

Department of Children and Families
Rule Report for Legislative Review

Technical Corrections and Minor Updates to Child Welfare Rules
Chapters DCF 12, 13, 37, 40, 50, 52, 55, 56, 58, and 59
CR 21-107

Basis and Purpose of the Proposed Rules

The proposed rules make minor substantive changes, statutory updates, clarifications, and technical corrections to the department’s child welfare rules. The primary substantive change in the rules is the extension of eligibility for long-term kinship care to include a guardianship order of a tribal court in Wisconsin that is granted under a tribal law that is substantially similar to a guardianship under s. 48.977, Stats.

Public Hearing Summary

A public hearing was held via Zoom on January 22, 2022. Nicholas Van Zile, Director of Indian Child Welfare for the Sokaogon Chippewa Community of Wisconsin, commented in support of the rule extending long-term kinship care eligibility to include his tribe’s guardianship orders.

Registrations in support of the rule were received from the following:

- Tammy Swanson, Sokaogon Chippewa Community of Wisconsin
- Samantha Larson, Assistant Director, St. Croix Health and Human Services, St. Croix Chippewa Indians of Wisconsin
- Jerry Esala, Kinship Care Supervisor, Ashland County Department of Health and Human Services

Department Response to Legislative Council Rules Clearinghouse Recommendations

All Legislative Council Clearinghouse recommendations were accepted or rendered moot by revisions, except the following:

Comment 5. b.: The term “under the control of the entity” is only used in the definition of “caregiver” in s. DCF 12.02 (4) (b) 1. The proposed language in the definition of “under the control of the entity” works without the use of the possessive in the context of determining whether an individual meets the criteria of a caregiver.

Comment 5. e.: The department prefers “law in another jurisdiction” because criminal records under the Uniform Code of Military Justice or from another country may be available to an agency that is making a determination of whether living with the relative is in the best interest of a child.

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

The analysis was revised to include changes made in response to recommendations by the Legislative Council Rules Clearinghouse.

Final Regulatory Flexibility Analysis

The proposed rules affect small businesses as defined in s. 227.114 (1), Stats., but have no or minimal effect on these businesses.

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