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Report From Agency

Rule Report for Legislative Review

Foster Care and Kinship Care

Chapters DCF 56 and 58
CR 10-021

Basis and Purpose of the Proposed Rule

The rule creates the first two levels of the new levels of care system for foster care.

Public Hearing Summary

Public hearings were held in Madison, Milwaukee, and Stevens Point on March 17, March 31, and April 8. A summary of the hearing comments and the department's responses is attached.

The Department agrees to modify the proposed rule so that foster parents who are licensed solely for the purpose of adoption of a domestic infant or a foreign child will not be required to complete the foster parent training requirements and will be subject only to the pre-adoption training requirements in s. DCF 51.10.

Response to Legislative Council Staff Recommendations

All comments were accepted or rendered moot by revisions, except comments 5.c. and 5. d. The licensing agency will advise an applicant on how fingerprints should be obtained. DCF is in the process of promulgating a background check rule and a reference to Appendix A in DHS 12 will no longer be accurate once that rule is effective.

Changes to Analysis Prepared under Section 227.14 (2), Stats.

- The rule incorporates the requirements in ss. 101.647 and 101.149, Stats., regarding carbon monoxide detectors. Effective February 1, 2011, s. 101.647, Stats., requires that a one- or two-unit building have a functional carbon monoxide detector installed in the basement and on each floor level, except the attic, garage, or storage area of each unit.
- The definition of child-specific license is amended to provide that a child-specific license may remain valid with any granted waivers or exceptions for the duration of

the licensing period or up to 6 months after the child returns home or is placed elsewhere, whichever occurs first.

Effect of 2009 Wisconsin Act 336

On May 13, the Governor signed the bill that became 2009 Wisconsin Act 336, relating to foster parent training. The Department's pre-placement training curriculum already covers issues required by Act 336, except "recognizing drug abuse or addiction." This issue will be added to the curriculum.

Final Regulatory Flexibility Analysis

The proposed rule affects small businesses but does not have a significant economic impact on a substantial number of small businesses as defined in s. 227.114 (1), Stats.

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