CR 10-148

State of Wisconsin
Department of Children and Families

DCF 56
Foster Care

The Wisconsin Department of Children and Families proposes to order the **repeal** of ch. DCF 38; ss. DCF 56.09(2)(h) and (i); 56.11(1), (2), and (5); and 201.02 (21); the **renumbering** of s. DCF 56.03(1); and 56.11 (3) and (4); the **amendment** of ss. DCF 37.02(9) and (10); 50.01(4)(t); 50.03(1)(a)3.; 50.04(note); 50.044(2)(note); 50.045(note); 50.05(1); 56.01(1); 56.02(1), (2)(a)1., (b)1.(note), (b)6., and (c)1; 56.03(3)(a), (14), (15), (22), (24), (29), (36), (38); 56.04(4)(a)2.(note) and (8); 56.05(1)(b) and (c); 56.07(2), (4)(d) and (i), and (10)(a); 56.08(8)(a)2.; 56.09(1)(h), (1m), (2)(a), and (4)(e); 56.13(title), (1)(title), (1), (2), (3)(title) and (e), (4)(title), and (4)(a)1., 2., 3. and (b); 56.14(4), (6)(intro.) and (c), (7)(title), (a)(intro.), (b), (c), and (d), and (8)(b)3.; 201.02(12) and (17)(note); 250.03(13); the **repeal and recreation** of ss. DCF 50.044(3)(c); 50.045(3)(c); 56.03(27); 56.04(2) and (4)(a)5m.; 56.06; 56.07(4)(g); 56.08(11) and (note); 56.09(2)(a); and 56.15; and the **creation** of ss. DCF 50.01(4)(t)1. and 2.; 50.03(1)(a)3.b.; 50.042; 50.05(1)(a)1. and 2.; 56.02(1)(b)6.b., 56.03(1), (1g), (6m), (10m), (11m), (15m), (21g), (21r), (33m), (34d), (34h), (34p), (34t), (35m), (37e), (37m), (37s); 56.05(1)(b)2., (c)1.h. to n. and 2.; 56.07(1m), (2)(b), and (3)(d); 56.08(8)(a)3.; 56.09(1)(am), (bm), (dm), (em), (fm), (gm), (hm), and (o), (1g), (1m)(d) to (g), (4)(dm) and (g), and (10)(g); 56.13(1)(c), (3)(b)(note), (4)(a)1.b.(note), and (5) to (8); 56.14(4)(b), (6d), (6h), (6p), (6t), (7e), (7m), (7s), (8)(b)1g. and 1r.; 56.16 to 56.23; and Appendix A, relating to foster care.

Analysis Prepared by the Department of Children and Families

Statutory authority: Sections 48.62 (1) and (8), 48.67 (intro.) and (4), 48.975 (5), 895.485 (4) (a), and 227.11 (2) (a), Stats.
Statutes interpreted: Sections 48.62, 48.67, 48.975, 49.155, and 895.485, Stats.
Related statute or rule: Ch. 48, Stats.; DCF 54

Explanation of Agency Authority

Section 48.62 (1), Stats., provides that any person who receives, with or without transfer of legal custody, 4 or fewer children or, if necessary to enable a sibling group to remain together, 6 or fewer children or, if the department promulgates rules permitting a different number of children, the number of children permitted under those rules, to provide care and maintenance for those

children shall obtain a license to operate a foster home from the department, a county department or a licensed child welfare agency as provided in s. 48.75, Stats.

Section 48.62 (8), Stats., as created by 2009 Wisconsin Act 28 and affected by 2009 Wisconsin Act 71, provides that the department shall promulgate rules relating to foster homes as follows:

- Rules providing levels of care that a licensed foster home is certified to provide. Those levels of care shall be based on the level of knowledge, skill, training, experience, and other qualifications that are required of the licensee, the level of responsibilities that are expected of the licensee, the needs of the children who are placed with the licensee, and any other requirements relating to the ability of the licensee to provide for those needs that the department may promulgate by rule.

- Rules establishing a standardized assessment tool to assess the needs of a child placed or to be placed outside the home, to determine the level of care that is required to meet those needs, and to place the child in a placement that meets those needs. A foster home that is certified to provide a given level of care may provide foster care for any child whose needs are assessed to be at or below the level of care that the foster home is certified to provide. A foster home that is certified to provide a given level of care may not provide foster care for any child whose needs are assessed to be above that level of care unless the department, county department, or child welfare agency issuing the foster home license determines that support or services sufficient to meet the child's needs are in place and grants an exception to that prohibition.

- Rules providing monthly rates of reimbursement for foster care that are commensurate with the level of care that the foster home is certified to provide and the needs of the child who is placed in the foster home. Those rates shall include rates for supplemental payments for special needs, exceptional circumstances, and initial clothing allowances for children placed in a foster home that is receiving an age−related monthly rate under s. 48.62 (4), Stats. In promulgating the rules, the department shall provide a mechanism for equalizing the amount of reimbursement received by a foster parent prior to the promulgation of those rules and the amount of reimbursement received by a foster parent under those rules so as to reduce the amount of any reimbursement that may be lost as a result of the implementation of those rules.

- Rules providing a monthly retainer fee for a foster home that agrees to maintain openings for emergency placements.

Section 48.67 (intro.), Stats., provides that the department shall promulgate rules establishing minimum requirements for the issuance of licenses to, and establishing standards for the operation of child welfare agencies, day care centers, foster homes, group homes, shelter care facilities, and county departments. Those rules shall be designed to protect and promote the health, safety, and welfare of the children in the care of all licensees.

Section 48.67 (4), Stats., requires that all foster parents successfully complete training in the care and support needs of children who are placed in foster care that has been approved by the department. The training shall be completed on an ongoing basis, as determined by the department.

The department shall promulgate rules prescribing the training that is required under this subsection and shall monitor compliance with this subsection according to those rules.

Section 48.975 (5), Stats., provides that the department shall promulgate rules to implement adoption assistance that include the following:

- A rule defining a child with special needs, which shall include a child who the department determines has, at the time of placement for adoption, moderate or intensive difficulty−of−care problems, as defined by the department, or who the department determines is, at the time of placement for adoption, at high risk of developing those problems.
- A rule defining the substantial change in circumstances under which adoptive or proposed adoptive parents may request that an agreement made be amended to increase the amount of adoption assistance for maintenance. The definition shall include all of the following:
    - Situations in which a child who was defined as a child with special needs based solely on being at high risk of developing moderate or intensive difficulty−of−care problems has developed those problems.
    - Situations in which a child's difficulty−of−care problems have increased from the moderate level to the intensive level as set forth in the department's schedule of difficulty−of−care levels promulgated by rule.
- A rule establishing requirements for submitting a request to increase adoption assistance based on a substantial change in circumstances, criteria for determining the amount of the increase in adoption assistance for maintenance that the department shall offer if there has been a substantial change in circumstances and if there has been no substantiated report of abuse or neglect of the child by the adoptive or proposed adoptive parents, and the procedure to appeal the decision of the department regarding the request.

The department administers the child care subsidy program under s. 49.155 Stats.

Section 895.485 (4) (a), Stats., directs the department to promulgate rules to specify the kinds of information about all foster children that the child's placing agency is to provide to the child's foster parent or family-operated group home parent.

Section 227.11 (2) (a), Stats., expressly confers rule-making authority on each agency to promulgate rules interpreting the provisions of any statute enforced or administered by the agency.

Summary of the Proposed Rule

Levels of Care

Section 48.62 (8) (a), Stats., directs the department to create rules providing levels of care for foster homes. The purpose of levels of care is to improve the placement stability, safety, and permanence of children placed in foster homes by matching their assessed needs with the skills, abilities, and capacities of caregivers.

The Department has implemented the rules on levels of care in two phases. The first level of care rule was effective January 1, 2010, and created a process to certify foster homes at Level 1 or 2 and created training requirements for foster parents who operate foster homes with a Level 1 or 2 certification. A Level 1 foster home is available only to foster parents with a child-specific license. The creation of Level 1 foster homes coincided with implementation of the statutory requirement that relative caregivers of a child placed in the caregiver's home under court order who received kinship care payments under ch. DCF 58 apply for and obtain a foster care license if they are licensable. A Level 2 foster home is a basic foster home.

This rule creates a process to certify foster homes at Level 3 to 5. Chapter DCF 38, Treatment Foster Care for Children, is repealed and most of the requirements in ch. DCF 38 are integrated into ch. DCF 56, Foster Home Care for Children, to create a single foster care rule with progressive requirements for all foster parents and agencies. Requirements from ch. DCF 38 that have been integrated into ch. DCF 56 with minor modifications include requirements regarding the characteristics and responsibilities of foster parents, physical environment of foster homes, care of foster children, responsibilities of supervising and licensing agencies, and responsibilities of the treatment team.

Treatment Foster Parent Requirements under Chapter DCF 38. Under ch. DCF 38, a treatment foster parent had to have the following qualifications:

- Experience: An applicant had to meet at least 2 criteria from a list of 5 types of education, skills, abilities, and work or personal experience with children.
- Training:
  - 18 hours of pre-placement training.
  - 24 hours of training in the second 12-month period following licensure.
  - 18 hours of ongoing training in every subsequent 12-month period.
- Three favorable references.

Level 3 Moderate Treatment Foster Homes. For new Level 3 foster homes, a foster parent must have the following qualifications:

- Experience: An applicant must meet at least 3 criteria from a list of 7 types of education, skills, abilities, and work or personal experience with children.
- Training:
  - 36 hours of pre-placement training.
  - 24 hours of training during the initial licensing period, which is generally 2 years.
  - 18 hours of ongoing training in each 12-month period subsequent to initial licensing period.
- Four favorable references.

Emergency rule EmR1050 directs licensing agencies to issue a modified license with a certification to operate a Level 3 foster home without determining the eligibility of the foster parent if on December 31, 2010, the foster parent had a license to operate a treatment foster home under ch. DCF 38.

Level 4 Specialized Treatment Foster Homes. For new Level 4 foster homes, a foster parent must have the following qualifications:

- Experience: An applicant must meet at least 4 criteria from a list of 7 types of education, skills, abilities, and work or personal experience with children.
- Training:
  - 40 hours of pre-placement training.
  - 30 hours of training during the initial licensing period, which is generally 2 years.
  - 24 hours of ongoing training in each 12-month period subsequent to initial licensing period.
- Four favorable references.

Emergency rule EmR1050 provides that no licensing agency may issue a certification to operate a Level 4 foster home without first determining the eligibility of the foster parent under the new Level 4 requirements.

Level 5 Exceptional Treatment Foster Homes. Certification to operate a Level 5 foster home is available only when an exception is granted by the department exceptions panel. An applicant for certification to operate a Level 5 foster home, in conjunction with a licensing agency, may apply for Level 5 certification if the following conditions are met:

- A placement is needed for a child with the following conditions:
  - The child has behaviors or conditions that require a high degree of supervision and overnight awake care that is provided by program staff who rotate shifts within a 24-hour period.
  - The child will benefit from a home-like environment that has fewer children than a group home or residential care center for children and youth.
  - The child is expected to need long-term care or has needs agreed to by the department.
- All other community placement options have been investigated and determined to be unavailable or not in the best interest of the child.

A Level 5 foster home must have a program manager who is the foster parent and licensee of the foster home. A program manager must have specified education or experience and must complete 40 hours of pre-placement training, 30 hours of initial licensing training, and 24 hours of ongoing training in each 12-month period subsequent to the initial licensing period.

A Level 5 foster home must have program staff who are responsible for daily supervision of the children and direct care to the children to ensure their safety and well-being. The minimum staff ratios for program staff are one program staff person for every 2 children during waking hours and one program staff person for every 4 children during sleeping hours. An applicant for a program staff position must have specified education and experience and have a background check, favorable references, and, if hired, a health exam. Before working independently with a child, program staff must complete 40 hours of pre-placement training and work with qualified experienced program staff or similar professionals for at least the first 80 hours of employment Program staff must also complete 24 hours of ongoing training in each year of employment subsequent to the initial year of employment.

The department exceptions panel has been granting exceptions to operate shift-staffed treatment foster homes under DCFS Memo Series 2006-15. Emergency rule EmR1050 directs licensing agencies to issue a modified license with a certification to operate a Level 5 foster home to a foster parent who, on December 31, 2010, had been granted an exception to operate a shift-staffed treatment foster home by the department exceptions panel.

