



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 16-014

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 December 2014.]

2. Form, Style and Placement in Administrative Code

- a. Throughout ch. DCF 12 and s. DCF 56.055, the format of the subsection titles should be revised to be written in small capital letters. [s. 1.05 (2) (c) (Example), Manual.]
- b. In s. DCF 12.02 (8), the phrase “For purposes of this chapter” is unnecessary and should be deleted.
- c. It is unclear why s. DCF 12.02 (24) defines “serious crime” differently from how that term is defined in s. 48.685 (1) (c), Stats.
- d. The material in s. DCF 12.02 (26) is substantive in nature and should not be included in a definition. [s. 1.01 (7), Manual.]
- e. Because the title to s. DCF 12.04 refers to contracting, and the title to sub. (1) of that section is “CONTRACT”, the text of that section should use the term “written contract” rather than “written agreement”. In addition, the department could consider replacing the term “vocational school” with the term “technical college”.
- f. The title to s. DCF 12.06 is rather lengthy. It could be shortened to “Offenses Other than Serious Crimes”.
- g. Why is the material in s. DCF 12.09 (1) (a) 3. divided into subdivision paragraphs? It appears that the provisions should, instead, be designated as separate subdivisions.

h. In order to provide consistency, the title to s. DCF 12.09 (2) should be changed to “ACTIONS OF INDIVIDUALS”.

i. The title to s. DCF 12.10 should be changed to ‘Rehabilitation Review by Agency’.

j. In s. DCF 12.13 (1), the word “is” should be changed to “are”.

k. In ss. DCF 50.044 (3) (b) 1., 50.045 (3) (b) 1., 55.08 (4) (c) 1., 55.13 (4) (d), and 56.055 (4) (b), the word “person” should be changed to “adoptive parent”. In addition, since the term “final substantiated finding” is defined, it is redundant to specify that the finding relates to abuse or neglect of a child.

l. In SECTION 17 of the proposed rule, the treatment clause should be revised to renumber and amend s. DCF 56.04 (3) (intro.), because all of the subunits under that subsection are repealed in the proposed rule. The revised treatment of the subsection should also be updated in the introductory clause for the proposed rule.

m. Section DCF 56.055 (1) (a) should be rewritten to clarify that the applicant and each nonclient resident must each submit a separate information disclosure and authorization. Paragraph (a) 2. should be correspondingly rewritten in the singular, and should also be more specific as to what information is required regarding past residences.

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

a. Should the cross-reference in s. DCF 12.04 (2) (b) (intro.) include a reference to s. 48.685 (6), Stats.?

b. Should the reference to s. 48.685 (4m), Stats., in s. DCF 12.07, be expanded to include s. 48.685 (5m), Stats.?

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

a. Should the requirement in s. DCF 12.03 (2) apply to all entities?

b. Section DCF 12.04 authorizes an entity to contract with any person to conduct background checks on its behalf. Should the rule establish any standards of conduct or minimum qualifications that must be met for a person to be eligible to conduct background checks for entities?

c. Section 48.685, Stats., appears to require an entity to maintain the most recent background check information obtained on a caregiver until the time that new background check information is obtained. It is unclear whether s. DCF 12.04 (2) (c) complies with this requirement.

d. In s. DCF 12.06 (1) (a), the phrase “for which approval is sought” could be inserted after “role” to provide clarity. In addition, in that paragraph, and in s. DCF 12.06 (2) (a), (b), and (c), should the word “any” be changed to “all”? In s. DCF 12.06 (2) (intro.) and (3) (intro.), should the word “agency” be changed to “agency or entity”?

e. Should the requirement in s. DCF 12.08 (3) (intro.) apply to all caregivers? As written, it applies only to caregivers specified in s. DCF 12.02 (4) (b).

f. In s. DCF 12.08 (3), the word “license” should be changed to “credential”.

g. Section DCF 12.12 should contain a requirement that the application form notify the requester of his or her right to appear before the review panel and his or her right to submit information specifically related to the rehabilitation factors listed in s. DCF 12.13 (4) (a) to (q). Section DCF 12.12 should also set forth procedures and standards for review of an agency denial of a previous rehabilitation review under s. DCF 12.16 (3).

h. Section DCF 12.13 (3) should be rewritten to clarify whether a requester has a right to appear before the review panel in every case, or only in cases where the panel has questions. In addition, the rule should specify whether the requester has the right to provide a statement or is only allowed to answer questions. What procedures will be used for a requester to seek an opportunity to appear before a panel?

i. In s. DCF 12.13 (5) (c) 1. a. and 3. a., each requirement should be rewritten as follows: "The type of entity to which the decision applies".

j. Should s. DCF 12.13 (5) (c) 1. c. require the approval to include information on how to appeal the imposition of any conditions or limitations placed on the approval?

k. Section DCF 12.14 (1) should describe the process and timeline to be followed, and the nature of the evidence or documentation that a person may submit, in appeals of rehabilitation denials.

l. Should s. DCF 12.16 (2) (c) set forth standards to be followed by agencies when deciding whether to accept a previous rehabilitation approval?