


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: Successor Guardian

PURPOSE

This memo sets forth policy requirements as established in 2015 Wisconsin Act 129 related to the naming of a Successor Guardian. This state legislation was enacted recently to comply with the federal Preventing Sex Trafficking and Strengthening Families Act. Other recent state legislation related to other aspects of the federal law are covered in separate memos.

BACKGROUND

On September 29, 2014, the U.S. Senate passed the Preventing Sex Trafficking and Strengthening Families Act (H.R. 4980). The bill has major implications for the public child welfare system and includes a number of provisions to minimize risks, increase opportunities, and improve permanency for foster youth.

In the winter of 2015-2016 the Legislature passed and the Governor signed 2015 Wisconsin Act 129 codifying the federal legislation related to Successor Guardianship into Wisconsin law.

POLICY AND PROCEDURE REQUIREMENTS

A summary of the new policy requirements in Act 129 are outlined below. The Ongoing Services Standards have been updated to include changes related to allowing for naming of a successor guardian; an updated version of the full Ongoing Services Standards is attached, as well as a shorter version of the Ongoing Services Standards which contains only the sections of the Standards where the Successor Guardian changes can be found. The modified version of the Standards highlights the modified sections within the Standards.

Successor Guardian:

- Allows a successor guardian(s) to be named in the event of a subsidized guardian's death or incapacitation. The new law requires continuation of Title IV-E subsidized guardianship assistance payments if the subsidized guardian(s) dies or is incapacitated in certain circumstances.
- The bill provides a person(s) entering into a subsidized guardianship the opportunity to name an individual(s) in the agreement or an amended agreement to care for the child in the event of the death or incapacitation of the guardian(s).
- Upon the death or incapacitation of the Subsidized Guardian(s), the Successor Guardian(s) named in the agreement will be considered as a placement option for the child.

- The Successor Guardian(s) is required to pass background checks and a physical home check, as well as demonstrate commitment to providing permanence for the child.
- The court with jurisdiction over the child must approve the Successor Guardian(s) named in the agreement to activate the successor guardianship after the death or incapacitation of the prior guardian(s).
- The Successor Guardian(s) is not required to become a licensed foster parent or have out-of-home care placement of the child for six months prior to becoming the guardian(s).
- Guardians may amend their agreement to change their named Successor Guardian(s), but the named Successor Guardian(s) may not be changed after the guardian(s)'s death or incapacitation.

eWiSACWIS DOCUMENTATION

Changes to eWiSACWIS documentation have occurred in the November 2015 and February 2016 releases. Updated templates are attached to this memo. The following is a summary of the changes that have occurred during each release:

November 2015:

- The Subsidized Guardianship Agreement is updated to identify a successor guardian.

February 2016:

- Ability to name a Successor Guardian on an approved Subsidized Guardianship Agreement and the ability to amend an agreement.
- New Successor Guardian Eligibility determination type.
- New type of agreement: Subsidized Guardianship Agreement (Successor).

TRAINING OPPORTUNITIES

Trainings on the new provisions have been incorporated in current Subsidized Guardianship trainings and regional supervisor meetings.

ACTION SUMMARY

Effective immediately all county agencies and the DMCPs are required to comply with all of the requirements set forth in this memo and the attached policies.

REGIONAL OFFICE CONTACT: DCF Area Administrator

CENTRAL OFFICE CONTACT: State Permanency Consultant
Division of Safety and Permanence
Bureau of Permanence and Out of Home Care
608-422-6751

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

Attachments Successor Guardian (Ongoing Services Standards)
<https://dcf.wisconsin.gov/files/cwportal/policy/pdf/ongoing-services-standards.pdf>

Subsidized Guardianship Policy (Ongoing Services Standards)
<https://dcf.wisconsin.gov/files/cwportal/policy/pdf/ongoing-services-standards.pdf>