

An Introduction to Child Welfare

For Parents, By Parents



Introduction

This innovative resource features recommendations by parents who were at some point engaged with the State of Wisconsin Child Welfare System within their local communities. The Wisconsin Department of Children and Families Division of Safety and Permanence created this resource in collaboration with parents who have lived expertise, alongside with county and tribal stakeholders.

The topics listed will provide basic information for parents on specific areas that may come up as you engage with child welfare professionals. Please keep in mind that this information does not provide legal advice. If you need legal advice, you will need to consult with an attorney.

You can call 1-800-362-9082 or utilize this link below to find a lawyer:

[https://www.wisbar.org/
forPublic/INeedaLawyer/
Pages/LRIS.aspx/](https://www.wisbar.org/forPublic/INeedaLawyer/Pages/LRIS.aspx/)





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Wisconsin Department of Children and Families

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Purpose of Child Welfare

The State of Wisconsin Child Welfare System works with families to ensure the safety, permanence and well-being of children. Wisconsin's child welfare system is county-operated and state-supervised, except for Milwaukee County, which is administered by the state through the Division of Milwaukee Child Protective Services. Counties work in partnership with many community-based organizations to provide resources to families in crisis to keep children safely in their homes.

Understanding the Child Welfare Process

When your local agency engages with you and your child/children, it may be because the child welfare agency received information that your child may have been abused, neglected, or is at risk of being abused or neglected. Wisconsin law requires the child welfare agency to review each referral and decide if the agency needs additional information to determine your family's need for services and your child's need for safety. Child welfare professionals look for danger threats, safety concerns, protective capacities, and any signs of an unsafe child or children who may be at risk.

Stages of the Child Welfare Process

Wisconsin's child welfare system is divided into three stages: Access, Initial Assessment, and Ongoing.

- The **Access** stage is where a local agency receives information about suspected child maltreatment from community members and mandated reporters.
- **Initial Assessment** is the second stage of the process where the agency performs interviews with the child, parent(s), Indian custodian, and other adults who are in contact with the child. Utilizing the information collected, child welfare professionals determine whether maltreatment has occurred, if the child can safely remain in the home, and whether additional services may be needed.
- **Ongoing** is the third and final stage during which the child welfare professional continuously assesses the unsafe condition, what is making your child and/or home unsafe, then works with you to determine what services and supports will help you manage the condition and maintain a safe home environment. If your child has been removed from your home, the ongoing child welfare professional will develop a permanency plan and support your family as you participate in services and work towards timely permanence and safe case closure.

For more information: [Wisconsin's Child Welfare Process Explained: Access & Initial Assessment](#).





Terms You May Hear or See¹

Physical Abuse: Causing serious physical harm and injury by other than accidental means.²

Sexual Abuse: Sexual intercourse or sexual touching of a child; forced viewing of sexual activity, child sex trafficking, child prostitution, sexual exploitation.³

Emotional Abuse/Damage: Serious harm to a child's psychological or intellectual functioning when parents do not provide the needed treatment.⁴

Neglect: Seriously endangering the physical health of the child by not providing needed food, clothing, shelter, medical or dental care or supervision.⁵

CHIPS: Child in need of Protective Services

TPC: Temporary Physical Custody

OHC: Out-of-Home Care is when a child is physically in the care of someone other than their primary parent or caregiver

Permanency Plan: "Permanency plan" means a plan designed to ensure that a child is reunified with his or her family whenever appropriate, or that the child quickly attains a placement in a home providing long-term stability.⁶

Mandated Reporter: Individuals required by law to report child abuse and or neglect to a county agency or law enforcement.⁷

ICWA: Indian Child Welfare Act

WICWA: Wisconsin Indian Child Welfare Act

Tribal Child Welfare Professional: Represents the tribes' interest in its children under the ICWA and WICWA

¹ The definitions included below are simplified summaries. The full statutory definition of some terms are included in a footnote after each term.