Assessment of Needs and Strengths

Section 48.62 (8) (b), Stats., directs the department to create rules establishing a standardized assessment tool to assess the needs of a child placed or to be placed outside the home, to determine the level of care that is required to meet those needs, and to place the child in a placement that meets those needs.

The rule provides that a placing agency shall assess each foster child before placement in a foster home or within 30 days after the child's placement. A placing agency shall assess each foster parent in relation to the child placed within 30 days after the child's placement in the foster home. A placing agency shall reassess each foster child and the child's foster parent within 6 months after the child's last assessment or reassessment. The placing agency, licensing agency, or foster parent may request a reassessment more frequently. The person who will administer the tool will first review the child's case record; interview or collect information from an individual who has interviewed the child, child's family, foster parent or other out-of-home care provider, the child's team or treatment team, and the licensing agency; and review information gathered in collaboration with the child's team or treatment team and the licensing agency. The person administering the standardized assessment tool will rate the child's needs and strengths relative to what is developmentally appropriate for a child of a similar age and the foster parent's needs in relation to that child to determine how to support the placement stability of the child with that foster parent.

The placing agency will use information from the assessment of a child, child's family, the foster parent, the supervising agency, and the licensing agency for all of the following:

- To communicate information about the needs and strengths of the child and child's family.
- To assist with determining the child's service needs and developing the child's plan of care.
- To determine a level of need of 1/2, 3, 4, 5, or 6 for the child.
- To inform decisions regarding a placement at a level of care that is appropriate to meet the child's level of need.
- To evaluate the match between the knowledge, skills, and abilities of a foster parent and the needs and strengths of a child.
- To assist in the development of services and supports needed for a specific child and foster parent to promote the stability of the placement.
- To provide a mental health screen to all children entering foster care.
- To determine any supplemental payments for a child's special needs.
- To determine any supplemental payments for purposes of an adoption assistance agreement under s. 48.975, Stats., and ch. DCF 50.

A placing agency, in accordance with a licensing agency, may place a child in a foster home that is certified to provide a given level of care if the child's level of need is at or below the level of care that the foster home is certified to provide. A placing agency may place a child with a level of need that is higher than the level of care that a foster home is certified to provide if the placing agency grants an exception and documents in the child's electronic case record what services and supports will be provided to meet the child's needs. A child whose level of need is lower than 5 may not be placed in a Level 5 foster home, except for continuation of an existing placement during planning for the child's transition to a less restrictive setting following a reassessment.

Supplemental Payments, Exceptional Payments, and Retainer Fee

Supplemental Payments. A placing agency shall make supplemental payments to a foster parent for a child's special needs. The placing agency shall determine the amount of a supplemental payment based the total of the following:

- 'Identified needs and strengths.' A dollar amount determined by the department multiplied by the total points assigned to represent items in which a child has moderate and intensive special needs and items in which a child has no strengths and an identified strength. Points assigned in the following areas are considered in determining a supplemental payment:
    - Adjustment to trauma.
    - Life functioning, including physical, mental, and dental health; relationships with family members; and social skills.
    - Functioning in a child care or school setting.
    - Strengths.
    - Behavioral and emotional needs.
    - Risk behaviors.
    - Child's language.
- 'Level of care higher than level of need.' An amount determined by the department if a foster home's level of care certification is higher than the level of need of a child placed in the foster home and the foster home has a Level 3 or 4 certification.

Exceptional Payments. A placing agency may make exceptional payments to a foster parent to accomplish any of the following:

- Enable the child to be placed or remain in a foster home instead of being placed or remaining in a more restrictive setting.
- Enable the placement of siblings or minor parent and minor children together.
- Assist with transportation costs to the school the child was attending prior to placement in out-of-home care.
- Replace a child's basic wardrobe that has been lost or destroyed in a manner other than normal wear and tear.
- For a child placed in a foster home before February 21, 2011, and who remains placed in that foster home, equalize the total monthly payment amount lost by the child's foster parent due to implementation of the new method of determining supplemental payments.

The Fostering Connections to Success and Increasing Adoptions Act of 2008 allows the state to claim federal funds for expenses to assist a foster child with transportation costs to the school the child was attending prior to placement in out-of-home care.

Retainer Fee. A placing agency may provide a monthly retainer fee to a foster parent to maintain openings in a foster home for emergency placements. This fee may not be considered part of the foster care payment for a specific child.

Other

- A foster parent may not smoke or allow another person to smoke in a foster home or in a vehicle when a foster child is present.
- The rule incorporates provisions of DSP Memo Series 2009-05 that was jointly issued by the Department of Health Services and the Department of Children and Families. It provides that a foster parent may not use any type of physical restraint on a foster child unless the foster child's behavior presents an imminent danger of harm to self or others and physical restraint is necessary to contain the risk and keep the foster child and others safe. If physical restraint is necessary, the rule provides certain prohibited practices.
- Supplemental payments for adoption assistance agreements entered into before July 1, 2011, will continue to use the method of determining supplemental payments under s. DCF 56.11 (3), which is renumbered to be s. DCF 50.042 (3). Supplemental payments for adoption assistance agreements entered into on or after July 1, 2011, will use the new method of determining supplemental payments under s. DCF 56.23.

Summary of Factual Data and Analytical Methodologies

The non-statutory requirements of the rule are based on recommendations from the Out-of-Home Care/Adoption Committee and the Foster Parent Training Committee. The committees have worked with the department for the past 5 years to incorporate new federal laws into state law and policy by referring to other state models and national standards of child welfare practice. For the past 2 years, both committees have focused on developing policy to implement the levels of care and foster parent training initiatives in 2009 Wisconsin Act 28. Both committees have statewide membership of staff from counties, tribes, private child-placing agencies, foster and treatment foster parents, court personnel, advocacy agencies, and state government.

The department had two hearings on the initial proposed rule and emergency rule EmR1050. The following substantive changes were made to create the amended proposed rule:

- Added "a college degree in the area of the child's treatment needs" as a criteria that can be combined with parenting or a substantial relationship as a qualification to operate a Level 3 or 4 foster home under ss. DCF 56.13 (5) (a) 2. and (6) (a) 2.
- Revised ss. DCF 56.13 (5) (c) 1. a. and (6) (c) 1. a. regarding reference letters for applicants for Level 3 and 4 to require that one of the reference letters be regarding the applicant's specified qualifications, excluding a high school diploma.
- Revised language at s. DCF 56.13 (7) (f) 7. regarding the health exam required for program staff in a Level 5 foster home.
- Added ss. DCF 56.14 (6d) (b) 2. and (6h) (b) 2. to allow a Level 3 or 4 foster parent to attend a pre-placement training for which no foster or adoptive parent is a trainer if the

licensing agency approves and provides opportunities for the foster parent attending the training to participate in activities or programs that promote networking among foster parents and provide an opportunity for an experienced foster parent to answer questions from the new foster parent. The same provision was also added regarding initial licensing training for a Level 2 foster parent at s. DCF 56.14 (7) (b) 2.

- Added ss. DCF 56.14 (6d) (a) 2. and (6h) (a) 2. to allow a licensing agency to use a curriculum for pre-placement training for Level 3 and 4 foster parents that has been approved by the department.
- Added s. DCF 56.15 (1m) to provide that if more than one agency is performing supervising responsibilities, the agencies shall specify in writing which agency is responsible for each requirement.
- Added supervising agency caseworker as a person who can be a 24-hour crisis contact for Level 3 to 5 at s. DCF 56.15 (1) (b) 1.
- Revised s. DCF 56.15 (1) (b) 4. to require that if required medical supplies and services are not included in a child's treatment plan, the supervising agency and placing agency shall revise the treatment plan to include the required medical supplies and services and to determine financial responsibility.
- Added language at s. DCF 56.15 (1) (b) 5. to allow a person with a degree and certification in Marriage and Family Therapy or Professional Counseling to be a clinical consultant.
- Added s. DCF 56.16 (2) (c) on licensing agency participation in rate determination.
- Added language at s. DCF 56.22 (4) (b) 2. and 3. on licensing agency involvement in gathering and reviewing information before the assessment tool is administered.
- Added information from the supervising agency and the licensing agency that the placing agency must consider for various uses under s. DCF 56.22 (5) (a).
- Clarified language on determination of a supplemental payment under s. DCF 56.23 (2).
- Modified s. DCF 56.23 (3) (a) 1. to allow an exceptional payment to be used to enable a child to remain in a foster home instead of being placed or remaining in a more restrictive setting.

Following the May 3 hearing on the amended proposed rule, the department added a new qualification for program staff for a Level 5 foster home that allows for completion of a traineeship program in which program staff work with qualified, experienced program staff for at least the first 120 hours of employment before working independently with a child.

Summary of Related Federal Requirements

Under 45 CFR 1355.32 and 1355.33, the federal Administration for Children and Families conducts a Child and Family Services Review of each state's child welfare system every 5 years. States found not to be operating in substantial conformity with federal requirements shall develop a program improvement plan. The program improvement plan must set forth the goals, the action steps required to correct each identified weakness or deficiency, and dates by which each action step is to be completed in order to improve the specific areas.

42 USC 671(a)(24) requires that the state plan for foster care and adoption assistance include a certification that, before a child in foster care under the responsibility of the state is placed with prospective foster parents, the prospective foster parents will be prepared adequately with the appropriate knowledge and skills to provide for the needs of the child, and that such preparation will be continued, as necessary, after the placement of the child.

42 USC 675 (1) (G) defines "case plan" to include a plan for ensuring the educational stability of the child while in foster care, including an assurance that the state agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement or if remaining in such school is not in the best interests of the child, assurances by the state agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.

42 USC 674 (4) (A) defines "foster care maintenance payments" as payments to cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, reasonable travel to the child's home for visitation, and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement.

As part of the Fostering Connections to Success and Increasing Adoptions Act of 2008, 42 USC 675 (1) (G) was created and 42 USC 674 (4) (A) was amended to add the phrase "reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement."

Comparison to Adjacent States

An assessment tool that is similar to the tool prescribed by the department is used statewide in Iowa and Illinois and is used parts of Minnesota and Michigan. Michigan and Illinois have a levels of care system for foster homes.

Effect on Small Business

The rule will affect small businesses, but will not have a significant economic effect on a substantial number of small businesses.

Analysis Used to Determine Effect on Small Businesses

The proposed rule will affect private child-placing agencies, some of which are small businesses. The policies in the rule were developed in collaboration with members of the Foster Parent Training Committee and the Out-of-Home Care/Adoption Committee, which included representatives from child-placing agencies.

Much of the rule is based on current practices of the majority of agencies supporting treatment foster care. The sections on agency responsibilities were part of DCF 38 and have been rewritten into DCF 56 with few changes. Representatives from child-placing agencies indicated that their agencies already require foster parents to have as much or more than the training hours in the proposed rule. Many agencies that serve treatment foster parents and treatment foster children with higher needs already have a levels or intensity system with different foster parent

qualifications, training, and payments. The rule will put structure and consistency to the levels of care that will help counties know what services they are purchasing as they work with different private agencies that provide similar services. Existing treatment foster homes have been grandfathered in as Level 3 foster homes and existing shift-staffed treatment foster homes have been grandfathered in as Level 5 foster homes. Some private child-placing agencies will choose to offer Level 4 foster homes and will certify these foster parents under the emergency and proposed rules. The administrative cost will be minimal.

In addition, the department will be providing 6 hours of the new pre-placement training without charge to the agencies. The department is also creating online training to allow agency staff to receive certification and recertification in administering the assessment tool without charge.

Agency Contact Person

Jonelle Brom, Bureau of Permanence and Out-of-Home Care, Division of Safety and Permanence, (608) 264-6933, jonelle.brom@wisconsin.gov.

Place Where Comments are to be Submitted and Deadline for Submission

Comments may be submitted to Elaine Pridgen, Office of Legal Counsel, Department of Children and Families, 201 E. Washington Avenue, P.O. Box 8916, Madison, WI, 53708-8916 or dcfpublichearing@wisconsin.gov. The comment deadline is May 3, 2011.

