

## Chapter DCF 37

## INFORMATION TO BE PROVIDED TO OUT-OF-HOME CARE PROVIDERS

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**Note:** Chapter HSS 37 was renumbered chapter HFS 37 under s. 13.93 (2m) (b) 1., Stats., Register, September, 1996, No. 489. Chapter HFS 37 was renumbered chapter DCF 37 under s. 13.92 (4) (b) 1., Stats., Register November 2008 No. 635. **Chapter DCF 37 as it existed on June 30, 2016 was repealed and a new Chapter DCF 37 was created Register June 2016 No. 726, effective July 1, 2016.**

**DCF 37.01 Authority and purpose.** This chapter is promulgated under the authority of ss. 48.67 (intro.) and 895.485 (4) (a), Stats., to specify the types of information that a placing agency that places a child in out-of-home care is to provide to the child's out-of-home care provider to ensure that the provider can provide appropriate care for the child and to promote the health, safety, and welfare of the child, the out-of-home care provider, others in the out-of-home care provider's home or facility, and the community.

**History:** CR 15-098: cr. Register June 2016 No. 726, eff. 7-1-16.

**DCF 37.02 Definitions.** In this chapter:

(1) "Allegation" means a charge or statement regarding a child or the child's family that is known to the placing agency but for which has not been a finding by a governmental body or court or any known substantiating evidence, except "allegation" does not include any of the following:

(a) An interpretation of information made by a professional individual involved in the child's treatment.

(b) A charge or statement that, in whole or in part, formed the basis for the child's removal from his or her home.

(c) In the case of a delinquent, any additional charges read into the record at the time of adjudication.

(2) "Child" means a child placed in out-of-home care by a placing agency or court.

(3) "Child's family" means, unless otherwise indicated, the child's biological or adoptive family.

(4) "Delinquent" has the meaning specified in s. 938.02 (3m), Stats.

(5) "Department" means the department of children and families.

(6) "Out-of-home care" means the care of a child by an out-of-home care provider when the child is under the placement and care responsibility of the department, the department of corrections, or a county department.

(7) "Out-of-home care provider" has the meaning specified in ss. 48.02 (12r) and 938.02 (12r), Stats.

(8) "Permanency plan" has the meaning specified in ss. 48.38 (1) (b) and 938.38 (1) (b), Stats.

(9) "Placing agency" means a public or private agency authorized under s. 48.57 or 48.61, Stats., to place a child in out-of-home care or arrange for placement of a child in out-of-home care.

**History:** CR 15-098: cr. Register June 2016 No. 726, eff. 7-1-16.

**DCF 37.03 Information to be provided to an out-of-home care provider by the placing agency.** (1) Before a prospective out-of-home care provider agrees to placement of a child, the placing agency shall do all of the following:

(a) Gather all available information about the child and the child's family that is required under sub. (4).

(b) Enter the information on the forms under sub. (4) or attach another document that contains the information to the appropriate form.

(c) Provide the forms prescribed under sub. (4) and any attached documents to the prospective out-of-home care provider.

(2) (a) The placing agency shall make a reasonable attempt to gather information required under sub. (4) that was not available to the placing agency when the agency provided the forms to the prospective out-of-home care provider. The placing agency shall provide the out-of-home care provider with information it receives after providing the forms to the out-of-home care provider, as follows:

1. For information required under sub. (4) (a) to (h), as soon as possible, but no later than 2 days after the date that the child is placed with the out-of-home care provider.

2. For information required under sub. (4) (i) to (o), as soon as possible, but no later than 7 days after the date that the child is placed with the out-of-home care provider, except the placing agency shall provide information that the agency determines is of critical importance to the health, safety, or welfare of the child or the out-of-home care provider to the out-of-home care provider no later than 2 days after receiving the information.

(b) If the placing agency receives information required under sub. (4) after the deadlines in par. (a) have passed, the agency shall provide the information to the out-of-home care provider as soon as possible, but no later than 7 days after the date that the agency receives the information, except the agency shall provide information it determines is of critical importance to the health, safety, or welfare of the child or the out-of-home care provider no later than 2 days after receiving the information.

(3) Notwithstanding subs. (1) and (2), the placing agency may not provide a prospective or actual out-of-home care provider with information regarding the child or the child's family that is an allegation unless the placing agency determines that, if substantiated, the allegation would have a significant impact on the success of the placement and related services or on the health, safety, or welfare of the child, the out-of-home care provider, others in the out-of-home care provider's home or facility, or the community. If the placing agency informs the out-of-home care provider of an allegation about the child or the child's family, the agency shall record the allegation in the child's case record and shall include the justification for providing the information.

