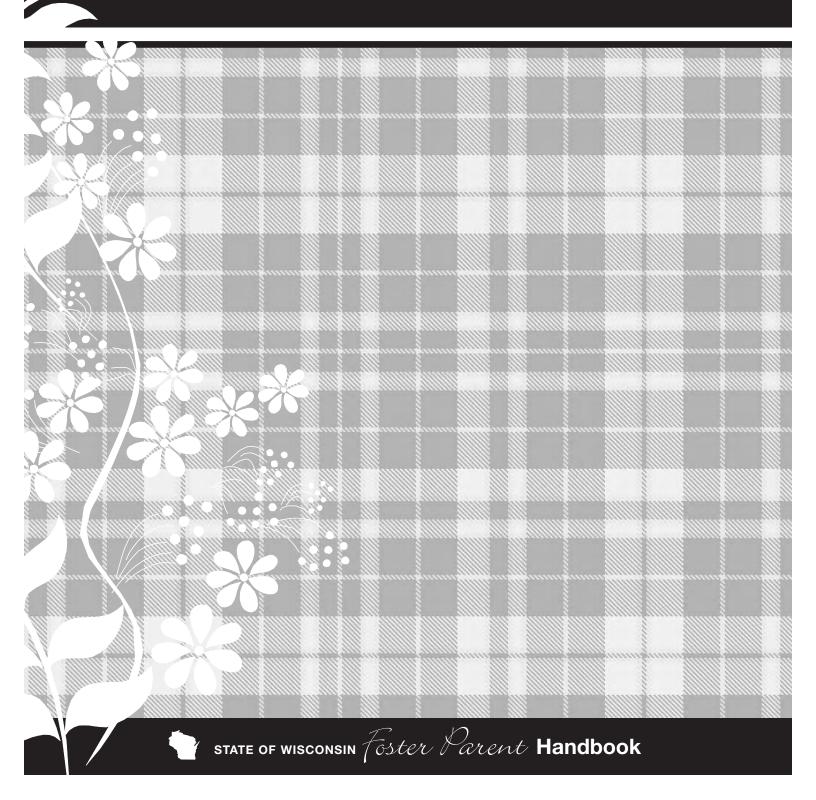
Appendix



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APPENDIX 1: LAWS AND REGULATIONS GOVERNING FOSTER CARE

Federal Laws

Indian Child Welfare Act

The Indian Child Welfare Act (ICWA) was passed by the United States Congress in 1978 to protect the best interest of Indian children and to promote the stability and security of Indian tribes and families. It established minimum federal standards for the removal of Indian children from their families and the placement of Indian children in foster or adoptive homes that reflect the unique values of Indian cultures. An alarming number of Indian children had been removed from their families and placed in non-Indian homes, which had a devastating effect on individual children, families, and entire Indian communities and cultures.

ICWA is a critical federal law for Indian children and their families and tribes. All state, county, and private child welfare agencies and courts must follow ICWA when they are working with Indian families in child custody proceedings. The law puts in place additional requirements that must be followed for Indian children.

ICWA includes the following important requirements:

- States must recognize the jurisdiction of Indian tribal courts regarding custody of Indian children. This applies to foster care placements, termination of parental rights, pre-adoptive placements, and adoptive placements.
- ❖ The placement and termination of parental rights of parents of Indian children have stricter standards than non-Indian children. This includes making active efforts that require clear and convincing evidence through testimony by qualified expert witnesses that remaining with the parent or Indian custodian will result in serious emotional or physical damage to the child.
- Placement preferences for Indian children who are removed from their caregivers are, in this order:
 - A member of the Indian child's extended family
 - A foster home licensed, approved, or specified by the Indian child's tribe
 - An Indian foster home licensed or approved by an authorized non-Indian licensing agency
 - An institution for children approved by an Indian tribe or operated by an Indian organization which can meet the Indian child's needs
- Placement preferences for Indian children for adoption are, in this order:
 - > A member of the child's extended family
 - > Other members of the Indian child's tribe
 - Other Indian families

- State and county agencies must provide notice to the tribe of circuit court child custody proceedings.
- State and county agencies must give "full faith and credit" to public acts, records, and judicial proceedings of Indian tribes.

