

To: DCF Area Administrators
Child Placing Agency Directors
Child Welfare Agency Directors
County Departments of Community Programs Directors
County Departments of Developmental Disabilities Services Directors
County Departments of Human Services Directors
County Departments of Social Services Directors
Group Home Providers
Tribal Social Service/Indian Child Welfare Directors
Private Child Placing Agencies
Residential Care Center Providers
Shelter Care Providers
Tribal Chairpersons

From: Fredi-Ellen Bove
Administrator

Re: **Extension of Out-of-Home Care**

PURPOSE

This memo sets forth policy requirements for the determination of eligibility and service provision for the Extension of Out-of-Home Care and Supervised Independent Living Placements.

Further, in response to s. 48.366 (4) and 938.366 (4) Wis. Stats., the Division of Safety and Permanence (DSP) issued Emergency Administrative Rules for Chapters:

- DCF 21 Re-Entry Into Out-of-Home Care for Youth 18 to 21,
- DCF 50 Adoption Assistance,
- DCF 52 Residential Care Centers,
- DCF 54 Child-Placing Agencies,
- DCF 55 Subsidized Guardianship,
- DCF 56 Foster Homes,
- DCF 57 Group Homes, and
- DCF 58 Kinship Care.

BACKGROUND

In the spring of 2014 the Legislature passed and the Governor signed 2013 Wisconsin Act 334, which extends out-of-home care and other supports to youth in the child welfare system to age 21 for those youth who are enrolled in school full time under an Individualized Education Plan. The new law became effective August 1, 2014. The Out-of-Home Care Committee reviewed, provided feedback and recommendations to the Division for the Extension of Out-of-Home Care.

POLICY AND PROCEDURE REQUIREMENTS

Children who turn 18 while in foster care on or after August 1, 2014, are eligible to extend out-of-home care if the following criteria are met:

- The youth is 18 years of age or older but under 21 years of age;

- The youth is a full-time student at a secondary school or its technical or vocational equivalent;
- An individualized education program under WI Stat. s. 115.787 is in effect for the youth; and
- The youth agrees to comply with the terms of a court order or a voluntary-transition-to-independent-living agreement with the agency.

Children who turned 18 prior to August 1, 2014 are not eligible for extended out-of-home care.

Extended care can be implemented through an extended court order or through a voluntary transition-to-independence agreement. Extension is voluntary on the part of the youth; for youth with a guardian, the guardian may elect to extend care.

The policy requirements for the Extension of Out-of-Home Care include the process and eligibility criteria, modifications to permanency plan requirements for this population, and documentation requirements. See Attached Extension of Out-of-Home Care Eligibility policy. The policy is effective upon issuance of the numbered memo.

The Supervised Independent Living Placement policy defines a Supervised Independent Living placement, sets forth acceptable living arrangement, programmatic requirements, rate setting, and documentation requirements. See Attached Supervised Independent Living Placement policy. The policy is effective upon issuance of the numbered memo.

The primary statutory provisions related to the Extension of Out-of-Home Care are found in s. 48.633 (4) and s. 938.633 (4) Wis. Stats. The Emergency Administrative Rules set forth numerous changes to eight different rules as stated above. See attached Emergency Rules where A Summary of the Emergency Rules is included on pages 3-6. The Emergency Administrative Rules became effective August 1, 2014.

Subsidized Guardianships and Adoption Assistance agreements that became effective after a child attained 16 years of age may also be extended under certain circumstances. The emergency rules provide that adoption assistance and subsidized guardianship payments may continue if the child turned 18 years of age or over on or after 8/1/14, but is under 21 years of age; is a full-time student at a secondary school or its vocational or technical equivalent; there is an individualized education program under s. 115.787, Stats., in effect for the child; and the adoption assistance or subsidized guardianship agreement for the child became effective after the child attained 16 years of age. An adoptive parent or subsidized guardian is required to provide a copy of the child's individualized education program under s. 115.787, Stats., before the department may determine that the child is eligible for continued assistance. Adoption assistance and subsidized guardianship may be reinstated following termination of assistance by adoptive parents or subsidized guardian when the child was 18 years of age or over if child meets the requirements above.

eWiSACWIS DOCUMENTATION

The October 2014 eWiSACWIS release will update functionality to allow for Adoption Assistance Agreements and Subsidized Guardianship Agreements to continue for eligible children. It will also provide updates to the Transition to Discharge Plan to include a review of eligibility for the extension of out-of-home care 120 days before a youth reaches the age of 18. If a youth is determined to be eligible the next permanency plan created for the youth will be modified to be consistent with the changes set forth to s. 48.38 and 938.38 Wis. Stats., to be in compliance with the changes from Act 334.

Allocations

Act 334 provides additional funding to support the new provisions. The funding has been distributed to counties as an increase in the Children and Family Aids allocation based on the number of youth that have aged out by county over the 2011 to 2013 three year period. A small amount of additional funding

will be distributed by the Department of Corrections through its Youth Aids allocations. Counties are responsible for costs associated with extended out-of-home care, with the exception of residential care center placements which DCF will fund. The process for implementing DCF payment for youth in RCCs will be issued in the near future in a separate memo.

For youth who are dually eligible for extended foster care and other adult supports, agencies should work with the youth to decide which array of services will best serve the youth's transition to adulthood; dually eligible youth may be served by the county child welfare system, the adult long-term care system, or a combination of both systems.

As noted above, the additional funding provided through DCF under the bill is incorporated into the Children and Family Aids (CFA) allocation and therefore is to be used for the purposes specified for the CFA. No additional reporting specific to the extended out-of-home care population is required.

ACTION SUMMARY

The Emergency Rules went into effect on August 1, 2014 and the policies are effective immediately. The rules and policies are attached to this memo.

The Division will be hosting trainings for agency staff this fall and will send out dates in the near future.

Agencies are required to identify a staff member as the contact person for Re-Entry into Out-of-Home Care for youth and email the name, address, and phone number of the agency contact to: christine.lenske@wisconsin.gov within 30 days of the effective date of this memo so the Division can maintain a contact person for each county.

REGIONAL OFFICE CONTACT: DCF Area Administrator

CENTRAL OFFICE CONTACT: [Name, Title
Bureau/Office
Telephone
Email address]

MEMO WEB SITE: <http://dcf.wisconsin.gov/memos>

Attachments Extension of Out-of-Home Care Policy
Supervised Independent Living Policy
[Emergency Rules for Extension of Out-of-Home Care to 21](#)