The Reasonable and Prudent Parent Standard: Promoting Normalcy for Children in Out-of-Home Care

Presenters: Danielle Brey and Allison Budzinski

May 12th, 2016
Agenda and Objectives:

• Introduction and understanding purpose of the law
• Decision making process
• Address liability concerns and handling disagreements
• Identify those affected and their role and responsibilities
• Apply the requirements to practice and caregiving of children in out-of-home care
Federal Legislation Overview:
H.R. 4980: Preventing Sex Trafficking and Strengthening Families Act of 2014

Amends the Title IV-E foster care program to address a number of different issues including:

• Requiring a "Reasonable and Prudent Parent Standard" for out-of-home care providers when children are in out-of-home care

• Requiring that the use of the Reasonable and Prudent Parent Standard (RPPS) be used to allow the child to participate in age and developmentally appropriate activities be a part of the child’s Permanency Plan and reviewed by at the permanency plan hearing or review

• Requiring that all out-of-home care providers must be trained in the Reasonable and Prudent Parent Standard
What is the Law?

Out-of-Home Care Providers must be trained and use the Reasonable and Prudent Parent Standard to determine if a child can participate in age and developmentally appropriate activities.

Note: Promoting normalcy is already part of practice in many counties. The recent federal legislation is now making it required and easier to pursue.

— DSP Memo Series 2012-03 Re: School Activities for Children in Out-of-Home Care allows out-of-home care providers to give permission for school activities outside the classroom

Ch. DCF 56 Administrative Code will be updated
Reasonable and Prudent Parenting Standard Defined:

**Reasonable and Prudent Parenting Standard (RPPS):**
A standard for an out-of-home care provider to use in making decisions concerning a child’s participation in *age and developmentally appropriate* extracurricular, enrichment, cultural, and social activities that is characterized by careful and sensible parental decisions that maintain the health, safety, best interest, and cultural, religious, and tribal values of the child, while at the same time encouraging the emotional and developmental growth of a child.
Age and Developmentally Appropriate Defined:

Activities that are generally accepted as suitable for children of a given **chronological age or level of maturity** or that are determined to be developmentally appropriate for a child based on the **cognitive, emotional, physical, and behavioral capacities** that are typical for children of a given age or age-group or, in the case of specific child, activities that are suitable for the child based on the cognitive, emotional, physical, and behavioral capacities of that child.
Out-of-Home Care Provider Defined:

• An individual with whom a child is placed in out-of-home care, including licensed foster parents and unlicensed relatives and non-relatives (including court-ordered kinship care providers).

• Respite providers and Voluntary Kinship Care providers are **not** included in the Reasonable and Prudent Parent Standard.
“When I was in foster care I felt like nothing in my life was ‘normal.’ I think promoting normalcy for youth in care might help a little bit with that feeling - if at least some aspects of your life looks like the lives of your friends and peers, maybe you feel a little less out of place and a little less different than everybody else.”

“Being able to do things at the same time as friends and peers such as get a learner’s permit or driver’s license, attend school dances or activities, go to sleepovers, etc. Sometimes it’s not a matter of not being able to do the activity, it’s about how long it takes to get permission and figure out who is going to pay for it or run the background checks. If those things could be negotiated and figured out ahead of time, it might draw less attention to kids in care by allowing them to participate in those experiences at the same time as their peers rather than having to wait for all the “red tape” to clear.”
Two Different Experiences:

“My foster parents were really great at letting me participate in sports and activities at school. It made a huge difference for me as far as making me feel like a regular teenager and allowing me to have those normal experiences with my peers.”

“I have lots of examples of times I was prevented from participating in activities due to being in out of home care, unfortunately. I didn't have the chance to go to football games, school dances, or participate in extracurricular activities because my foster parents felt that providing me rides to anything outside of school (I took the bus) was above and beyond what they were expected to do…”
Purpose of the Standard:

- Creating and Promoting Normalcy
- Relationship Building
- Personal Growth
- Improved Well-being
Creating and Promoting Normalcy

**Normalcy:**
Normalcy is the ability to easily engage in healthy and developmentally appropriate activities that promote well-being and personal growth and development, such as social, scholastic, and enrichment activities.