There are 11 federally-recognized tribes in the State of Wisconsin:

- ❖ Bad River Band of Lake Superior Chippewa Indians
- Ho-Chunk Nation
- ❖ Lac Courte Oreilles Band of Lake Superior Chippewa
- ❖ Lac du Flambeau Band of Lake Superior Chippewa Indians
- Menominee Indian Tribe of Wisconsin
- Oneida Tribe of Indians of Wisconsin
- Forest County Potawatomi Community
- Red Cliff Band of Lake Superior Chippewa
- Sokaogon Chippewa Community
- St. Croix Chippewa Indians of Wisconsin
- Stockbridge-Munsee Community

Each tribe has its own specific customs, values, and traditions.

For more information about the Indian Child Welfare Act or for information about tribes in Wisconsin, please contact the Indian Child Welfare Consultant in the Division of Safety and Permanence at (608) 266-5330 or visit the Department's Indian Child Welfare Act website at https://dcf.wisconsin.gov/wicwa

Another resource is the National Indian Child Welfare Association (NICWA), whose website is http://www.nicwa.org

Adoption and Safe Families Act

The federal Adoption and Safe Families Act (ASFA) was created in 1997 to prevent children from staying in foster care for extended periods of time without achieving permanence. The goals of ASFA are to improve the safety and well-being of children and to find permanence for children in a timely manner. ASFA requires agencies to focus on providing immediate services to families and, if services to a family are not effective, to identify other permanent living arrangements for the child.

ASFA created specific time limits for when agencies must make a decision about a child's permanence goals. If a child has been in out-of-home care for 15 of the last 22 months, the agency must take actions to terminate the rights of the child's parents and find an alternate permanent placement for the child. However, ASFA permits agencies to make exceptions on a case-by-case basis to the 15 of 22 month rule, such as if the child and parent have a significant connection but the parent hasn't made enough progress to safely care for his or her child. If you have questions about the child's permanency plan or permanence goal, ask the child's case worker.

Multiethnic Placement Act and Interethnic Placement Act (MEPA & IEPA)

The federal Multiethnic Placement Act (MEPA) and Interethnic Placement Act (IEPA) states that the placement of a child into a foster home may not be delayed or denied on the basis of race, color, or national origin of the foster parent or child.

Foster care placements need to be consistent with what is best for the child and not solely based upon the race, color, or national origin of the child or a potential foster family. Matching the needs of the foster child with the abilities and expertise of foster families is the most appropriate way to meet the best interests of the child.

MEPA and IEPA also requires states to actively recruit potential foster and adoptive families that reflect the ethnic and racial diversity of children in the state for whom foster and adoptive homes are needed.

John H. Chaffee Act

The John H. Chaffee Foster Care Independence Act of 1999 outlines requirements and provides funding to meet the needs of youth between 15 – 21 years old who are in or have aged out of foster care. Wisconsin law states that all teens aged 15 and older who have been in foster care for six months or longer must have an Independent Living Assessment and transition plan that identifies the knowledge and skills the youth will need to make a successful transition to living on their own. If you have a teen 15 years of age or older or you take a teen into placement, agency staff will be working with you and the teen to develop this transition plan.

Fostering Connections to Success and Increasing Adoptions Act

The Fostering Connections to Success and Increasing Adoptions Act of 2008 places emphasis on the importance of involving relatives throughout a case for familial connections, as well as for placement options.

This act also requires states to provide notice to adult relatives of a child within 30 days of the removal of a relative child from the child's parental home. The notice informs relatives that the child has been removed and provides information about the benefits of becoming a foster parent.

Lastly, this act places emphasis on the placement of siblings together and requires agencies to place siblings together whenever possible, and if this is not possible, agencies must provide sibling interaction between the siblings.

Preventing Sex Trafficking and Strengthening Families Act

The federal Preventing Sex Trafficking and Strengthening Families Act of 2014 amends the Title IV-E foster care program to address a number of different issues including: introducing a requirement for "Reasonable and Prudent Parent Standard" for out-of-home care providers, limiting the permanency goal of Other Planned Permanent Living Arrangements for youth 16 years or older, reducing the age for independent living services for youth in out-of-home care from 15 to 14 years old, allowing for a successor

guardian in Subsidized Guardianship agreements, expanding the relative notification requirements when a child has been placed in out-of-home care, and updating the reporting requirements when a child is missing from foster care.

The largest impact foster parents will see from this act is the requirement to implement a Reasonable and Prudent Parent Standard (RPPS) to increase normalcy for children placed in foster care. Normalcy is the ability to easily have opportunities for normal growth and development that promotes well-being. Every child has a right to normalcy, and personal growth should not be prevented by a child's placement in foster care.

