



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 10-021

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

2. Form, Style and Placement in Administrative Code

a. In s. DCF 56.05 (1) (f) 1. (intro.) and 2. (intro.), the phrase “all of” should be inserted before the phrase “the following.” While the context of a particular rule provision may alert the reader as to whether all or any of listed requirements must be met, it is better practice to include phrases such as “any of” or “all of” in introductory material to clearly state the intent of the rule provision. The entire rule should be reviewed for this concern.

b. Section DCF 56.13 makes use of the phrases “level one,” “Level 2,” and “level 2.” A consistent format should be used.

c. The note to s. DCF 56.15 (1) is a substantive provision that should be included in the text of the rule.

4. Adequacy of References to Related Statutes, Rules and Forms

a. In s. DCF 56.04 (4) (a) 5., a cross-reference to s. DCF 56.05 should be inserted after the word “qualifications.”

b. Section DCF 56.14 (6) (a) 2. should include a statutory reference to the Indian Child Welfare Act.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. DCF 56.04 (4) (a) 2. and (b) 2., the first and second sentences should be combined into one sentence. The period after the cross-reference to s. DCF 56.05 (5) should be replaced by “, and” and the word “verification” should not be capitalized.

b. In s. DCF 56.04 (4) (a) 4. and (b) 5m., the phrase “that each member of the applicant’s household submit a written statement from a physician, physician’s assistant, or nurse practitioner” should be deleted. This is redundant, since a cross-reference to the requirement in subd. 3. is included in that subdivision.

c. Section DCF 56.05 (1) (f) 1. b. includes a requirement for an applicant to submit a set of fingerprints. How should fingerprints be obtained?

d. In s. DCF 56.05 (1) (f) 3. b., it may be useful to cross-reference Appendix A of ch. DHS 12, which provides a list of crimes for which a person may be prohibited from licensure.

e. Section DCF 56.14 (8) (b) 4. should be rewritten to be a complete sentence in order to conform to the other subdivisions under this paragraph.

f. Section DCF 58.065 (4) in part provides that if an application to operate a foster home is denied or a relative is otherwise determined to be ineligible for licensure and a court does not order a child to remain in the relative’s home, the court “shall order” the county department or department to request a change in placement or to request a termination of the guardianship. It is unusual for an administrative agency to direct a court to take any action. It seems that the phrase “the court shall order” is not necessary in this provision and could be deleted. The appropriate agency simply can be directed by the rule to request a change in placement or a termination of the guardianship.