Everyone is responsible for promoting normalcy!
Relationship Building:

Peers
• Normalcy
• Commonality

Siblings
• Household Alignment
• Fairness

Caregiver
• Consistency
• Trust
Personal Growth

- Social Skills
- Development of Life Skills
- Pursue interests
- Safe place to make mistakes
Improved Well-being

Improved Well-being

Improved placement stability

Improved Permanence

Promotion of participation in the extension of out-of-home care

Normalcy is not dependent on permanency
How to Make Decisions:

**Considerations**

- Age, maturity, development
- Potential risk factors
- Best interest of the child
- Growth
- Family-like living experience
- Child’s behavioral history
- Court Order/Legal Considerations
- Cultural, Religious, & Tribal Values
Age, Maturity, & Developmental Level

- Age, maturity, and developmental level may be based on child’s:
  - Daily functioning
  - Learning style,
  - Current knowledge,
  - Life experiences,
  - Interests, etc.

- Youth with disabilities should be provided with an equal opportunity to participate in activities

- View each child as an individual and making decisions based on each individual

Example:
Should you allow a 16-year-old placed in your care babysit for the neighbor’s infant?

Considerations
- Age, maturity, development
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Potential Risk Factors

Evaluate the circumstances of risk.

Example 1:
Ryan (15yrs) would like to ride with his friend Cory (17yrs) to *school in the morning*.

VS.

Example 2:
Ryan (15yrs) would like to ride with his friend Cory (17yrs) to a *concert an hour away this Friday night*.

Considerations
- Age, maturity, development
- Potential risk factors
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- Cultural, Religious, & Tribal Values
Potential Risk Factors Continued:

- Out-of-home care providers **must** ensure that children and youth obtain necessary *training* and *safety equipment* to safely participate in the activity under consideration.

**Hunting Example:**
- Abide by Laws
  - License
  - Property
- Training
  - Hunter’s Safety
- Safety Equipment
  - Blaze Orange
  - Safety switches on guns
Best Interest of the Child

Does it serve the child? Or is the decision being made for another’s benefit?

Decisions cannot be made only for the convenience and values of the out-of-home care provider.

Example 1:
Was the sleep away camp selected because it fits the child’s interest and is what he or she wants to do, or are they going because all children in your household go?

Example 2:
Amanda is not interested in sports, but loves to read. What type of activity could you identify and encourage the Amanda to participate in?

Considerations
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Thoughtful decision making that takes into account the emotional and developmental opportunities for growth.

**Example 1:**
A child placed in your care loves to sing. Should you encourage a child to join choir at school, knowing that it could provide good social interaction and build their self-esteem?

**Example 2:**
A youth placed in your care would like to try-out for the school’s gymnastics team. Should you allow them to try-out, even though they are unlikely to make the team?

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Family-like Living Experience

Is this something I would let my biological or adopted children do?

Is the only thing preventing the child from participating is their status in out-of-home care?

Example 1: There is a bouncy house at the neighbor’s birthday party. You allow their biological children to participate.

Example 2: A foster parent’s biological child and a child placed in their home are invited to the same sleepover this Saturday.

Considerations
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Child’s Behavioral History

- The amount of information that you have about a child in your care will impact your decisions.
- When a child is initially placed in care, what conversations are out-of-home care providers having with the child?
  - Setting parameters
  - Building trust
  - A child’s past should not eliminate opportunity for second chances.

**Example 1:**
A youth placed in their aunt’s home wants to go to a school dance this Friday, but has a significant history of sexualized behavior.

**Example 2:**
A youth wants to go to the movies with friends on Saturday, but has stayed out past curfew at previous foster homes.

**Considerations**
- Age, maturity, development
- Potential risk factors
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- Child’s behavioral history
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- Cultural, Religious, & Tribal Values
An out-of-home care provider receives placement of a 15-year-old female at 11:00 p.m. on a Thursday. The youth explains that she has a date with her boyfriend on Friday night.

The out-of-home care provider received information about the youth through Information to Out-of-Home Care Providers Part A and B, but neither the youth or her parents mentioned anything about having a boyfriend to the caseworker.

**What next steps should the out-of-home care provider take?**

**Considerations**
- Age, maturity, development
- Potential risk factors
- Best interest of the child
- Growth
- Family-like living experience
- Child’s behavioral history
- Court Order/Legal Considerations
- Cultural, Religious, & Tribal Values
Court Order/Legal Considerations

• Reasonable and prudent parenting decisions cannot be contrary to a pre-existing court order and/or the child’s permanency plan.
  – Family interaction
  – Services

• Reasonable and prudent parenting cannot be contrary to other laws or legal restrictions for the child

Considerations

- Age, maturity, development
- Potential risk factors
- Best interest of the child
- Growth
- Family-like living experience
- Child’s behavioral history
- Court Order/Legal Considerations
- Cultural, Religious, & Tribal Values
Reasonable and prudent parenting cannot be contrary to other laws. This is not an exhaustive list of examples:

**Medical**
- Consents
- Medication changes
- Doctor examinations
- Therapy instruction, etc.

**Department of Public Instruction (School)**
- Individual Education Plan (IEP), etc.

**Department of Transportation**
- Liability, etc.
Creative Planning

• What if a RPPS decision is contrary to a court ordered activity or permanency plan?
  – Not and automatic “no”
  – Discuss the possible activity with your agency to see what, if any, adjustments can or should be made to accommodate the activity and promote normalcy

• Example:
  – A child in care would like to participate in drama club, which is every Tuesday after school. The child typically has weekly family interaction during the time that drama club would take place. Instead of saying “no” to this activity right away, the foster parent and the agency work together to accommodate a different family interaction plan.