This law requires all foster parents to apply the RPPS when they make decisions about children placed in their home to allow them to participate in age and developmentally appropriate activities. This standard is not used for children who are with a foster parent for respite.

Foster parents will use this standard on a *child specific* basis to allow children placed in their home to participate in activities that encourage normalcy and emotional and developmental growth, while still maintaining the health, safety, best interest, and cultural, religious, and tribal values of the child.

Wisconsin Laws and Policies

Policies that regulate child welfare services in Wisconsin are created and issued in different ways. The different types of policies and requirements are explained below:

State Statutes

State statutes (such as Ch. 48, the Children's Code, and Ch. 938, the Juvenile Justice Code) are laws created by the Wisconsin State Legislature that all agencies must follow. There are no exceptions to statutory requirements.

A copy of **Chapter 48** can be found on the Internet at: http://www.legis.state.wi.us/statutes/Stat0048.pdf

A copy of **Chapter 938** can be found on the Internet at: http://www.legis.state.wi.us/statutes/Stat0938.pdf

Administrative Rules

Administrative rules (such as the foster care licensing rule, Ch. DCF 56, Adm. Code, "Foster Home Care for Children") are written by the Wisconsin Department of Children and Families and must be submitted to a committee of the Wisconsin State Legislature for approval. Most often there are statutory requirements that direct the Department to create administrative rules, but the Department also has the broad authority to create rules that implement requirements of Ch. 48, Stats. All agencies in Wisconsin must follow Administrative Rules. Sometimes there are exceptions to specific requirements created in Administrative Rules.

A copy of Administrative Rule **DCF 56** can be found on the internet at: http://docs.legis.wisconsin.gov/code/admin code/dcf/021 099/56.pdf

A copy of the **annotated** version of Administrative Rule **DCF 56** can be found on the internet at:

https://dcf.wisconsin.gov/files/publications/pdf/0131a.pdf

Numbered Memos

Numbered memos are policies written by the Division of Safety and Permanence (DSP) within the Department of Children and Families. These memos create or explain requirements for child welfare agencies. Numbered memos often explain things written in federal laws and regulations, state laws, and administrative rules, such as explaining exceptions to requirements in an administrative rule. Agencies must follow instructions or interpretations explained in these memos.

Informational Memos

Informational memos provide guidance and information for child welfare agencies to help guide their practice decisions.

The **Policy Memos** can be found on the internet at: https://dcf.wisconsin.gov/cwportal/policy

APPENDIX 2: HELPFUL WEB LINKS

Federal Laws

Indian Child Welfare Act http://www.nicwa.org/policy/law/icwa/ICWA.pdf

The Adoption and Safe Families Act https://www.congress.gov/105/plaws/publ89/PLAW-105publ89.pdf

Preventing Sex Trafficking and Strengthening Families Act: https://www.congress.gov/113/plaws/publ183/PLAW-113publ183.pdf

Statutes

Chapter 48 – Children's Code http://www.legis.state.wi.us/statutes/Stat0048.pdf

Chapter 938 Juvenile Justice Code http://www.legis.state.wi.us/statutes/Stat0938.pdf

Administrative Rules

Chapter DCF 56 Foster Home Care for Children https://docs.legis.wisconsin.gov/code/admin code/dcf/001 099/56.pdf

Chapter DCF 56 Foster Home Care for Children – annotated version http://dcf.wisconsin.gov/publications/pdf/dcf_p_pfs0131a.pdf

Chapter DCF 37 - Information to be Provided to Out-of-Home Care Providers https://docs.legis.wisconsin.gov/code/admin_code/dcf/021_099/37

Forms

Information for Out-of-Home Care Providers, Part A https://dcf.wisconsin.gov/files/forms/doc/0872a.docx

Information for Out-of-Home Care Providers, Part B https://dcf.wisconsin.gov/files/forms/doc/0872b.docx

Out-of-Home Care Support Plan https://dcf.wisconsin.gov/files/forms/doc/cfs2131.docx

Permanency Plan

http://dcf.wisconsin.gov/wisacwis/knowledge_web/training/template-mapping/templates/TM_sm08pp_perm_plan_sw.doc

Foster Parent Insurance Program Claim of Loss or Damage https://dcf.wisconsin.gov/files/forms/pdf/0116.pdf

Independent Living Services Checklist https://dcf.wisconsin.gov/files/forms/doc/2251.docx

Other Resources

Indian Child Welfare Act – in Wisconsin – summary information https://dcf.wisconsin.gov/wicwa

Special Education in Plain Language http://www.cesa7.k12.wi.us/sped/Parents/plainlanguageindex.htm

The Foster Care and Adoption Resource Center
The Foster Care and Adoption Resource Center (FCARC) offers a variety of resources:

- Brochures
- Library and learning materials
- Posters
- Calendar of statewide events and trainings
- Support services to the foster care program in Wisconsin.

