

CR 84-80

CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

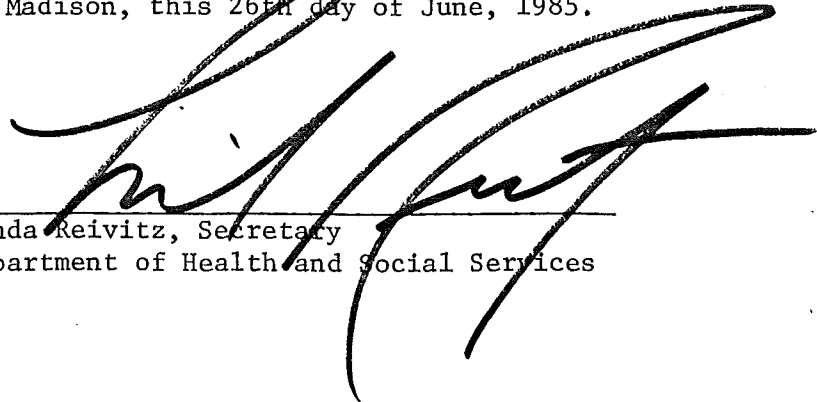
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Revisor of Statutes
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TO ALL TO WHOM THESE PRESENTS SHALL COME GREETINGS:

I, Linda Reivitz, Secretary of the Department of Health and Social Services and custodian of the official records of said Department, do hereby certify that the annexed rules relating to the provisions of services to youths who have been found delinquent by courts and are being supervised in communities as an alternative to incarceration or following incarceration were duly approved and adopted by this Department on June 26, 1985.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 26th day of June, 1985.



Linda Reivitz, Secretary
Department of Health and Social Services

SEAL:

ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
ADOPTING RULES

To create HSS 58, relating to the provision of services to youths who have been found delinquent by courts and are being supervised in communities as an alternative to incarceration or following incarceration.

Analysis Prepared by the Department of Health and Social Services

In 1982, the Department adopted ch. HSS 331, Wis. Adm. Code, which established standards and procedures to govern planning for youths in the correctional custody of the Department. Proposed ch. HSS 58 establishes standards and procedures to ensure that service provision begun in a correctional setting for a youth is in accordance with that planning, continues once the youth re-enters the community and that services in the community are coordinated through an ongoing service plan. The standards and procedures in ch. HSS 58 apply also to provision of services to youths who are under probation and live at home, in supervised independent living, or in a treatment facility or another type of substitute care facility.

Chapter HSS 58 requires that for each youth under supervision an individualized case plan be developed and a case manager be assigned, and that the lead agency, case manager, and case worker comply with provisions for supervision of the youth, preparation of reports on the youth's progress, notification when services for the youth are terminated, and maintenance of the youth's case file.

Pursuant to authority vested in the Department of Health and Social Services by ss.46.036(2), 46.26(1), 48.48(16), and 227.014(2), Stats., the Department of Health and Social Services hereby adopts rules interpreting ss.46.036(2), 46.26(1) and 48.48(16), Stats., as follows:

SECTION 1. HSS 58 is created to read:

CHAPTER HSS 58

SERVICES FOR YOUTH WHO ARE ADJUDICATED DELINQUENT

- HSS 58.01 Authority and Purpose
- HSS 58.02 Applicability
- HSS 58.03 Definitions
- HSS 58.04 Provision of Services

HSS 58.01 AUTHORITY AND PURPOSE. This chapter is promulgated under the authority of ss.46.036(2), 46.26(1), 48.48(16) and 227.014(2), Stats., for the purpose of ensuring that youths returning to the community from correctional custody and youths placed under supervision in the community following a court finding of delinquency receive timely rehabilitative and rehabilitative services to facilitate their social reintegration and integration into the community. The chapter assigns responsibility for the provision of services, establishes standards and procedures for services

provision, provides for involvement of youths and their parents in services planning and imposes requirements for services coordination.

HSS 58.02 APPLICABILITY. This chapter applies to the department, lead agencies, youths adjudicated delinquent under s.48.12, Stats., and their parents, and agencies providing services under this chapter.

HSS 58.03 DEFINITIONS. In this chapter:

- (1) "Aftercare" means the provision of community services by the department or other lead agency to a youth who has been released from a correctional institution but is still under custody of the department or whose custody has been transferred to another lead agency.
- (2) "Case management" means the functions which ensure that an individualized treatment plan and a written services agreement are developed for a youth and that services are provided in accordance with the plan and agreement in a timely, effective and coordinated manner.
- (3) "Case manager" means an employe of a lead agency who has case management responsibility for a youth.
- (4) "Delinquent" has the meaning prescribed in s.48.02(3m), Stats., and also includes a youth up to the age of 19 if the youth is under a court order which has been extended past the age of 18.
- (5) "Department" means the Wisconsin department of health and social services.
- (6) "Dispositional hearing" means a hearing conducted in accordance with s.48.335, Stats.
- (7) "Individualized treatment plan" means a specific written plan which is based upon the court report as modified by the court order and is also based upon an evaluation of the needs of a particular youth which details the educational, vocational, treatment and placement services to be furnished by various service providers.
- (8) "Lead agency" means the agency ordered by the court to have custody or supervision, or both, of a youth.
- (9) "Legal custodian" has the meaning prescribed in s.48.02(11), Stats.
- (10) "Service agreement" means a written contract among the lead agency, one or more service provider agencies, the youth and, when in the youth's best interests, his or her parents, guardian or legal custodian for the provision and acceptance of services.
- (11) "Substitute care facility" means a non-secure, out-of-home residence in which a youth is placed by court order or by the department.
- (12) "Supervision" means a court disposition under which a youth is provided community services by the department, another lead agency or by a

suitable adult under conditions prescribed by the court and which are designed for the physical, mental and moral well-being and behavior of the youth and include reasonable requirements for the youth's conduct and the conduct of his or her parents, guardian or legal custodian.