How can you get creative to promote normalcy?
Cultural and Religious Considerations

- When possible and appropriate, the child’s cultural, religious, and tribal values must be considered.
  - The agency and the out-of-home care provider should gather information from the parent/guardian and the child to understand what values should be considered when making reasonable and prudent parenting decisions.
- Out-of-home care providers may not impose their own cultural and religious values on a child in their care

Considerations
- Age, maturity, development
- Potential risk factors
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- Cultural, Religious, & Tribal Values
A 13-year-old in out-of-home care would like to attend Bible study at a friend’s church. The out-of-home care provider believes that this activity is age and developmentally appropriate for the youth, as well as an opportunity for positive social interaction and personal growth.

The youth’s biological mother does not approve of the youth attending any activity related to religion.
Tribal Considerations

• Consultation with the Tribe
  • To better understand a child’s tribal culture, out-of-home care providers and the agency should consult with tribal representatives regarding cultural preservation and the promotion of normalcy.

Considerations

• Age, maturity, development
• Potential risk factors
• Best interest of the child
• Growth
• Family-like living experience
• Child’s behavioral history
• Court Order/Legal Considerations
• Cultural, Religious, & Tribal Values
Child/Youth’s Wishes

• Agency must consult with the child when gathering information to provide to the out-of-home care provider

• Out-of-home care provider should consider the child/youth’s wishes when making reasonable and prudent parenting decisions

• Input from the child/youth is crucial
  – Trust
  – Empowerment
  – Growth
  – Personal interests
  – Family involvement/inclusion
  – Life skills/decision making
Child/Youth’s Wishes

Out-of-home care providers maintain the ability to say “no”

– The child/youth and the out-of-home care provider may have different ideas about what is normal and what is reasonable.
  • How can we meet in the middle?

Example:
A youth placed in your care would like to get a part-time job. As this promotes independent living skills and is age and developmentally appropriate for the youth, you have concerns regarding the hour commitment and environment of the workplace that the youth is requesting.
Parent/Guardian Wishes and Input

When appropriate, an out-of-home care provider should discuss the promotion of normalcy with a child’s parent/guardian.

• Parents/guardians have valuable insight regarding their child and how to promote normalcy
• Parent/guardian wishes are **NOT** the determining factor for an out-of-home care provider’s decision.
• Out-of-home care providers are **NOT** required to consult with parent/guardian for each decision.
• When parents are absent, the Reasonable and Prudent Parent Standard still applies.
• Agencies should help facilitate discussions in team meetings.
• Parent/Guardian will receive information about the Reasonable and Prudent Parent Standard from the agency/caseworker.
A youth placed in your care, Katie, would like to attend her school trip to Washington D.C.

You have been working with Katie on her behaviors at home and in school. You have good communication with Katie’s mother and they both work together on addressing Katie’s behaviors when she has visitation with her mother.

You are thinking about allowing Katie to attend the school trip, but Katie’s mother has voiced that she would prefer Katie to stay home.

Considerations
- Age, maturity, development
- Potential risk factors
- Best interest of the child
- Growth
- Family-like living experience
- Child’s behavioral history
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Liability

• The fear of liability should not prevent normalcy.
  • Specific statutory provisions were included to address the liability of out-of-home care providers and can be found in s. 895.485 Wis. Stats.

• When you have placement of a child, the agency is trusting you to make reasonable and prudent parenting decisions when given appropriate information.

• If your decisions are reasonable and prudent, you will be supported in matters where liability is questioned.
Did they apply the Reasonable and Prudent Parent Standard?

A foster parent allows a 14 year old in their care to go to a friend’s house for a sleepover though they have never heard of the friend and did not talk to the friend’s parents. The 14 year old functions at the level of an 8 year old and has never been on a sleepover before. The youth has a significant trauma history, and often has angry outbursts towards peer and adults. The youth had an in school suspension this week and has not completed any homework.

VS.

