

1       **AN ACT** *to create* 48.648 and 48.649 of the statutes; **relating to:** creating expectations  
 2           for foster children and foster parents and rule-making.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This draft was prepared for the Special Committee on Strengthening Wisconsin Families.

The draft requires the Department of Children and Families (DCF) to create expectations for foster children and foster parents by rule. Under the draft, a foster child or foster parent must receive a written copy of the applicable expectations in his or her primary language, if possible. The expectations must also be explained orally using language or means that are age appropriate and appropriate to the child’s developmental level, for foster children, and that ensure that the child or foster parent understands the meaning of the expectations. The copy of the expectations given to a foster child or foster parent or materials accompanying the copy of the expectations must include relevant community-specific contact and other information.

3           **SECTION 1.** 48.648 of the statutes is created to read:

4           **48.648 Expectations for foster children.** (1) The department and all county  
 5           departments and licensed child welfare agencies shall assure that all foster children have  
 6           expectations of basic care; to be free from abuse; to have the opportunity to maintain  
 7           relationships; to have the opportunity to participate in activities of their choice; and to have  
 8           the opportunity to advocate for themselves.

9           (2) The department shall promulgate rules setting forth expectations for foster children.  
 10          These expectations may include any of the following:

11          (a) To live in a safe, healthy, and comfortable home where he or she is treated with  
 12          respect.

13          (b) To receive adequate and healthy food and adequate clothing.

- 1 (c) To receive medical, dental, vision, and mental health services.
- 2 (d) To have fair and equal access to all available services, placement, care, treatment,  
3 and benefits.
- 4 (e) To have storage space for private use.
- 5 (f) To be free from physical, sexual, emotional, or other abuse or corporal punishment.
- 6 (g) To be free from the administration of medication or chemical substances, unless  
7 authorized by a physician.
- 8 (h) To not be locked in any room.
- 9 (i) To be free from unreasonable searches of personal belongings.
- 10 (j) To be free from discrimination or harassment on the basis of actual or perceived race,  
11 ethnicity, ancestry, national origin, religion, sex, sexual orientation, mental or physical  
12 disability, or human immunodeficiency virus status.
- 13 (k) To contact family members, unless prohibited by court order.
- 14 (L) To visit and contact siblings, unless prohibited by court order.
- 15 (m) To contact the department, a county department, or a licensed child welfare agency  
16 regarding violations of rights or to request a change in placement, to speak to representatives  
17 of these agencies confidentially, and to be free from threats or punishments for making  
18 complaints.
- 19 (n) To make and receive confidential telephone calls and send and receive confidential  
20 mail and electronic mail, if electronic mail is available at his or her placement.
- 21 (o) To attend court hearings and speak to the judge.
- 22 (p) To review his or her own permanency plan if he or she is over 12 years of age and  
23 to receive information about his or her permanency plan and any changes to the plan.
- 24 (q) To attend religious services and activities of his or her choice.

1 (r) To manage personal income, consistent with the child's age and developmental  
2 level, unless prohibited by the case plan.

3 (s) To attend school and participate in extracurricular, cultural, and personal enrichment  
4 activities, consistent with the child's age and developmental level.

5 (t) To work and develop job skills at an age-appropriate level that is consistent with  
6 state law.

7 (u) To have social contacts with people outside of the child welfare system, such as  
8 teachers, church members, mentors, and friends.

9 (v) At 14 years of age or older, to have access to information regarding the educational  
10 options available, including the prerequisites for vocational and postsecondary education  
11 options and information regarding financial aid for postsecondary education.

12 (3) When a child is placed in a foster home or a treatment foster home, the county  
13 department, department, or licensed child welfare agency shall provide the child with a written  
14 copy of the expectations for foster children in the child's primary language, if possible, and  
15 must inform the child of the expectations orally using language or means that are age  
16 appropriate and appropriate to the child's developmental level, and that ensure that the child  
17 understands the meaning of the expectations. The county department, department, or licensed  
18 child welfare agency shall include relevant community-specific contact and other  
19 information in the copy of the expectations or in material accompanying the expectations.

**NOTE:** Requires the DCF to create expectations for foster children by rule and requires a county department, the DCF, or a licensed child welfare agency to provide a foster child with a written copy in the child's primary language, if possible, when the child is placed in a foster home and to inform the child of the expectations orally using language or means that are age appropriate and appropriate to the child's developmental level, and that ensure that the child understands the meaning of the expectations. The copy of the expectations or material

accompanying the expectations must include relevant community-specific contact and other information.

