



IN YOUR BEST INTEREST

A Teen's Guide to the Child Welfare System
in Wisconsin

developed for you by

KIDS MATTER INC.



This guide is for you. It tries to answer many questions about foster care, the court process and your rights while in foster care. Of course not all questions can be answered in one guide. Use this as a starting point. If you have further questions, ask your case manager/social worker, guardian ad litem/attorney, foster parent, judge, or any other trusted adult.

You have a right to know what is happening and to have a voice in the decisions about your life. Ask questions and keep asking until you understand what is happening.

AN OVERVIEW OF THE CHILD WELFARE PROCESS

Initial Contact

Your initial contact with the child welfare system began when someone reported that you were being abused or neglected, or someone believed your health and safety were at risk. Next, a case manager or social worker from a child protective services agency investigated the report. This investigation may have been short or may have taken many weeks. Finally, the child protective services agency decided it was in your best interest to take the issue to court.

Child Protective Services

Child protective services are government agencies that respond to reports of child abuse or neglect. Their goal is to keep children in the community safe. In Milwaukee County, child protective services is an agency run by the Wisconsin Department of Children and Families and is called the Division of Milwaukee Child Protective Services. Other counties in Wisconsin have their own agencies, such as the Waukesha County Department of Health and Human Services. These agencies send out social workers to investigate reports of child abuse. Go to <http://dcf.wisconsin.gov/reportabuse> to find your county's child protective services contact person.

People You May Meet

▶ **Your Lawyer**

If you are 12 years old or older, you will have a public defender appointed to you as your lawyer. Your lawyer will represent you in court and talk to the judge for you about what you would like to happen. The information you tell your public defender is privileged. This means that he or she will not share your information with anyone else unless you give permission. You need to let the lawyer know what you want shared.

If you are under the age of 12, your interests will be presented to the court by a guardian ad litem or "GAL." The GAL represents your "best interests" to the court. This means that the GAL collects information from several people, including you, and makes sure your living situation is safe. The GAL has a duty to decide what is in your best interests and present that to the court. Information you share with your GAL is not privileged.

The difference between the role of the public defender and the GAL can be confusing. If you have questions, ask your attorney or GAL. They can explain their jobs to you. It is important to understand the role of the person representing you in court.

▶ **District Attorney or Corporation Counsel**

In Milwaukee County, the district attorney is the lawyer who brings the case to court and represents the state. Other counties have corporation counsel who represents the county. Depending on the county you live in, the lawyer who represents the county may have a different title. You can ask your lawyer any questions you have about the district attorney or corporation counsel.

▶ **Judge**

The judge is the person making decisions in your case. The judge wants to hear what you have to say. Your lawyer can help you speak to the judge, and you can speak to the judge when you feel comfortable.

▶ **Court Appointed Special Advocate (CASA)**

A CASA volunteer is a person from the community. A CASA volunteer is not a lawyer but is trained to help young adults through the child welfare system. This person helps the court during your case. Not all youth have CASA volunteers assigned to them, and not all counties have this service available.



► Case Manager or Social Worker

This person is from the child protective services agency in your county that investigates the reports of abuse and will make recommendations to the judge. Your case manager or social worker will ask you questions and will answer any of yours. You can contact your case manager or social worker at any time if you have questions.

You may have a case manager or a social worker assigned to your case, depending on the county you live in.

A social worker is licensed through the state and must follow a code of ethics. A case manager may or may not be a licensed social worker. A case manager who is not a licensed social worker is not required to follow the same code of ethics as a social worker. You should ask your case manager or your social worker to explain their professional standard. The Wisconsin Administrative Code, Marriage & Family Therapy, Professional Counseling and Social Worker Examining Board (MPSW) has all the information on the social worker's code of ethics:

<https://docs.legis.wisconsin.gov/code/toc/mpsw>

Placing a youth in care outside the parent's home requires involvement of the court system. Your parents and you will meet with the court to determine what must be done before you return home.

The role of this case manager/social worker is to present information about your family to the court and to assist you and other family members in getting any services that the court has identified you need. You should feel comfortable with your case manager/social worker and be able to share information with them; however, be aware that they may share what you say in court or document it in case notes.

