


To: DCF Area Administrators
Child Placing Agency Directors
Child Welfare Agency Directors
County Departments of Community Programs Directors
County Departments of Developmental Disabilities Services Directors
County Departments of Human Services Directors
County Departments of Social Services Directors
Group Home Providers
Tribal Social Service/Indian Child Welfare Directors
Private Child Placing Agencies
Residential Care Center Providers
Shelter Care Providers
Tribal Chairpersons

From: Fredi-Ellen Bove 
Administrator

Re: Emergency Rules for the Extension of Out-of-Home Care to 21

PURPOSE

In response to s. 48.366 (4) and 938.366 (4) Wis. Stats., the Division of Safety and Permanence (DSP) issued Emergency Administrative Rules for Chapters:

- DCF 21 Re-Entry Into Out-of-Home Care for Youth 18 to 21,
- DCF 50 Adoption Assistance,
- DCF 52 Residential Care Centers,
- DCF 54 Child-Placing Agencies,
- DCF 55 Subsidized Guardianship,
- DCF 56 Foster Homes,
- DCF 57 Group Homes, and
- DCF 58 Kinship Care.

BACKGROUND

In the spring of 2014 the Legislature passed and the Governor signed 2013 Wisconsin Act 334, which extends out-of-home care and other supports to youth in the child welfare system to age 21 for those youth who are enrolled in school full time under an Individualized Education Plan. The new law became effective August 1, 2014. The Out-of-Home Care Committee reviewed, provided feedback and recommendations to the Division for the Extension of Out-of-Home Care.

POLICY AND PROCEDURE REQUIREMENTS

Children who turn 18 while in foster care on or after August 1, 2014, are eligible to extend out-of-home care if the following criteria are met:

- The youth is 18 years of age or older but under 21 years of age;
- The youth is a full-time student at a secondary school or its technical or vocational equivalent;
- An individualized education program under WI Stat. s. 115.787 is in effect for the youth;

- and
- The youth agrees to comply with the terms of a court order or a voluntary-transition-to-independent-living agreement with the agency.

Children who turned 18 prior to August 1, 2014 are not eligible for extended out-of-home care.

Extended care can be implemented through an extended court order or through a voluntary transition-to-independence agreement. Extension is voluntary on the part of the youth; for youth with a guardian, the guardian may elect to extend care.

The policy requirements for the Extension of Out-of-Home Care are in a separate memo.

The Emergency Administrative Rules set forth numerous changes to the eight rules cited above. See attached Emergency Rules where A Summary of the Emergency Rules is included on pages 3-6. The Administrative Rules became effective August 1, 2014.

eWiSACWIS DOCUMENTATION

The October 2014 eWiSACWIS release will update functionality to allow for Adoption Assistance Agreements and Subsidized Guardianship Agreements to continue for eligible children. It will also provide updates to the Transition to Discharge Plan to include a review of eligibility for the extension of out-of-home care 120 days before a youth reaches the age of 18. If a youth is determined to be eligible the next permanency plan created for the youth will be modified to be consistent with the changes set forth to s. 48.38 and 938.38 Wis. Stats., to be in compliance with the changes from Act 334.

ACTION SUMMARY

The Emergency Rules are effective August 1, 2014. The emergency rules are attached to this memo.

The Division will be hosting trainings for agency staff this fall; dates for the training will be provided in the near future.

REGIONAL OFFICE CONTACT: DCF Area Administrator

CENTRAL OFFICE CONTACT: Out of Home Care Section Chief
Division of Safety and Permanence
Bureau of Permanence and Out of Home Care
608-422-6930

MEMO WEB SITE: <https://dcf.wisconsin.gov/cwportal/policy>

Attachment:

Emergency Rule Text

http://docs.legis.wisconsin.gov/code/misc/old/emr/emr1414_rule_text/emr1414_rule_text