

To: Area Administrators/ Human Services Area Coordinators
Bureau Directors
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
Indian Child Welfare Directors
Section Chiefs/Licensing Chiefs
Tribal Chairpersons/Human Services Facilitators

From: Cyrus A. Behroozi 
Administrator

2009 Wisconsin Act 78 (Act) was signed into law November 13, 2009 and goes into effect on February 1, 2010. The Act requires the Department of Children and Families, Division of Safety and Permanence (DSP) to notify the public in cases of child death, serious injury and egregious incidents due to maltreatment or suspected maltreatment and cases in which a child in out-of-home care placement is suspected to have committed suicide. The Act requires county agencies and the Bureau of Milwaukee Child Welfare (BMCW) to report these incidents to the DSP within 2 working days of the agency learning about the incident. The DSP must then notify the public within the following 2 working days that an incident has occurred and is under review by the Department. Within 90 days, the DSP must complete and transmit a summary report to the Governor and appropriate legislative committees, and make this report available to the public. Data collection will begin January 1, 2010 to ensure that 12 months rather than a partial year of data is collected for these reports.

Child death and serious injury are defined in the Act as “an incident in which a child has died or been placed in serious or critical condition, as determined by a physician, as a result of any suspected abuse or neglect...or in which a child who has been placed outside the home by a court order under this chapter or ch. 938 is suspected to have committed suicide.”

Egregious incident is defined as “an incident of suspected abuse or neglect...involving significant violence, torture, multiple victims, the use of inappropriate or cruel restraints, exposure of a child to a dangerous situation, or other similar, aggravated circumstances.”

The following information for incident notification is required by the Act:

- Name of agency and agency contact person
- Child name and age
- Date of incident
- Suspected cause of death, injury or egregious event
- History of any reports received on the child, family or alleged maltreater
- Child's residence at the time of the incident (in home or out-of-home care placement)
- Identity, where applicable, of the law enforcement agency reporting the incident
- Agencies, where applicable, receiving a referral on this incident from the county agency or BMCW

County agencies and the BMCW must continue, where applicable, to update information in the eWiSACWIS in a timely manner for each reported case. In order for the DSP to comply with the continued review and reporting responsibilities of the Act, the additional case information needed for the 90-day summary report will be obtained by DSP staff through the eWiSACWIS.

The Act also requires the DSP to provide a quarterly summary report and an annual calendar year report

of all children in out-of-home care placement that have been sexually abused as defined in s. 48.02 (1) (b) to (f), summarized as follows:

- Sexual intercourse or sexual contact (i.e., sexual assault)
- Sexual exploitation of a child
- Permitting, allowing or encouraging a child to violate s. 944.30 (i.e., prostitution)
- Causing a child to view or listen to sexual activities
- Exposing genitals or pubic areas

This information will be made available to the DSP by the local agency and the BMCW through the eWiSACWIS. County agencies and the BMCW are not required to complete a notification form in these cases, unless the above criteria for serious injury or egregiousness apply to a particular case.

Other requirements contained within the Act are the responsibility of and are currently being addressed by the DSP. Agencies will be notified as systems and mechanisms for reporting are developed.

This memo supersedes DCFS Memo Series #2005-16, Notification of Cases of Abuse or Neglect Involving Death, Serious Injury or Egregious Incidents, in regards to the requirement for county agencies to notify the Department within 24 hours about an incident.

The DSP has revised the incident notification form to capture the information required for reporting and planning reviews. This form must be used to notify the Department about these cases within two working days that the agency has been notified about a qualifying incident. Please complete and forward this form per the instructions within the form. Form DCF-F (CFS-2091), Child Death, Serious Injury or Egregious Incident Notification can be accessed in eWiSACWIS.

Your cooperation with the Department to achieve compliance is greatly appreciated.

REGIONAL OFFICE CONTACT: DCF Area Administrator

CENTRAL OFFICE CONTACT: Child Welfare Program and Policy Analyst-Advanced
Division of Safety and Permanence
Bureau of Safety and Well-Being
608-422-6957

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