


Wisconsin Department of Children and Families
Division of Safety and Permanence

DSP Numbered Memo Series 2018-48
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Supersedes DSP Memo Series:
2010-01
2010-03
2010-07

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: Wisconsin Act 78 Critical Incident Notification and Review Expectations

PURPOSE

The intent of this memo is to provide consolidated and updated policy information regarding 2009 Wisconsin Act 78 requirements.

BACKGROUND

The 2009 Wisconsin Act 78 (Act 78), which became effective on February 1, 2010, specifies how and what information is shared with the public following a suspected case of child death, serious injury or an egregious incident due to maltreatment or suspected maltreatment, and cases in which a child in out-of-home care is suspected to have committed suicide. Under the law (48.981(cr)), the Division of Safety and Permanence (DSP) is responsible for notifying the public regarding specific incidents that are subject to this statutory provision.

POLICY AND PROCEDURE REQUIREMENTS

As part of the 2009 Act 78 requirements, local child protective services (CPS) agencies must send certain limited information through eWISACWIS, the state's electronic child welfare information system, to DSP within 2 working days of a CPS report for cases of an incident that is believed by the agency to meet the criteria outlined below:

Child death or serious injury is defined in Act 78 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 that has been reported under this section or in which a child who has been placed outside the home by a court order under this chapter or chapter 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."

Act 78 requires the following information, which is provided by the local CPS agency via eWiSACWIS, for incident notification:

- Name of the agency and agency contact person
- Child name and age
- Date of incident
- Suspected cause of death, injury or egregious incident
- 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 DMCPs

Within two working days after receiving notification from the local CPS agency, DSP is required to disclose to the public the following information:

- That the information has been received
- Whether the department will be conducting a review of the incident
- The scope of the review
- The local CPS agency that will be cooperating with the department to complete the review
- Child's residence at the time of the incident (in-home or out-of-home care placement)
- Age of the child

Within 90 days, Act 78 requires publication by DCF of a report with additional information. Detail for this report is initially completed by the local CPS agency staff through eWiSACWIS. The DSP reviews the eWiSACWIS case record documentation and initial detail provided by the local CPS agency, and creates a 90-Day Summary Report based on the review of the case. The DSP must transmit this report to the Governor, appropriate legislative committees and make it available to the public. The information required to be provided in this report is outlined in Section 48.981(cr) 4. or 5.

In some cases, an additional review of the incident is required, called a Practice Review. The DCF is utilizing the Systems Change Review protocol to complete the Practice Reviews for qualifying cases, which is described in more detail below. In instances of a Practice Review, DSP must provide a summary report of any actions taken by the agency in response to the incident, any changes in policies or practices that have been made to address any issues identified in the review, and recommendations for any changes in policies, practices, or law that may be needed to address those issues. The information that must be provided is outlined in Section 48.981(7)(cr)3. In most cases, this information is provided in the 6-Month Summary Report. The information must be reported to the Governor, appropriate legislative committees and the public within 6 months of DSP identifying a qualifying case, per Act 78 requirements.

The Act also requires the DSP to provide a quarterly summary report and an annual calendar year report for all children in out-of-home care placement that have been sexually abused as defined in s. 48.02 (1) (b) to (f). This information is made available to the DSP by the local agency and the Division of Milwaukee Child Protective Services (DMCPs) through eWiSACWIS. Local CPS agencies and the DMCPs 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.

eWiSACWIS DOCUMENTATION

Local CPS agencies will continue to use the Serious Incident Notification template in eWiSACWIS to complete required documentation. Upon qualification for the Systems Change Review, the DSP will issue guidance to assist agencies with the completion of this document. In addition, in 2017, the DSP released an update to the eWiSACWIS 90-Day Summary detail template to ease documentation requirements.

SYSTEMS CHANGE REVIEW

While all cases that require public notification will receive a summary review culminating in the publication of the 90-Day Summary Report, a subset of cases with more recent child welfare history will receive a more comprehensive review, called the Systems Change Review. The new process, implemented statewide beginning in June of 2018, is carried out in a way that minimizes further secondary trauma, promotes greater learning and, therefore, the capacity and accountability to improve conditions surrounding the incident, and improves efficiency of the review process and resulting report development.

Attached to this memo are informational webinars on the Systems Change Review, a flowchart on the process of a Systems Change Review and Frequently Asked Questions (FAQ).

ACTION SUMMARY

Under 2009 Wisconsin Act 78, 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 require public notification. The DSP previously approached the eligible cases with a record review, or on-site review. This memo describes the new Systems Change Review process. The DSP will partner with county agencies, in a comprehensive, collaborative approach that will provide DSP with aggregate data related to statewide trends in cases qualified for a Systems Change Review.

Attached to this memo are informational webinars on the Systems Change Review, a Systems Change Review process flowchart, and Frequently Asked Questions (FAQ) document.

The Division very much appreciates the significant efforts made by local CPS agencies to protect children and looks forward to working with local CPS agencies to improve the quality, consistency, and effectiveness in our state's ability to serve those children who are vulnerable to or have experienced child abuse or neglect.

REGIONAL OFFICE CONTACT: DCF Area Administrator

CENTRAL OFFICE CONTACT: Child Welfare Program and Policy Section Chief
Bureau of Safety and Well-Being

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

LINKS: Systems Change Review website
<https://dcf.wisconsin.gov/cwportal/access-ia/act78>
Systems Change Review informational webinars
<https://dcf.wisconsin.gov/cwportal/webinars>
Systems Change Review flow chart
<https://dcf.wisconsin.gov/files/cwportal/access-ia/pdf/a78-flowchart.pdf>
Frequently Asked Questions
<https://dcf.wisconsin.gov/files/cwportal/access-ia/pdf/a78-faq.pdf>