



Division of Safety and Permanence

DSP Informational Memo Series 2024-01i

January 24, 2024

To: DCF/DMCPS Administrator
 DCF Area Administrators
 Child Placing Agency Directors
 Child Welfare Agency Directors
 County Departments of Community Programs Directors
 County Departments of Human Services Directors
 County Departments of Social Services Directors
 Group Home Providers
 Private Child Placing Agencies
 Residential Care Center Providers
 Shelter Care Providers
 Tribal Chairpersons

From: John Elliott
 Administrator

Re: High-cost Pool Fund for Tribal Court Placements

PURPOSE

This memo explains the process for accessing High-Cost Pool funds for Tribal Court placements in out-of-home care. The High-Cost Pool does not supplant the overall responsibility of county human/social service agencies to pay for placements ordered by tribal courts under 161 Agreements.

High-Cost Pool funds can be requested as supplemental funding to meet the specific needs of Indian children placed by a tribal court where the costs significantly affect the county or tribal out-of-home care budget. Requests can be made for specific children in situations where the county or tribe meets the High-Cost Pool requirements.

This memo supersedes DSP Memo Series 2023-03i

BACKGROUND

The High-Cost Pool was created by 2007 Wisconsin Act 20 to provide funds to counties and tribes for unexpected or unusually high-costs for out-of-home care placements of Indian children by tribal courts. "High-cost" for out-of-home care placements is defined by statute to mean the amount by which the cost to a tribe or county of out-of-home care placements of Indian children by tribal courts exceeds \$50,000 in a fiscal year.

The high-cost fund is currently funded at \$642,500 per year.

INFORMATION SUMMARY

Tribal Out-of-Home Care Placements

- A. Accessing Funds:
 1. A tribe and a county must submit a joint application for the county to receive funds. This





- applies to situations where the county is paying for placements made by the tribal court.
- 2. A tribe may submit an individual application if the tribe is paying for placements made by the tribal court.
- 3. The tribe and county, for a joint application, or a tribe for an individual application must expend a minimum of \$50,000 for out-of-home care costs to access the High-Cost Pool fund.

B. Cost Eligibility to Meet Expenditure Threshold and for Reimbursement:

Jurisdictional Grounds	Eligible to meet Threshold	Eligible for Reimbursement
Out of home care (OHC) Chapter 48 Child in Need of Protection or Services (CHIPS) or tribal equivalent	Y	Y
OHC Chapter 938 Juvenile in Need of Protection or Services (JIPS) filed under Wis. Stat. §§ 938.13(4), 938.13(6), 938.13(6m), or 938.13(7), or tribal equivalent	Y	Y
JIPS not subject to WICWA	N	N
Placement Type	Eligible to meet Threshold	Eligible for Reimbursement
Foster Care	Y	Y
QRTP	Y	Y
Group Home	Y	Y
Shelters	Y	Y
Residential Care Center	Y	Y
Secure Detention	N	N
Corrections	N	N
Hospital	N	N
Funding Source	Eligible to meet Threshold	Eligible for Reimbursement
TANF Kinship Care	Y	N
Tribal per capita payments redirected to support placement	Y	N

C. Eligibility of Placements:

- 1. The Indian child must be placed by the tribal court of a federally recognized tribe headquartered in the State of Wisconsin;
- 2. Placements must be made to a state or tribal licensed out-of-home care provider located in the State of Wisconsin. Placements with an out-of-state licensed provider may be granted if the Indian child is also a resident of Wisconsin;

AND

- 3. As noted above, the child placed must be under the jurisdiction of the tribal court as i) a child in need of protection or services as defined under Wis. Stat. § 48.13 or under like provisions of the tribe’s children’s code, or ii) a juvenile in need of protection or services as defined under Wis Stat. § 938.13 (4) to (7) or under like provisions of the tribe’s juvenile code.



D. Award Calculation Formula:

1. The Department will prorate the funds based on each county or tribe’s percentage of the total expenditures, above the \$50,000 threshold. To determine each award, the Department will use the following calculations:
 - i. Total allowable expenditures are submitted by an individual jurisdiction.
 - ii. \$50,000 is subtracted from the total expenditures on each application to determine an adjusted expenditure.
 - iii. The sum of all adjusted expenditures across all applicants equal total expenditures eligible for reimbursement.
 - iv. Each applicant’s adjusted expenditures are divided by the total expenditures eligible for reimbursement to determine their percentage of that total.
 - v. That percentage is multiplied by the available funds, \$642,500, to determine each applicant’s award amount.

Example: Applicant A submits \$250,000 of eligible expenditures. After subtracting \$50,000, the adjusted expenditure for Applicant A is \$200,000. If the total expenditures eligible for reimbursement by all counties and tribes that apply equals \$1,000,000, Applicant A would receive 20% of the available funding of \$642,000, \$128,400.

Requests for Funding:

1. Requests must be made on a form prescribed by the Department. Placement requests must identify the actual duration of the placement during the application period, the placement provider, and the actual cost for that particular child.
2. High-Cost Pool funds are available during each State fiscal year. This application period will **cover expenditures from January 1, 2023 through December 31, 2023**. All applications are **due by March 31, 2024**.
The portion of the request not funded remains the fiscal responsibility of the county or tribe.
3. All applications must include proof of payment for each child.
4. All applications must include a copy of the Tribal Court Order, placing the child in each placement.
5. **Incomplete documentation will not be considered for reimbursement.**

ACTION SUMMARY

Those seeking to access High-Cost Pool funds must inform the Tribal Affairs Specialist of your intent to apply by March 1, 2024. You will then receive access to a SharePoint site where you will upload the attached application and supporting documentation for each child listed on the application by March 31, 2024.

CENTRAL OFFICE CONTACT: Tribal Affairs Specialist
Division of Safety and Permanence
608-212-0426
dcfwicwa@wisconsin.gov

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

Attachment Links: [High-Cost Pool Fund Application](#)