SECTION 1. DCF 37.02 (9) and (10) are amended to read:

DCF 37.02 (9) "Foster home" means any facility operated by a person ~~required to be~~ licensed under s. 48.62 (1) ~~(a) or (b)~~, Stats., ~~that provides care and maintenance for no more than 4 foster children unless all of the children are siblings,~~ or any family−operated group home licensed under s. 48.625, Stats.

(10) "Foster parent" means a person licensed under s. 48.62 (1) ~~(a) or (b)~~, Stats., with primary responsibility for the care and supervision of foster children placed in his or her home~~,~~ or a ~~parent in~~ licensee of a family−operated group home licensed under s. 48.625, Stats.

SECTION 2. Ch. DCF 38 is repealed.

SECTION 3. DCF 50.01 (4) (t) is amended to read:

DCF 50.01 (4) (t) "Substantial change in circumstances" means that a documented change related to the risk that qualified the child as a child of high risk under par. (j) has occurred to the child in one or more areas of special needs, including physical, behavioral or emotional special needs, that would result in a change in ~~the~~ a supplemental ~~rate as determined by the uniform foster care rate schedule under s. DCF 56.11~~ payment determined under one of the following:

SECTION 4. DCF 50.01 (4) (t) 1. and 2. are created to read:

DCF 50.01 (4) (t) 1. For an adoption assistance agreement entered into before July 1, 2011, the rate schedule under s. DCF 50.042.

2. For an adoption assistance agreement entered into on or after July 1, 2011, the rate schedule under s. DCF 56.23 (2) (a) if the child has a total of 5 or more needs that have been identified as moderate or intensive in the areas listed in s. DCF 56.23 (2) (a) 1. a. to e.

SECTION 5. DCF 50.03 (1) (a) 3. is amended to read:

DCF 50.03 (1) (a) 3. ~~The~~ a. For an adoption assistance agreement entered into before July 1, 2011, the child exhibits special need characteristics judged to be moderate or intensive under the schedule of difficulty−of−care levels specified in s. DCF ~~56.11 (3)~~ 50.042 (3);

SECTION 6. DCF 50.03 (1) (a) 3. b. is created to read:

DCF 50.03 (1) (a) 3. b. For an adoption assistance agreement entered into on or after July 1, 2011, the child has a total of 5 or more needs that have been identified as moderate or intensive in the areas listed in s. DCF 56.23 (2) (a) 1. a. to e. in the rate schedule under s. DCF 56.23 (2) (a);

SECTION 7. DCF 50.04 (note) is amended to read:

DCF 50.04 Note: Copies of the application form and the child and family summary form ~~are available at any regional office of the department or~~ may be obtained by writing: ~~Bureau of Programs and Policies, Division of Children and Family Services~~ Department of Children and Families, Division of Safety and Permanence, P.O. Box 8916, Madison, WI 53708−8916.

SECTION 8. DCF 50.042 is created to read:

DCF 50.042 Supplemental payments under adoption assistance agreements entered into before July 1, 2011.

(1) COVERAGE. This section applies to supplemental payments provided under adoption assistance agreements entered into before July 1, 2011.

(2) SUPPLEMENTAL PAYMENTS. (a) The department may make supplemental payments to the prospective or adoptive parents of a child in an amount to be determined by the department if the child requires more than the usual amount of care and supervision for the child's age because of special emotional, behavioral, or physical and personal needs.

(b) If a child does not exhibit characteristics commensurate with a moderate or intensive level of emotional, behavioral, or physical and personal special needs categories described in sub. (3),

no supplemental payment may be made. If the child exhibits characteristics commensurate with in a moderate or intensive level of one or more of the emotional, behavioral, or physical and personal special need categories under sub. (3), a supplemental payment in an amount to be determined by the department shall be paid.

(c) The placing agency shall document in the child's case record the characteristics of any selected level of care.

SECTION 9. DCF 50.044 (2) (note) is amended to read:

DCF 50.044 Note: A copy of the Request for Adoption Assistance Amendment form, CFS 2092, may be obtained from the Department by writing to: Bureau of Permanence and Out−of−Home Care, Division of Safety and Permanence, P. O. Box 8916, Madison WI 53708−8916, or by visiting the forms section of the department website at~~:~~ ~~http://dcf.wisconsin.gov/forms/pdf/cfs2092.pdf~~ http://dcf.wisconsin.gov.

SECTION 10. DCF 50.044 (3) (c) is repealed and recreated to read:

DCF 50.044 (3) (c) 1. If having determined that there has been a substantial change in circumstances documented that establish that a child has a moderate or an intensive level of need in one or more categories of the supplemental payment schedule, and there has not been a substantiated report of abuse or neglect of the child by the adoptive or proposed adoptive parents, offer to adjust the amount of adoption assistance for maintenance for up to one year based upon the rate schedule in effect at the time the request for adoption assistance amendment form is received in the department.

2. Payment under this paragraph shall include a basic maintenance payment established under s. 48.62 (4), Stats., and any supplemental payment determined under one of the following:

a. For an adoption assistance agreement entered into before July 1, 2011, the rate schedule under s. DCF 50.042 (2) and (3).

b. For an adoption assistance agreement entered into on or after July 1, 2011, the rate schedule under s. DCF 56.23 (2) (a) if the child has a total of 5 or more needs that have been identified as moderate or intensive in the areas listed in s. DCF 56.23 (2) (a) 1. a. to e.

3. No exceptional payment under s. DCF 50.042 (4) or 56.23 (3) may be established.

SECTION 11. DCF 50.045 (2) (note) is amended to read:

DCF 50.045 Note: A copy of the Request for Adoption Assistance Amendment form, CFS 2092, may be obtained from the Department by writing to: Bureau of Permanence and Out−of−Home Care, Division of Safety and Permanence, P. O. Box 8916, Madison WI 53708−8916, or by visiting the forms section of the department website at~~:~~ ~~http://dcf.wisconsin.gov/forms/pdf/cfs2092.pdf~~ http://dcf.wisconsin.gov.

SECTION 12. DCF 50.045 (3) (c) is repealed and recreated to read:

DCF 50.045 (3) (c) 1. If having determined that there has been a substantial change in circumstances documented that establishes that a child has an increase in special needs in one or more categories of the supplemental payment schedule and there is no substantiated report of abuse or neglect of the child by the adoptive parents, offer to amend the amount of adoption assistance for maintenance for up to one year. The department may not increase the amount in the agreement above the amount allowed under 42 USC 673 or any other federal law. The new payment shall include the basic maintenance payment in the existing agreement, any exceptional payment in the existing agreement, and an adjusted supplemental payment determined under one of the following:

a. For an adoption assistance agreement entered into before July 1, 2011, the rate schedule under s. DCF 50.042 (2) and (3).

b. For an adoption assistance agreement entered into on or after July 1, 2011, the rate schedule under s. DCF 56.23 (2) (a) if the child has a total of 5 or more needs that have been identified as moderate or intensive in the areas listed in s. DCF 56.23 (2) (a) 1. a. to e.

2. If the level of points in an established supplemental payment category is at the highest number of points in an intensive level of need category, no increase in payment may be offered in that category.

3. No adjustment may be made to an existing exceptional payment and no exceptional payment may be established under s. DCF 50.042 (4) or 56.23 (3).

SECTION 13. DCF 50.05 (1) is amended to read:

DCF 50.05 (1) MONTHLY ADOPTION ASSISTANCE PAYMENT. (a) Each adoptive child's situation shall be considered individually in computing the adoption assistance which shall be based on the uniform foster care rates specified in s. 48.62 (4), Stats., and difficulty −of− care levels or the child's identified special needs specified in ~~s. DCF 56.11 (3)~~ one of the following:

SECTION 14. DCF 50.05 (1) (a) 1. and 2. are created to read:

DCF 50.05 (1) (a) 1. For an adoption assistance agreement entered into before July 1, 2011, the rate schedule under s. DCF 50.042 (3).

2. For an adoption assistance agreement entered into on or after July 1, 2011, the rate schedule under s. DCF 56.23 (2) (a) if the child has a total of 5 or more needs that have been identified as moderate or intensive in the areas listed in s. DCF 56.23 (2) (a) 1. a. to e.

SECTION 15. DCF 56.01 (1) is amended to read:

DCF 56.01 Authority and purpose. (1) This chapter is promulgated under the authority of ss. 48.62, 48.64 (4), and 48.67, Stats., to establish licensing requirements for foster homes and foster parents directed at protecting the health and safety and promoting the welfare of children placed in the homes; to establish a fair hearing procedure for foster parents; to establish requirements for certification of a foster home with a level of care and requirements for

assessment of a child's needs and strengths; and to establish criteria for making supplemental and exceptional payments to foster parents.

SECTION 16. DCF 56.02 (1), (2) (a) 1., (b) 1. (note), and (b) 6. are amended to read:

DCF 56.02 Applicability. (1) TO WHOM THE RULES APPLY. This chapter applies to all persons proposing to provide or who are providing foster care for children in a foster home ~~or treatment foster home,~~ and to the department~~,~~; county agencies under s. 46.215, 46.22, or 46.23, Stats.~~,~~; and licensed private child-placing agencies.

(2) EXCEPTION TO A REQUIREMENT. (a*) Licensing agency authority*. 1. A licensing agency may grant an exception to any requirement in this chapter if the licensing agency determines that the exception will not jeopardize the health, safety or welfare of the foster children, except that the licensing agency may not grant an exception to any of the following requirements: ~~s.~~ ss. DCF 56.04 (1), (2), (4) (a) 1., 2., 5., 5m., 8., or 9. or (b) 2., (6), (7) or (8); ~~s. DCF~~ 56.05 (1) (a), ~~(b) 2., (c) 2., 3., 4., 5., 6., 7. or 9.,~~ (b) 1. b., 2. b., d., or g., (c) 1. b., c., d., e., g., h., i. j., k., L., m., n., or 2., (d), (f), or (3) (a); 56.06; ~~s. DCF~~ 56.07 (3) (a), (4) (b), (c), (e), (f), (g), or (h), (5) (a), (6), or (10) (a); ~~s. DCF~~ 56.08 (1), (2), (3), (4), (5), (6) (c) 1., 2., 3. or 4. a., (7) (a) 3., (8) (a) ~~1. or 2.~~, or (c), (10), or (10m); ~~s. DCF~~ 56.09 (1), (1g), (1m) (a) to (e), (2) (c), (3), (4) (c), ~~or~~ (d) or (dm), (5), (9), (11), or (12) (a), (c) or (d); ~~s. DCF 56.11, s. DCF~~ 56.12~~,~~; ~~s. DCF~~ 56.13 (1), (2), (3), (4) (a) 1., 2., or (b), (5) (a), (b) 1. or 2., (c), (6) (a), (b) 1. or 2., (c), (7), (8); ~~s. DCF~~ 56.14 (1), (2), (3), (4), (5), (6), (6d), (6h), (6p), (6t), (7), (7e), (7m), (7s), (8) (a) or (b) 3.~~, or s. DCF~~; 56.15; 56.16; 56.18; 56.19; 56.21 (2); 56.22; or 56.23.

(b) 1. (note) **Note:** Copies of the Department's request form, "Application to DCF Exceptions Panel for Exception to Ch. DCF 56 ~~or Ch. DCF 38~~," can be obtained from the licensing agency or by visiting the Department's website at: http://dcf.wisconsin.gov/children/foster/forms/formsINDX.htm.

6. a. The department exceptions panel shall, in writing, indicate its approval or disapproval of the request within 10 working days after the department receives the request form from the licensing agency and has all the information required to make its decision.

SECTION 17. DCF 56.02 (1) (b) 6. b. is created to read:

DCF 56.02 (1) (b) 6. b. Notwithstanding subd. 6. a., the department exceptions panel shall, in writing, indicate its approval or disapproval of an application for certification to operate a Level 5 foster home under s. DCF 56.13 (7) (a) within 45 working days after the department receives the application from the licensing agency and has all the information required to make its decision.

SECTION 18. DCF 56.02 (2) (c) 1. is amended to read:

DCF 56.02 (2) (c) 1. The licensing agency may grant a waiver to any requirement in s. DCF 56.04 (4) (a) 7., 56.05 (4), 56.07 (2), (4) (a) 1. or 4., (d), (j), (k), (L), (7), or (8), or 56.09 (4) (g) 1., (6), (7), (8), or (10) (b), (c), (d), (e), or (f).

