

# Statement of Scope

## Department of Children and Families

**Rule Number:** Chapter DCF 52

**Relating to:** Residential Care Centers for Children and Youth

**Rule Type:** Permanent

This statement of scope was approved by the governor on February 9, 2015.

### **1. Finding/nature of emergency (for emergency rules only)**

NA

### **2. Detailed description of the objective of the proposed rule**

The proposed rule will repeal and recreate the department's licensing rule for residential care centers for children and youth in ch. DCF 52. Chapter DCF 52 has not been substantially updated since the year 2000. The proposed rule will include statutory updates and modern best practices for residential care centers for children and youth on admission and discharge, resident care, physical environment and safety, administration and personnel, and licensing and enforcement. To improve the clarity of all of the department's child welfare licensing rules, the proposed rule will use language and organization that is the same or similar to what will be in the proposed rules for other department child welfare licensing rules that are also being repealed and recreated.

A residential care center for children and youth is a facility operated by a child welfare agency that provides treatment and custodial services for children residing in the facility. A child welfare agency is any person required to be licensed under s. 48.60, Stats.

### **3. Detailed explanation of statutory authority for the rule**

Section 48.67 (intro.), Stats., provides that the department shall promulgate rules establishing the minimum requirements for the issuance of licenses to, and establishing standards for the operation of, child welfare facilities. Those rules shall be designed to protect and promote the health, safety, and welfare of the children in the care of all licensees.

Section 227.11 (2) (a), Stats., expressly confers rule-making authority on each agency to promulgate rules interpreting the provisions of any statute enforced or administered by the agency.

### **4. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule**

300 hours

### **5. List with description of all entities that may be affected by the proposed rule**

Residential care center licensees and applicants, county departments of social services, county departments of health and human services, tribes, and child-placing agencies.

**6. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

There are no federal requirements directly related to licensing residential care centers for children and youth, but standards for reimbursement of state child welfare expenses under Title IV-E of the Social Security Act may be relevant on some issues.

**7. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

Minimal effect

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