² Under s. 48.02(1)(a), abuse is defined as "[p]hysical injury inflicted on a child by other than accidental means." Under s. 48.02(14g), "physical injury" is defined as "includes but is not limited to lacerations, fractured bones, burns, internal injuries, severe or frequent bruising or great bodily harm, as defined in s. 939.22 (14)."

³ Under s. 48.02(1)(b)-(f), sexual abuse is defined as "sexual intercourse or sexual contact under s. 940.225, 948.02, 948.025, or 948.085," a violation of s. 948.05 [sexual exploitation of a child], a violation of s. 948.051 [trafficking of a child], "[p]ermitting, allowing or encouraging a child to violate s. 944.30(1m)" [prostitution], a violation of s. 948.055 [causing a child to view or listen to sexual activity], or a violation of s. 948.10 [exposing genitals, pubic area, or intimate parts].

⁴ Under s. 48.02(1)(gm), emotional abuse is defined as "[e]motional damage for which the child's parent, guardian or legal custodian has neglected, refused or been unable for reasons other than poverty to obtain the necessary treatment or to take steps to ameliorate the symptoms." Under s. 48.02(5j), emotional damage is defined as "harm to a child's psychological or intellectual functioning" that is "evidenced by one or more of the following characteristics exhibited to a severe degree: anxiety; depression; withdrawal; outward aggressive behavior; or a substantial and observable change in behavior, emotional response or cognition that is not within the normal range for the child's age and stage of development."

⁵ Under s. 48.02(12g), neglect is defined as "failure, refusal or inability on the part of a caregiver, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child."

⁶ Under s. 48.38(1)(b), a permanency plan is defined as "a plan designed to ensure that a child is reunified with his or her family whenever appropriate, or that the child quickly attains a placement or home providing long-term stability."

⁷ Any of the following persons who has reasonable cause to suspect that a child seen by the person in the course of professional duties has been abused or neglected or who has reason to believe that a child seen by the person in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall, except as provided under subs. (2m) and (2r), report as provided in sub.(3).



UNDERSTANDING YOUR CIRCUMSTANCES

We recognize that all families are unique yet may have similar challenges. As a Parent, you may have many questions when interacting with your local child welfare agency based on your family's circumstances. For those specific questions, you are encouraged to contact the child welfare professional you may be working with. There are different forms of neglect that could be reasons for a local child welfare agency to be involved.

For example, substance abuse may be one of those reasons and can also be a factor that impacts child safety and influence assessment for neglect. It is important to note that your county will look different than other counties, have different community resources, and have a slightly unique way of doing things when it comes to working with families who struggle with substance abuse.

Case Planning

Case Planning is a process where families work with a child welfare professional to accomplish specific goals to address the concern for safety and/or identified neglect issues. Various types of plans make up case planning. You may hear the following types of planning associated with your interaction and engagement with child welfare professionals. Please note that some of these plans are not required and will be discussed with your child welfare professional about which plan you may have.

Safety Plan: This plan will reflect the dangerous threats, whether an in-home plan would work, and if an in-home plan does not work, it needs to address what it would take for the home environment to be safe enough for an in-home plan to take place. If you have joint custody of your child, there may be a requirement for a safety plan to be in place for each parent household. Every six months, your child welfare professional should work with you to update the safety plan to reflect the changes you have regarding your circumstances, whether negative or positive. The information created from the safety plan helps support the permanency plan.

Permanency Plan (child out of home): This plan reflects the progress made towards the identified permanency goals and completing the court-ordered conditions. It also includes updates on the parent or guardian's progress in the services identified as needed to show changes in your behavior to keep a safe home environment and return your child home. The permanency plan will work in collaboration with court conditions and is used to provide updates to the court and family.

Case Plan (child in-home): This plan is completed when the child remains living with the parent but is still open for CPS services with the child welfare agency. This plan captures the same information as the permanency plan but does not include the "permanency planning" or "placement" sections that you would find in a permanency plan.

Protective Plan: The plan is put into place when an intake worker or an assessment work is observing a present danger threat, i.e., an overdose of a parent while a child is present, a child left alone or wandering, no adult in the home, or a child or infant being cared for by a child who doesn't have protective capacities. This plan could include having someone you trust to support you in the home while you address the safety concern.