Out-of-Home Care Options

After the agency investigated the report of abuse or neglect, it was determined that your parents/guardians were not able to keep you safe and court involvement was needed. A petition was filed with the court and a hearing held where everyone involved explained their view. Your parents may have agreed or not agreed with the agency that there was a problem in your home. If the judge determined it was not in your best interest to return home at the time, one of the temporary care options below may have been chosen. These options can change during the course of your out-of-home care.

- **Kinship Caregiver** – A family member may have been chosen for you to live with after you were removed from your home. This family member will take care of you and is responsible for you while you live with them.
- **Foster Home** – Foster parents are licensed through the state to have children and youth live with them. Your foster home should be a safe place where you feel comfortable living.
- **Group Home** – Group homes have several young people living together under one roof. There are adults who work at the home to take care of the youth.
- **Residential Care** – Residential care centers have several young people living together and professionals who provide services. Residential centers may offer services for young people suffering from depression, substance abuse, or health, behavioral, or mental health challenges.
- **Emergency Shelters** – Emergency shelters are only for emergency situations to protect young people. Young adults are not meant to live in emergency shelters for very long.

For information about regulations governing the various types of placement facilities, please see pages 10-11.

Case Plan

During your time in foster care, you and your family will develop a case plan. This identifies any help needed by your family members and states how treatment or services will be provided so that you can be safely reunified with your family or provided with another home.

A case plan will include steps your parents must take to show the agency and, most importantly, the court that they can take care of you. These steps may include counseling for you and your family, necessary drug and alcohol treatment, rehabilitation classes, or other services your family needs. This plan is not set in stone and may change as your needs or your family's needs change.

Permanent Placement

You and your family will work with your case manager to develop a permanency goal. This determines a permanent place for you to live if you cannot return home. Permanent placement options include adoption, guardianship, or other planned permanent living arrangement (OPPLA).

You will have a permanency plan review hearing within the first six months of your placement. There will then be a permanency plan hearing after 12 months. You should attend all the hearings.

If your family completes all the steps on the case plan successfully, then your family will be reunified. This is when you return home for a short period to see how things go.

If you cannot be reunified with your family, the court may order a termination of parental rights (TPR). If that happens, your parents will no longer have any say about your ongoing care. The agency will then pursue either adoption or guardianship.

Your foster parents, or a relative caregiver may file for adoption or guardianship. If the court agrees, they assume all parental responsibilities, and your case will be closed.

If adoption is unlikely, or the court feels it is not in your best interest, your foster parents or relative caregiver may agree to be sustaining parents. They will sign a contract agreeing to take care of you until you turn 18. Your case will remain open. The court still has the power to change the placement if it feels the sustaining parents are unable, unwilling, or unfit to continue with your care. The court may also order or prohibit visits with your birth parents.



PERMANENCY OPTIONS

REUNIFICATION	Most youth in foster care are reunified with their parents after services are provided to change the family dynamics and ensure the home is a safe place and the parents can meet the needs of the youth.
ADOPTION	Your foster parents or a family member may adopt you. An adoption will terminate all rights your parents have to you as their child. Termination of parental rights is a legal separation from your family of birth, and adoption is a permanent legal connection to your adoptive parents. You are no longer the heir of your parents, but the heir of your adoptive family. The adoptive parents then have the right to make decisions about your future without consulting your birth parents. Adoption also ends the legal relationship between you and your siblings. It is important that you feel comfortable with this process. Adoption counseling is available to help you through it.
GUARDIANSHIP	A guardianship is when a person, usually another family member, takes responsibility for you and will care for you until you reach the age of adulthood at 18 or 19 if still in high school. A guardianship does not terminate your parent's rights and does not end the legal relationship between you and your parents. Legal guardians have the right to make decisions about your life without consulting your parents. The legal relationship with your birth family, however, does not end. You remain an heir of your parents.
REMAIN IN FOSTER CARE	<p>You may remain in foster care and receive independent living services until you age out.</p> <p>Foster care is not permanent, and if you remain in foster care until you reach 18, or 19 if still in high school, you will "age out." Before you age out, you should receive independent living services to help you learn important life skills. You may also receive help in locating and connecting to extended family members and other adults who will be there for you. It is important that you have an adult in your life to support and guide you.</p> <p>Some youth near the age of 18 may be given help to live on their own while their case is still open.</p>
OTHER PLANNED PERMANENT LIVING ARRANGEMENT (OPPLA)	You may be able to live in another permanent living arrangement if all other options have been ruled out. There are requirements by law that must be met before being placed in OPPLA. First, the court must believe it is in your best interest. Next, the living arrangement must be stable, and you must be receiving services to help you transition into adulthood.