SECTION 19. DCF 56.03 (1) is renumbered DCF 56.03 (1r).

SECTION 20. DCF 56.03 (1) and (1g) are created to read:

DCF 56.03 (1) "Aftercare plan" means a plan for transition services for a child that identifies services that will be provided after the child's discharge from a foster home to ensure continuity in the management of the child's needs.

(1g) "Algorithm" means a composite score based on items demonstrated to be relevant to decision making on a particular topic such as level of need or service provision.

SECTION 21. DCF 56.03 (3) (a) is amended to read:

DCF 56.03 (3) (a) For care and maintenance provided for a child of any age by a Level 1 foster home ~~that is certified to provide Level 1 care, $215 before January 1, 2011, and~~, $220 ~~beginning January 1, 2011~~.

SECTION 22. DCF 56.03 (6m), (10m), and (11m) are created to read:

DCF 56.03 (6m) "Counselor" means a person licensed or certified under ch. 457, Stats., and ch. MPSW 3, 6, 11, 12, or 17.

(10m) "Emergency care" means care provided for a foster child on the basis of 24-hour availability, including crisis intervention services and emergency placements.

(11m) "Family" means the birth parents, adoptive parents, relatives of the child, and other individuals who were permanently living with the child before the child's placement in out-of-home care.

SECTION 23. DCF 56.03 (14) and (15) are amended to read:

DCF 56.03 (14) "Foster home" means any facility operated by a person ~~required to be~~ licensed under s. 48.62 (1) ~~(a)~~, Stats.~~, in which care and maintenance are provided for no more than 4 foster children or, if necessary to keep siblings together, for no more than 6 foster children.~~

(15) "Foster parent" means a person with primary responsibility for the care and supervision of one or more foster children placed in his or her foster home and in whose name the foster home is licensed under this chapter.

SECTION 24. DCF 56.03 (15m), (21g), and (21r) are created to read:

DCF 56.03 (15m) "Group home" means a facility operated by a person licensed by the department to provide 24−hour care and maintenance for 5 to 8 children under s. 48.625, Stats.

(21g) "Level of care" means the intensity of services that is best able to meet the needs of a child who has been assessed with a corresponding level of need.

(21r) "Level of need" means a rating of a child that is used to inform decision making on placement and service provision. The level of need is derived from an algorithm that is based on an assessment of a child's functioning.

SECTION 25. DCF 56.03 (22), (24), and (29) are amended to read:

DCF 56.03 (22) "Licensed private child-placing agency" means an agency licensed by the department under s. 48.60, Stats., and ch. DCF 54 to license a person to operate a foster home and to place children in foster homes and other out-of-home care facilities ~~and to license foster homes or treatment foster homes~~.

(24) "Licensing agency" means the department, a county agency, or a licensed private child-placing agency that ~~might issue a license~~ may issue a license to operate a foster home under this chapter ~~or ch. DCF 38~~.

(29) "Out-of-home care" means care in a foster home, ~~a treatment foster home,~~ a group home under s. 48.625, Stats., or a ~~child caring institution~~ residential care center for children and youth under s. 48.60, Stats.

SECTION 26. DCF 56.03 (33m), (34d), (34h), (34p), (34t), and (35m) are created to read:

DCF 56.03 (33m) "Placing agency" means a licensed private child-placing agency; county department with powers and duties under ss. 48.57 and 938.57, Stats.; the department; the

Wisconsin department of corrections; or a licensed child welfare agency from another state authorized to place children in foster homes.

(34d) "Program manager" means the foster parent and licensee of a Level 5 foster home.

(34h) "Program staff" means staff in a Level 5 foster home who are responsible for daily supervision of the children and direct care to the children to ensure their safety and well-being.

(34p) "Residential care center for children and youth" means a residential facility licensed as a child welfare agency under s. 48.60, Stats., that provides treatment and custodial services for children, youth, and young adults ages 18, 19, or 20.

(34t) "Respite care" means the services or emergency care provided to a foster child during a planned absence of the foster parent for more than 48 hours or when the licensing, supervising, or placing agency pays for the service or care.

(35m) "Severe emotional disturbance" means an emotional disability that has persisted for at least 6 months and is expected to persist for a year or longer. A severely emotionally disturbed child may experience psychotic symptoms, be a suicide risk, or may cause personal injury or significant property damage or will have functional impairment in at least 2 areas, including self−care, community participation, social relationships, family relationships, and school. A severely emotionally disturbed child will be receiving services from 2 or more social services agencies. The emotional disturbance must meet one of the AXIS I diagnostic classifications of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

SECTION 27. DCF 56.03 (36) is amended to read:

DCF 56.03 (36) "Supervising agency" means the agency responsible for overseeing the care and maintenance of a child placed in out-of-home care, which may be a county agency, the department, or a licensed private child-placing agency.

SECTION 28. DCF 56.03 (37) is repealed and recreated to read:

DCF 56.03 (37) "Team" means the group appointed by the placing and supervising agencies to assess a child, develop and implement the case and permanency plans, and evaluate the child's progress for a child with a level of need of 1 to 2 who is placed in a foster home.

SECTION 29. DCF 56.03 (37e), (37m), and (37s) are created to read:

DCF 56.03 (37e) "Treatment" means the combination of therapies, services, and care designed to assist a child in achieving established measurable and behavioral goals and objectives based upon the information gathered through the assessment process.

(37m) "Treatment plan" means the comprehensive services plan developed by the treatment team for a child with a level of need of 3 to 5 who is placed in a foster home with a Level 3 to 5 certification.

(37s) "Treatment team" means the group appointed by the placing and supervising agencies to assess a child, develop and implement the treatment plan, and evaluate the child's progress for a child with a level of need of 3 to 5 who is placed in a foster home with a Level 3 to 5 certification.

SECTION 30. DCF 56.03 (38) is amended to read:

DCF 56.03 (38) "Voluntary placement agreement" means a written contract between a county agency and the child's parent or guardian and the child, if the child is 12 years of age or older, for

the placement of the child in a licensed foster home~~, for a specified length of time not exceeding 6 months~~ under s. 48.63 (1), Stats.

SECTION 31. DCF 56.04 (2) is repealed and recreated to read:

DCF 56.04 (2) LICENSE PROHIBITION. No licensing agency may issue a license to operate a foster home to an employee of the agency or to the relative of an employee of the agency if the employee works in the area of the agency that issues foster care licenses. This subsection does not apply to a foster parent who receives a payment under s. 48.64 (4), Stats., or to a volunteer for the agency.

SECTION 32. DCF 56.04 (4) (a) 2. (note) is amended to read:

DCF 56.04 (4) (a) 2. (note) Note: Section 344.62, Stats., requires motor vehicle liability insurance effective June 1, 2010. ~~Foster parents who currently have a waiver of vehicle liability insurance may continue under this waiver through May 31, 2010~~.

SECTION 33. DCF 56.04 (4) (a) 5m. is repealed and recreated to read:

DCF 56.04 (4) (a) 5m. A drawing of the layout of the foster home.

SECTION 34. DCF 56.04 (8) is amended to read:

DCF 56.04 (8) NOTIFICATION OF APPLICATION FOR OR ISSUANCE OF ADDITIONAL LICENSES. A licensee who applies to any licensing authority for or is issued any other license in addition to the foster home license shall notify the agency that issued the foster home license. No licensee may hold any other license to ~~provide foster care~~ operate a foster home under this chapter~~,~~ or a group ~~foster care~~ home under ch. DCF 57 ~~or treatment foster care for children under ch. DCF 38~~.

SECTION 35. DCF 56.05 (1) (b) is amended to read:

DCF 56.05 (1) (b) *Characteristics*. 1. 'All foster parents.' As evidenced through interviews with foster family members, the use of formalized assessment systems, communication with references, and other ~~mechanisms~~ methods considered to be effective components of a comprehensive foster home study, a licensee shall have or exhibit all of the following characteristics to a degree that will allow the licensee to adequately provide foster care services:

~~1.~~ a. An adequate understanding of what it means to be a foster child and a recognition of a child's strengths and ~~weaknesses~~ needs consistent with the child's age and abilities, or a motivation to learn.

~~2.~~ b. A history of managing or an indication of the ability to manage stress related to economic resources, employment, home, neighborhood, family size, health problems, or other factors and an indication of an ability to cope with an additional stress factor of the placement of a foster child.

~~3.~~ c. A satisfactory self–concept.

~~4.~~ d. An ability to communicate ideas, feelings, and needs.

~~5.~~ e. An outlook regarding his or her own history that indicates that any negative aspects have been recognized and adequately addressed.

~~6.~~ f. Parenting ability appropriate to the age, abilities, strengths, and ~~weaknesses~~ needs of foster children to be placed in the licensee's home or a motivation to learn.

~~7.~~ g. A history of positive parenting, if applicable.

~~8.~~ h. An adequate knowledge of child growth and development or a motivation to learn.

~~9.~~ i. Reasonably constructive social relationships and the ability to provide encouragement and understanding of a foster child's need for positive social relationships.

~~10.~~ j. Effective intrafamilial communication and the existence of appropriate family roles, marital or other relationship stability, integration into the community, and organization in the home.

~~11.~~ k. An appropriate understanding of child abuse and neglect as a social problem or a motivation to learn.

~~12.~~ L. An appropriate understanding of the needs of children who have been abused or neglected and of parents who abuse or neglect their children or a motivation to learn.

~~13.~~ m. Adequate preparation of all family members to become a foster family, particularly preparation for the stress that having a foster child in the family may place on each family member.

~~14.~~ n. An appropriate motivation for applying to be a foster family and an ability to follow through on difficult endeavors.

~~15.~~ o. A willingness to work with the supervising agency, placing agency, licensing agency, and the biological or adoptive parents in achieving a foster child's permanence goal as established in the child's permanency plan.

Note: The Department has recommended the use of the Resource Family Assessment but any formalized assessment system can be used.

SECTION 36. DCF 56.05 (1) (b) 2. is created to read:

DCF 56.05 (1) (b) 2. 'Level 3 to 5.' In addition to the requirements under subd. 1., a foster parent who operates a foster home with a Level 3 to 5 certification shall have the following knowledge, skills, and qualifications prior to placement of a child in the foster home:

a. Knowledge of the specific behavioral, emotional, or physical conditions; symptomology; and treatment and care needs of the child to be placed.

b. Knowledge of the operation of any specialized equipment and emergency back-up systems for the child to be placed.

c. Recognition of escalating symptoms or side-effects of the child's condition and appropriate responses.

d. Knowledge of the medications, services, and treatments of the child to be placed.

e. Knowledge of the care requirements and techniques required for the child to be placed.

f. A demonstrated commitment to providing care for a child with serious treatment needs.

g. Commitment and time to receive the required pre-placement, initial, and ongoing training.

h. Ability to appropriately bond with the child.

i. A demonstrated capacity to deal effectively with the dependency needs of the child.

j. Availability at all times except when respite care under s. DCF 56.21 or other arrangements for care of the child have been made with the supervising or licensing agency.

SECTION 37. DCF 56.05 (1) (c) is amended to read:

DCF 56.05 (1) (c) *Responsibilities.* 1. 'All foster parents.' The licensee shall be familiar with the requirements of this chapter and do all of the following:

~~1.~~ a. Comply with all of the requirements of this chapter.

~~2.~~ b. ~~Accept~~ Participate in the selection of and accept foster children for care only in conformity with the conditions specified on the license and with the approval of the licensing and supervising agencies.

~~3.~~ c. Cooperate fully with the licensing agency and any other agency responsible for supervising foster children in the licensee's care and keep the licensing agency and any other responsible agency informed of each child's progress and problems.

~~4.~~ d. Immediately notify the licensing agency of any change in the job or work schedule of a foster parent who works outside the home and notify the licensing agency of any impact this change will have on the licensee's ability to provide foster care.

Note: See similar language related to in−home employment at s. DCF 56.09 (2) (a).

