

Mandated reporting of Unaccompanied Youth to County Social Services

2012

Wisconsin Statute §118.175(2) requires a report to the county department of social services when a public school becomes aware that a pupil is without a parent or guardian.

This requirement does not apply to any pupil who has a legal custodian or is cared for by a kinship care relative, as defined in state statute. The requirement also does not apply if the student is 18 years or older.

While complying with this requirement, school districts must also comply with the provisions of the McKinney-Vento Homeless Assistance Act, which prohibits the school district from enacting any barriers to enrollment, attendance and academic success of unaccompanied homeless youth.

McKinney Vento specifies that a homeless youth who is “not in the physical custody of a parent or guardian” will be identified as “unaccompanied”. Wisconsin statute §118.175(2) provides no definition of “without a parent or guardian”. The following guidance from DPI should be used in determining if a report under §118.175(2) is required:

Can you identify a parent or legal guardian? Does that person take responsibility for the child? Can you contact that person? Are they available to sign field trip requests, attend IEP meetings or give consent for medical treatment? How often does the child see the parent/guardian? Is the parent/guardian accessible to the student?

If the answers are generally negative, then a report needs to be made.

The effect of disclosing the mandated report to the student should be considered, especially with unaccompanied homeless youth, to prevent any barriers to school enrollment, attendance and academic success.

Example #1: School officials become aware that one of their middle school students is now living with a friend’s family. The student’s father has left the community and his whereabouts cannot be determined. The mother is deceased. The school contacts the parents of the student’s friend and learns that no steps have been taken to establish a legal placement. The school shares the notification requirement with the student and the parents of the student’s friend and then contacts the county department of social services about the student’s circumstances.

Example #2: An unaccompanied 16-year-old youth seeks to enroll in a high school. The student reports he has a few different places he “crashes” at night but does not appear to be in any immediate danger. The school district enrolls the student, consistent with the requirements in the McKinney-Vento Homeless Assistance Act. Without notifying the student (to avoid the student perceiving the report as a barrier to school attendance), a high school official contacts the county department of human services about the student’s circumstances.

Note: When there is no suspicion of abuse or neglect and a report is being made solely in order to comply with §118.175(2), the mandated reporter may want to explicitly inform the county social services intake worker that the report is being made due to the statutory requirement of §118.175(2).