YOUR RIGHTS IN PLACEMENT

You have a right in out-of-home care to

- ▶ Live in a safe and comfortable home;
- ▶ Have enough food to eat and clothes to wear;
- ▶ Keep your own clothes and other belongings;
- ▶ Receive your mail and make phone calls;
- ▶ Have reasonable privacy; and
- ▶ Not be physically punished.

You have a right to

- ▶ Be treated with respect;
- ▶ Not be discriminated against;
- ▶ Learn life skills;
- ▶ Visit with family and friends unless the court says otherwise; and
- ▶ Go to religious services and activities of your choice as long as they are safe.

You also have a right to

- ▶ Protection against identity theft;
- ▶ Have your credit score checked yearly if you are over age 16; and
- ▶ Receive help fixing your credit if it is damaged.

You also have a right to be an independent youth, so you can

- ▶ Pursue getting a driver's license;
- ▶ Get a job; and
- ▶ Develop your own taste in music, movies, food, etc.

You have a right to get your education, so you can

- ▶ Go to school every day;
- ▶ Participate in after school activities;
- ▶ Graduate; and
- ▶ Go to college.

You have rights at court, so you can

- ▶ Attend all your court hearings;
- ▶ Ask the judge for a different living placement;
- ▶ Know what is happening at your court hearings;
- ▶ Speak to the judge about your concerns.

Speak up for your rights by attending all your hearings, asking questions, telling the judge what you want to happen, and knowing the process and working with your lawyer.

You have a right to be healthy, so you should

- ▶ Receive medical and dental care, and
- ▶ Go to a doctor if you do not feel well.



MEDICAL CARE

Every child in foster care has medical coverage. This medical coverage is either through your parents' health insurance or through Wisconsin's Medical Assistance Program.

You must receive an initial health screening. When you first enter foster care, you will be asked about your health to see if you have any health issues that need attention right away. A case manager or health care provider will ask about any illness, injury, or allergies you may have and if you take any medications.

Within 30 days of entering foster care, you should expect a

- ▶ Complete physical examination;
- ▶ Dental assessment; and
- ▶ Mental health assessment.

If you need any treatment for an illness or condition, the agency must arrange a follow-up for your care. If you need sexual health care or reproductive health care, you may receive it confidentially.

Many young people receive substance abuse screenings. These screenings look for tobacco, alcohol, and drug use. There are many programs designed to help you stop or to keep you from starting use of these substances. If you are considered to be "at risk," you will be referred to a program that will meet your needs.

You should expect to have a mental health assessment and receive mental health services if needed.

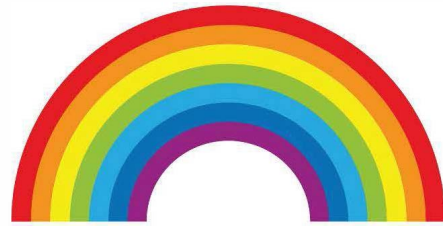
Follow-up health activities: To stay healthy, it is important to visit your health care provider for regular checkups. This includes keeping up to date on immunizations, which protect you against certain diseases like the measles and chicken pox.

Medicine: Health care providers prescribe medications for many reasons, including to keep you healthy, to make you feel better, and so you will not get even sicker than you already may be. You may need to take medications every day or just at a certain time for a current illness.

You have a right to know why you have medication and what the medication is for. If you do not like taking a medication or if it gives you side effects (headaches, nausea, etc.), talk to your doctor.

You cannot be forced to take a medication, but you need to be sure that you know how it will affect you if you do not take it. You should talk to your doctor about this decision.

RIGHTS OF LGBTQ+/SOGIE YOUTH



Are you and LGBTQ+/SOGIE youth? You are not alone! About 30% of foster youth identify as LGBTQ+. Disclosing your LGBTQ+ status is up to you, and you are able to disclose your identity at any point in your foster care journey.