~~5. Immediately notify the supervising agency and, if not the same, the licensing agency, of the death of a foster child or any life−threatening or serious illness or injury requiring medical treatment for a foster child, the unauthorized absence of a foster child from the home for longer than 8 hours or for a period of time that cannot reasonably be justified by the child's age, maturity or mental and emotional capacity, or any similar crisis related to a foster child.~~

~~6. Immediately notify the supervising agency if the licensee has reasonable cause to believe that a foster child has been abused or neglected, or has been threatened with abuse or neglect and it is likely that the foster child will be abused or neglected.~~

~~7.~~ e. Cooperate and assist with efforts of the supervising agency to maintain relationships between foster children and their families and with the agency's efforts to implement plans for care and treatment and for arranging a permanent living arrangement as required under s. 48.38 or 938.38, Stats.

~~8.~~ f. Allow the supervising agency up to 30 days in which to make an alternate placement when the licensee asks that a foster child be removed from the home.

~~9.~~ g. Maintain in confidence all personal information about foster children and their families.

SECTION 38. DCF 56.05 (1) (c) 1. h. to n. and 2. are created to read:

DCF 56.05 (1) (c) 1. h. Comply with serious incident reporting requirements in s. DCF 56.06.

i. Attend training sessions, permanency plan reviews, and other meetings as required by the licensing, supervising, or placing agency.

j. Provide a respite care provider with written and verbal information regarding the specific care needs of a child each time respite care is used.

k. Provide or arrange for a child's necessary transportation, unless otherwise determined by the child's team or treatment team.

L. Advocate for the child with the child's school system and have primary responsibility for communication with the school, unless otherwise determined by the child's team or treatment team.

m. Implement the child's case plan, and if applicable treatment plan, cooperatively and consistently.

n. Participate in assessing a child's progress.

2. 'Foster home with Level 3 to 5 certification' In addition to the requirements under subd. 1., a foster parent who operates a foster home with a Level 3 to 5 certification shall do all of the following, unless otherwise determined by the treatment team:

a. Participate as an active team member in the development, implementation, and evaluation of the treatment plan goals and objectives.

b. Assume primary responsibility for implementing in-home care and treatment strategies specified in the treatment plan.

c. Participate in developing a child's individualized treatment plan.

d. Notify the appropriate treatment team member of any problems or concerns related to operating a foster home with a Level 3 to 5 certification.

e. Participate on a regularly scheduled basis, but at least annually, in the evaluation of his or her performance as a foster parent operating a foster home with a Level 3 to 5 certification under s. DCF 56.20.

SECTION 39. DCF 56.06 is repealed and recreated to read:

DCF 56.06 Serious incident reporting. (1) A foster parent shall immediately notify the supervising agency and, if not the same, the licensing agency of all of the following:

(a) Death of a foster child.

(b) Serious illness or injury of a foster child that requires the services of a licensed medical professional, including all of the following:

1. A broken bone.

2. A burn.

3. A concussion.

4. A wound requiring stitches.

5. The ingestion of poison or drug overdose.

6. A reportable communicable disease under ch. DHS 145, Appendix A.

Note: Information regarding reportable communicable diseases can be obtained from local county public health departments.

(c) The foster parent has reasonable cause to believe any of the following:

1. A foster child has been abused or neglected.

2. A foster child has been threatened with abuse or neglect and it is likely that the foster child will be abused or neglected.

(d) An error in administering medication to a foster child.

(e) A suicide attempt by a foster child.

(f) The unauthorized absence of a foster child from the home for more than 8 hours or for longer than is reasonable given the child's age, maturity, and mental and emotional capacity.

(g) An incident requiring contact with law enforcement at the foster home or that involves a foster child.

(h) A condition or situation that requires the removal of a child from a foster home.

(i) The use of a physical restraint as required under s. DCF 56.09 (1g) (e).

(j) Any other serious incident related to a foster child.

(2) A foster parent shall immediately notify the licensing agency of any of the following:

(a) Any physical damage to the foster home or premises that would affect compliance with this chapter, including the following:

1. Structural damage that may affect the safe shelter of a child.

2. Failure in the heating, cooling, electrical, plumbing, or smoke detection system that is not repaired or that cannot be repaired within 24 hours after the failure becomes known.

(b) A fire on the premises of the foster home that requires the services of a fire department.

(c) The displacement of a child or adverse effects due to implementation of the disaster plan required under s. DCF 56.08 (10m).

(3) A licensing agency shall immediately notify the department exceptions panel of any serious incident in this section that is reported by a foster parent of a Level 5 foster home.

SECTION 40. DCF 56.07 (1m) is created to read:

DCF 56.07 (1m) EXTERIOR ACCESS. If necessary for a child to access the foster home where the child is placed, at least one entrance to the foster home shall be level or ramped in accordance with ch. Comm 62 and in a manner that provides safe access for the child.

SECTION 41. DCF 56.07 (2) is amended to read:

DCF 56.07 (2) INTERIOR LIVING AREA. (a) An applicant applying on or after September 1, 1990, for an initial license to operate a foster home shall provide a minimum of 200 square feet of living area for each household member, including each foster child, unless a higher minimum is deemed necessary by the licensing agency to accommodate wheelchairs or other special equipment used by a foster child.

SECTION 42. DCF 56.07 (2) (b) and (3) (d) are created to read:

DCF 56.07 (2) (b) Doorways and passageways to the common rooms of the foster home, a complete bathroom, and the child's bedroom shall meet standards relating to accessibility in ch. Comm 62 if either of the following apply:

1. The child uses a wheelchair.
2. The child has significant mobility limitations and is too big to be safely carried.

(3) (d) At least one bathroom shall be constructed in conformity with ch. Comm 62 if a foster child has physical disabilities that require special equipment or clear floor space.

SECTION 43. DCF 56.07 (4) (d) is amended to read:

DCF 56.07 (4) (d) Each bedroom occupied by a foster child shall have a minimum floor space of 40 square feet per child, unless the licensing agency determines a higher minimum is necessary to accommodate wheelchairs or other special equipment used by a foster child.

SECTION 44. DCF 56.07 (4) (g) is repealed and recreated to read:

DCF 56.07 (4) (g) No foster child 7 years of age or older may regularly sleep in a finished basement bedroom or in a bedroom above the second floor of a single family dwelling unless all of the following conditions are met:

1. There are 2 exits to grade from that floor level. Exits from a basement shall comply with s. Comm 21.03 (5) (b) and (6).

2. Provision has been made for adequate heating, cooling, ventilation, and humidity control.

3. Access to and exit from these locations are appropriate given the child's ambulatory level and use of mechanical devices, such as wheelchairs and walkers.

SECTION 45. DCF 56.07 (4) (i) and (10) (a) are amended to read:

DCF 56.07 (4) (i) Each bedroom occupied by a foster child shall have a door for privacy, ~~and~~ a window that allows natural light to enter, and ~~shall be adequately ventilated~~ adequate ventilation.

(10) SANITATION. (a) The outside recreation and play space, furnishings, and equipment for a foster home shall be maintained in a clean and sanitary condition.

SECTION 46. DCF 56.08 (8) (a) 2. is amended to read:

DCF 56.08 (8) (a) 2. The place away from the foster home at which all evacuated members of the household ~~shall~~ will meet so that it can be determined if all persons are out of danger.

SECTION 47. DCF 56.08 (8) (a) 3. is created to read:

DCF 56.08 (8) (a) 3. The means by which foster children who are not ambulatory will be assisted in evacuating the home.

SECTION 48. DCF 56.08 (11) and (note) are repealed and recreated to read:

DCF 56.08 (11) SAFETY OF INFANTS AND CHILDREN WITH DISABILITIES. (a) A licensing agency may impose additional safety conditions upon a licensee if the licensee cares

for a child under one year of age or a child with mental or physical disabilities when the age, impaired judgment, or mobility of the child creates additional safety risks.

(b) A licensing agency may require modifications to a foster home or other accommodations necessary to meet specific requirements identified by the child's team or treatment team. These modifications may include any of the following:

1. Supplemental electrical service to the home.

2. Electrical back−up systems that will provide a reliable level of power in the event of an electrical system failure.

3. Adequate mechanisms for the safe and legal storage and disposal of medical supplies.

4. Minimum and maximum standards for heating and cooling temperatures within the home.

5. Structural or cosmetic changes to allow the child access into and throughout the home.

6. Mechanisms for ensuring that hot water temperatures from bathtub, sink, shower, and other bathroom fixtures do not exceed a maximum safe temperature of 110 degrees Fahrenheit.

7. Mechanisms for measuring and achieving established air purity standards in the home.

8. Other modifications to accommodate needs identified by the child's team or treatment team.

(c) Any additional conditions imposed under par. (a) or (b) shall be in writing and reviewed jointly by the licensing agency and licensee before taking effect.

(d) The licensing agency and licensee shall review the conditions under par. (a) or (b) for possible revision at least annually.

Note: A licensing agency may use an exceptional payment under s. DCF 56.23 (3) to pay for any necessary adjustments to the foster home to meet the special needs of a foster child.

SECTION 49. DCF 56.09 (1) (am), (bm), (cm), (dm), (em), (fm), and (gm) are created to read:

DCF 56.09 (1) (am) Socializes the child into family living and teaches social and community living skills, including accepting tasks and responsibilities.

(bm) Increases the child's opportunities to develop decision−making skills and to make informed choices.

(cm) Increases the child's independence in performing tasks and activities by teaching skills that reduce dependence on caretakers.

(dm) Educates the child regarding human sexual development, as appropriate.

(em) Promotes cultural understanding and sensitivity in the child and respects the cultural traditions of the child's family.

(fm) Increases the child's opportunities to interact with diverse community populations.

(gm) Teaches the child life skills in situations where the skills are used.

SECTION 50. DCF 56.09 (1) (h) is amended to read:

DCF 56.09 (1) (h) Allows a foster parent to conduct a search without the foster child's consent if the foster parent believes a search is necessary to prevent harm to the foster child or another person or because the foster child is violating a law. The foster parent shall share the information about the search with the child's ~~case manager~~ supervising agency caseworker.

SECTION 51. DCF 56.09 (1) (hm) and (o) and (1g) are created to read:

DCF 56.09 (1) (hm) Provides daily schedules, routines, environments, and interactions similar to those of other children of the same age and in accordance with the child's case plan, permanency plan, or treatment plan.

(o) Responds appropriately to disruptive behavior.

(1g) PHYSICAL RESTRAINT. (a) A foster parent may not use any type of physical restraint on a foster child unless the foster child's behavior presents an imminent danger of harm to self or others and physical restraint is necessary to contain the risk and keep the foster child and others safe.

(b) A foster parent shall attempt other feasible alternatives to de-escalate a child and situation before using physical restraint.

(c) A foster parent may not use physical restraint as disciplinary action, for the convenience of the foster parent, or for therapeutic purposes.

(d) If physical restraint is necessary under par. (a), a foster parent may only use the physical restraint in the following manner:

1. With the least amount of force necessary and in the least restrictive manner to manage the imminent danger of harm to self or others.

2. That lasts only for the duration of time that there is an imminent danger of harm to self or others.

3. That does not include any of the following:

a. Any maneuver or technique that does not give adequate attention and care to protection of the child's head.

b. Any maneuver that places pressure or weight on the child's chest, lungs, sternum, diaphragm, back, or abdomen causing chest compression.

c. Any maneuver that places pressure, weight, or leverage on the neck or throat, on any artery, or on the back of the child's head or neck, or that otherwise obstructs or restricts the circulation of blood or obstructs an airway, such as straddling or sitting on the child's torso.

d. Any type of choke hold.

e. Any technique that uses pain inducement to obtain compliance or control, including punching, hitting, hyperextension of joints, or extended use of pressure points for pain compliance.

f. Any technique that involves pushing on or into a child's mouth, nose, or eyes, or covering the child's face or body with anything, including soft objects, such as pillows, washcloths, blankets, and bedding.

4. Notwithstanding subd. 3. f., if a child is biting himself or herself or other persons, a foster parent may use a finger in a vibrating motion to stimulate the child's upper lip and cause the child's mouth to open and may lean into the bite with the least amount of force necessary to open the child's jaw.

(e) A foster parent shall report the use of any physical restraint to the licensing agency as soon as possible after the imminent danger has been resolved but no later than 24 hours after the use of any physical restraint. Information shall include a description of the situation that led to the use of restraint, the nature of the restraint that was used, any follow-up actions that were taken, any injuries that may have resulted from use of the restraint, and any additional information required by the licensing agency.

