



January 19, 2022

Child Welfare Licensing Memo Series 2022-01-lic
Supersedes Child Welfare Licensing Series Memo 2017-04L

To: Private Child Placing Agencies
Residential Care Center Providers
Group Home Providers
Shelter Care Facilities

From: Wendy Henderson
Division Administrator *Wendy Henderson*

Re: Serious Incident, Exception Request and Shelter Care Extension Submissions

PURPOSE

The purpose of this memo is to notify providers of changes to submission methods of all required Serious Incident Reports (SIR), exception requests pursuant to Wis. Admin. Code chs. DCF 52, DCF 54, DCF 57, and DCF 59, and shelter care extension requests, effective February 1, 2022.

This memo supersedes CWLS Memo 2017-04L, the reporting of serious incidents to the Child Welfare Licensing Section (CWLS) and outlines the procedure for submitting exception requests and shelter care extension requests.

These requirements apply to Residential Care Centers for Children and Youth (RCC), Group Homes (GH), Shelter Care (SC) facilities and private Child Placing Agencies (CPA) that license foster and pre-adoptive homes.

BACKGROUND

All licensees are required to promptly report serious incidents and to timely request exceptions pursuant to Wis. Admin. Code chs. DCF 52, DCF 57, DCF 59 and DCF 54 and to chapter 48 of the Wisconsin Statutes, when applicable. Current submissions are made on a department-approved form via email.

INFORMATION SUMMARY

To protect the confidentiality and security of personally identifying information (PII), the department is implementing secure web forms to avoid the transmission of PII via email.

Submitting Exception/Extension Requests

Beginning February 1, 2022, all requests for exceptions pursuant to Wis. Admin. Code chs. DCF 52, DCF 54, DCF 57, and DCF 59 and shelter care extension requests must be submitted to the department via the web-based form application found on the department's webpage under



Exception/Extension Request, License Child Welfare Providers,
<https://dcf.wisconsin.gov/cwlicensing/exceptionrequest>.

This includes submission of forms:

- Child Welfare Request for Exception, DCF-F-5023-E,
- Child Welfare Request for Exception-Age, DCF-F-5085, and
- Child Welfare Licensing Shelter Care Extension, DCF-F-2601-E.

Upon successful completion of the web-based form submission, DCF will send an email confirmation to the email address provided on the web-based form. Providers should keep this email for their records.

Reporting Serious Incidents

Beginning February 1, 2022, all reportable serious incidents must be submitted to the Department on the SIR form, DCF-F-CFS-2146-E, via the web-based form application found on the Department's webpage Serious Incident Report Submittal, Licensed Child Welfare Providers, <https://dcf.wisconsin.gov/cwlicensing/sirsubmittal>. The SIR form, DCF-F-CFS-2146-E, has been updated.

Agencies are required to report all serious incidents on the Serious Incident Report (SIR) form, DCF-F-CFS-2146-E, within 48 hours (72 hours for GHs) of the serious incident. **Reporting times do NOT include weekends and state legal holidays with the exception that all deaths must be reported within 24 hours.** The form is digitally fillable and information must be typed, whenever possible; electronic signatures are accepted. The information provided must be as complete as possible at the time the agency submits the report.

The attachment provides clarification on what incidents must be reported and what incidents need not be reported. If you are uncertain if a serious incident report is required, consult with your licensor.

Incidents that do not rise to the level of requiring the submission of a serious incident report must still be documented and included in the child's record. Placing agencies and parents/legal guardians should be made aware of all incidents.

Most employees of licensed facilities are mandated reporters. **ALL** incidents of abuse and neglect must be reported to a child welfare agency or law enforcement pursuant to chapter 48 of the Wisconsin Statutes.

Action Summary

Beginning February 1, 2022, providers will be required to submit SIRs, exception requests and shelter care extension requests via the Department's web-based form application.



CENTRAL OFFICE CONTACT: Child Welfare Program Specialist
Department of Children and Families
(262) 446-7856

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

LINKS: Serious Incident Report Submittal, License Child Welfare
Providers,
<https://dcf.wisconsin.gov/cwlicensing/sirsubmittal>
Exception/Extension Request, License Child Welfare
Providers,
<https://dcf.wisconsin.gov/cwlicensing/exceptionrequest>

ATTACHMENTS: Serious Incident Report Requirements, Reportable
Incidents



Serious Incident Reporting (SIR) Requirements, Reportable Incidents

- **Reported incident of child abuse or neglect.** Any incident of suspected, known, or reported child abuse and/or neglect, including adult-to-child or child-to-child, that occurred at the placement setting while the child is under the primary supervision of caregivers/staff, OR that identifies an individual specified below as the alleged maltreater:
 1. An employee, volunteer, or contracted person of the agency/facility
 2. Another child residing in the placement setting
 3. A household member as defined in Wis. Admin. Code § DCF Chapter 56 Foster Home Care for Children
 4. A person responsible for supervising the child who was NOT approved by the placing agency (for example: a babysitter selected by the foster parent or someone the child was with for an activity that was permitted by way of a prudent parenting decision)

Do NOT report via SIR: Allegations that have been previously reported, occurred prior to current placement, did not involve the current facility, or that do not allege one of the above (1-4) do not need to be reported via SIR, but they may still constitute a mandated report to a law enforcement agency, a county department of social or human services, or a child welfare agency.