If you are LGBTQ+/SOGIE, the foster care system and providers have LGBTQ+/SOGIE supportive foster homes, group homes and can provide training to any placement. You also have the right to be protected from discrimination and harassment based on your sexual orientation and identity.

All foster care agencies are required to have nondiscrimination policies and should have anti-harassment and anti-bullying policies. You have the right to ask for these policies as they relate to any placement or service. Kids Matter, the Department of Children and Families and many foster care agencies maintain lists of LGBTQ+/SOGIE welcoming service providers in areas from schools, mental health, housing, support groups and more.

You have the right to a safe, comfortable placement and to be treated with respect. Speak up for your rights by contacting your attorney (every foster youth aged 12 and over has an attorney), your case manager, your CASA volunteer or all three! Attend your court hearings and share your concerns with the Judge.



GOING TO COURT

Going to court can be scary, and it can be difficult to understand what is going on. It can help if you understand the process and what is happening at your court hearings. Courtrooms are formal and professional. There are rules that everyone must follow while in court. These are some “Do’s” and “Don’ts” to help you feel prepared and more comfortable.

DO

- ▶ Wear nice clean clothes. You want to look nice!
- ▶ Address the judge as “Your Honor.”
- ▶ Answer questions honestly and calmly.
- ▶ Ask your attorney questions.
- ▶ Use respectful language.
- ▶ Turn off your cell phone.

DON'T

- ▶ Bring food or drink into the courtroom.
- ▶ Wear a hat in the courtroom.
- ▶ Chew gum.

Children’s Court (some counties call it Juvenile Court) proceedings are confidential, so only those with direct information about the case are allowed in the court room. You will not be allowed to bring friends or extended family members unless the judge permits it.

If you are age 12 or over, your public defender will be in court with you. If you are under age 12 a guardian ad litem will be with you. You will sit with your lawyer in the courtroom, and your lawyer will tell the judge what is happening in your case. Your lawyer will tell the judge what you want to happen or what is in your best interest, so it is important that you work with your lawyer.

The people who have worked on your case, as listed on page 4-5, may be in the courtroom. Other people in the room are:

Your Parents’ Lawyer: Your parents might have a lawyer. If your parents do have a lawyer, then your parents will sit with their lawyer in court. Your parents’ lawyer will tell the judge what your parents want to happen in the case. If your parents do not have a lawyer, they will sit by themselves and speak to the judge by themselves.

Parents: Your parents may ask the judge questions and tell the judge what they want to happen in the case.

Clerk: The clerk sits near the judge and keeps records about the case.

Bailiff: A bailiff is a law officer who is there to keep the courtroom safe.

Speaking to the Judge

Judges can be intimidating. It is okay to be nervous when you go to court and when the judge asks you questions. It can be helpful to write down your thoughts and opinions, so when the judge asks you a question you remember things you want to say. If you have questions during court, you should ask your lawyer.

Here are some questions that you might be asked:

1. Do you like where you live? If not, what could be better?
2. Are you visiting with siblings and how are the visits going?
3. Are you visiting with your parents and how are those visits going?
4. Do you want to go home? If so, do you know what must be done to keep you safe?
5. What do you think should happen in your case?
6. Have you been told about all your court dates?

GETTING CONNECTED

Online communities offer a great way for you to research topics and find out more about issues that matter to you. These are only a few places online for more information and to connect to other foster youth. Remember to be smart and be safe online.

FosterClub

FosterClub is a web site for young adults who are transitioning out of foster care. You can learn about the experiences of former foster youth and find articles, blogs, and message boards.

www.fosterclub.com

Jim Casey Youth Opportunities Initiative

Jim Casey Youth Opportunities Initiative helps young adults who are leaving foster care and is leading the way in advocating for older youth in foster care.

<https://www.aecf.org/work/child-welfare/jim-casey-youth-opportunities-initiative/>

FosterStrong

FosterStrong empowers current and former foster youth to reclaim their narratives by authentically sharing our own journey's of moving from trauma to triumph. FosterStrong shares stories through podcasts.