(4) A placing agency shall use forms prescribed by the department to provide information about the child and the child's family to a prospective or actual out-of-home care provider under this section. The forms shall include requests for all of the following information:

(a) Child information, including the child's name, date of birth, physical characteristics, tribal affiliation, the spiritual or religious affiliation of the child or family, and the date the child is placed in out-of-home care.

(b) Parent or guardian contact information.

(c) Significant contact information, including agency contacts, emergency contact person, persons who are allowed to have

contact with the child, prohibited contacts and visitors, and sibling information.

(d) Medical information, including providers, health insurance coverage, medications, scheduled medical or mental health appointments, and immunization record.

(e) Information on the school or child care that the child currently attends or most recently attended and the child's educational programming.

(f) Life functioning, including formula or feeding restrictions, special medical equipment, allergies, therapeutic exercises, and activity restrictions.

(g) Considerations for making reasonable and prudent parenting decisions.

(h) Any additional information critical to the care of the child.

(i) Placement reasons.

(j) Contact information for the child's guardian ad litem and legal counsel.

(k) Placement history, permanence goal, and concurrent permanence goal.

(L) Information on the well-being of the child, including the child's trauma history and developmental, medical, cultural, emotional, behavioral, and educational needs.

(m) Qualifications or needs of the out-of-home care provider.

(n) A list of important documents and records regarding the child that have been given to the out-of-home care provider.

(o) A plan for managing challenging behaviors, including a list of the child's behaviors that may lead to health or safety concerns, warning signs of escalating behaviors, steps to take in response to those escalations, and the agency's reporting requirements.

**Note:** Information required under pars. (a) to (h) is entered on Form DCF-F-872A-E, *Information for Out-of-Home Care Providers, Part A*. Information required under pars. (i) to (o) is entered on Form DCF-F-872B-E, *Information for Out-of-Home Care Providers, Part B*. Both forms are available in the forms section of the department website at <http://dcf.wisconsin.gov> or by writing the Division of Safety and Permanence, P.O. Box 8916, Madison, WI 53708-8916.

**History:** CR 15-098: cr. Register June 2016 No. 726, eff. 7-1-16; correction in (2) (a) 1. made under s. 35.17, Stats., Register June 2016 No. 726.

**DCF 37.04 Exceptions.** (1) A placing agency may make an exception to the provision of any kind of information required under this chapter if the placing agency determines that all of the conditions in par. (a) or (b) are met:

(a) All of the following apply:

1. The information is confidential.

2. The placing agency does not have access to the information.

3. The placing agency has made a reasonable effort to obtain the information through appropriate releases of information.

(b) All of the following apply:

1. The information is not critical to the success of the placement and related treatment or services or the purposes described in s. DCF 37.01.

2. The exception does not jeopardize the health, safety, or welfare of the child, the out-of-home care provider, others in the out-of-home care provider's home or facility, or the community.

(2) A placing agency shall provide detailed documentation in the narrative section of the child's case record for any exception that the placing agency grants under sub. (1). The documentation shall specify the information or type of information that was not provided to the out-of-home care provider, the reason for not providing the information, the name of the agency representative who made the decision to not provide that information, the date the decision was made, and written approval by that person's supervisor or the supervisor's designee.

**History:** CR 15-098: cr. Register June 2016 No. 726, eff. 7-1-16.

**DCF 37.05 Confidentiality.** (1) Except as permitted under s. 252.15 (6), Stats., an out-of-home care provider that receives any information under this chapter shall keep the information confidential and may disclose that information only for the purposes of providing care for the child or participating in a court hearing or permanency plan review concerning the child.

(2) When a placing agency first provides any information regarding a child to the out-of-home care provider, the agency shall inform the out-of-home care provider of all confidentiality requirements mandated under state or federal law, including the confidentiality requirements under ss. 48.396, 48.78, 48.981 (7), 51.30, 118.125, 146.82, 252.15, 938.396, and 938.78, Stats., and any agency policy. The placing agency shall also inform the out-of-home care provider of any penalties that may be imposed for violating the confidentiality rights of the child and the child's family.

(3) The placing agency providing information about a child shall require that the information and any related documents be maintained by the out-of-home care provider in a manner that would prohibit access to the information by the child, any other children in the care of the out-of-home care provider, and any other party whose access to the information is prohibited.

**History:** CR 15-098: cr. Register June 2016 No. 726, eff. 7-1-16.