Staff at the FCARC can also be reached by telephone at 1-800-762-8063.

Wisconsin Foster and Adoptive Parent Association

The <u>Wisconsin Foster and Adoptive Parent Association</u> (WFAPA) is a peer and volunteer-based organization that supports and advocates for foster and adoptive parents by offering training, support programs, and helps to create and support different legislative measures.

National Foster Parent Association

The <u>National Foster Parent Association</u> is a non-profit, volunteer organization established in 1972 as a result of the concerns of several independent groups that felt the country needed a national organization to meet the needs of foster families in the United States. The National Foster Parent Association aims to support foster parents in achieving safety, permanence, and well-being for the children and youth in their care.

International Foster Care Organization

The <u>International Foster Care Organization</u> (IFCO) is a global, non-profit networking organization serving to promote and support family-based foster care across the world. IFCO the only international network of foster parents.

Wisconsin Child Welfare Professional Development System
The <u>Wisconsin Child Welfare Professional Development System</u> (WCWPDS)
allows foster parents to browse and register for trainings, conferences, and online training modules. It also stores transcript information about the trainings that foster parents have completed.

Milwaukee Child Welfare Partnership

The <u>UW-Milwaukee Child Welfare Partnership</u> (MCWP) is a professional development program that is part of the <u>Wisconsin Child Welfare Professional</u> <u>Development System</u> (WCWPDS). MCWP provides a full array of training and professional development services to foster, adoptive, and relative families throughout Wisconsin.

APPENDIX 3: COMMONLY USED ACRONYMS

- ADA/DA: Assistant District Attorney/District Attorney
- AFA: Adoptive Family Assessment
- AFCARS: Adoption and Foster Care Analysis and Reporting System
- ASFA: Adoption and Safe Families Act
- AWOL: Absent Without Leave-Runaway
- CANS: Child and Adolescent Needs and Strengths (CANS) tool
- CAPTA: Child Abuse Prevention and Treatment Act
- CARES: Client Assistance Re-employment Economic Support
- CASA: Court Appointed Special Advocate
- CFR: Code of Federal Regulations
- CFSR: Children and Family Services Review
- CHIPS: Child in Need of Protection or Services
- CM/OCM: Case Manager/Ongoing Case Manager
- CPS: Child Protective Services
- CST: Coordinated Services Team
- CWLA: Child Welfare League of America
- . DCF: Department of Children and Families
- DCF 56: Wisconsin Administrative Code for the Licensing of Foster Homes
- DOC: Department of Corrections
- DSP: Division of Safety and Permanence
- DV: Domestic Violence
- **DWD**: Department of Workforce Development
- FCARC: Foster Care and Adoption Resource Center
- FFA: Foster Family Assessment
- FH: Foster Home
- **FP**: Foster Parent
- GAL: Guardian ad Litem (Attorney for a child under the age of 12)
- ICPC: Interstate Compact on the Placement of Children (Out-of-state placements)
- ICWA: Indian Child Welfare Act
- IDEA: Individuals with Disabilities Education Act
- IEP: Individualized Education Program
- IEPA: Interethnic Placement Act
- JIPS: Juvenile in Need of Protection or Services
- KIDS: Kids Information Data System
- MEPA: Multi Ethnic Placement Act
- LOC: Level of Care
- LON: Level of Need
- OHC: Out-of-Home Care
- PD: Public Defender (Attorney for Parents and Children Over 12 years of age)
- PEP: Program Enhancement Plan (part of CFSR)
- PO: Parole Officer
- PP: Permanency Plan
- PPR: Permanency Plan Review

- RFA: Resource Family Assessment
- RPPS: Reasonable and Prudent Parent Standard
- SAFE: Structured Analysis Family Evaluation home study assessment
- SSI: Supplemental Security Income (Special Needs Children and Adults)
- FSTMA/T-19/MA: Foster Care Medicaid/Title XIX; Medical Insurance Coverage
- **TFC**: Treatment Foster Care
- TFH: Treatment Foster Home
- TPR: Termination of Parental Rights
- WFAPA: Wisconsin Foster and Adoptive Parent Association
- WIC: Women, Infants and Children Program (Free pre- and post-natal care)
- eWiSACWIS: Wisconsin Statewide Automated Child Welfare Information System (Computer Data System)
- W-2: Welfare to Work Program