SECTION 52. DCF 56.09 (1m) (a) (title) and (b) (title) are created to read:

DCF 56.09 (1m) (a) *In general*.

(b) *Sibling connections*.

SECTION 53. DCF 56.09 (1m) (b) is amended to read:

DCF 56.09 (1m) (b) *Sibling connections*. Notwithstanding par. (a), for the purpose of maintaining sibling connections, a licensing ~~agencies~~ agency may grant an exception to allow ~~more than 6 but no more than 8~~ 7 or fewer foster children in a foster home. ~~Licensing agencies~~ A licensing agency shall apply to the department exceptions panel to place ~~more than~~ 8 or more children in a foster home if necessary to keep siblings together. ~~Agencies~~ The licensing agency shall follow the requirements established under s. DCF 56.02 (2) when granting or requesting an exception under this subsection and shall modify the license to reflect a reduction in the number of foster children in the home if any of the children leave.

SECTION 54. DCF 56.09 (1m) (c) (title) is created to read:

DCF 56.09 (1m) (c) *Parental connection.*

SECTION 55. DCF 56.09 (1m) (c) is amended to read:

DCF 56.09 (1m) (c) *Parental connection.* Notwithstanding par. (a), for the purpose of maintaining a parental connection for a minor parent and minor child who are placed together, a licensing ~~agencies~~ agency may grant an exception to allow ~~more than 6 but no more than 8~~ 7 or fewer foster children in a foster home. ~~Licensing agencies~~ A licensing agency shall apply to the department exceptions panel to place ~~more than~~ 8 or more children in a foster home if necessary to keep a minor parent and minor child together. ~~Agencies~~ The licensing agency shall follow the requirements established under s. DCF 56.02 (2) when granting or requesting an exception under this section and shall modify the license to reflect a reduction in the number of foster children in the home if any of the children leave.

Note: In order to exceed the limit of 4 children in a foster home, any additional child must be related to one of the initial 4 children placed in the home.

SECTION 56. DCF 56.09 (1m) (d) to (g) are created to read:

DCF 56.09 (1m) (d) *Number of children in a foster home with Level 3 to 5 certification*. Notwithstanding par. (a), a licensing agency may limit the number of children for whom a foster home with a Level 3 to 5 certification may provide care and maintenance to fewer than 4.

(e) *More than 2 children in a foster home with a Level 3 to 5 certification*. If a licensing agency plans to place or places more than 2 foster children in a foster home with a Level 3 to 5 certification, the licensing agency shall notify any placing agency or supervising agency with a child already placed in the home. The notice shall be in writing and sent to the placing agency or supervising agency prior to placement of the third or fourth child, if possible. If written notice prior to the additional placement is not possible, the licensing agency shall verbally notify any placing agency or supervising agency prior to the placement and subsequently provide written notice.

(f) *Total number of individuals receiving care*. The number of individuals receiving care in a foster home, including the combined total of foster children, minor children of the foster parent, other children, and adults who need care may not exceed the following:

1. In a foster home with a Level 1 to 2 certification, 8 persons.

2. In a foster home with a Level 3 to 5 certification, 6 persons.

(g) *Children under 2 years of age*. A foster parent may not regularly provide care for more than 2 children under 2 years of age, including the combined total of foster children, minor children of the foster parent, and any other children.

SECTION 57. DCF 56.09 (2) (a) is amended to read:

DCF 56.09 (2) SUPERVISION OF CHILDREN. (a) The licensee may not combine the care of foster children with regular part−time care of other non−related children or adults or conduct

business or provide services in the foster home without the written approval of the licensing agency. ~~Approval by the~~ The licensing agency shall ~~depend on~~ confer with any other certifying or licensing agencies involved with the additional activities before granting approval and may approve a request only if the foster parent ~~presenting~~ presents satisfactory evidence that the additional activities will not interfere with the quality or manner of care provided to foster children. The licensing agency may not allow a foster parent who operates a foster home with a Level 3 to 5 certification to also operate a licensed family child care center under ch. DCF 250 or a certified child care home under ch. DCF 202 in the foster home.

SECTION 58. DCF 56.09 (2) (c) is repealed and recreated to read:

DCF 56.09 (2) (c) A person who provides child care for a foster child for compensation on a regular basis in a location other than the child's foster home shall be certified under ch. DCF 202 or licensed under ch. DCF 250, 251, or 252.

SECTION 59. DCF 56.09 (2) (h) and (i) are repealed.

SECTION 60. DCF 56.09 (4) (dm) is created to read:

DCF 56.09 (4) (dm) The foster parent shall ensure that each foster child who needs mental health services receives appropriate services promptly.

SECTION 61. DCF 56.09 (4) (e) is amended to read:

DCF 56.09 (4) (e) The foster parent shall ensure that each foster child ~~under 13 years of age~~ receives 2 dental examinations and cleanings per year ~~and foster children 13 years of age and older receive one dental examination and cleaning per year~~ through a HealthCheck program referral.

SECTION 62. DCF 56.09 (4) (g) is created to read:

DCF 56.09 (4) (g) 1. A foster parent may not smoke or allow another person to smoke in a foster home or in a vehicle when a foster child is present.

2. Nothing in this paragraph shall be interpreted to interfere with traditional or established spiritual or cultural ceremonies involving the use of tobacco.

SECTION 63. DCF 56.09 (10) (g) is created to read:

DCF 56.09 (10) (g) The foster parent shall assist a foster child in planning for achievement of the child's educational or vocational goals.

SECTION 64. DCF 56.11 (1) and (2)are repealed.

SECTION 65. DCF 56.11 (3) and (4) are renumbered DCF 50.042 (3) and (4).

SECTION 66. DCF 56.11 (5) is repealed.

SECTION 67. DCF 56.13 (title), (1)(title), and (1) are amended to read:

DCF 56.13 ~~Level~~ Foster home level of care certification. (1) ~~DEFINITION~~ CHILD-SPECIFIC LICENSE. (a) In this section, "child-specific license" means a license to operate a foster home that is issued to a relative of a child or an individual who has a previous existing relationship with the child or the child's family.

(b) A child-specific license may remain valid with any granted waivers or exceptions for the duration of the licensing period or up to 6 months after the child returns home or is placed elsewhere, whichever occurs first.

SECTION 68. DCF 56.13 (1) (c) is created to read:

DCF 56.13 (1) (c) A foster home operated by a foster parent with a child-specific license may be certified at any level of care.

SECTION 69. DCF 56.13 (2), (3)(title), and (3)are amended to read:

DCF 56.13 (2) CERTIFICATION. A licensing agency shall certify each foster home for a level of care under ~~sub. (3) or (4)~~ subs. (3) to (7) commensurate with the foster parent's knowledge, training, skills, experience, and relationship to the child in accordance with the licensing agency's programming and capacity.

(3) LEVEL 1 ~~CERTIFICATION~~ CHILD-SPECIFIC FOSTER HOME. (a) *Child−specific license*. A licensing agency may grant a Level 1 certification only to a foster home operated by a foster parent with a child−specific license.

(b) *Training*. Each foster parent who operates a Level 1 foster home ~~with a Level 1 certification~~ shall complete a minimum of 6 hours of pre−placement training under s. DCF 56.14 (6) ~~within~~ before or after the placement of a child but no later than 6 months after the date of initial licensure.

SECTION 70. DCF 56.13 (3) (b) (note) is created to read:

DCF 56.13 (3) (b) Note: A foster parent with a child-specific license often does not actually receive this training before placement of the child but it is still referred to as "pre-placement training."

SECTION 71. DCF 56.13 (4)(title) and (4) (a) 1. are amended to read:

DCF 56.13 (4) LEVEL 2 ~~CERTIFICATION~~ BASIC FOSTER HOME. (a) *Training*. 1. a. Each foster parent who operates a Level 2 foster home ~~with a Level 2 certification~~ shall complete a minimum of 6 hours of pre−placement training under s. DCF 56.14 (6) before or after initial licensure but prior to the placement of any child in the home~~, except as provided in subd. 1. b~~.

b. ~~Each~~ Notwithstanding subd. 1. a., each foster parent with a child-specific license who operates a Level 2 foster home ~~with a child−specific license and a Level 2 certification~~ shall complete the pre−placement training under s. DCF 56.14 (6) ~~within~~ before or after the placement of a child but no later than 6 months after the date of initial licensure.

SECTION 72. DCF 56.13 (4) (a) 1. b. (note) is created to read:

DCF 56.13 (4) (a) 1. b. Note: A foster parent with a child-specific license often does not actually receive this training before placement of the child but it is still referred to as "pre-placement training."

SECTION 73. DCF 56.13 (4) (a) 2. and 3. and (b) are amended to read:

DCF 56.13 (4) (a) 2. Each foster parent who operates a Level 2 foster home ~~with a Level 2 certification~~ shall complete a minimum of 30 hours of initial licensing training under s. DCF 56.14 (7) during the initial licensing period.

3. Each foster parent who operates a Level 2 foster home ~~with a Level 2 certification~~ shall complete 10 hours of ongoing training under s. DCF 56.14 (8) in each 12−month period of licensure subsequent to the initial licensing period.

(b) *References.* An applicant for ~~a license~~ certification to operate a Level 2 foster home ~~with a Level 2 certification~~ shall submit at least 3 favorable reference letters written by persons unrelated to the applicant. A reference letter shall include a statement indicating how long the person giving the reference has known the applicant, under what circumstances he or she knows the applicant, and his or her knowledge of the applicant's characteristics under s. DCF 56.05 (1) (b).

SECTION 74. DCF 56.13 (5) to (8) are created to read:

DCF 56.13 (5) LEVEL 3 MODERATE TREATMENT FOSTER HOME. (a) *Licensee experience*. 1. An applicant for certification to operate a Level 3 foster home shall have at least 3 of the following:

a. A minimum of one year of experience as a foster parent or kinship care provider with a child placed in his or her home for at least one year.

b. A minimum 5 years of experience working with or parenting children.

c. A minimum of 500 hours of experience as a respite care provider for children under the supervision of a human services agency.

d. A high school diploma or the equivalent.

e. A college, vocational, technical, or advanced degree in the area of a child's treatment needs, such as nursing, medicine, social work, or psychology.

f. A substantial relationship with the child to be placed through previous professional or personal experience.

g. Work or personal experience for which the applicant has demonstrated the knowledge, skill, ability, and motivation to meet the needs of a child with a level of need of 3.

2. If an applicant for certification to operate a Level 3 foster home relies on experience that meets the requirements in subd. 1. b. or f. as one of the 3 required criteria in this paragraph, the applicant shall also meet one of the criteria in subd. 1. a., c., e., or g.

(b) *Training*. 1. Each foster parent who operates a Level 3 foster home shall complete a minimum of 36 hours of pre-placement training under s. DCF 56.14 (6d) before or after initial licensure but prior to the placement of any child in the home.

2. Each foster parent who operates a Level 3 foster home shall complete a minimum of 24 hours of initial licensing training under s. DCF 56.14 (7e) during the initial licensing period.

3. Each foster parent who operates a Level 3 foster home shall complete 18 hours of ongoing training under s. DCF 56.14 (8) in each 12-month period of licensure subsequent to the initial licensing period.

(c) *References*. An applicant for certification to operate a Level 3 foster home shall submit at least 4 favorable reference letters, as follows:

1. 'From whom.' a. Three of the letters shall be written by persons unrelated to the applicant. At least one of these reference letters shall be regarding the applicant's qualifications under par. (a) 1., excluding par. (a) 1. d.

b. The fourth favorable reference letter shall be from a relative, preferably from an adult child if applicable.

2. 'Content.' Each reference letter shall include a statement indicating all of the following:

a. How long the person giving the reference has known the applicant.

b. Under what circumstances he or she knows the applicant.

c. His or her knowledge of the applicant's qualifications and characteristics under s. DCF 56.05 (1) (b).

(6) LEVEL 4 SPECIALIZED TREATMENT FOSTER HOME. (a) *Licensee experience*. 1. An applicant for certification to operate a Level 4 foster home shall have at least 4 of the following:

a. A minimum of one year of experience with children with a level of need of 3 as a foster parent or kinship care provider with a child placed in his or her home for at least one year.

b. A minimum of 5 years of experience working with or parenting children.

c. A minimum of 500 hours of experience as a respite care provider for children under the supervision of a human services agency.

d. A high school diploma or the equivalent.

e. A college, vocational, technical, or advanced degree in the area of a child's treatment needs, such as nursing, medicine, social work, or psychology.

f. A substantial relationship with the child to be placed through previous professional or personal experience..

g. Work or personal experience for which the applicant has demonstrated the knowledge, skill, ability, and motivation to meet the needs of children with a level of need of 4.