1           **SECTION 2.** 48.649 of the statutes is created to read:

2           **48.649 Expectations for foster parents.** (1) The department and all county  
3 departments and licensed child welfare agencies shall assure that all foster parents have  
4 expectations to be treated with dignity, respect, and consideration as a professional member  
5 of the child welfare team.

6           (2) The department shall promulgate rules setting forth the expectations for foster  
7 parents. These expectations may include any of the following:

8           (a) To be given training prior to receiving children in the home and appropriate ongoing  
9 training to meet needs and improve the foster parent's skills.

10           (b) To be informed of how to contact the appropriate agency in order to receive  
11 information and assistance to access supportive services for children in the foster parent's  
12 care.

13           (c) To receive timely financial reimbursement commensurate with the care needs of the  
14 child as specified in the permanency plan.

15           (d) To be provided a clear, written understanding of the child's permanency plan and  
16 case plan concerning the placement of a child in the foster parent's home.

17           (e) To be provided a fair, timely, and impartial investigation of complaints concerning  
18 the foster parent's licensure, to be provided with the opportunity to have a person of the foster  
19 parent's choosing present during the investigation, and to be provided due process during the  
20 investigation.

21           (f) To receive additional or necessary information that is relevant to the care of the child  
22 at any time during which the child is placed with the foster parent.

1 (g) To be notified of scheduled meetings and information relating to the child's case  
2 management in order to actively participate in the case planning and decision-making process  
3 regarding the child.

4 (h) To be informed of decisions made by the court or agency regarding the child.

5 (i) To provide input concerning the child's case plan and to have that input given full  
6 consideration in the same manner as information presented by any other professional on the  
7 team and to communicate with other professionals who work with the foster child within the  
8 context of the team, including therapists, physicians, and teachers.

9 (j) To be given, in a timely and consistent manner, any information a case worker has  
10 regarding the child and the child's family which is pertinent to the care and needs of the child  
11 and to the making of a case plan for the child.

12 (k) To be given clear instruction on disclosure of information concerning the child and  
13 the child's family.

14 (L) To be given reasonable written notice of any changes to the child's permanency  
15 plan, plans to terminate the placement of the child with the foster parent, and the reasons for  
16 change or termination in placement, except under circumstances when the child is in imminent  
17 risk of harm.

18 (m) To be notified in a timely and complete manner of all court hearings and the rights  
19 of the foster parent at the hearing.

20 (n) To be considered as a placement option when a foster child who was formerly  
21 placed with the foster parents reenters foster care, if that placement is consistent with the best  
22 interest of the child and other children in the home.

1 (o) To have timely access to any administrative or judicial appeal processes and to be  
2 free from acts of harassment and retaliation by any other party when exercising the right to  
3 appeal.

4 (p) To request reasonable periods of respite care.

5 (3) When the county department, department, or licensed child welfare agency issues  
6 the foster parent his or her foster care license, the county department, department, or licensed  
7 child welfare agency shall provide a foster parent with a written copy of the expectations for  
8 foster parents in his or her primary language, if possible, and must inform the foster parent of  
9 the expectations orally using language or means that ensure that the foster parent understands  
10 the meaning of the expectations. The county department, department, or licensed child  
11 welfare agency shall include relevant community-specific contact and other information in  
12 the copy of the expectations or in material accompanying the expectations. The expectations  
13 may also be provided to prospective foster parents during training or otherwise.

**NOTE:** Creates expectations for foster parents and requires the county department, the DCF, or licensed child welfare agency to provide a foster parent with a written copy of the expectations in his or her primary language, if possible, when the county department, department, or licensed child welfare agency issues the foster parent his or her foster care license and to inform the foster parent orally of the expectations using language and means that ensure that the foster parent understands the meaning of the expectations. The copy of the expectations or material accompanying the expectations must include relevant community-specific contact and other information. The expectations may also be provided to prospective foster parents during training or otherwise.

14 **SECTION 3. Nonstatutory provisions.**

15 (1) The department of children and families shall submit in proposed form the rules  
16 required under sections 48.648 and 48.649, as created by this act, to the legislative council staff

1 under section 227.15 (1) of the statutes no later than the first day of the 6th month beginning  
2 after the effective date.

3 (END)