APPENDIX 4: CHILD DEVELOPMENT CHART

	Typical Child Development	Foster Care and Child Development	Effects of Abuse and Neglect on Development
First Year	Infants are developing the capacity to experience dependency and trust. This is done by eye contact with caregivers, smiles, and peek-a-boo games.	Pre-verbal children may react to loss and separation with extended periods of crying and distress followed by quieter despair.	Children learn to expect the environment to be unresponsive. They tend to be anxious and may have developed coping defenses that may interfere with building future relationships.
Toddler Years (12-36 Months)	Toddlers are learning to physically separate from parents. They alternate between clinging to parents and pushing away. Need to be successful at expressing feelings. Need reassurance of reasonable limits.	Verbal children may respond to loss initially by acting unconcerned. This initial response may be followed by unexpected episodes of anger, sadness, and irritation.	Children who did not receive sensitive responses to abuse and neglect may develop feelings of shame and be too easily humiliated. They may be stubborn, controlling, compulsive, and passive-aggressive
Preschool Years	Play is especially important at this stage. Through play, children learn to think versus acting on impulses. This is a very self-centered stage; children believe they are the most important person in the room.	Similar responses as above.	Children who have had traumatic experiences as preschoolers may feel intense vulnerability. They may come to expect catastrophe and suffer from depression, hyperactivity, and aggression.

	Typical Child Development	Foster Care and Child Development	Effects of Abuse and Neglect Development
Grade School Years	Children learn self-control, delayed gratification, and how to plan ahead. Fairness is important and they have a rigid sense of right and wrong. Time with peers and being liked is very important.	May begin to think in a new way about foster care placement and may show signs of sadness.	Avoiding or repressing anger may lead to more mental health difficulties than any other single issue in this stage. If children reach this stage without developing in many areas, they may have difficulties with finishing things they start, using good judgment, and planning ahead.
Adolescence	Early adolescence is a time of discovering and exploring self-identity. Moods are intense and unstable. Will seek to please peers and resist parents. Late adolescence is focused on gaining skills necessary for independence. May be exceedingly idealistic and turn from parental values.	Exceedingly difficult time to be placed in foster care. Need to be involved in process and may need to develop contracts with all involved adults.	Adolescents who have not been given the opportunity to explore self-identity and grow towards independence may lack a sense of self, have poor impulse control, and fail to think ahead. They may lack a sense of conscience or empathy and be emotionally repressed, defiant, or overly compliant. They may use defensive or controlling behavior to meet their needs.

<u>Please Note</u>: This chart only reflects a portion of key developmental milestones in children that are significant for children in foster care placement. Foster parents should seek out additional resources and trainings regarding the impact of abuse and neglect on child development for more in-depth information.

APPENDIX 5: SAMPLE QUESTIONS TO ASK THE AGENCY UPON PLACEMENT OF A CHILD

- 1. Is there any record-keeping beyond the Part A and Part B information forms that should be maintained for this specific child? Examples of this might include: behavioral information, contact with family, specific school records, etc.
- 2. Are there any specific known behaviors the foster family should be aware of? If so, is there a need for a behavioral support plan to address these needs?
 - a. If yes, who will be involved in completing this plan?
 - b. When will the plan be completed?
 - c. How often will the plan be reviewed?
- 3. Are there any other considerations for this child the foster family should be aware of in order to make reasonable and prudent parenting decisions?
- 4. Are there additional services the child needs to receive, or should be evaluated for? This might include counseling, AODA counseling/treatment, school supports, other forms of therapy, etc. If so, whom do we contact?
- 5. What will family interaction look like? What are the expectations of the foster family in this process?

Interactions:

- a. How many times a week/month?
- b. Time of day.
- c. Location.
- d. Length of visits.
- e. Supervision? If so, by whom?
- f. Who may be present during the visits?
- g. What if the child does not return on time?
- h. Transportation arrangements.

Other forms of contact:

- a. Must phone calls be scheduled?
- b. Do phone calls need to be monitored?
- c. Number of calls per day?
- d. Can foster family limit the number of calls a day the foster child places to the family?
- e. Is there any need to monitor the mail received?
- 6. Is this a child the agency believes can stay home alone?