<https://www.urfosterstrong.org/podcast>



REQUIREMENTS FOR OUT-OF-HOME CARE PROVIDERS

All out-of-home care providers in Wisconsin must be licensed, with the exception of relatives. Each type of care has a set of rules and regulations that must be followed to remain licensed and be paid.

If you believe your placement is not following any of these rules, you need to tell your lawyer, case manager, or social worker. In Milwaukee, you can report issues of abuse or neglect to 414-220-SAFE (220-7233). In other counties, call the Department of Health and Human Services in that county or call the National Child Abuse Hotline at 800-4-A-CHILD, which will refer you to the agency that serves your area.

In Wisconsin, all foster homes must be licensed. The exception is relative caregivers who may be under the Kinship Care program. The homes of relatives will be checked to ensure they are safe and that no one living there has a criminal record that would indicate activity that endangers you.

Foster Homes

To be licensed, a foster home must have:

- ▶ One bathroom for every eight household members.
- ▶ Separate beds for children. Two related children of the same sex under the age of 12 may share a double or larger bed.
- ▶ A minimum of two feet horizontally between beds. A minimum of 5 feet between bunk beds.
- ▶ Separate bedrooms for adults and children, except for children under 1 year old.

For complete list of rules for foster homes and foster care see Wisconsin Administrative Code DCF 56: https://docs.legis.wisconsin.gov/code/admin_code/dcf/021_099/56

Some exceptions may be made if the home belongs to a relative of the child/youth placed there.

Licensed Foster Parents

In addition to the home meeting particular requirements, foster parents must also have:

- ▶ 18 hours of training prior to having a child placed in the home. 24 hours of continued training in the beginning of the second year and 18 hours of training every year following.
- ▶ No abuse of drugs or alcohol.
- ▶ Renew their license when the prior one expires.

For a list of requirements for licensed foster parents see Wisconsin Administrative Code DCF 56: https://docs.legis.wisconsin.gov/code/admin_code/dcf/021_099/56/12

See also Foster Parent Handbook: <https://dcf.wisconsin.gov/fostercare/handbook>

Group Homes

Group homes must have:

- ▶ Separate beds for each resident.
- ▶ Separate beds for children and their parents (in the case of teen parents).
- ▶ No more than two residents in a bedroom.
- ▶ Different bedrooms separating individuals who are over 18 years old from individuals who are under 18 years old.
- ▶ No bedrooms that must be passed through in order to get to another part of the group home.
- ▶ Separate bedrooms for residents and staff members.
- ▶ Sufficient quantities and varieties of nutritional foods.

For a complete list of rules see Wisconsin Administrative Code DCF 57: https://docs.legis.wisconsin.gov/code/admin_code/dcf/021_099/57

Residential Care

Residential care homes must have:

- ▶ A minimum of 80 square feet of floor space in each one-person bedroom.
- ▶ A minimum of 60 square feet of floor space for each resident in a bedroom that houses more than one person.
- ▶ No bedroom with more than two residents.
- ▶ No single beds less than 36 inches wide or shorter than the height of the resident.
- ▶ Fresh sheets and pillowcase provided at least once a week for each resident.
- ▶ One toilet and either a tub or shower for every eight residents.
- ▶ A telephone available for use.
- ▶ A reasonable choice of appealing and nutritional food served in a pleasant manner.

For a complete list of rules see Wisconsin Administrative Code DCF 52:

https://docs.legis.wisconsin.gov/code/admin_code/dcf/021_099/52

Emergency Shelter

Emergency Shelters, also called shelter care facilities, must have:

- ▶ No more than four children in any bedroom.
- ▶ No children of the opposite sex sharing a bedroom.
- ▶ No child required to sleep with an adult.
- ▶ A shelter care worker within the call of the children in the shelter during sleeping hours.
- ▶ One complete bathroom for every eight people.
- ▶ Different bathrooms for different genders (if the shelter is a large shelter).
- ▶ Fresh sheets and pillowcases provided once a week.

For a complete list of rules see Wisconsin Administrative Code DCF 59:

https://docs.legis.wisconsin.gov/code/admin_code/dcf/021_099/59



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This is general information about Wisconsin law and/or procedure, and is not intended to serve as legal advice. Every situation is unique. General information is not a substitute for legal counsel. Individuals needing legal advice or legal assistance should consult an attorney.

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