(13) "Youth" means a person at least 12 years of age but under the age of 19.

(14) "Worker" means a lead agency employe who is responsible for providing direct services to the youth as required by the individualized treatment plan.

HSS 58.04 PROVISION OF SERVICES. (1) COURT REPORT. (a) The agency responsible under s.48.069, Stats., for preparing the report to be submitted to the court in accordance with s.48.33, Stats., shall set out the written content in a format prescribed by the department. In utilizing the format, only applicable and appropriate information need be included.

Note: Copies of the department's prescribed format may be obtained from: Office for Children, Youth and Families, P.O. Box 7851, Madison, WI, 53707.

(b) The agency under par. (a) shall give a copy of the court report together with any other relevant information to the lead agency within 5 working days after the dispositional hearing.

(2) RESPONSIBILITY FOR PLANNING SERVICES. The lead agency is responsible for planning services for the youth and his or her family.

(3) RESPONSIBILITY FOR PROVIDING SERVICES. The lead agency is responsible for the provision of services to the youth and his or her family. The lead agency may either provide some or all of the needed services directly or contract with another agency or person to provide some or all of the services.

(4) GENERAL REQUIREMENTS FOR SERVICES. The services for a youth shall build on the youth's strengths and shall be directed toward alleviating problems related to the youth's interpersonal and social behaviors, social environment, educational or vocational achievement and physical, mental or developmental status.

(5) CASE MANAGEMENT. (a) Designation of case manager. The lead agency shall designate a case manager to provide case management for each youth under the agency's court-ordered supervision.

(b) Individualized treatment plan. 1. 'Development.' The case manager shall ensure that an individualized treatment plan is developed for the youth within 30 days after the dispositional hearing, with the involvement of the youth and, when in the youth's best interest, the youth's parents, guardian or legal custodian.

2. 'Review.' The individualized treatment plan shall be jointly reviewed by the case manager, the worker and the worker's supervisor when it is initially developed and at 6-month intervals. The case manager shall

ensure that the youth and, when in the youth's best interest, the youth's parents, guardian or legal custodian are informed about the frequency of plan review and review methods. The case manager shall ensure that a progress report on the youth is written each time the plan is revised, but at least once every 6 months, and is placed in the youth's case file.

(c) Offer of services to the family. The case manager shall offer the youth's family, guardian or legal custodian appropriate, needed and available services related to the habilitation or rehabilitation of the youth, and this offer shall be made in person and confirmed in writing. In this paragraph, "in person" means either face-to-face or by telephone.

(d) Termination of services. When services are terminated, the case manager shall give a written notice of service termination to the youth and to the youth's parents, guardian or legal custodian, and shall place a copy of the notice in the case file on the youth.

(6) STATEMENT OF REQUIREMENTS AND EXPECTATIONS. The lead agency shall ensure:

(a) That the requirements and expectations of supervision are stated in writing, and that copies of the statement are given to the youth and the youth's parents, guardian or legal custodian;

(b) That, in addition, the requirements and expectations of supervision are explained to the youth and, if possible and necessary, to the youth's parents, guardian or legal custodian; and

(c) That a copy of the statement is signed by the youth, if the youth is willing to sign it, to acknowledge receipt of the statement and understanding of the requirements and expectations.

(7) CASE FILE. The lead agency shall maintain a case file on every youth provided services under this chapter, which shall include:

(a) The court report;

(b) The court order;

(c) The individualized treatment plan, plan revisions, revision justifications and progress reports;

(d) Service agreements;

(e) The statement of the requirements and expectations of supervision; and

(f) A copy of the notice of service termination when services have been terminated.

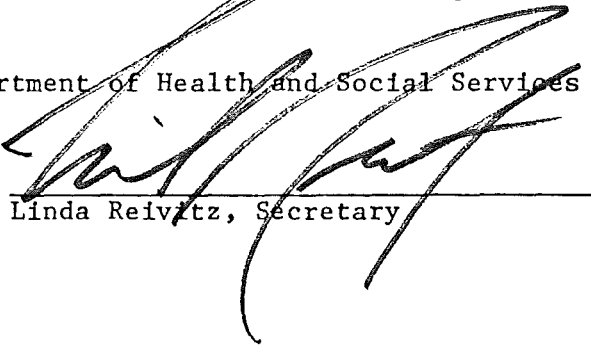
Note: The case manager and the worker may maintain duplicate case files or share one file.

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s.227.026(1), Stats.

Department of Health and Social Services

Dated: June 26, 1985

By:



Linda Reivitz, Secretary

SEAL:

