State of Wisconsin

Governor Tony Evers

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EMERGENCY ORDER #18
Relating to Department of Children and Families Administrative Rule Suspensions

WHEREAS, in December, 2019, a novel strain of the coronavirus was detected, now named COVID-19, and it has spread throughout the world, including every state in the United States;

WHEREAS, on March 12, 2020, Governor Tony Evers declared a public health emergency and directed all agencies to support the efforts to respond to and contain COVID-19 in Wisconsin;

WHEREAS, on March 13, 2020, President Donald Trump proclaimed a National Emergency concerning COVID-19;

WHEREAS, as of March 29, 2020, 634,835 people around the world have tested positive for COVID-19, including 122,653 in the United States and 1,112 in Wisconsin; and

WHEREAS, the Department of Children and Families must continue its vital work in ensuring the protection and safety of children throughout the state.

NOW THEREFORE, under the authority vested in the Governor and the Wisconsin Department of Health Services by the Constitution and the Laws of the State, including but not limited to Article V, Section 4 of the Wisconsin Constitution and Sections 323.12(4) and 252.02 of the Wisconsin Statutes, and the public health emergency declared in Executive Order #72, I, Governor Tony Evers, and I, Secretary-designee Andrea Palm, jointly order the following:

1. The following administrative rules relating to child safety and permanence are suspended:

   a. **Admin. Rule** — **Wis. Admin. § DCF 40.03(2)(f)**
   Description of Rule: Establishes the timeline for review of an initial determination by the Department.
   Status: Suspended in part, as follows: "The review of the initial determination shall be held ~~within 45 days~~ after the agency receives a request for review from the person who is the subject of the initial determination."

b. Admin. Rule **Wis. Admin. § DCF 40.03(2)(h)**

Description of Rule: Establishes when a review of an initial determination may be rescheduled.

Status: Suspended in part, as follows: "The person who is the subject of the initial determination may request one rescheduling of the review date or time, and the agency shall grant the request if the review of the initial determination can be rescheduled ~~within 45 days~~ after the person's initial request for review. ~~The notice of the rescheduled review date may be sent less than 7 days before the review if that is necessary to complete the review within 45 days after the person's request for review~~."

c. Admin. Rule **Wis. Admin. § DCF 56.09(4)(a)**

Description of Rule: Requires a medical and dental exam in accordance with the HealthCheck program within 30 days after a foster child placement.

Status: Suspended

d. Admin. Rule **Wis. Admin. § DCF 59.01(4)**

Description of Rule: Gives the Department discretion to make exceptions to administrative rules for licensing shelter care facilities and sets limits to that discretion.

Status: Suspended in part, as follows: "The department may make exceptions to any of the rules for licensing shelter care facilities when the department is assured that granting such exceptions is not detrimental to the health, safety and welfare of children in shelter care, except that exceptions may not be made to s. DCF 59.03(2)(b) or to s. DCF 59.05(2)~~ or (3)~~."

e. Admin. Rule **Wis. Admin. § DCF 54.04(2)(c)**

Description of Rule: Sets deadlines for a physical exam of a child receiving social services from the department.

Status: Suspended in part, as follows: "*Admission examination—health qualifications.* ~~Each child shall have a physical examination from a qualified physician within 90 days prior to the initial acceptance for placement. If the foregoing has not occurred, the examination shall be given within 48 hours after acceptance~~. . . ." Wis. Admin. § DCF 54.04(2)(c)1. to 4. remain in effect.

2. The following administrative rule relating to W-2 worker training is suspended:

a. Admin. Rule	**Wis. Admin. § DCF 103.03(1)(a)**
Description of Rule:	Sets requirements for initial W-2 worker training.
Status:	Suspended in part, as follows: "The department shall make initial W–2 worker training available to new FEPs and resource specialists directly or through contractors. The W–2 agency shall ensure that each FEP and resource specialist completes the department's initial training ~~during the first 6 months of employment~~."
Companion Order:	The Department may establish a deadline for FEP and resource specialist initial training.

3. Emergency Orders #3, #6, and #12 remain in effect, and this order does not supersede the directives in those orders.

4. This order is effective immediately and shall remain in effect for the duration of the public health emergency as declared in Executive Order #72, or until a superseding order is issued.

Tony Evers
Governor
State of Wisconsin

3/30/2020
Date

Andrea Palm
Secretary-designee
Department of Health Services
State of Wisconsin

03/30/2020
Date