



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Margit Kelley
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 16-048

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

2. Form, Style and Placement in Administrative Code

a. In the rule summary’s description of “Successor Guardianship”, the department should consider revising the third paragraph to explain the statutes that are cited and provide an understandable and objective description of the effect of the rule in plain, simple English. [s. 1.02 (2) (a), Manual.]

b. The department could consider inserting a heading to denote the beginning of the text of the rule.

c. In the treatment clause for SECTION 1m of the proposed rule, the reference to “and (a)” should be removed.

d. SECTION 1m of the proposed rule should be renumbered to SECTION 2, and each subsequent SECTION in the proposed rule should be renumbered accordingly. [s. 1.04 (1) (a), Manual.]

e. In SECTION 6 of the proposed rule, the treatment clause should be revised to list the affected provisions as follows: “DCF 55.06 (2) (h) 11. and 11. (Note) and (m), and (3) and (3) (Note) are created to read:”. The introductory clause for the proposed rule should also be revised accordingly.

f. The department could consider whether ss. DCF 55.06 (2) (h) 11. b. (Note) and 55.10 (1) (j) 2. (Note) provide explanatory material necessary to clarify the rule. [s. 1.09 (1), Manual.]

g. The department could consider dividing s. DCF 55.06 (2) (m) into two paragraphs, so as to list the second sentence of par. (m) as a separate par. (n). If this revision occurs, the introductory and treatment clauses should be updated to reflect the revisions.

h. In the treatment clause for SECTION 7 of the proposed rule, the phrase “and (Note) are” should be inserted. The word “is” should be removed. The reference to “and (Note)” should likewise be inserted in the introductory clause for the proposed rule.

i. The department should consider dividing s. DCF 55.10 (5) (c) 4. into subunits in the same manner as subunits are used in ss. DCF 55.06 (2) (h) 11. and 55.10 (1) (j). [s. 1.03 (3), Manual.]

j. In SECTION 12 of the proposed rule, the subsection titled “COURT” should be renumbered from sub. (3) to sub. (4), and the subsequent subsection should be renumbered accordingly.

k. In s. DCF 55.125 (3) [sic] (a) and (b) and (4) [sic], the abbreviation for a statute citation (“Stats.”) should be removed from each of the citations to s. DCF 55.01 (2). [s. 1.07 (2) (Table), Manual.]

l. In SECTION 13 of the proposed rule, the treatment clause should be revised to list the affected provisions as follows: “DCF 55.13 (1), (2) (intro.), (a) to (c), (c) (Note), (d), (e) 1. and 2., (f), (4) (intro.), and (5) are amended to read:”. [ss. 1.03 (3), 1.05 (3) (a), and 1.09 (2) (c), Manual.] The introductory clause for the proposed rule should also be revised accordingly.

m. In SECTION 14 of the proposed rule, the word “Wisconsin” should be inserted before the phrase “Administrative Register”.

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

The department could consider revising the amendment to s. DCF 55.10 (5) (d) to refer simply to sub. (1) rather than sub. (1) (a) to (h), if the reference is meant to encompass all potential changes under sub. (1) that may prompt review of payment eligibility. The subunits are pars. (a) to (i), but the amendment refers only to pars. (a) to (h).

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

a. In the rule summary’s description of “Addition to Definition of Like-kin”, it appears that either a closing quotation mark should be inserted at the end of the first paragraph or the opening quotation mark should be removed.

b. In s. DCF 55.02 (7) (intro.), the underscored “and” is duplicative and should be removed.

c. In s. DCF 55.02 (7) (b) 3., the department could consider adding the term “placed” before “in out-of-home care” to maintain consistency with use of the phrase “placement in out-of-home care” throughout the chapter.

d. In s. DCF 55.06 (2) (m), the department could consider revising the language to clarify that the guardian may name, in the agreement authorized under s. DCF 55.06 (1) or in an amended agreement authorized under s. DCF 55.06 (3), a prospective successor guardian of the child. The current phrasing of par. (m), when read with s. DCF 55.06 (2) (intro.), may prompt confusion about the substantive requirements for the subsidized guardianship agreement form.