A foster parent allows a 14 year old in their care go to a friend’s house for a sleepover after having discussions with the youth and the friend’s parents. The foster parent has discussed appropriate behaviors and safety with the youth, and determined that the sleepover would encourage appropriate social growth for the youth. The youth has recently demonstrated responsible behavior by completing homework assignments.
Disagreements

In any disagreement over the application of a reasonable and prudent parenting standard, the agency having placement and care responsibility for the child is ultimately responsible for the decisions of care for the child.

Example:

- If a parent/guardian does not like a decision that an out-of-home care provider made because it is different than what their decision would be, this is not a disagreement with the application for the standard.

- If a parent/guardian feels that the decision an out-of-home care provider was made without properly applying the standard, such as a disregard for cultural considerations, this may be a disagreement in which the agency is involved.
Disagreements Continued

• Agencies with placement and care responsibility may change the decision if it is not a reasonable and prudent decision, but should evaluate the situation carefully and with input from other agencies and members of the team.

• In situations where a decision has already been made and it is determined the situation was not reasonable and prudent, the agency with placement and care responsibility or the licensing agency may need to consider whether actions need to be taken with that provider.
Information Necessary for Out-of-Home Care Providers to Make Decisions

The agency with placement and care responsibility shall:

- Explain the parameters of the considerations to the out-of-home care provider to take into account when making decisions about the child.
  - Brochure

- Explain that necessary training and safety equipment is required for certain activities.
  - Brochure

- Provide the out-of-home care provider with information specific to the child in order to make reasonable and prudent parenting decisions.
  - Information to Foster Parents Part A and B (soon to be Information to Out-of-Home Care Providers Part A and B)
Information Necessary for Out-of-Home Care Providers to Make Decisions

## II. ALL ABOUT ME

The child or youth should complete this section, if they would like to. Completion of this section is not required.

In my free time I like to (i.e. play sports, hang out with friends, visit family, play games, go outside, etc.):

My best friends are:

Some of my favorite foods and meals are:

Some foods and meals I really dislike are:

Some of my favorite books, stories, and movies are:

I am closest to the following family members:

I am close to these other important adults:

I am in the following clubs, sports, and activities:

I work at or would like to work at (this can include babysitting, lawn mowing, and more formal employment):

My pets are:

I like to be alone when:

At night before going to bed, my favorite thing to do is:

The thing that scares me the most about foster care is:
Information Necessary for Out-of-Home Care Providers to Make Decisions

III. REASONABLE AND PRUDENT PARENTING CONSIDERATIONS

"Reasonable and prudent parent standard" means a standard for an out-of-home care provider to use in making decisions concerning a child’s participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities that is characterized by careful and sensible parental decisions that maintain the health, safety, best interests, and cultural, religious, and tribal values of the child while at the same time encouraging the emotional and developmental growth of the child.

A. Cultural, Religious, and Tribal Considerations

For this child take into account the following cultural, religious, and tribal considerations when making prudent parenting decisions:

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<th>Specify:</th>
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B. Recreational Activities

This child engages in or would like to participate in the following recreational activities, sports, and/or extra-curricular activities (e.g. birthday parties, movies, volunteering, dances, etc.):

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<th>Specify:</th>
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For this child consider the restrictiveness of the placement and whether he/she has the necessary training and safety equipment to safely participate in the activity under consideration.

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For this child consider their age and the following cognitive, emotional, physical, and behavioral capacities when making prudent parenting decisions:

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<th>Specify:</th>
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This child is prohibited from participating in the following recreational activities (i.e. prohibited due to their age, cognitive, emotional, physical, and behavioral capacities, court orders, laws, etc.):

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<th>Specify:</th>
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• Sections on:
  – Recreational activities, transportation, employment, peer relationships, personal expression, other, and cultural/religious/tribal considerations

• Agencies must discuss this information with the youth and parents/legal guardians when able and appropriate
Updating Information and Documenting Reasonable and Prudent Parent Decisions

• Out-of-home care providers should keep a record of big decisions made for the child, especially if it impacts key information.
  – Examples: Child joined a sports team, child started a part-time job

• Reasonable and prudent parenting decisions and the child’s opportunity to participate in age and developmentally appropriate activities are required to be documented by the caseworker on the child’s permanency plan
Agency Specific Policy

Agency policy cannot further restrict a out-of-home care provider’s ability to promote normalcy.

