

Response to Legislative Council Comments
Proposed Rules Relating to Subsidized Guardianship

Chapter DCF 55
CR 12-045

All comments were accepted or rendered moot by revisions, except the following:

Comment 1.

Section 48.57 (3), Stats., has been added to the list of statutes interpreted.

Comment 4. a.

In s. 55.02 (9) (a) and (b), Stats., “or” is correct.

Comment 4. d.

Section 48.62 (8) (c), Stats., directs the department to promulgate rules to determine a supplemental rate for the special needs of a child who is placed in a foster home that is receiving an age-related rate under s. 48.62 (4), Stats. Under s. 48.62 (4), Stats., foster parents providing care and maintenance for a child placed in a Level 1 foster home do not receive an age-related rate. These foster parents receive a maintenance rate of \$220 regardless of the child’s age.

Comment 5. f.

The note is to assist agency staff implementing the rule.

Comment 5. h.

Yes, that is the intent.

Comment 5. l.

The note is to assist agency staff implementing the rule.

Comment 5. n.

The department prefers the list format.

Comment 5. p.

Yes. Language specifying this requirement has been added to s. DCF 55.08 (6).

Comment 5. r.

This section incorporates the section of the foster care rule that was used for determining supplemental payments before July 1, 2011. This language is currently used for adjusting supplemental payments under subsidized guardianship agreements and adoption assistance agreements that were entered into before July 1, 2011. For

subsidized guardianship, it applies only to agreements entered into under the demonstration project administered by the Bureau of Milwaukee Child Welfare and authorized by a federal waiver and s. 48.62 (5), 2009 Stats. The language incorporated into this rule is the same language that existed when the agreements were signed. It will be repealed when these agreements have been terminated or have expired.

Comment 5. s.

The department prefers the current language.

Comment 5. u.

A guardian may only receive payments for maintenance of a 19- or 20-year-old if all 3 conditions in s. DCF 55.10 (4) (a) 2. apply. A guardian may receive payments for maintenance of an 18-year-old if the one condition in s. DCF 55.10 (4) (a) 1. applies.

The *Administrative Rules Procedures Manual* provides that proper names should be capitalized according to standard rules of English usage with the exception of state or federal departments or agencies other than the University of Wisconsin System. Social Security and Supplemental Security Income are programs not agencies. The agency “Social Security Administration” is not capitalized in the rule text.