Family Interaction Plan: If your child is placed outside your home, there needs to be a family interaction plan to make sure the family can spend time together. This plan should be completed within five days of your child being placed in a different care setting and updated at least every six months or as needed. It outlines how often visits occur, whether the visits should be supervised or monitored by another person, and what behaviors a parent or caregiver would need to improve to transition the visits to a less restrictive setting, such as from supervised to unsupervised.



If your child is affiliated with one of the federally recognized tribes, the child welfare professional will be required to follow the guidelines listed below that support being inclusive of receiving support and assistance from your tribe. You may be assigned to work with a tribal child welfare professional and the local county child welfare professional this may vary depending on your county.

Parents of an Indian Child

The Indian Child Welfare Act (ICWA) and the Wisconsin Indian Child Welfare Act (WICWA) are intended to “protect the best interests of Indian children and to promote the stability and security of Indian tribes and families.” ICWA and WICWA requirements also provide certain protections to you, as the parent of an Indian child, and requirements for state and county child welfare agencies.



Indian child: An Indian child means any unmarried person who is under the age of 18 and is:

- (a) A member of an Indian tribe. Or,
- (b) Is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

Identification: The child welfare professional must gather family history information from you and any other relatives that can help connect your child to a tribal member. This information will be used to request confirmation of your child’s enrollment eligibility status from the Tribe.

Notification: You should receive notice of your first hearing (outside of the emergency proceeding) via registered mail, return receipt requested. You should receive this notice at least 10 days prior to the initial hearing. You will need to sign a confirmation that you received the notice. The notice will include certain rights afforded to you.

QEW Testimony: A Qualified Expert Witness (QEW) must provide testimony if your child is placed outside of your home. This witness may be a member of the tribe, a member of another tribe, a professional person, or a layperson, but must also know the customs and child-rearing practices of the Indian child’s tribe. You are not responsible for finding this witness.

Active Efforts: The county child welfare professional must make an active effort to prevent the breakup of the Indian family and to reunify your family, should your child be removed from your care. They must also invite the tribal child welfare agency to participate in the assessment and case planning as well as notify and consult with extended relatives to identify additional supports for you and your child. There are 11 active efforts requirements outlined by WICWA. For more information about these requirements, see the active efforts guide linked on the next page.



PARENTS OF AN INDIAN CHILD

Placement Preferences: Should your child be removed from your care, the child welfare professional must make a diligent effort to locate a placement provider that meets one of the following preferences:

- An extended family member of the Indian child
- A foster home licensed, approved, or specified by the tribe
- An Indian foster home licensed or approved by the department, a county department, or a child welfare agency
- A group home or residential care center for children and youth approved by an Indian tribe operated by an Indian organization that has a program suitable to meet the needs of the child

Should your child be placed for adoption, the child welfare professional must make diligent efforts to locate an adoptive resource that meets one of the following preferences:

- An extended family member of the Indian child
- Another member of the Indian child's tribe
- Another Indian family

If the child's tribe has a different order of preference, that must be followed instead of what is listed above. You can request the judge to find there is good cause to depart from these placement preferences, if you are not doing so to avoid applying WICWA. The child welfare agency may also ask the judge to find there is good cause to depart from these preferences for certain reasons. Something to keep in mind regarding placement preferences are background checks; each tribe and county have different timelines and processes when doing background checks. It is important to discuss these timelines with your tribal child welfare professional.

You should inform all child welfare professionals you have contact with about your child's Native American ancestry. If you have any questions, share them throughout the duration of the child welfare agency involvement. More information about ICWA and WICWA can be found in any of the following resources listed below:



National Indian Child Welfare Association

<https://www.nicwa.org/families/>

Children's Court Improvement Program's *Wisconsin Indian Child Welfare Act Training*

<https://www.wicciptraining.com/ELearningActivities/View/25?name=wicwa&Area=%20>

WICWA Online Resource for Case Workers

https://media.wcwpds.wisc.edu/foundation/WICWA_Online_Resource/index.html

A Child Welfare Practitioner's Guide for Meeting the WICWA Active Efforts Requirement

