



# DCF 1 Frequently Asked Questions (FAQ)

## I. General Questions

### A. What is DCF 1?

1. DCF 1 is an administrative rule, authorized under WI Stats. 49.32(1), that establishes policies for county departments to establish and collect fees for child welfare services, community-based youth justice services, and provisions related to the court's determination for parent's child support orders under Chapters 48 and 938.

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

1. The fee system has applied to child welfare services under Chapter 48 and other HSS/HFS rules since the 1970s. Previously, DCF and DHS were consolidated in one, joint department; this changed when DCF was created in 2008.
2. In 2020, a new DHS 1 was created to apply to services under Chapters 46 and 51, those services and programs administered by DHS. DCF had a statutory obligation to create and implement a new rule specific to Chapters 48 and 938, those services and programs administered by DCF.

### C. When does it go into effect?

1. The effective date for DCF 1 will be January 1, 2025.

### D. Can a county department choose to refrain from charging fees?

1. Yes! Statute requires DCF to establish a uniform fee system for services under these chapters 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**.
2. A county department may waive **all or part of** a liable individual's fees at any time due to **any** of the following:
  - a. Collection is inappropriate due to the needs of the liable individual or their family.
  - b. The liable individual is receiving Medical Assistance, Supplemental Security Income, or Social Security Disability Insurance.
  - c. The liable individual's maximum monthly payment amount is \$0.

### E. What services can county agencies charge fees for?

1. Pursuant to Wis. Stat. §§ 48.36 and 48.361: Payment for services related to educational and social services, or medical, psychological, or psychiatric treatment ordered by the court; AODA services; special treatment or care services.
2. Pursuant to Wis. Stat. §§ 938.36, 938.361, and 938.362: Payment for services related to educational and social services, or medical, psychological, or psychiatric treatment ordered by the court; AODA services; special treatment or care services.
3. Care and maintenance of a minor placed in a residential, nonmedical facility or juvenile detention facility **only** if the parent has not been ordered to pay child support for that placement setting.
4. There may be a rare situation when a child support case is subject to DCF 1 under a Chapter 48 or a Chapter 938 case. Child support orders entered under Chapter 767 cases are not subject to DCF 1.

## **F. What is excluded from DCF 1?**

1. Fees related to juvenile corrections that is not a child welfare placement.
2. Child support cases ordered under family court.
3. Referrals or enforcement of child support in family actions.

## **G. When are fees prohibited from being charged?**

1. County department determined that charging a fee is administratively unfeasible.
2. County department determined that charging a fee would significantly prevent accomplishing the purpose of the service.
3. State or federal law prohibits charging a fee for the service.

## **H. Who is liable to be charged a fee for services?**

1. A client who is not a minor, unless the fee is for services received as a minor.
2. A parent of a minor client.
3. Spouse of a client.
4. Any other person liable by contract, law, or as determined by a court.
5. Surety company if conditions of a bond under International Adoption or the Interstate Compact and Placement of Children (ICPC) are met.

## **I. How is the fee amount established?**

1. County department determines the maximum monthly payment amount based on the liable individual's gross monthly income and the number of individuals living in the family.
  - a. County department may determine a liable individual's gross income by any of the following:
    - i. Completed financial information form: [Financial Information, F-80130, DMT-130 \(wisconsin.gov\)](https://www.wisconsin.gov)
    - ii. Information in the county department's records about the liable individual and their family.
2. County department may determine a liable individual's maximum monthly payment amount is \$0 if the individual is receiving Medical Assistance, Supplemental Security Income, or Social Security Disability Insurance.
3. A family should only have one single maximum monthly payment amount, regardless of the number of family members receiving services, the number of services provided, or whether the fees were established under DCF 1 or DHS 1.
4. County department must determine a liable individual's maximum monthly payment amount at all the following times:
  - a. When services begin.
  - b. Upon obtaining sufficient information on the liable individual's financial circumstances at the conclusion of services or periodically after services have concluded.
  - c. When notice is received that there has been a change in the liable individual's financial circumstances.
  - d. Every 12 months while services are being provided.

## **J. How does DCF 1 compare to DHS 1?**

1. Both rules utilize the same structure to determine the monthly payment amount.
2. Both rules maximum monthly payment amount is determined at the same time periods during the collection period.
3. Both rules allow county departments to waive the collection of fees.

4. DHS 1 requires fees for services provided by county departments to be approved annually by county board of supervisors. DCF 1 does not.
5. DCF 1 requires county departments to make information widely available on what services have fees and the method for determining the fee amounts.
6. DHS 1 allows county departments to file a claim with 3<sup>rd</sup> party payers (i.e., insurance) for service fees. DCF 1 does not have this option.
7. DCF 1 allows county departments to utilize department records to assist in determining the liable individual's financial circumstances. DHS 1 does not.
8. DHS 1 treats fees for residential services the same as other fees. DCF 1 limits the fee for residential services to not exceed a parent's current maximum monthly payment and a parent cannot be charged a fee if they are ordered to pay child support for this placement.
9. DHS 1 has a cost-share exception (e.g., MA co-pays)
10. DCF 1 allows county departments to release financial and service information to qualified staff within the department for billing and collection purposes. DHS 1 does not.

## II. 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.

## III. Technical Assistance

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

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.