

Chapter HFS 37.

INFORMATION TO BE PROVIDED TO FOSTER PARENTS

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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.

HFS 37.01 Authority and purpose. This chapter is promulgated under the authority of s. 895.485 (4) (a), Stats., to specify the kinds of information about all foster children that the child's placing agency is to provide to the child's foster parent, treatment foster parent or family-operated group home parent, in order to maintain and promote the health, safety and welfare of the foster child and of the foster parent, treatment foster parent or family-operated group home parent and their other family members and to ensure that foster parents can be as effective as possible in providing appropriate care for the foster child because they have received full information about the child from the placing agency.

History: Cr. Register, February, 1995, No. 470, eff. 3-1-95.

HFS 37.02 Applicability. (1) SCOPE. Except as provided in sub. (2), all requirements contained in this chapter shall be met by all agencies authorized under s. 48.57 or 48.61, Stats., to place children in foster care.

(2) EXCEPTION. (a) A placing agency may make an exception to the provision of any kind of information required under this chapter provided that:

1. The information is confidential, the agency does not have access to the information and the agency has made a reasonable effort to obtain the information through appropriate releases of information; or

2. a. The exception does not jeopardize the health, safety or welfare of the foster child, the foster parent, the treatment foster parent or the family-operated group home parent or the community; and

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

(b) Any exception made by a placing agency to a requirement under this chapter shall be documented in detail and included in the narrative section of the child's case record. The documentation shall include the specific information that was not provided to the foster parents, the reasons 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.

History: Cr. Register, February, 1995, No. 470, eff. 3-1-95.

HFS 37.03 Definitions. In this chapter:

(1) "Allegation" means a charge or statement made by any party regarding a foster child or the child's family which is known to the agency and which has not been proven or for which there is no known substantiating evidence or support, but does not include:

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

(b) Any charge or statement which, in whole or in part, formed the basis for the child's removal from his or her home; or

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

(2) "AODA" means alcohol or other drug abuse.

(3) "CAN" means child abuse or neglect.

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

(5) "CHIPS" means a child in need of protection or services as defined in s. 48.13, Stats.

(6) "Department" means the Wisconsin department of health and social services.

(7) "Family-operated group home" means a facility which is providing care and maintenance for 5 to 8 children and is operated by one or more persons required to be licensed under s. 48.625, Stats., who do not operate another group home and do not operate the home for a corporation or agency.

(8) "Foster child" means a child placed for care and maintenance in a foster home by the department, a placing agency or a court.

(9) "Foster home" means any facility operated by a person required to be licensed under s. 48.62 (1) (a) or (b), Stats., that provides care and maintenance for no more than 4 foster children unless all of the children are siblings, or any family-operated group home licensed under s. 48.625, Stats.

(10) "Foster parent" means a person licensed under s. 48.62 (1) (a) or (b), Stats., with primary responsibility for the care and supervision of foster children placed in his or her home, or a parent in a family-operated group home licensed under s. 48.625, Stats.

(11) "Information" means data relating to the medical, physical, mental or emotional condition of a child or the child's family that has been gathered for the purposes of assessing, adjudicating, placing, treating or providing services to the child. "Information" does not include allegations, except as provided in s. HFS 37.04 (3).

(12) "Placing agency" means the public or private agency authorized under s. 48.57 or 48.61, Stats., to place children in foster care.

History: Cr. Register, February, 1995, No. 470, eff. 3-1-95.

HFS 37.04 Information to be provided to foster parents. (1) (a) A placing agency shall enter on a face sheet and checklist included as appendices A and B to this chapter all available information about a foster child that is called for by the face sheet and checklist or indicate on the face sheet or checklist that specific information was provided in some other form, such as in another document or verbally.

(b) A placing agency shall make a reasonable attempt to gather any information required on appendices A and B that the agency does not possess.

(2) Unless an exception has been made and documented under s. HFS 37.02 (2), a placing agency shall provide to a foster child's prospective or actual foster parents all available information included on the face sheet and checklist included as appendices A and B to this chapter.

(3) An allegation regarding the foster child or the child's family shall not be provided to the foster parents unless the placing agency determines that, if substantiated, the allegation would have a significant impact on the health, safety or welfare of the foster child or the foster parents or the foster child's or foster par-

ents' family or on the success of the placement and related services.

(4) Any allegation provided by the placing agency to the foster parents as information regarding a foster child shall be recorded in the child's case record along with justification for providing that information.

History: Cr. Register, February, 1995, No. 470, eff. 3-1-95.

HFS 37.05 Timing of providing information. When information about a child that is included in appendices A and B to this chapter becomes known to the placing agency, the placing agency shall provide that information to the foster parents. If the information is known prior to the foster parents' agreement to the placement of the child or the actual placement of the child, the information shall be provided prior to the agreement or actual placement. Information not available to the placing agency prior to the foster parents' agreement to the placement or the actual placement shall be provided to the foster parents within 7 working days after the placing agency's receipt of the information or, if the placing agency determines that the information obtained is of critical im-

portance to the health, safety or welfare of the foster child or the foster parents, within 3 working days after receipt of the information.

History: Cr. Register, February, 1995, No. 470, eff. 3-1-95.

HFS 37.06 Confidentiality. (1) At the time that any information regarding a foster child is first provided to the foster parents by the placing agency, the placing agency shall inform the foster parents of all confidentiality requirements mandated under state or federal law, including the requirements under ss. 48.396, 48.78, 48.981 (7), 51.30, 118.125, 146.025, and 146.82, Stats., and any placing agency policy, and penalties which may be imposed for violating the rights to confidentiality of the foster child and the foster child's family.

(2) The placing agency providing information about a foster child may require that the information and any related documents be maintained by the foster parent in a manner which would prohibit access to the information by the foster child, any other foster children or any other party whose access to the information is prohibited.

History: Cr. Register, February, 1995, No. 470, eff. 3-1-95.