

# Child Protective Services (CPS)

Wisconsin's child welfare system is state-managed and county-run, with the exception of Milwaukee County, which is run by the state. Wisconsin also has the Wisconsin Indian Child Welfare Act, which protects the best interests of Indian children and promotes the stability and security of Indian tribes and families.

The goal of Child Protective Services (CPS) is to protect children who may be experiencing abuse or neglect. Under Wisconsin law, child abuse can be:

- Non-accidental severe physical injury of a child
- Drug or alcohol abuse by a pregnant person
- Sexual contact or activity of any kind with a child
- Making methamphetamines near a child
- Not getting help or treatment for a child with severe symptoms of emotional disturbance

Neglect means: failure, refusal, or inability, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of a child.

When local and tribal child welfare agencies get reports about possible child abuse or neglect, a child welfare professional writes up a report and makes an initial screening decision. A supervisor then reviews the report to see if it meets the statewide standards to screen in for assessment. CPS will move the case to the next stage if the supervisors determine that at least one claim meets the requirements for child abuse and/or neglect (see above). If this happens, the supervisor will decide how quickly to respond, which could be the same day, within 24-48 hours, or within 5 days, depending on the level of danger identified in the report.

## Initial Assessment

The case will then transition to the second stage of the child welfare system - Initial Assessment. At this stage, local and tribal child welfare agencies talk to the child, their parents, any Indian custodians, and other people who know the child and have information relevant to the concerns identified, like doctors and teachers. They also visit the child's home. Using this information, they determine if the child is safe, decide if more help is needed, and make a determination regarding whether or not abuse or neglect happened. Child welfare professionals have 60 days to finish their assessment. Sometimes it might take less time to gather sufficient information, but in all cases, decisions must be made within 60 days.

## **Ongoing Stage**

Once the initial assessment is over, and CPS has made a determination on both maltreatment and safety, the case will then transition to the third stage of the child welfare system - Ongoing. The Ongoing stage is where services are provided based on the initial assessment and conversations with the family. Child welfare professionals will develop a safety/protective plan and share it with you for your review and agreement. A safety/protective plan can be changed based on new information or progress.

When you meet all of the plan goals, your child welfare professional will talk with you about your progress and ensure your home is safe and stable. Prior to the case being closed, the child welfare professional will also sit down with you to help you determine how your family's needs will be met after agency involvement ends and the date of when ongoing services will end.

## **Conclusion**

A CPS investigation in Wisconsin involves multiple steps, from the initial report intake to assessment, determination, and follow-up. Understanding this process helps parents and caregivers navigate the system and engage effectively with CPS workers to address concerns and protect their children.

Last updated on February 13, 2025.

Will my child be removed from the home?

County and tribal child welfare agencies try to keep families together. Most children and families receive services within their home. However, sometimes these services cannot be provided within the home. When this occurs, the child welfare professional will talk with your family to:

- Find a temporary safe place for your child to stay; with relatives or friends or in a foster home
- Arrange for you to see your child
- Connect you and your child to supportive services with the goal of reunification

In an emergency, a child may be placed outside your home without permission. A court hearing must be held within 48 hours of when the decision was made to remove your child. At this Temporary Physical Custody (TPC) hearing, the court decides whether your child should remain living outside your home. You will be told when and where the hearing will be, and you are encouraged to attend to tell the court how you see the situation.

What are the different outcomes of the assessment?

There are two decisions that are made in an initial assessment - whether a child was maltreated and whether they are safe.

#### *Maltreatment decision*

The determination of whether child maltreatment has occurred (substantiated) or not (unsubstantiated). This finding is not connected to safety decisions and does not determine if services will be offered.

#### *Safety decision*

Based on the safety of the child, there are multiple outcomes that can occur:

- **Safe - Case Closed:** The child welfare professional provides the family with information on how to access community resources, if needed, and the case is closed.
- **Safe - Case Open with Voluntary Services:** The child welfare professional offers voluntary child welfare services to the family and keeps the case open to check in periodically and see if further assistance is needed.

- **Unsafe - Case Open with Protective/Safety Plan:** The child welfare professional works with the family to develop a protective or safety plan that helps ensure safety in the home. The family will also be offered voluntary or court-ordered child welfare services.
- **Unsafe - Case Open with an Out-of-Home Placement:** If the child welfare professional determines that a child needs to be removed in order to ensure safety, the child is removed and placed in out-of-home care, preferably with someone they already have a relationship with, such as a relative or family friend. A Child in Need of Protection and Services (CHIPS) order may be filed. Services are provided to the child and family with the goal of reunification.

What if I disagree with the Maltreatment decision?

If CPS decides child abuse or neglect happened, they will “substantiate.” When CPS decides that a child has been abused or neglected, this decision is called an Initial Determination. CPS calls the person who abused or neglected the child(ren) the “maltreater.” If CPS has made an Initial Determination that you abused or neglected a child, you will get a letter with this decision. You may request an agency review within 15 days of the date on the letter.

CPS will set up a meeting with you and send you a letter with the time of the review meeting. At the meeting:

- You can bring a lawyer (you must pay for the lawyer; one will not be provided for you)
- You may request a translator from the agency, if needed.
- You may speak and/or present written evidence.
- You may not present witnesses or question agency staff.
- The agency is not required to present evidence or witnesses.
- The review will be scheduled for at least one hour.
- The review may occur by phone or in person.

Within 15 days after the meeting, you will get another letter letting you know what CPS has decided after the review, called a ‘Final Determination’. If the Final Determination upholds the substantiation of abuse or neglect, you can appeal that within 10 days to the Division of Hearing and Appeals (DHA). DHA will set up a hearing within 90 days. You will be informed of the DHA decision within 60 days of

the DHA appeal hearing.

A determination that you abused or neglected a child may legally prevent you from some types of work and other activities that require a Wisconsin Caregiver Background Check. Wisconsin's Caregiver Law says that a person with a Final Determination of child abuse or neglect may be banned from operating, working or residing in a child care, shelter, group home, youth or foster home, child placing agency, or residential care center for children.

For some offenses, a person will be permanently banned. For other offenses, a person can be banned but has the chance to ask for a rehabilitation review. A rehabilitation review allows you to present positive information that shows that children, vulnerable adults, or patients would be safe with you or in your care.

The rehabilitation review allows a caregiver or resident to give evidence that:

- The person is not likely to do what led to the conviction(s) or finding(s) again,
- And clients will be safe under the person's care.

A successful rehabilitation review removes the ban and gives the person the chance to be considered for a license or certification, or to be allowed to work or reside at a facility. It does not guarantee that a person will be hired, licensed or certified. A rehabilitation review will appear on a person's future Caregiver background checks.

A successful rehabilitation review does not remove the conviction or finding from a person's record.

[Child Abuse & Neglect](#)

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Table of Contents

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