Community Supervision*. Lafollette School Public Affairs. <https://lafollette.wisc.edu/research/improving-outcomes-in-wisconsins-youth-justice-system-post-pandemic-fines-fees-and-community-supervision/>

## III. Glossary

### A. What's the difference between fines and fees?

Fines most often intend to deter crime, punish individuals, and compensate victims. Whereas fee collections typically support justice system operational costs and may be used to compensate victims. Fees refer to itemized payments for activities related to justice-system involvement (e.g., court activities, supervision, or detention) charged to youth and family found guilty of infractions, misdemeanors, or felonies.

## IV. Technical Assistance

Do you have a question related to DCF 1? Submit your question by email to: [DCFOneAdministrativeRule@wisconsin.gov](mailto:DCFOneAdministrativeRule@wisconsin.gov).

## V. Works Cited

Caffrey, Genevieve, et al. (2021). *Improving Outcomes in Wisconsin's Youth Justice System Post Pandemic: Fines, Fees, and Community Supervision*. Lafollette School Public Affairs. <https://lafollette.wisc.edu/research/improving-outcomes-in-wisconsins-youth-justice-system-post-pandemic-fines-fees-and-community-supervision/>

Child *Population by Race and Ethnicity in United States*. (2024, July). Annie E. Casey Foundation: Kids County Data Center. Retrieved October 11, 2024, from <https://datacenter.aecf.org/data/tables/103-child-population-by-race-and-ethnicity#detailed/1/any/false/2545,1095,2048,574,1729,37,871,870,573,869/72,66,67,367,69,70,71,12/423,424>

Child Welfare Information Gateway (2021). *Child Welfare Practice to Address Racial Disproportionality and Disparity*. Child Welfare Information Gateway. <https://api.childwelfare.gov/resources/child-welfare-practice-address-racial-disproportionality-and-disparity/>

Decoding the DOJ's Dear Colleague Letter: Key Talking Points for Advocates. (2023). Fines and Fees Justice Center. Retrieved October 12, 2024, from <https://finesandfeesjusticecenter.org/content/uploads/2023/06/Dear-Colleague-Letter-Key-Talking-Points-for-Advocates.pdf>

Dresser, L., and J. Rodriguez. (2017). *Wisconsin's Extreme Racial Disparity Vast Chasm Separates Whites and African Americans in the State*. High Road Strategy Center: University of Wisconsin: Madison. <https://highroad.wisc.edu/building-the-high-road/>

George, Liz, et al. (2021, July 7). *Minors Facing Major Debt: The Immense Burden of Court Fees On Macomb County Youth and Families*. Fines and Fees Justice Center. <https://finesandfeesjusticecenter.org/articles/minors-facing-major-debt-the-immense-burden-of-court-fees-on-macomb-county-youth-and-families/>

Harris, A. (2016). *A Pound of Flesh: Monetary Sanctions as Punishment for the Poor*. Russell Sage Foundation.

<http://www.jstor.org/stable/10.7758/9781610448550>

*Putting Families First Playbook: Research on Supporting Children and Families*. (2021).

Wisconsin Department of Children and Families. Retrieved October 12, 2024, from

<https://dcf.wisconsin.gov/files/familyfirst/playbook-research.pdf>

U.S. Department of Justice. (2023, April). *Dear Colleague Letter to Courts regarding Fines and Fees for Youth and Adults*. U.S. Department of Justice.

<https://www.justice.gov/opa/press-release/file/1580546/dl>

Weller, Christian et al. (2022, December 13). *America's Broken Criminal Legal System Contributes to Wealth Inequality*. Center for American Progress.

<https://www.americanprogress.org/article/americas-broken-criminal-legal-system-contributes-to-wealth-inequality/>

Wisconsin Department of Children and Families: Division of Safety and Permanence. (2024, February). *Wisconsin Youth Justice Referrals and Intake: Report for Calendar Year 2022*.

Wisconsin Department of Children and Families.

<https://dcf.wisconsin.gov/files/publications/pdf/5549.pdf>

## VI. Further Exploration

*Joint Letter Regarding the Assignment of Rights to Child Support for Children in Foster Care*.

(2022, July). Children's Bureau.

[https://www.acf.hhs.gov/sites/default/files/documents/cb/letter\\_regarding\\_assignment\\_rights\\_child\\_support\\_for\\_children\\_foster\\_care.pdf](https://www.acf.hhs.gov/sites/default/files/documents/cb/letter_regarding_assignment_rights_child_support_for_children_foster_care.pdf)

Chappell, Robert. (2018, October 23). *Proposal to End Charging Families for Juvenile Detention Approved by Committee*. Madison 365.

<https://madison365.com/proposal-would-end-charging-families-for-juvenile-detention/>

deVuono-Powell, Saneta, et al. (2015). *Who Pays? The Trust Cost of Incarceration on Families*.

Ella Baker Center, Forward Together, Research Action Design.

<https://static.prisonpolicy.org/scans/who-pays%20Ella%20Baker%20report.pdf>

Earle, Maggie. (2018). *The Complex Maze of the Juvenile Justice System in Wisconsin and Its Impact on Youth of Color*. Kids Forward.

<https://kidsforward.org/assets/The-Complex-Maze-of-the-Juvenile-Justice-System.pdf>

Edwards, Frank, et al. (2023). *Administrative Burdens in Child Welfare Systems*. Russell Sage Foundation: Journal of the Social Sciences.

<https://www.rsjournal.org/content/9/5/214>

Feierman, Jessica, et al. (2016). *Debtor's Prison for Kids? The high cost of Fines and Fees in the Juvenile Justice System*. Juvenile Law Center.  
<http://debtorsprison.jlc.org>

Paik, Leslie, et al. (2019). *Impact of Juvenile Justice Fines and Fees on Family Life: Case study in Dane County, WI*. Juvenile Law Center.  
<https://debtorsprison.jlc.org/documents/JLC-Debtors-Prison-dane-county.pdf>

Piquero, Alex, et al. (2017). *Research Note: Justice System-Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders*. Sage Journals.  
<https://journals.sagepub.com/doi/10.1177/1541204016669213>

Pew Charitable Trusts. (2015). *Re-Examining Juvenile Incarceration: High Cost, Poor Outcomes Spark Shift to Alternatives*. Youth Today.  
<https://youthtoday.org/2015/06/re-examining-juvenile-incarceration-high-cost-poor-outcomes-spark-shift-to-alternatives/>

Restorative justice is an innovative, outcome-based and cost-effective alternative to our juvenile justice system. (2020, December 3). Legislative Research Commission.  
<https://apps.legislature.ky.gov/CommitteeDocuments/8/12950/Dec%2003%202020%20Volunteers%20of%20America%20Mills%20PPT.pdf>

*Understanding the Impact of Criminal Legal System Fines and Fees on People and Communities*. (2024, September). Urban Institute. Retrieved October 12, 2024, from  
<https://www.urban.org/sites/default/files/2024-09/Slides-CriminalLegalSystemFines.pdf>

The Department of Children and Families is an equal opportunity employer and service provider. If you have a disability and need to access services, receive information in an alternate format, or need information translated to another language, please call the Division of Safety and Permanence at (608) 266-8787. Individuals who are deaf, hard of hearing, deaf-blind or speech disabled can use the free Wisconsin Relay Service (WRS) – 711 to contact the department.