STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis
☒ Original ☐ Updated ☐ Corrected

2. Date
1/23/2024

3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)
DCF 1, Fees for child welfare and community-based youth justice services

4. Subject
Fees for child welfare and community-based youth justice services

5. Fund Sources Affected
☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S

6. Chapter 20, Stats. Appropriations Affected

7. Fiscal Effect of Implementing the Rule
☐ No Fiscal Effect ☐ Increase Existing Revenues ☐ Increase Costs ☐ Decrease Costs
☒ Indeterminate ☐ Decrease Existing Revenues ☐ Could Absorb Within Agency's Budget

8. The Rule Will Impact the Following (Check All That Apply)
☐ State's Economy
☒ Local Government Units
☐ Specific Businesses/Sectors
☐ Public Utility Rate Payers
☐ Small Businesses **(if checked, complete Attachment A)**

9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).
$indeterminate

10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be $10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?
☐ Yes ☒ No

11. Policy Problem Addressed by the Rule
Section 49.32 (1), Stats., requires the department to establish a system of fees for services charged by county human and social services departments. There is currently no rule establishing such a system, leaving counties without guidance for charging fees and familes without the protections that a rule affords.

12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.
The department solicited comments from the Wisconsin County Human Services Association and the Wisconsin Human Services Financial Managers Association.

13. Identify the Local Governmental Units that Participated in the Development of this EIA.
No comments were received from a local governmental unit.

14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)
The rule's economic impact is limited to local governmental units (specifically counties). Fees for services under ch. 48, Stats., were previously governed by DHS 1 and its predecessors, dating back to before DCF was created as a separate department and continuing until DHS promulgated the current DHS 1 in 2020, which does not include services under ch. 48, Stats. The proposed DCF 1 rule is consistent with the DHS 1 rule and its predecessors. To the extent counties had continued to follow the provisions of those rules for services under ch. 48, Stats., the economic impact (both on fee collections and on implementation/compliance costs) is minimal. The prior DHS 1 rule did not include fees for community-based youth justice services under ch. 938, Stats., because oversight of those services was under the authority of the Department of Corrections until transfer to DCF in 2016. DCF is now required to promulgate rules for fees charged for community-based youth justice services under ch. 938, Stats. To the extent counties were previously following the same procedures for services under ch. 938, Stats., as other child welfare services, the economic impact of this rule is minimal. If counties were billing families for community-based youth justice services without following the

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ability to pay determination procedures required for other services, the rule could increase costs as counties will now be required to consistently follow ability to pay determination procedures required by rule.

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The rule provides guidance to counties on procedures for fees for services, which is currently absent. The rule also benefits familes by ensuring that they are not billed in excess of their calculated ability to pay.

16. Long Range Implications of Implementing the Rule

The rule provides consistency across areas of human/social services programs. The rule also provides counties the ability to determine that charging fees would be administratively unfeasible or would significantly prevent accomplishing the purpose of a service, which allows counties to be responsive to changes in local needs and adopt best practice approaches in how to serve families.

17. Compare With Approaches Being Used by Federal Government

There is no relevant federal law on fees for child welfare or youth justice services or on child support determined in children's or juvenile court.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois. If a child is placed in out-of-home care and the child's parents have not been ordered to pay child support, the human services department may charge the parents a fee under a maximum fee schedule that is based on family size and income. The human services department requests updated financial information from the parents on a semiannual basis. 89 Ill. Adm. Code Ch. III (3), Subch. C, Pt. 352.

Iowa. The department may charge a fee for child welfare services. The fee shall be based upon the person's ability to pay and consideration of the fee's impact upon the liable person's family and the goals identified in the case permanency plan. The fees may not exceed the cost of services. I.C.A. 234.8.

Michigan. There do not appear to be statutes or rules governing fees charged by the department of human services or counties for child welfare or juvenile justice services, other than juvenile justice fees ordered by a court.

Minnesota. There do not appear to be statutes or rules governing fees charged by the department of human services or counties for child welfare or juvenile justice services, other than juvenile justice fees ordered by a court.

19. Contact Name	20. Contact Phone Number
Elaine Pridgen, Rules Coordinator	(608) 422-7077

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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

The proposed rule applies to county departments and families who receive child welfare or community-based youth justice services and does not apply to private or nonprofit businesses.

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

NA

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

☐ Less Stringent Compliance or Reporting Requirements
☐ Less Stringent Schedules or Deadlines for Compliance or Reporting
☐ Consolidation or Simplification of Reporting Requirements
☐ Establishment of performance standards in lieu of Design or Operational Standards
☐ Exemption of Small Businesses from some or all requirements
☐ Other, describe:

NA

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

NA

5. Describe the Rule's Enforcement Provisions

NA

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

☐ Yes ☒ No