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Governor Scott Walker
Secretary Eloise Anderson

Secretary's Office

Report From Agency

Rule Report for Legislative Review

Supporting Normalcy for Children in Out-of-Home Care

DCF 52, 54, 56, 57, and 59
CR16-051

Basis and Purpose of the Proposed Rules

The proposed rules implement the requirements of the reasonable and prudent parent standard in 2015 Wisconsin Act 128.

The rules also implement the requirement in 2015 Wisconsin Act 378 that an agency use a standardized assessment tool prescribed by the department to conduct a home study required for approval of a placement for adoption, recognition of a foreign adoption, and issuance of a license to operate a foster home.

Public Hearing Summary

The department held a public hearing in Madison on November 1, 2016. A summary of comments received and the department's responses is attached.

Response to Legislative Council Staff Recommendations

All comments were accepted, except 5.c. and d. The semicolons referred to in comment 5. c. are appropriate because they divide items in a series which themselves contain commas. The note referred to in comment 5. d. is appropriate because it is a clear and direct explanation of a provision in the preceding rule text. Section DCF 52.415 (3) provides that the requirements of the reasonable and prudent parent standard apply to residents. The note states that the reasonable and prudent parent standard does not apply to a child receiving respite care services. A child receiving treatment in a residential care center is either a resident or is receiving respite care services.

Changes to Analysis Prepared under Section 227.14 (2), Stats.

The analysis was updated to include changes made in response to hearing comments.

Final Regulatory Flexibility Analysis

The proposed rules implement federal and state statutory requirements and have minimal effect on small businesses beyond the requirements of the statutes.

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