



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 10-148

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 56.09 (1m), the paragraph titles should not be underscored.
- b. In s. DCF 56.16, there is a sub. (1), but there are no other subsections. This section should be redrafted to comply with s. 1.03 (1) (a), Manual.
- c. In DCF 56.22 (1) (a), the proposed rule directs a placing agency to use a standardized assessment tool prescribed by the department to assess the needs and strengths of a child placed in foster care. The note specifies the tool that must be used. An agency must have the consent of the Attorney General in order to incorporate standards, established by technical societies and organizations of recognized national standing, by reference in rules without reproduction of the standards in full. The analysis of the rule must indicate that this consent has been given. [See s. 2.08, Manual.] Has the department obtained consent?

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

- a. In the analysis, under “Summary of the Rule”, when a chapter of the administrative rules is cited, “ch.” should be inserted before the citation or “Chapter” if the citation is at the beginning of a sentence.
- b. In s. DCF 56.03 (33m), “s.” should be replaced with “ss.”
- c. In the note to s. DCF 56.08, the citation should be to s. DCF 56.23 (3).

d. Since the proposed rule repeals s. DCF 56.11, cross references to that section need to be changed. For example, s. DCF 56.11 is cited in ss. DCF 50.01 (4) (t), 50.03 (1) (b) 3., 50.044 (3) (c), 50.045 (3) (c), and 50.05 (1) (a).

e. In s. DCF 56.13 (2), “sub. (3) ~~or (4)~~ to (7)” should be replaced with “~~sub. (3) or (4)~~ subs. (3) to (7)”.

f. Section DCF 56.13 (7) (h) 6. references two nonstatutory provisions from the 2001-02 and 2003-04 legislative sessions. Are there statutes that may be referenced instead?

g. In s. DCF 56.14 (8) (b) 1g. and 1r., “subd.” should be replaced with “par.”.

h. In s. DCF 56.15 (3) (d), “chapter” should be replaced with “ch.”.

i. In s. DCF 56.21 (3) (m), “ss.” should be replaced with “s.”.

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

a. In s. DCF 56.03 (3) (a), “beginning on January 1, 2011” should be deleted since the date is no longer relevant.

b. In s. DCF 56.03 (34t), should “any service” be replaced with “the service or care”?

c. In s. DCF 56.05 (1) (b) 1. f., should “weaknesses” be replaced with “needs”?

d. In s. DCF 56.05 (1) (b) 2. (intro.), “the requirements under” should be inserted after “In addition to”. This comment also applies to par. (c) 2. (intro.).

e. In s. DCF 56.06 (1) (f), “could be” should be replaced with “is”.

f. In s. DCF 56.06 (1) (g), a phrase such as “contact with” should be inserted before “law enforcement”.

g. In s. DCF 56.06 (2) (intro.), “all” should be replaced with “any”.

h. In s. DCF 56.09 (1) (em), it is unclear what is meant by promoting cultural understanding and sensitivity in the child’s family.

i. In s. DCF 56.09 (1) (hm), it appears that “chronological” could be deleted since that is the general understanding of age.

j. In s. DCF 56.09 (1g) (d) 3. (intro.), “may” should be replaced with “does”.

k. In s. DCF 56.09 (1g) (d) 3. c., “circulation or blood” should be replaced with “circulation of blood”.

l. In s. DCF 56.09 (2) (a), it appears that “home” should be inserted after “licensed family child care” and “certified child care”.

m. In s. DCF 56.13 (3) (b), “within” should be stricken and “no later than” should be inserted. This comment also applies to sub. (4) (a) 1. b.

n. In s. DCF 56.13 (5), the proposed rule requires an applicant to meet at least three of the listed criteria. However, if a person meets the criterion of having a college, vocational, technical, or advanced degree in the area of a child’s treatment needs, he or she automatically meets two criteria by virtue of having a high school diploma.

o. In s. DCF 56.13 (5) (a) 2., “one of the” should be inserted after “shall also meet”. This comment also applies to sub. (6) (a) 2.

p. In s. DCF 56.13 (5) (c) 1., “references” should be replaced with “reference letters”. This comment also applies to sub. (6) (c) 1.

q. The last two lines of s. DCF 56.13 (7) (b) are printed twice.

r. In s. DCF 56.13 (7) (f) 8., “that” should be inserted before “the program staff person is not able to provide responsible care”.

s. In s. DCF 56.13 (7) (f) 10., “all of” should be inserted before “the following”.

t. In s. DCF 56.15 (1) (b) (intro.), “the requirements under” should be inserted after “In addition to”.

u. In s. DCF 56.15 (1) (b) 4., “obtain” should be replaced with “in obtaining”.

v. In s. DCF 56.17 (2) (L) (intro.), “all of” should be inserted before “the following”.