



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2017 Wisconsin Act 257
[2017 Assembly Bill 776]

Foster Home Licensing

2017 Wisconsin Act 257 generally provides for continuity of foster care when a child welfare agency no longer has authority to license a foster home, changes certain requirements related to a county's authority to license a foster home located in another county, and changes the standard by which a foster home's license may be revoked.

TRANSFER OF FOSTER CARE LICENSES

Generally, state law requires the Department of Children and Families (DCF) to license counties and child welfare agencies, which in turn are authorized to license and supervise foster homes. DCF may also enter into contracts with child welfare agencies for the provision of services, including the provision of foster home licensing services.

The Act generally creates procedures that apply when DCF revokes or suspends a child welfare agency's license or terminates a contract under which the child welfare agency provides foster home licensing services for DCF, or a child welfare agency surrenders its license or terminates such a contract. In those circumstances, DCF may transfer each foster home license issued by the child welfare agency to a county department or DCF, or to another child welfare agency that consents to the transfer. The transferred license remains valid until it expires or 180 days after the date of the transfer, whichever is later.

Under the Act, if DCF notifies a child welfare agency of its intent to revoke or suspend the child welfare agency's license, or notifies a child welfare agency of its intent to terminate a contract, or if a child welfare agency notifies DCF of its intent to surrender or surrenders its license or terminates a contract, DCF may prohibit the child welfare agency from accepting new placements or issuing new foster home licenses. DCF may also require the child welfare agency to provide certain records and may transfer certain records to any county department or child welfare agency to which a foster home license is transferred.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

LICENSES FOR OUT-OF-COUNTY FOSTER HOMES

State law generally provides that a county department, or, in the case of Milwaukee County, DCF, may license foster homes located only within that county, except in the following circumstances:

- The person who will be licensed to operate the foster home is a relative or guardian of the child who will be placed in the foster home.
- A licensed foster parent moves to another county with a child who has been placed in the foster parent's home and the license will allow the foster parent to continue to care for that child.
- The county issuing the license and the county in which the foster home is located are contiguous.
- The county issuing the license has a population of at least 750,000 and the placement is for adoption.
- The county in which the prospective foster home is located requests another county to license the foster home.

Under prior law, when a county was authorized to license a foster home located in another county under one of the exceptions listed above, such licenses were child-specific, in that the license had to specifically identify each child to be placed in the foster home and the license terminated upon the removal of those children from the foster home.

Under the Act, out-of-county licenses are only child-specific if the foster home is that of a relative or guardian of the child or if the county issuing the license has a population of at least 750,000 and the placement is for adoption. In these circumstances, the license terminates at the end of the licensing period or six months after the child returns home or is placed elsewhere, whichever occurs first.

Prior law also provided that, in circumstances where the counties are contiguous or the foster parent moves to another county, the two counties must have entered into a written agreement before an out-of-county license may be **issued**.

The Act clarifies that no license issued in those circumstances is **valid** unless the counties have entered into a written agreement.

STANDARD FOR REVOKING A FOSTER HOME'S LICENSE

Under state law, DCF, a county department, or a child welfare agency may revoke a foster home's license in various circumstances. Under prior law, revocation could occur because the licensee substantially and intentionally violated any applicable state law or rule promulgated by DCF.

The Act allows for revocation upon any violation and removes the requirement that the violation be substantial and intentional.

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