

**STATEMENT OF SCOPE
DEPARTMENT OF CORRECTIONS**

Rule Number:

Relating to: Amend Ch. DOC 371, Youth Assessment and Case Management

Rule Type: Permanent

1. FINDING/NATURE OF EMERGENCY (FOR EMERGENCY RULE ONLY).

Not Applicable.

2. DETAILED DESCRIPTION OF THE OBJECTIVE OF THE PROPOSED RULE.

The objective of the rule amendment is to bring Ch. DOC 371 into conformance with the changes made to Ch. 938, *Wis. Stats.*, by 2015 WI Act 55. In addition, the amendment would:

- Eliminate outdated provisions,
- Clarify language, and
- Update citations to statutes for accuracy.

3. DESCRIPTION OF EXISTING POLICIES AND NEW POLICIES INCLUDED IN PROPOSED RULE AND AN ANALYSIS OF POLICY ALTERNATIVES.

The main policy change to be reflected in the rule amendments is the substitution of the term “community supervision” for the terms “aftercare” and “Corrective Sanctions program” as they pertain to post-release supervision of delinquent youth committed by a court to juvenile correctional supervision under ss. 938.183 (1m) and 938.34 (4h), (4m) and (4n).

4. STATUTORY AUTHORITY.

As of July 1, 2017, or the second day after the date of the publication of the 2-17-2019 Wisconsin state budget act, whichever is later, statutory language designating post-release supervision for youth committed to juvenile correctional placement will read as follows:

(4n) COMMUNITY SUPERVISION OR AFTERCARE SUPERVISION. In the case of a juvenile who has been placed in a juvenile correctional facility or a secured residential care center for children and youth, designate the department of corrections to provide community supervision for the juvenile following the juvenile’s release from that facility or center or, subject to any arrangement between the department of corrections and a county department regarding the provision of aftercare supervision for juveniles who have been released from a juvenile correctional facility or a secured residential care center for children and youth, designate one of the following to provide aftercare supervision for the juvenile following the juvenile’s release from that facility or center:

- (b) The county department of the county of the court that placed the juvenile in the juvenile correctional facility or secured residential care center for children and youth.
- (c) The county department of the juvenile’s county of legal residence.

The revised statutory language in this paragraph and throughout Ch. 938 and related statutes (for example, s. 48.526) eliminates the distinction between “aftercare” and “Corrective Sanctions” in describing services provided by the Department of Corrections (DOC) to youth released or transferred from a juvenile correctional facility by the Office of Juvenile Offender Review under s. 938.50. Chapter DOC 371 must be changed to conform to the statute.

Updates to the rules are also needed to reflect current DOC policies and procedures. For example, named assessment instruments in ss. DOC 371.06 and 371.07 are no longer used and should be replaced with generic language.

References to the Extended Jurisdiction disposition in the former s. 48.366 should be eliminated. No youth has received the Extended Jurisdiction disposition since June 30, 1996 when it was removed from statute. Currently, s. 48.366 describes eligibility for extended out-of-home care for youth who need ongoing services after turning age 18.

5. ESTIMATE OF AMOUNT OF TIME THAT STATE EMPLOYEES WILL SPEND DEVELOPING THE RULE AND OTHER RESOURCES NECESSARY TO DEVELOP THE RULE:

The Department estimates that it will take approximately 30 hours to develop this rule, including drafting the rule and complying with rulemaking requirements.

6. LIST WITH DESCRIPTION OF ALL ENTITIES THAT MAY BE AFFECTED BY THE PROPOSED RULE.

Rule revisions will primarily affect the DOC Division of Juvenile Corrections. The provision of correctional aftercare by county human/social services agencies will continue as is.

7. 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.

No federal regulations are affected or have an effect on the proposed changes.

8. ANTICIPATED ECONOMIC IMPACT OF IMPLEMENTING THE RULE. NOTE IF THE RULE IS LIKELY TO HAVE AN ECONOMIC IMPACT ON SMALL BUSINESSES.

Rule changes will likely have no economic impact on DOC or its county stakeholders.

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