• Agencies cannot require prior approval for a child to participate in an activity.
• If an out-of-home care provider is not being permitted to make decisions for a child, they should be encouraged to inform the Department of Children and Families or the court.
Resources
Q20: Can an out-of-home care provider allow a child to get a part-time job?
A20: Yes. Out-of-home care providers may sign work permits for a child court-ordered into their care, which is not new with the Reasonable and Prudent Parent Standard (reference Ch. DWD 270 Administrative Code). Part-time jobs are a key way to learning independent living skills that will help the child work towards a successful adulthood. Out-of-home care providers should use the Reasonable and Prudent Parent Standard to decide whether the child is ready for a part-time job and if it would be in their best interest when considering their other obligations. The age, maturity, and developmental level, as well as the child’s behavioral history should be considered when deciding to allow a child to get a part-time job or choosing which type of part-time job is appropriate. Out-of-home care providers should talk with the child to guide them in choosing appropriate employment. The out-of-home care provider should also use this as a learning opportunity for the child as they decide what limits they will put on their employment, such as limiting hours to keep up with school work and other obligations.
FAQ

• The FAQ covers:
  – Definitions
  – Applicability and Training Requirements
  – The Decision Making Process
  – Types of Decisions
    • Travel out of state or country
    • Sleepovers (background checks)
    • Babysitting (background checks)
    • Leaving the child home alone
    • Part-time jobs
    • Cell phones
    • Child’s social media use
    • Haircuts
    • Piercings/Tattoos
    • Drivers licenses
    • School/newspaper pictures
    • Transportation
    • Extra-curricular activities
    • Hunting
    • “Hazardous Machinery”
RPPS Brochure

REASONABLE AND PRUDENT
PARENT STANDARD

WISCONSIN DEPARTMENT OF
CHILDREN AND FAMILIES

Promoting Normalcy for Children in Out-of-Home Care

DIVISION OF SAFETY AND PERMANENCE
Application for Out-of-Home Care Providers hand-out

<table>
<thead>
<tr>
<th>Potential risk factor considerations</th>
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<tbody>
<tr>
<td>Who will be attending/overseeing this activity?</td>
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<tr>
<td>Does the child have adequate training and safety equipment for this activity?</td>
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<tr>
<td>Can the child protect him/herself and know how to respond in an emergency?</td>
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<tr>
<td>Have I given the child enough information to safely participate in the activity?</td>
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<tr>
<th>Best interest of the child considerations</th>
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<tr>
<td>Is this an activity the child is interested in participating in?</td>
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<tr>
<td>Does approving this activity only serve my interests?</td>
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<td>Will this activity trigger any trauma reactions for the child?</td>
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<tr>
<th>Growth considerations</th>
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<tr>
<td>Will this promote the child’s cognitive, social, emotional, or educational growth?</td>
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<tr>
<td>Will this allow the child to further explore and pursue his/her interests?</td>
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<tr>
<td>Will this activity safely allow the child to “fail” and learn from his/her experiences?</td>
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<tr>
<td>Will this activity teach the child independent living skills?</td>
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<tr>
<th>Family-like living situation considerations</th>
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<tbody>
<tr>
<td>Would I allow my own child to participate in this activity?</td>
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<tr>
<td>Have I allowed other children in my home to participate in this type of activity?</td>
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<tr>
<td>Will this activity help to make the child feel included?</td>
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<tr>
<th>Child’s behavioral history considerations</th>
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<tr>
<td>Does the child demonstrate responsible behavior for their age and capabilities?</td>
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<tr>
<td>Does the child understand parental expectations and consequences?</td>
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<tr>
<td>Does the child have a history of risky behavior?</td>
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<tr>
<th>Court order/Legal considerations</th>
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<tr>
<td>Will this activity violate a court order?</td>
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<td>Is this decision a decision only a legal guardian can make?</td>
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<tr>
<td>Will this activity interfere with any visitations, appointments, or treatment plans?</td>
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<tr>
<td>Will this activity violate any laws, policies, or administrative code restrictions?</td>
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<tr>
<th>Cultural, religious, and tribal value considerations</th>
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<td>Will this violate any of the child’s/family’s cultural, religious, or tribal values?</td>
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<td>Will this activity promote cultural, religious, or tribal growth for the child?</td>
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<tr>
<td>Will this allow the child to explore their own cultural, religious, or tribal values?</td>
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<tr>
<td>Have I consulted with the child’s parents and families about their values?</td>
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Takeaways

• Purpose is to promote normalcy for children and youth placed in out-of-home care.
• The Reasonable and Prudent Standard is required
  – Out-of-home care providers must be trained and use the standard when making decisions for children and youth placed in their care.
• Decisions are child-specific, age and developmentally appropriate, and cannot cross court orders.
• Agencies must provide information to out-of-home care providers to make decisions.
• Agencies may not require prior approval or parent/guardian consent for normalcy activities.
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