- **Suicide attempt.** A physical act by a child for the purpose of ending one's life OR repeated behaviors/suicidal gestures accompanied by verbalizations of wanting to end one's life, which may or may not include a plan.

Do NOT report via SIR: Acts of self-injury, self-harm, self-mutilation or self-abuse where intent to end one's life is not present, injury is superficial *and medical attention is not necessary*.

- **Death of a child in out-of-home care.** Report must be made within 24 hours of death.
- **Incident requiring the services of a law enforcement agency.** Incidents requiring law enforcement that occur at the placement setting or while the child is under the primary supervision of caregivers/staff, including but not limited to:
 1. Physical or sexual assault (including when the child is interviewed by law enforcement as either a suspect or a victim)
 2. Alcohol or drug related offenses
 3. Theft of vehicles, medication or other things that have an impact on child safety
 4. Weapons offenses



Do NOT report via SIR:

1. Offenses that occurred when the child was away from the placement setting AND the agency was not responsible for supervision of the child (at school, on a home pass, missing from out of home care)
 2. Offenses related to truancy, violating curfew, underage possession/consumption of tobacco
 3. Offenses that occur while the child is missing from out-of-home care, UNLESS it is believed the child was a victim of human trafficking while missing from care
 4. Law enforcement transportation of a Type 2 resident to a Type 1 facility or other resident transportation
 5. When a child is considered a witness and is interviewed as part of a criminal investigation
 6. Property damage (unless it poses a safety hazard) [Note: If an SIR is not necessary, an email to your licensor letting them know about the damage is encouraged.]
 7. When law enforcement assists in de-escalating a youth and no other action is taken
- **Serious injury or trauma requiring the services of a licensed medical practitioner.** Any serious injury or physical trauma that requires the resident (or residential care worker) to receive medical treatment, including all of the following:
 1. Broken bone
 2. Burn
 3. Concussion
 4. Wound requiring stitches
 5. Ingestion of poison or drug overdose
 6. Traumatic incident such as a resident who nearly drowns or suffocates or who goes into shock

Do NOT report via SIR: Minor injuries, such as sprains or cuts; illnesses; scheduled medical or mental health hospitalizations; injuries or traumas that occur while the child is away from the placement setting (on a home pass, field trip, at school, with a person approved by the placing agency to supervise the child, etc.)

- **Medication error.** A medication error is any error in medication administration to a child in out-of-home care, whether by a child in out-of-home care approved to self-administer, a caregiver or a staff member. A violation of any of the following five rights of medication administration is considered a medication error: the right child, the right drug, the right dose, the right route, and the right time. Failing to timely fill a prescription is also a medication error.

Do NOT report via SIR: If a medication was given but was not documented. This is an error in documentation and should be corrected at the facility. The action taken to correct the documentation error should be noted on the child's Medication Administration Record. Medication refusals are not errors; however, all refusals of



medications must be logged. Errors that occur while the child is away from the placement setting (at school off grounds, on a home pass, missing from out-of-home care) need not be reported *unless* the placement setting failed to send the correct medication, thereby causing the error. *CPAs do not need to report medication errors but should log the errors reported to them by their foster parents.*

- **Restraints and physical force**

1. Any use of a restraint on a child in out-of-home care (GH, SC, AND CPA ONLY)
[Note: Level 5 foster homes must follow the child specific approval for use of restrictive measures or physical restraint reporting requirements.]
2. Any injury of a child in out-of-home care sustained during the use of a restraint.
3. Any use of physical force to prevent a Type 2 resident from attempting to go missing from out-of-home care (RCC ONLY).

- **Facility Related Concerns**

1. Any damage to the premises that would affect compliance with licensing rules. Structural damage that affects the safe shelter of children or any failure in the heating, cooling, electrical, plumbing or smoke detection system at the location of the placement setting that cannot be repaired within 24 hours.
2. Any incident requiring the execution of an agency's disaster plan or requiring the closing of a placement setting that results in the relocation of residents.
3. A fire that requires the services of the fire department.
4. An outbreak of a serious communicable disease as defined in Wis. Admin. Code § DHS Chapter 145 Appendix A.