



201 East Washington Avenue, Room E200
P.O. Box 8916
Madison, WI 53708-8916
Telephone: 608-266-8787
Fax: 608-266-5547

Governor Scott Walker
Secretary Eloise Anderson

Division of Safety and Permanence

August 21, 2014

Child Welfare Licensing Memo Series 2014-10L

To: Private Child Placing Agencies
Group Homes
Residential Care Center for Children and Youth

From: Ron Hermes
Bureau Director

A handwritten signature in black ink, appearing to read "RH".

RE: Act 334: Out-of-Home Care Extension to Age 21

PURPOSE

The purpose of this memo is to provide information regarding the passage of 2013 Wisconsin Act 334 which extends out of home care to the age of 21 for certain youth. Basic eligibility requirements for extended care and information regarding the changes to administrative rules for Private Child Placing Agencies, Group Homes and Residential Care Centers for Children and Youth are included.

BACKGROUND

In the spring of 2014, the Governor signed 2013 Wisconsin Act 334, which extends out-of-home care for youth in the child welfare system to age 21 for those youth who are enrolled in school with an active Individualized Education Plan (IEP) in place. Wis. Act 334 requires the Department of Children and Families to promulgate administrative rules. The emergency rules went into effect **August 1, 2014**.

INFORMATION SUMMARY

The administrative rules affected by Wis. Act 334 are as follows: Private Child Placing Agencies (DCF 54); Group Homes (DCF 57); Residential Care Centers for Children and Youth (DCF 52); Adoption Assistance (DCF 50); Subsidized Guardianship (DCF 55); and Kinship Care (DCF 58). A new administrative rule was created entitled "Re-entry into Out-of-Home Care for Youth 18 Years of Age or Over, but Under 21 Years of Age" (DCF 21). The administrative rules have been updated to reflect this new population of youth. This memo will discuss the changes to private Child Placing Agencies (CPA), Foster Home Care for Children (DCF 56), Group Homes (GH) and Residential Care Centers for Children and Youth (RCC).

The following are highlights of the changes to administrative rule:

Residential Care Centers for Children and Youth:

- The definition of "resident" has been updated in the RCC rule.
- The word "child" has been changed to "resident" when applicable.
- A RCC that intends to serve this new population must request an amendment to their license using form "DCF-F-5081-E, Amendment Request to Extend Care to Residents 18 Years of Age or Over, But Under 21 Years of Age". The form can be located on the department's website at <https://dcf.wisconsin.gov/forms>
- RCC's are only allowed to care for 4 youth ages 18 to 21. A RCC may care for more than 4 youth ages 18 to 21 if they are also licensed as a Community Based Residential Care Facility (CBRF) through the Department of Health Services under DHS 83.

Child Placing Agencies:

- The definition of “child” has been updated in the rule.
- A CPA may grant an exception DCF 56.09 (1m)(cm) to allow 7 or fewer foster children in a foster home if necessary to allow a youth who was previously placed in a foster home under the voluntary transition-to-independence living agreement to return to the foster home.

Group Homes:

- Definition of “child” has been updated in the rule.
- The word “child” has been changed to “resident” where applicable.
- Definition of “resident” has been updated in the rule.
- A hired or contracted staff member shall be at least 21 years of age and 2 years older than the oldest resident.
- DCF 57.13(2)(b) has been changed to:
 - Notwithstanding par. (a), a staff member who is 19-21 years old and 2 years older than the oldest resident may be hired or employed for any position except program director under sub. (4)(a.) if during the individual’s course of employment the individual is enrolled in and regularly attends a college or university with a major in any of the following:
 1. Social Work.
 2. Sociology.
 3. Special Education.
 4. Psychology.
 5. Counseling and Guidance.
 6. Criminal Justice.
 7. Any other area in the human services field as approved by the department.
- Per DCF 57.19(6)(a), “The Group Home will not have more than 2 youth ages 18 to 21 years of age under DCF 57.04 (6)(b) to (e).”
- If the Group Home intends to serve more than 2 youth (but not more than 4 youth) ages 18 to 21 years of age, the GH must submit an amendment request to their Licensing Specialist using form “DCF-F-5081-E, Amendment Request to Extend Care to Residents 18 Years of Age or Over, But Under 21 Years of Age.” The form can be located on the department’s website at <https://dcf.wisconsin.gov/forms> If the GH does not have a license to care for more than 2 youth ages 18 to 21 years of age, the GH may request an exception for a particular child.
- A GH may care for more than 4 youth ages 18 to 21 if they are also licensed as a Community Based Residential Care Facility (CBRF) through the Department of Health Services under Chapter DHS 83, Wis. Administrative Code..
- A youth that turns 18 years of age and is currently sharing a bedroom with a youth 17 years of age or younger may continue to share that bedroom.

SUMMARY OF NEXT STEPS

Residential Care Centers:

- **If your agency will be accepting any youth ages 18 to 21 years of age, complete form “DCF-F-5081-E, Amendment Request to Extend Care to Residents 18 Years of Age or Over, But Under 21 Years of Age” and submit to your Licensing Specialist. The form can be located on the department’s website at <https://dcf.wisconsin.gov/forms> .**

Child Placing Agencies:

- **Notify your Licensing Specialist if your agency will be accepting any youth ages 18 to 21 years of age so the license can be amended. This request does not need to be on form DCF-F-5081-E.**

Group Homes:

- **If the Group Home will be serving youth ages 18 to 21 years old and will not have more than 2 youth ages 18 to 21 years of age, submit a request to your Licensing Specialist so that the license can be changed to reflect ages of children served up to age 21 years of age. This request does not need to be on form DCF-F-5081-E.**
- **If the Group Home intends to serve more than 2 youth (but not more than 4 youth) ages 18 to 21 years of age, the GH must submit an amendment request to their Licensing Specialist using form “DCF-F-5081-E, Amendment Request to Extend Care to Residents 18 Years of Age or Over, But Under 21 Years of Age.” The form can be located on the department’s website at <https://dcf.wisconsin.gov/forms>**

Questions regarding this policy can be directed to your Licensing Specialist.

CHILD WELFARE LICENSING SECTION CONTACT:

Child Welfare Licensing Program Specialist
Division of Safety and Permanence
Bureau of Permanence and Out of Home care
(262) 446-7856

Attachments:

- Emergency Rule- Extension of Out-of-Home Care to Children and Youth 18 Years of Age or Over, But Under 21 Years of Age, <http://docs.legis.wisconsin.gov/2013/related/acts/334>.
- Amendment Request to Extend Care to Residents 18 Years of Age or Over, But Under 21 Years of Age DCF-F-5081-E, <https://dcf.wisconsin.gov/forms>