

HOUSING AND SERVICES FOR MINORS

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I. Housing to Unaccompanied Minors.

- A. Minor Consent for Housing.** Wisconsin presumes that 17-year-old minors are qualified and competent to contract for admission to a shelter facility if they are not under government supervision and a local educational liaison or, if the liaison is unavailable, a shelter employee, confirms they are an unaccompanied youth. [Wis. Stat. § 48.9875](#).
- B. Licensing Required.** Wisconsin Statute § 48.62 states that any person who receives a child for the purposes of care or maintenance of that child must obtain a license to do so. Parental consent does not affect the license requirements. Criminal consequences can occur if housing occurs without a license as provided under Wisconsin Statute § 48.76.
- C. Interference with Custody.** Under [Wis. Stat. § 948.31\(2\)](#), whoever causes a child to leave, takes a child away or withholds a child for more than 12 hours from the child's parents without the consent of the parents is guilty of a Class I felony.
- D. There are some organizations that can provide housing to unaccompanied minors without parental consent.**
 - 1. Runaway Homes.** A runaway home may shelter a child up to 12 hours without parental consent. After 12 hours, the home must notify a county intake worker and the intake worker then notifies the child's parent or guardian. After a hearing, a court may order that with the consent of the child and the runaway home, the child remain in the runaway home for up to 20 days. [Wis. Stat. § 48.227](#).
 - 2. Foster Care Programs.** A foster home must obtain a license from the Department of Children and Families, a county department, or a licensed child welfare agency to provide care and maintenance for up to four children (or 6, if necessary to keep a sibling group together). [Wis. Stat. § 48.62](#).
 - a. Foster care licensing requirements are found in Wis. Stat. § 48.62 and Wis. Adm. Code Ch. 56.
 - b. Penalties for violation of foster care licensing are found in Wis. Stat. § 48.76.
- E. Temporary placement of a child in an unlicensed home.**
 - 1.** A county child welfare agency that takes a child into custody may place the child in an unlicensed home of a person not a relative or like-kin for 30 days and a court can extend that time for an additional 30 days. [Wis. Stat. § 48.207\(1\)\(f\)](#).

II. Services to Unaccompanied Minors.

- A. No law prohibits provision of domestic violence and sexual assault programs' services to unaccompanied minors. However, without parental consent, a domestic violence or sexual assault program may be subject to liability if the child is harmed as a result of the provision of services.**
- B. Providing services to a minor may require parental consent.**
 - 1. A domestic violence or sexual assault program does not assume parental or guardianship status when serving a minor.**

2. **Parents retain their decision-making power for children.** This theme echoes through federal and state law. In Wisconsin, the emphasis on parental-decision making can be found in family law statutes, records statutes, privilege statutes, statutes governing informed consent for medical and mental health services, and juvenile justice statutes.

III. **In Summary.** Since this is a “gray area” of law, it is important for domestic violence and sexual assault programs to do or consider the following:

- A. **Consult your Board, before a minor shows up at your door, to determine a general policy on housing and services to minors.** Will your Board support your tough, “in the moment” decision? Discuss different scenarios and possible outcomes.
- B. **Work with your local runaway home.** Establish a relationship with a runaway home that serves your community. Fifty counties in Wisconsin have runaway homes and some serve more than one county. Theoretically, each county should have access to a runaway home. You may wish to determine a process or policy for working with a runaway home when a minor comes to your shelter. For locations and information about runaway programs go to: <https://wahrs.org/programs.html>.
- C. **Talk to your local Child Protective Services before a child shows up at your door.**
The law suggests that CPS should be contacted if a minor is not under the supervision of a parent or guardian. However, find out under what circumstances you should/must contact CPS and what CPS suggests you do if minors seek housing. Know when you should contact CPS and under what circumstances CPS does not wish to receive a call.
- D. **Find out about foster care licensing requirements and the exceptions such as housing a child for 30 days without a license.** This discussion can occur with your local human or social services agency. Ask under what circumstances the agency would consider placing a minor in your program for up to 30 days without a license.
- E. **Talk to your local District Attorney.** Discuss whether your local prosecutor will bring charges against a domestic violence or sexual assault program for licensing violations and under what circumstances. Additionally, charging an agency under Wis. Stat. § 948.31(2) is subject to the local district attorney’s discretion. Discuss under what circumstances the prosecutor will charge this crime.
- F. **Determine how risk-adverse or risk-taking your program would like to be, again, before a minor comes knocking.** You should weigh the risks and benefits of providing housing or services to minors. You may want to set a limit (or multiple limits) for how far your program is willing to go in different circumstances.
- G. **Attempt to obtain parental consent.** It may not be as difficult as you would imagine. While parental permission does not protect a program from licensing violations, it may protect a program that chooses to provide services to a minor from other liability.
- H. **Consider whether to ask the minor to complete a suicide assessment especially if the program does not have the authority to house or shelter the minor but has chosen to do so.** The program may wish to conduct this assessment to determine whether the child is at risk of harming themselves. Each program should assess its willingness to take on any risk/liability.