2. If an applicant for certification to operate a Level 4 foster home relies on experience that meets the requirements in subd. 1. b. or f. as one of the 4 required criteria in this paragraph, the applicant shall also meet one of the criteria in subd. 1. a., c., e., or g.

(b) *Training*. 1. Each foster parent who operates a Level 4 foster home shall complete a minimum of 40 hours of pre-placement training under s. DCF 56.14 (6h) before or after initial licensure but prior to the placement of any child in the home.

2. Each foster parent who operates a Level 4 foster home shall complete a minimum of 30 hours of initial licensing training under s. DCF 56.14 (7e) during the initial licensing period.

3. Each foster parent who operates a Level 4 foster home shall complete 24 hours of ongoing training under s. DCF 56.14 (8) in each 12-month period of licensure subsequent to the initial licensing period.

(c) *References*. An applicant for certification to operate a Level 4 foster home shall submit at least 4 favorable reference letters as follows:

1. ‘From whom.’ a. Three of the letters shall be written by persons unrelated to the applicant. At least one of these reference letters shall be regarding the applicant’s qualifications under par. (a) 1., excluding par. (a) 1. d.

b. The fourth favorable reference letter shall be from a relative, preferably from an adult child if applicable.

2. ‘Content.’ Each reference letter shall include a statement indicating all of the following:

a. How long the person giving the reference has known the applicant.

b. Under what circumstances he or she knows the applicant.

c. His or her knowledge of the applicant’s qualifications and characteristics under s. DCF 56.05 (1) (b).

(7) LEVEL 5 EXCEPTIONAL TREATMENT FOSTER HOME. (a) *Need for Level 5*. An applicant for certification to operate a Level 5 foster home, in conjunction with a licensing agency, may apply to the department exceptions panel if all of the following circumstances exist:

1. A placement is needed for a child with the following conditions:

a. The child has behaviors or conditions that require a high degree of supervision and overnight awake care that is provided by program staff who rotate shifts within a 24-hour period.

b. The child will benefit from a home-like environment that has fewer children than a group home or residential care center for children and youth.

c. The child is expected to need long-term care or has needs agreed to by the department.

2. All other community placement options have been investigated and determined to be unavailable or not in the best interest of the child.

Note: A foster home with a Level 4 or lower certification level and additional staff that provide less than 50% of a child’s care should be considered as the first option when the child needs additional treatment or services.

(b) *Clarify specific and limited circumstances before submitting an application*. Prior to submitting an application to operate a Level 5 foster home, a licensing agency shall inform the department exceptions panel chairperson of the agency's intent, discuss the agency's plans, and clarify department requirements for certification of a Level 5 foster home.

(c) *Application*. An application for certification to operate a Level 5 foster home shall be on a form prescribed by the department and shall include all of the following:

1. A program description, information on personnel, and information on a specific child or the population to be served.

2. If for a specific child, letters on the appropriateness of a Level 5 foster home for the child from parents, therapists, social workers, physicians, and other professionals who are currently working with the child.

Note: An application for certification of a Level 5 foster home, DCF-F-2559-E-E, can be found on the department website at http://dcf.wisconsin.gov/children/foster/forms/formsINDX.htm.

(d) *Level 5 is the only shift-staffed foster home*. A foster parent may do any of the following only if the foster home has a Level 5 certification:

1. Live in a residence that is not the foster home.

2. Provide less than 50 percent of a child's care.

(e) *Program manager*. 1. 'Responsibilities.' A licensing agency shall ensure that each Level 5 foster home has a program manager who is the foster parent and licensee for the Level 5 foster home. In conjunction with the program manager, a licensing, placing, or supervising agency shall oversee program operation and development of a Level 5 foster home and do all of the following:

a. Review the appropriateness of admission of each child to the Level 5 foster home with the licensing agency.

b. Participate in developing, reviewing, and updating child assessments and treatment plans.

c. Provide technical assistance to program staff and the licensing, placing, and supervisory agencies, including supervision, support, consultation, coaching, staff development, and staff monitoring.

d. Periodically review and update the Level 5 foster home policies and procedures.

e. Oversee the day−to−day operations of the Level 5 foster home, including hiring, training, and evaluating program staff.

f. Participate in the child treatment team as the foster parent.

3. 'Management skills.' An applicant to be a program manager of a Level 5 foster home shall have either of the following:

a. Previous employment as a manager or supervisor.

b. A professional development plan to develop management and supervisory skills.

4. 'Education or experience in human services.' An applicant for a program manager position for a Level 5 foster home shall have at least one of the following:

a. A 4−year college degree from an accredited college or university with a major in social work; sociology; special education; psychology; counseling and guidance; criminal justice; nursing, certified nursing assistant, or other health related field; education; or any other area in a human services field as approved by the department.

b. Two years of supervised full-time work experience in an out-of-home care program or assisted living program with adults.

c. Personal experience with a family member who has needs similar to the population to be served.

5. ‘Pre-placement training.’ A program manager for a Level 5 foster home shall complete a minimum of 40 hours of pre-placement training under s. DCF 56.14 (6p) before or after initial licensure but prior to the placement of any child in the home.

6. ‘Initial licensing training.’ A program manager for a Level 5 foster home shall complete a minimum of 30 hours of initial licensing training under s. DCF 56.14 (7s) during the initial licensing period.

7. ‘Ongoing training.’ A program manager for a Level 5 foster home shall complete a minimum of 24 hours of ongoing training under s. DCF 56.14 (8) in each 12-month period of licensure subsequent to the initial licensing period.

(f) *Program staff.* 1. ‘Staff ratios.’ A Level 5 foster home shall have program staff in sufficient numbers to meet the following staff ratios:

a. One program staff person for every 2 children during waking hours.

b. One program staff person for every 4 children during sleeping hours.

2. ‘Ratios are minimum.’ A licensing, placing, or supervising agency or the department may require the number of program staff on duty to be higher than the minimum requirements in subd. 1. as necessary to meet the needs of the children placed and to ensure their safety and welfare.

3. ‘Responsibilities.’ Program staff shall be responsible for daily supervision of the children and direct care to the children to ensure their safety and well-being.

4. ‘Qualifications.’ An applicant for a program staff position shall have at least one of the following qualifications:

a. A bachelor or associates degree from an accredited college or university with a major in a field specified in par. (e) 4. a.

b. Current enrollment in and regularly attending an accredited college or university with a major in a field specified in par. (e) 4. a.

c. At least one year of full−time experience working in a formal program with the type of child population served by the Level 5 foster home where the applicant is applying for employment.

d. Certification as a child and youth care worker under the standards of the Wisconsin Association of Child and Youth Care Professionals or other department−recognized certifying authority.

Note: A copy of the standards of the Wisconsin Association of Child and Youth Care Professionals can be obtained from the www.wacycp.org or 161 W. Wisconsin Avenue, Milwaukee, WI 53202; telephone (414) 227−3130.

e. Completion of a traineeship program in which program staff work with qualified, experienced program staff for at least the first 120 hours of employment before working independently with a child.

Note: This is an additional 40 hours to the 80 hours required under s. DCF 56.13 (7) (f) 10. b.

5. 'Age.' A program staff person who is hired or contracted for on or after January 1, 2011, shall be at least 21 years old.

6. 'Hiring and employment.' Before an applicant for a program staff position in a Level 5 foster home begins employment, the program manager shall do all of the following regarding the applicant:

a. Conduct and document a caregiver background check pursuant to s. 48.685, Stats., and ch. DHS 12.

b. Make a determination that the applicant has the capacity to successfully nurture and care for children and does not have a history of a civil action, criminal conviction, or administrative

rule violation that substantially relates to the care of a child or a history of exercising unsound judgment or abuse of alcohol or drugs.

Note: For help in determining whether a civil action, criminal conviction, or administrative rule violation substantially relates to the care of children consult s. DHS 12.06.

c. Make a determination that the applicant has not had a license to operate a foster home, group home, or residential care center for children and youth revoked or denied within the last 2 years.

d. Obtain favorable references from at least 3 non−relatives, with documentation by letter or by notes of a verbal contact. Documentation shall include how long the person giving the reference has known the applicant, under what circumstances he or she knows the applicant, and his or her knowledge of the applicant's qualifications.

7. 'Health exam.' Upon hire and before working with residents, a program manager shall require each program staff person to have a tuberculosis test and provide a statement from a physician, physician assistant, or a HealthCheck provider that the program staff person meets the minimum physical requirements of the position, is in general good health, and does not have a communicable disease. The statement shall be based on a medical examination performed within the previous 6 months.

Note: A HealthCheck form may be obtained by contacting the local public health department.

8. 'Health concerns.' If a licensing agency or the department has reason to believe that the physical or mental health of a program staff person for a Level 5 foster home may pose a threat of harm to children or to the quality and manner of their care or that the program staff person is not able to provide responsible care for children, the licensing agency or the department may require that the program staff person submit a written statement from a physician or, if appropriate, a licensed mental health professional on the physical or mental condition of the

program staff person and the possible effect of that condition on the foster home or the children in care.

9. ‘Background check.’ A program manager of a Level 5 foster home shall require each program staff person to complete a background information disclosure form designated by the department and shall conduct a caregiver background check under s. 48.685, Stats., and ch. DHS 12 every 4 years or at any time within that period.

10. ‘Training and orientation.’ Each program staff person who provides care for a child in a Level 5 foster home shall do all of the following before working independently with a child:

a. Complete a minimum 40 hours of pre-placement training under s. DCF 56.14 (6t).

b. Work with qualified, experienced program staff or similar professionals for at least the first 80 hours of employment.

11. ‘Ongoing training.’ Each program staff person who provides care for a child in a Level 5 foster home shall complete a minimum of 24 hours of ongoing training under s. DCF 56.14 (8) in each year of employment subsequent to the initial year of employment.

(g) *Volunteers*. Each volunteer used by a Level 5 foster home shall be supervised by a program staff person and may not work independently with a child. Before a volunteer may begin performing activities, the program manager shall do all of the following:

1. Notify the licensing agency.

2. Orient the volunteer to the activities that the volunteer may perform as specified in the foster home’s personnel policies and procedures.

3. Get permission from the child’s parent or guardian to allow the volunteer to perform the activities.

4. Require each volunteer to maintain in confidence all information about the foster child and the child's family.

(h) *Placements into a Level 5 foster home*. 1. 'Last community option.' A licensing agency and program manger shall only consider placing a child into a Level 5 foster home as the last community placement option when all other community placement options have been investigated and deemed to be unavailable or not in the best interest of the child and the child benefits from a more home-like environment with fewer children than that provided in a group home or residential care center for children and youth.

2. 'Compatibility with other children.' Before a new child is placed in a Level 5 foster home, a licensing agency and the program manager shall evaluate the compatibility of this child with the children currently placed in the home. The placement of a child in a Level 5 foster home may not displace or endanger the health, safety, or well-being of any child currently placed in the foster home.

3. 'Coordinate transitions.' A licensing agency and the program manager of a Level 5 foster home shall carefully plan and coordinate transitions into and out of a Level 5 foster home with special consideration to the school the child will attend, medical and mental health providers, community-based services, and disabled adult long-term support program services.

5. 'Medically-fragile child.' A licensing agency and the program manager shall ensure that the treatment plan for a medically-fragile child who is placed in a Level 5 foster home includes emergency medical protocols.

6. 'Waiver funding.' A licensing agency and the program manager shall notify the department of health services if there is or will be an application submitted to support a child's

placement in a Level 5 foster home with funding under the disabled children's long-term support program as defined in s. 46.011 (1g), Stats.

Note: Under s. 46.011 (1g), Stats., the "disabled children's long-term support program" means the programs described under 2001 Wisconsin Act 16, section 9123 (16rs) or 2003 Wisconsin Act 33, section 9124 (8c).

(m) *Respite care*. A Level 5 foster home may only provide respite care to a child who was previously placed in the home, a child specifically identified and approved by the department on a planned basis, or a child who has needs agreed to by the department.

