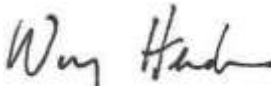


To: DCF/DMCPS Administrator  
DCF Area Administrators  
Child Placing Agency Directors  
Child Welfare Agency Directors  
County Departments of Community Programs Directors  
County Departments of Human Services Directors  
County Departments of Social Services Directors  
Group Home Providers  
Tribal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

From: Wendy Henderson  
Administrator 

Re: **2021 Wisconsin Act 72**

## **PURPOSE**

2021 Wisconsin Act 72, also known as Ethan's Law, was signed by the Governor and became effective July 17, 2021. This memo is to inform stakeholders of the requirements of the new law.

## **BACKGROUND**

Current background check requirements are outlined in statute and administrative rule for a variety of professionals or stakeholders within the child welfare system. 2021 Wisconsin Act 72 provides additional information a court must consider regarding criminal backgrounds of individuals within the child welfare system.

## **POLICY AND PROCEDURE REQUIREMENTS**

2021 Wisconsin Act 72 provides additional information that an agency and court must consider related to the criminal background of an individual when making placement decisions at disposition.

Below is a summary of the provisions:

- WI Act 72 restrictions apply to the following individuals:
  - Unlicensed relatives, other than the parent of a child, if the judge finds that the relative has been convicted of, has pled no contest to, or has had a charge dismissed or amended as a result of a plea agreement for a crime under:

- s. 948.02 (1) or (2), 948.025, 948.03 (2) or (5) (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055, 948.06, 948.07, 948.08, 948.081, 948.085, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21, 948.215, 948.30, or 948.53, or a similar law of another state
  - The home of a person who is not required to be licensed (unlicensed non-relatives) if the person has been convicted of, has pled no contest to, or has had a charge dismissed or amended as a result of a plea agreement under:
    - s. 948.02 (1) or (2), 948.025, 948.03 (2) or (5) (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055, 948.06, 948.07, 948.08, 948.081, 948.085, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21, 948.215, 948.30, or 948.53, or a similar law of another state
  - Non-client residents at a licensed foster home may not be a person:
    - charged for a violation of s. 948.02 (1) or (2), 948.025, 948.03 (2) or (5) (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055, 948.06, 948.07, 948.08, 948.081, 948.085, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21, 948.215, 948.30, or 948.53, or a similar law of another state, and the charge was dismissed or amended as part of a plea agreement
    - who has pleaded no contest to a violation of s. 948.02 (1) or (2), 948.025, 948.03 (2) or (5) (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055, 948.06, 948.07, 948.08, 948.081, 948.085, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21, 948.215, 948.30, or 948.53, or a similar law of another state
- The above restrictions apply to decisions made at the Dispositional Hearing unless the court finds by clear and convincing evidence that the placement would be in the best interests of the child/juvenile or, in the case of an Indian child/juvenile, the best interests of the Indian child/juvenile as described in s. 48.01 (2) or 938.01 (3).
- An individual who meets the criteria above is entitled to a rehabilitation review,
- The above restrictions do not apply retroactively.

This Act also outlines additional restrictions for congregate care workers. Those restrictions and requirements for congregate care facilities are outlined in a licensing memo.

## **ACTION SUMMARY**

2021 Wisconsin Act 72 provides additional information that an agency and court must consider related to the criminal background of an individual when making placement decisions. These provisions are effective immediately, but do not apply retroactively.

REGIONAL OFFICE CONTACT: DCF Area Administrator

CENTRAL OFFICE CONTACT: Out-of-Home Care Specialist  
Bureau of Permanence and Out-of-Home Care  
DCFDSPPortalGeneralFosterCare@wisconsin.gov

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

LINKS: <https://docs.legis.wisconsin.gov/2021/related/acts/72.pdf>