

Statement of Scope

Department of Children and Families

Rule Number: Chapter DCF 59

Relating to: Shelter Care Facilities

Rule Type: Permanent

This statement of scope was approved by the governor on February 9, 2015.

1. Finding/nature of emergency (for emergency rules only)

NA

2. Detailed description of the objective of the proposed rule

The proposed rule will repeal and recreate the department's licensing rule for shelter care facilities in ch. DCF 59. Chapter DCF 59 has not been substantially updated since it was created in 1978.

The proposed rule will include statutory updates and modern best practices for shelter care facilities on admission and discharge, care of children, physical environment and safety, administration and personnel, and licensing and enforcement. To improve the clarity of all of the department's child welfare licensing rules, the proposed rule will use language and organization that is the same or similar to what will be in the proposed rules for other department child welfare licensing rules that are also being repealed and recreated.

A shelter care facility is a nonsecure place of temporary care and physical custody for children.

3. Detailed explanation of statutory authority for the rule

Section 48.67 (intro.), Stats., provides that the department shall promulgate rules establishing the minimum requirements for the issuance of licenses to, and establishing standards for the operation of, shelter care facilities. Those rules shall be designed to protect and promote the health, safety, and welfare of the children in the care of all licensees.

Section 227.11 (2) (a), Stats., expressly confers rule-making authority on each agency to promulgate rules interpreting the provisions of any statute enforced or administered by the agency.

4. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule

300 hours

5. List with description of all entities that may be affected by the proposed rule

Shelter care facility licensees and applicants, county departments of social services, county departments of health and human services, tribes, and child-placing agencies.

6. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

There are no federal requirements directly related to licensing shelter care facilities, but standards for reimbursement of state child welfare expenses under Title IV-E of the Social Security Act may be relevant on some issues.

7. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

Minimal effect

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