

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 98-191**

### **Comments**

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### **2. Form, Style and Placement in Administrative Code**

- a. The section and paragraph titles in the rule should be modified to conform with s. 1.05 (2), Manual.
- b. Section HFS 12.03 (13) (a) should be broken down into subdivisions for greater clarity and readability. This comment applies also to s. HFS 12.03 (19) (a).
- c. In s. HFS 12.20 (2) (b) 3., in the third line, “adoptive parent applicants studied,” should be replaced by “in a home studied for adoptive parent applicant approval” to make this subdivision consistent with other subdivisions in that paragraph.

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

- a. Since the rule refers to a rehabilitation review request and a background information disclosure form, the department should consider including a note in the beginning of the chapter that is similar to the note following s. HFS 12.20 (1) (a) 3. The note could specifically refer to “<http://www.dhfs.state.wi.us/caregiver/forms/index.htm>”.
- b. In s. HFS 12.03 (10), should s. 46.21, Stats., the statutory citation for the Milwaukee County Department of Human Services, be included in the definition of “county department”?
- c. In s. HFS 12.10 (2) (a), day care programs licensed under s. 48.65, Stats., are mentioned. However, several provisions in s. 48.685, Stats., refer also to day care programs

certified under s. 48.651, Stats. This citation is omitted in this paragraph, as it is in several other provisions throughout the rule that cite day care programs licensed under s. 48.65, Stats., but do not mention programs certified under s. 48.651, Stats. These provisions should be reviewed to determine whether a reference to s. 48.651, Stats., should also be included.

d. In s. HFS 12.11 (1) (b), should special rules regarding permanent bar crimes for foster homes and treatment foster homes be referenced? [See s. 48.685 (5) (bm), Stats.]

e. In Appendix A, the program sanction of permanent foster care bar should apply for the following crimes: ss. 940.305, 940.31, 943.23 (1g), (1m) and (1r); and 943.32 (2), Stats.

### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. Section HFS 12.03 (2) should read: “. . . a child welfare agency licensed under s. 48.60, Stats., as a child-placing agency.”

b. In s. HFS 12.03 (3), “background information form” should be renamed “background information disclosure form,” since that is the official name of the form. In addition, in this subsection, “criminal” should be inserted between “person’s” and “background.”

c. In s. HFS 12.03 (19) (a), the word “or” should be inserted after the word “license” in the first line.

d. Does s. HFS 12.03 (19) (b) include licensure of individual emergency medical technicians or certification of individual first responders-defibrillation?

e. In s. HFS 12.03 (22), the word “officer” should be “office.”

f. In s. HFS 12.11 (1) (c), “identified in appendix A as a permanent bar crime” should be inserted after the word “crime” in the third line. A similar change is needed in s. HFS 12.11 (1) (c) 2.

g. In the note to s. HFS 12.11 (3) (b) 3. g., is it an “appeal” that is filed under s. 111.335, Stats., or a “complaint”?

h. In s. HFS 12.11 (5) (a) 1., should “shall” in the third line be replaced by “may”?

i. In s. HFS 12.12 (1) (c) 5., subd. 5. a. and b. can be merged.

j. In s. HFS 12.12 (3) (a), “conditions” should replace “a condition.”

k. Divide s. HFS 12.20 (1) (b) 2. The comma after the word “have” in the third line should be deleted.

l. In s. HFS 12.20 (2) (a) 1., a comma should be inserted after the word “entity.” Also, the word “and” before sub. (2) in the last line should be replaced by a comma and the word “and” before sub. (3) should be deleted.

m. In s. HFS 12.20 (2) (a) 2. a., a comma should be inserted after the word “If” on the first line. The word “or” should be inserted after the word “apply” in the third line. Further, the

comma after “subd. 2. d.” should be deleted. Finally, the current sentence is too long and the reader easily loses track of what is happening in this subdivision paragraph.

n. In s. HFS 12.20 (2) (a) 2. c., “of” should replace “on” in the first line. Further, “this” should be deleted in the first line.

o. In s. HFS 12.20 (2) (b) 3., the comma after “sub. (1) (b) 2.” should be deleted.

p. In s. HFS 12.20 (2) (b) 4., the word “established” should be replaced by “contracted with,” as persons cannot be “established” by a school board. Further, “or” should replace the comma before “prospective.”