<https://dcf.wisconsin.gov/files/publications/pdf/464.pdf>

Wisconsin Statutes: Indian Child Welfare

<https://docs.legis.wisconsin.gov/statutes/statutes/48/i/028>



What Parents Can Expect from the Child Welfare System, Parent Roles, and Responsibilities

1. If my child is removed, when can I see my child?

State standards require that a face-to-face visit occurs within five working days of when a child is placed in out-of-home care. Unless a court orders otherwise, the agency must arrange for face-to-face family interaction on a weekly basis, at a minimum. The agency is required to make a Family Interaction Plan within 60 days of the child's removal from the home. The Family Interaction Plan outlines the planned visits and other interactions for the child with parents, siblings, and other identified participants.

It is important to note that after your first court date, the court can make orders relating to family interaction, including prohibiting visits if the court finds that continued contact with specific family members is not in the child's best interest. If you have more than one child and they are all removed from your home, it would be ideal that your children are placed together in the same location, depending on availability of eligible placements in your county.

Court Proceeding Definitions

The terms below will provide a better understanding of Question 2 that follows. Communication is key when it comes to the child welfare professionals you may be working with. For tribal cases, please note that these types of hearings may look different. Please communicate with your ICWA worker.

Temporary Physical Custody (TPC) Hearing is conducted when a child is removed from his or her home. At this hearing, a judge or court commissioner decides whether the child should temporarily remain placed outside of the home or be returned to a parent. If returning the child to a parent, conditions may be ordered on the parent(s) to make sure the child is safe in the home.

Plea Hearing is when the parents learn about their rights and are each asked whether they are admitting, denying, or not contesting the things that are said in the petition. If admitting or not contesting, the court will then set a Dispositional Hearing. If denying, the court will schedule other hearings, including a Fact-Finding Hearing.

Fact-Finding Hearing is a trial that is held to decide whether a child needs protection or services. There are two separate issues that are determined at this type of hearing. First, whether the petitioner has proven the CHIPS grounds stated in the petition by clear and convincing evidence. This part of the trial may be held before a jury of six people or to the court, meaning that the judge will make the decision. Next, if the grounds have been proven, it will be determined whether the child needs protection or services. This finding can only be made by the judge, not a jury.

Dispositional Hearing is when a judge makes final decisions about how a child's case is handled after being found in need of protection or services. This is when the judge orders specific services and conditions that must be completed to make sure the child is safe and that the concerns in the petition are addressed. If the child continues to be placed outside of the home, the judge will order conditions that must be met before the child can be safely return to his or her home.

Permanency Hearing is a scheduled review that is held when a child is placed outside of his or her home for six months or more. At this hearing, the court is updated on the progress that has been made toward the conditions for return, as well as how the child has generally been doing. The court will discuss and potentially change the permanency goals for the child; meaning whether the case is progressing toward return to his or her home, guardianship, adoption, or other possible ways to find a safe and permanent place for the child to live and receive care.



2. What is the timeline of my case?

The timeline of a case may vary depending on the nature and specific circumstances of the case or county, but some general timelines that are provided by law in a child welfare case are:

- If a child has been taken into temporary physical custody (**TPC**) under Chapter 48 (the Children's Code)⁸ and the child is not returned home, the court must hold a *Temporary Physical Custody Hearing* within 48 hours, excluding Saturdays, Sundays, and legal holidays.
- If a Child needs Protective Services and a (**CHIPS**) petition has not been filed with the court by the time of the *Temporary Physical Custody Hearing*, it must be filed within 72 hours of the **TPC** Hearing.
- A *Plea Hearing* focused on the **CHIPS** petition must take place within 30 days of the filing of the **CHIPS** petition. The Plea hearing must take place within 10 days if the child is placed in a secure living setting, which includes a detention facility.⁹
- If the **CHIPS** petition is disputed, a *Fact-Finding Hearing* must take place within 30 days after the *Plea Hearing*. If the *Fact-Finding Hearing* results in a finding that the child needs protection or services, a *Dispositional Hearing* must take place within 30 days after the *Fact-Finding Hearing*.
- A Permanency Plan must be filed with the court within 60 days from the date the child was first removed from the home. The Permanency Plan must be reviewed by the court or an administrative panel within 6 months after removal and every 6 months after that for as long as the child is placed outside the home. Within 12 months after the child is first removed from the home, and every 12 months thereafter, the court must conduct a *Permanency Hearing* focused on the Permanency Plan.
- If your child is an Indian child, the agency must make an active effort to provide a natural and unsupervised family interaction.



