



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 24-014

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

1. Statutory Authority

In the rule summary’s list of citations for statutory authority, include a citation to s. 48.975 (5), Stats., as that statute explicitly grants authority to the agency to promulgate the rule. The citation to s. 227.11 (2) (a), Stats., could be removed. [s. 1.01 (2) (c), Manual.]

2. Form, Style and Placement in Administrative Code

a. The analysis for the proposed rule indicates that the heading of “Summary of Data and Analytical Methodologies” is not applicable. The department should insert a narrative summary of the analysis used in determining the proposed rule provisions. The summary may be brief, but should contain sufficient detail to enable a reader to understand the steps taken and the methodologies used in formulating the proposed rule. [s. 1.01 (2) (a) 9., Manual.]

b. The analysis for the proposed rule indicates that the heading of “Comparison with adjacent states” is not applicable. Given that 42 U.S.C. s. 673 requires states to have adoption assistance programs and requires certain payment amounts to take into consideration the needs of the child being adopted, the department should insert a brief comparison of the neighboring states’ approaches to making that calculation.

3. Conflict With or Duplication of Existing Rules

Consider whether the proposed rule should also modify s. DCF 50.09 (1) (b) 3. b. If the department does not modify that provision, consider adding an explanation in the rule summary for the differing standards for eligibility under s. DCF 50.09 and the payment amount under s. DCF 50.11. Consider whether the proposed rule should also modify s. DCF 50.14 (1) (b) and (4) (c) 2. b. and (d) 2. b., to remove additional references to the standard of “5 or more needs” in considering an amendment to the adoption assistance agreement.

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

a. In the first sentence of the caption for the proposed rule, capitalize “governor” when referencing the scope statement’s approval.

b. Delete the comma at the end of the text in SECTION 2 of the proposed rule.