



Rehabilitation Review Summary

Requested Action:

At the 2025 DCF Tribal Consultation, DCF agreed to provide information and resources on rehabilitation reviews from previous Tribal Consultation meetings.

Summary:

Between 2012 and 2019, rehabilitation reviews have been a topic of discussion five times at DCF Tribal Consultation meetings. Requests have focused on the following:

- Flexibility to do rehabilitation reviews for relative caregivers similar to flexibility allowed for the Kinship Care program.
- Arranging workgroups to discuss how rehabilitation reviews apply to Wisconsin Shares and child care certification (Young Star).
- Assist Tribes with developing their own rehab review processes.
- Provide Tribes with information regarding Rehabilitation Review Processes for child care and foster care.

In looking at the outcomes for each of the requested items above, DCF has provided Tribal Nations with information regarding the state rehabilitation review process. DCF has also offered to assist Tribal Nations with developing their own rehabilitation review processes; however, no Tribal Nations have requested this assistance.

See Table 1 below for information from each respective DCF Tribal Consultation Action Plan.

Analysis:

State Rehabilitation Review Process:

As detailed in the 2019 DCF Tribal Consultation Plan, and consistent with Wis. Stat. §§ 48.685(5d) and 48.686(5d), if a Tribal Nation chooses to conduct rehabilitation reviews under ss. 48.685(5) and 48.686(5), it shall submit a rehabilitation review plan to DCF. The plan must include, at a minimum:

- The criteria used to determine rehabilitation (the Tribal Nation may use the same criteria as the State);
- The designated decision-maker(s) for the review and any appeal;
- The process for appeals of adverse decisions;
- How required information will be reported to DCF; and
- Copies of the forms used to request a review and document decisions.

DCF has 90 days to review the plan. If DCF does not disapprove the plan within that time, it is considered approved. If DCF disapproves the plan, it must provide written reasons, and the Tribe may request review of that decision by the DCF Secretary. DCF may only disapprove a plan if it is not rationally related to the protection of clients.

Once a Tribal Nation's plan is approved (or deemed approved), the Tribe may implement and use its own rehabilitation review process.

Federal Applicability:

DCF Tribal Affairs understands that federal guidance for Tribal Nations does not address whether a Tribal Nation may conduct rehabilitation reviews for individuals providing foster care or child care services in Tribal communities. This absence of guidance should not be interpreted as prohibiting Tribal Nations from conducting such reviews. Decisions on this matter are best made internally, in consultation with Tribal federal technical assistance providers and/or Tribal in-house counsel.

Resources

Information regarding the process of conducting a rehabilitation review under Wisconsin statute can be found at: [Wis. Stat. § 48.685\(5d\)](#), [Wis. Stat. § 48.686\(5d\)](#) and [Wis. Admin. Codes Chs. DCF 12](#) and [DCF 13](#).

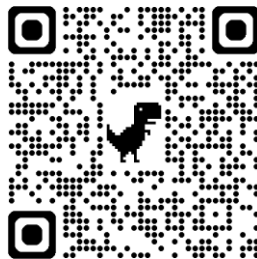
Additional resources regarding DCF rehabilitation reviews can be located at [DCF Rehabilitation Review Web Page](#) and [Rehabilitation Review Brochure](#)

DCF has created an informational sheet (attached) that provides the pieces of information that need to be included with the plan that will be submitted to DCF for review.

Forms:

Below are links to the DCF rehabilitation review forms. Additional information and forms can be found on our website (QR code below)

- Rehabilitation Review Application and Application Instructions ([DCF-F-419](#))
- Rehabilitation Review Appeals Report with Instructions ([DCF-F-2857](#))
- Rehabilitation Review Panel Decision Report with Instructions ([DCF-F-418](#))



QR Code to DCF Rehabilitation Review Website and Forms

<https://dcf.wisconsin.gov/rehab-review/forms>

Table 1: Summary of Previous Tribal Consultation Action Items regarding Rehabilitation Reviews

Year	Request/Action Item	Outcome
2012	<p>Background checks for child care providers - Tribes want more flexibility to disregard past offenses or do rehabilitation reviews for relative caregivers similar to flexibility allowed for the Kinship Care program.</p> <p>Note: Rehabilitation reviews could be similar to tribal gaming employment process.</p>	<p>Under current law at s 48.685, certain offenses create a permanent bar to child care licensing. Other offenses enumerated in statute create a bar that extends 5 years beyond completion of probation, parole or extended supervision. Still other offenses create a bar with rehabilitation possible.</p> <p>Kinship Care background check requirements and rehabilitation requirements are not the same because they fall under different statutes.</p>
2013	<p>Rehabilitation Reviews - set up workgroup to discuss how tribal rehabilitation processes apply for Shares program</p>	<p>Tribal Liaison is aware that tribal child care programs have not yet implemented a tribal rehab process and will continue to establish a workgroup to review the process in 2014.</p>
2014	<p>Set up workgroup to discuss how tribal rehabilitation processes apply for (YoungStar) certification. Assist Tribes in developing Tribal Rehab Review Policies</p>	<p>11/30/14 report: Tribes were provided training on the rehab review process. In place of setting up a workgroup, Tribes were provided with information on obtaining approval and conducting the rehab review process. They were provided with DCF staff contact information to provide individualized guidance for those tribes interested in setting up their own rehab review process.</p> <p>Ending May 2015: This child care issue has been completed.</p> <p>There have been no Tribal rehab reviews conducted in the past year and no inquires contacts or questions from tribal members regarding the rehab review process.</p>
2015	<p>Assist Tribes in developing Tribal Rehab Review Policies</p>	<p>At the 2014 consultation, the department offered to assist Tribes in developing their own rehab review process. To date, there have been no requests for assistance or questions from the tribes about the rehab review process.</p>
2019	<p>During a discussion regarding the lack of foster care and child care providers, tribal leaders stated that there were people in their community who would be excellent providers; however, due to previous struggles that have since been remedied, background check issues were preventing them from serving as a foster home or child care provider.</p> <p>DCF agreed to provide the tribes with information regarding Rehabilitation Review Processes for child care and foster care.</p>	<p>Under Wisconsin statute 48.685(5d), tribes may adopt the state process and forms or they may create their own process, that process is subject to approval by DCF. Once approved, the tribe may begin using the state rehabilitation review process.</p> <p>DCF Tribal Affairs was unable to locate existing federal guidance/resources for tribes to establish their own rehabilitation review process outside or separate from the DCF process and process outlined in state statute. (*This might be a question for HHS-ACF.)</p>