⁸ Wis. Stat. ch. 48: <https://docs.legis.wisconsin.gov/statutes/statutes/48>

⁹ Except as provided in s. 48.299 (9), the hearing to determine whether any party wishes to contest an allegation that the child or unborn child is in need of protection or services shall take place on a date which allows reasonable time for the parties to prepare but is within 30 days after the filing of a petition for a child or an expectant mother who is not being held in secure custody or within 10 days after the filing of a petition for a child who is being held in secure custody.



WHAT PARENTS CAN EXPECT

If your child is removed from your home, your ongoing worker will be the point of contact regarding any timeline specifics for your case. If you accomplish a goal or meet a specific task as required in your Permanency Plan or any court documents, it does not change your circumstances immediately. The success should be shared with your ongoing worker and judge at your next meeting or court date.

3. What are my responsibilities regarding participating in my children’s doctor appointments, school conferences, etc.?

- Unless a court has ordered otherwise, or a parent has given permission to someone else, a child’s parent has medical and educational decision-making authority for the child.
- Having a conversation with your child welfare professional about any upcoming doctor appointments and/or school events would be the best approach to take. Communication is key to understanding what is happening with your child if they are out of your home. You can discuss what would be the best practice for communicating when these events are occurring.
- Depending on the reasons why your child may be removed, it would be encouraged to participate in these activities as you are able or communicate why you aren’t able to. If there is a **no contact order** in place by the court, the option to participate in those activities will be outlined in your court order. Never hesitate to ask questions or get clarity regarding the specifics of your circumstance from your county’s child welfare professionals.



4. What input can I provide when it comes to choosing an Out-of-Home care provider for my child?

- Child welfare agencies are required to prioritize placement of children with relatives or close friends: like-kin. You can and should provide the assigned child welfare professional a list of family and friends to be considered as placement providers.
- If your child is an Indian child, child welfare agencies are legally required to follow the placement preferences as outlined by Wisconsin Indian Child Welfare Act.



Child Welfare Professionals: Roles, Responsibilities, and Expectations

1. What is each person's role? What should I expect from my Initial Assessment worker? My Ongoing worker? Their supervisor?

- Initial Assessment professionals will deeply learn more about each member of your household as an individual and as a whole family unit. They will use this information to make two separate decisions:
 - 1) Did abuse or neglect occur to a child/children in accordance with state statute?
 - 2) Are the child/children safe in the household?
- Ongoing child welfare professionals will work closely with you, your children, and the person taking care of your children (out of home care provider) to change the behaviors causing your home to be unsafe so that your children remain home and/or be returned home. If your child is placed in OHC, the Ongoing professional will work with you towards the identified goals for your child's permanence.
- Child welfare supervisors should be providing guidance to their professionals around all major decision points related to safety and permanence for each family. They can also be a resource to families who could benefit from more communication and explanation around the process of the child welfare system.
- If your child is an Indian child, the agency must make an active effort to provide a natural and unsupervised family interaction.

2. What are appropriate reasons to go to each of these people?

Reach out to your Ongoing worker if:

- You are concerned for your child's safety
- You need help securing necessary resources to ensure your child's safety
- You need help securing necessary resources to ensure your child's ability to safely return home

Reach out to your Ongoing worker's supervisor if:

- You want more information or explanation about the child welfare process
- You are concerned about the service or care being provided by your Ongoing worker

3. How do I contact my worker and their supervisor?

All child welfare professionals are available via their work phone numbers and work email addresses. Some counties may also have the ability for you to contact child welfare professionals by text or other messaging service.