7. Contact with agency

- a. Will the caseworker contact the foster family on a regular basis?
- b. If the foster family has questions, what is the best way to contact the case worker or other agency staff?
 - i. Phone? E-mail?
 - ii. Is there a time of day that is best?
 - iii. Are there times that the case worker is typically out of the office (i.e., court, staffing, etc.)?
 - iv. If I leave a message, how much time should I allow for the call to be returned (i.e. response by end of day, 1 day, 2 days, etc.)?
 - v. Whom do I contact during afterhours in case there is an emergency?

The answers to many of these questions will depend on the individual child, his or her experiences, and the situation which has caused the child's placement in foster care. The answers may change with the duration of the child's time in placement and should be addressed with the agency as needs or circumstances arise or change.

APPENDIX 6: ALL ABOUT ME

Ch	ild's Name:
1.	My favorite books/stories/movies are
2.	I like to be alone when
3.	I love to eat (favorite kinds of foods)
4.	I hate to eat (least favorite kinds of foods)
5.	At night before going to bed, my favorite thing to do is
6.	The thing that scares me most about foster care is
7.	Things I like about my family
8.	More than anything I hope

Form reprinted from Wisconsin Resource Family Recruitment Summit- September 27, 2006 with permission from Lorrie Lutz with recognition Casey Family Programs.

APPENDIX 7: RESOURCE FAMILY PROFILE

Family Name:
1. Please describe your home and where I will sleep.
2. Please describe the kinds of food your family usually eats—will you make some of my favorite foods?
3. Please describe the way your family has fun together—what are three family activities that you did this month?
4. Please explain why you want to care for foster children.
5. What are some of your rules? Can I listen to my own music? Do you care about the kinds of clothes I wear? Can I watch my favorite TV shows or movies?

APPENDIX 8: REASONABLE AND PRUDENT PARENT STANDARD

Promoting Normalcy: Applying the Reasonable and Prudent Parent Standard

Introduction:

All children in out-of-home care deserve the right to normalcy. It is the responsibility of everyone involved in the child's life to promote and encourage normalcy by allowing the child to participate in age

Reasonable and Prudent Parent Standard Considerations:

- . Age, maturity, and development
- Potential risk factors
- . Best interest of the child
- Growth
- Family-like living experience
- Child's behavioral history
- Court order/Legal considerations
- Cultural, religious, tribal values

and developmentally appropriate activities. Out-of-home care providers can promote normalcy for children placed in their care by using the Reasonable and Prudent Parent Standard to make decisions about the child's participation in extracurricular, enrichment, cultural, social, and recreational activities; including transportation, employment, peer relationships, and personal expression.

Every reasonable and prudent parenting decision should be child specific and situation specific. Each decision should be made on a case-by-case basis and the out-of-home care provider should weigh all of the available information against the Reasonable and Prudent Parent Standard considerations.

Whenever appropriate, reasonable and prudent parenting decisions should be made with active communication and consultation with birth parents, adoptive parents, or guardians of the child. While their permission is not required for reasonable and prudent parenting decisions, the parent/guardian may have valuable insight about the child that may help you make decisions, and will allow them to remain an active part of the child's life. The parent/guardian does not have to be called or consulted for every individual decision, but their values and input should be taken into consideration.

Out-of-home care providers should also include children in decision making. Not only does this improve independent living skills, it empowers children to be involved in their own planning. Children may have a different opinion on the appropriateness of an activity or whether it is in their best interest. Out-of-home care providers maintain the ability to say "no" to an activity a child would like to participate in, as long as it is a reasonable and prudent parenting decision.

If an out-of-home care provider does not have enough information about a child to make a reasonable and prudent parenting decision, they should contact the child's caseworker or to discuss the decision. Agencies cannot require an out-of-home care provider to obtain prior approval for a reasonable and prudent parenting decision. If an out-of-home care provider would like to approve an activity that promotes normalcy that crosses any existing court orders and/or rulings and decisions related to visitation, therapy, the permanency plan, or other related activities and schedules, the out-of-home care provider should discuss the activity with the child's caseworker.

Questions to Consider:

Out-of-home care providers should ask themselves the following questions when making a reasonable and prudent parenting decision for a child placed in their care. The following questions are not the only questions that out-of-home care providers should ask themselves, and no single question is necessarily the deciding factor for approving a particular activity.

Age, maturity, and developmental considerations Do I know enough about the child's developmental/medical history?

Would other children of the same age be allowed to participate in this activity?

Does the child show mature decision making?

Does the child have any developmental delays that would impact this decision?