(n) *Interagency memorandum of understanding*. If a requirement in this chapter is not designated as the responsibility of a licensing agency, placing agency, or supervising agency, all agencies involved in providing care and maintenance, supervision, or services for a child placed in a Level 5 foster home shall enter a memorandum of understanding to determine responsibility for all requirements for which responsibility is not designated.

(8) LEVEL 3 TO 5 FOSTER CARE. The foster care provided for a child with a level of need of 3 or higher in a foster home with a certification of Level 3 to 5 shall do all of the following:

(a) Use a family−based and community−based approach to treatment for a child with physical, mental, medical, substance abuse, cognitive, intellectual, behavioral, developmental, or similar problems.

(b) Make efforts to change the behavior or ameliorate the condition that, in whole or in part, resulted in the child's separation from his or her family.

(c) Use specially selected and specifically trained foster parents who are the primary change agents in the treatment process and who have shared responsibility for implementing the child's treatment plan with other treatment team members.

SECTION 75. DCF 56.14 (4) is amended to read:

DCF 56.14 (4) TRAINING EXPENSES. (a) The department shall provide funds to county agencies and, in a county with a population of more than 500,000, the department, to enable foster parents to attend training. The funds may be used for materials, fees, transportation, and child care expenses incurred to attend training that is required or approved under this section or s. DCF 56.13.

SECTION 76. DCF 56.14 (4) (b) is created to read:

DCF 56.14 (4) (b) No licensing agency of a foster home with a Level 3 to 5 certification or licensed private child-placing agency may require a foster parent to pay to attend training under this section.

SECTION 77. DCF 56.14 (6) (intro) and (c) are amended to read:

DCF 56.14 (6) (intro) PRE-PLACEMENT TRAINING FOR LEVELS 1 AND 2. (a) The department shall approve a standardized curriculum for pre-placement training for a foster ~~parents~~ parent who operates a foster home with a Level 1 or 2 certification that includes information on all of the following:

(c) A foster parent who obtains a license to operate a foster home with Level 1 or 2 certification before January 1, 2011, is not required to complete the pre-placement training under this subsection, unless otherwise required by the licensing agency.

SECTION 78. DCF 56.14 (6d), (6h), (6p), and (6t) are created to read:

DCF 56.14 (6d) PRE-PLACEMENT TRAINING FOR LEVEL 3. (a) 1. The pre-placement training for a foster parent who operates a Level 3 foster home shall include the standardized curricula provided under subs. (6) (a) and (7) (a).

2. Notwithstanding subd. 1., a licensing agency may submit to the department for approval a proposed pre-placement training curriculum that is designed to meet the needs of foster parents licensed by that agency. The pre-placement training for a foster parent who operates a Level 3 foster home may be a curriculum that has been approved by the department.

(b) 1. Trainers for the portion of the Level 3 pre-placement training standardized curriculum that is provided under sub. (7) (a) shall be an agency staff person or contractor and a foster or adoptive parent.

2. Notwithstanding subd. 1., a foster parent may attend a pre-placement training for which no foster or adoptive parent is a trainer if the licensing agency approves and provides opportunities for the foster parent attending the training to participate in activities or programs that promote networking among foster parents and provide an opportunity for an experienced foster parent to answer questions from the new foster parent.

(6h) PRE-PLACEMENT TRAINING FOR LEVEL 4. (a) 1. The pre-placement training for a foster parent who operates a Level 4 foster home shall include all of the following:

a. The standardized curricula provided under subs. (6) (a) and (7) (a).

b. Four hours of training on child-specific or population-specific information.

2. Notwithstanding subd. 1. a., a licensing agency may submit to the department for approval a proposed pre-placement training curriculum that is designed to meet the needs of foster parents licensed by that agency. The pre-placement training for a foster parent who operates a Level 4 foster home may be a curriculum that has been approved by the department.

(b) 1. Trainers for the portion of the Level 4 pre-placement training standardized curriculum that is provided under sub. (7) (a) shall be an agency staff person or contractor and a foster or adoptive parent.

2. Notwithstanding subd. 1., a foster parent may attend a pre-placement training for which no foster or adoptive parent is a trainer if the licensing agency approves and provides opportunities for the foster parent attending the training to participate in activities or programs that promote networking among foster parents and provide an opportunity for an experienced foster parent to answer questions from the new foster parent

(6p) PRE-PLACEMENT TRAINING FOR LEVEL 5 PROGRAM MANAGERS. The pre-placement training for a foster parent who is a program manager of a Level 5 foster home shall include information on all of the following:

(a) The standardized curriculum provided under sub. (6) (a).

(b) School advocacy.

(c) Cardiopulmonary resuscitation.

(d) First aid.

(e) Blood-borne pathogens.

(f) Medication management.

(g) Patients rights.

(h) Positive behavioral supports.

(i) Individual service plans.

(j) Emergency plans.

(k) Four hours of child-specific or population-specific training, orientation, or observation.

(6t) PRE-PLACEMENT TRAINING FOR LEVEL 5 PROGRAM STAFF. The pre-placement training for program staff for a Level 5 foster home shall include information on all of the following:

(a) The standardized curriculum provided under sub. (6) (a).

(b) The topics listed in sub. (6p) (b) to (j).

(c) Fifteen hours of child-specific or population-specific training, orientation, or observation.

SECTION 79. DCF 56.14 (7) (title), (a) (intro.), and (b) are amended to read:

DCF 56.14 (7) INITIAL LICENSING TRAINING FOR LEVEL 2. (a) The department shall approve a standardized curriculum for initial licensing training for a foster ~~parents~~ parent who operates a Level 2 foster home that includes information on all of the following:

(b) 1. Trainers for the Level 2 initial licensing training shall be an agency staff person or contractor and a foster or adoptive parent.

SECTION 80. DCF 56.14 (7) (b) 2. is created to read:

DCF 56.14 (7) (b) 2. Notwithstanding subd. 1., a foster parent may attend an initial licensing training for which no foster or adoptive parent is a trainer if the licensing agency approves and provides opportunities for the foster parent attending the training to participate in activities or programs that promote networking among foster parents and provide an opportunity for an experienced foster parent to answer questions from the new foster parent.

SECTION 81. DCF 56.14 (7) (c) and (d) are amended to read:

DCF 56.14 (7) (c) A foster parent who operates a Level 2 foster home ~~with a Level 2 certification~~ that is licensed before January 1, 2011, shall complete the initial licensing training before January 1, 2015, except as provided under par. (d).

(d) A foster parent who operates a Level 2 foster home ~~with a Level 2 certification~~ that is licensed before January 1, 2011, and who provides verification to the licensing agency that he or she successfully completed a competency−based, pre−service foster parent training as described in the department's DCFS Memo Series 2002−12 is not required to comply with par. (c).

SECTION 82. DCF 56.14 (7e), (7m), (7s), and (8) (b) 1g. and 1r. are created to read:

DCF 56.14 (7e) INITIAL LICENSING TRAINING FOR LEVEL 3. The initial licensing training for a foster parent who operates a Level 3 foster home shall include information on all of the following:

(a) Crisis management.

(b) Sexuality and sexual boundaries.

(c) Sexual abuse.

(d) Effects of maltreatment and trauma on child development.

(e) Building life skills.

(f) Building birth family and cultural connections.

(g) Other topics required by the licensing agency.

(7m) INITIAL LICENSING TRAINING FOR LEVEL 4. The initial licensing training for a foster parent who operates a Level 4 foster home shall include information on all of the following:

(a) The topics listed in sub. (7e).

(b) Six hours of child-specific or population-specific training.

(7s) INITIAL LICENSING TRAINING FOR LEVEL 5 PROGRAM MANAGERS. The initial licensing training for a foster parent who is a program manager for a Level 5 foster home shall include information on all of the following:

(a) The topics listed in sub. (7e).

(b) Six hours of child-specific or population-specific training.

(8) (b) 1g. In addition to subd. 1., the content of ongoing training for a foster parent who operates a Level 4 foster home shall include 8 hours of child-specific or population-specific training.

1r. In addition to subd. 1., the content of ongoing training for program managers and program staff for a Level 5 foster home shall include all of the following:

a. Child maltreatment and reporting requirements.

b. Prompt and adequate treatment.

c. Any required reauthorizations for first aid, blood-borne pathogens, and cardiopulmonary resuscitation.

d. Eight hours of child-specific or population-specific training.

SECTION 83. DCF 56.14 (8) (b) 3. is amended to read:

DCF 56. 14 (8) (b) 3. The total credit given for training using books, periodicals, and web−based resources under subd. 2. e. and television and radio presentations under subd. 2. f. may not exceed ~~2~~ 20 percent of the required hours.

SECTION 84. DCF 56.15 is repealed and recreated to read:

DCF 56.15 Supervising agency. (1) AGENCY RESPONSIBILITIES. (a) A supervising agency shall do, or contract for, all of the following for each child in the agency's care:

1. Ensure that every child is assigned a supervising agency caseworker, in coordination with the placing agency, if different.

2. Provide the foster parent with the telephone number of a social worker or supervising agency caseworker who will provide crisis intervention, emergency counseling, and related services on a 24−hour per day, 7−day per week basis for the foster parent.

3. Support and assist the foster parent to effectively fulfill responsibilities in this chapter and to the child's team or treatment team.

4. Notify the clerk of the school district in which a foster home is located when a school-age child is placed in that foster home, as required under s. 48.64 (1r), Stats. The notification shall include all of the following:

a. The name, address, and phone number of the foster parent.

b. The name of the foster child.

c. Information about the child required by the school, as allowed under any applicable confidentiality laws.

5. Advocate for the child with the child's school, medical facility, or any other program in which the child is involved to ensure that services provided to the child are consistent with the case plan; permanency plan; and treatment plan, if applicable.

6. Assist the foster parents with any necessary arrangements in an emergency situation.

7. Arrange for care of a foster child in the event that the foster parent is unavailable to provide care on a temporary basis, in conjunction with the foster parent.

(b) In addition to the requirements under par. (a), a licensing or supervising agency shall do all of the following for each child with a level of need of 3 or higher in the agency's care who is placed in a foster home with a Level 3 to 5 certification:

1. Provide the foster parent with the telephone number of a supervising agency caseworker, counselor, clinical consultant, or clinical staff member who will provide crisis intervention, emergency counseling, and related services to the foster parent on a 24−hour per day, 7−day per week basis.

2. Respond to a request from a foster parent for crisis intervention, emergency counseling, and related services within one hour.

3. Provide or arrange for additional child care personnel during stressful or critical periods, as determined by the treatment team.

Note: An example of a stressful or critical period might be the time from the end of the school day until bedtime.

4. Assist and support the foster parent in obtaining any medical supplies and services required for the child. If required medical supplies and services are not included in the treatment plan, the supervising agency and placing agency shall revise the treatment plan to include the required medical supplies and services and to determine financial responsibility.

5. Ensure that a child with a severe emotional disturbance has a clinical consultant assigned to the case. A social worker, caseworker, or other professional involved with the case may also serve as the clinical consultant. The clinical consultant shall have all of the following qualifications:

a. A master's degree in social work, psychology, child development, or counseling.

b. A license or certification under ch. 457, Stats, and ch. MPSW 3, 6, 11, 12, or 17.

c. A minimum of 2 years of experience working with seriously disturbed adolescents.

d. Knowledge of the neurological, biological, and psychiatric components of emotional disturbances.

6. Evaluate the child's progress and provide services identified in the aftercare plan following termination of a placement. The child's treatment team shall determine how long these services shall be provided. The aftercare plan shall identify follow-up support services for the child, the child's parent, or other care providers, including any of the following:

a. Phone contact.

b. Consultations by professionals in the child's home to assist the child's family implement the permanency plan, provide skill training for specific problems, and provide support for the child's family.

c. Participation in parent groups.

d. Crisis intervention.

e. For youth who will live independently, follow-up support services may include housing assistance, job location, and individual support.

(1m) MULTIPLE AGENCIES. If more than one agency is performing supervising responsibilities under subs. (1) and (3), the agencies shall specify in writing which agency is responsible for each requirement.

(2) QUALIFICATIONS FOR SUPERVISING AGENCY CASEWORKER FOR LEVEL 3 TO 5. A supervising agency caseworker shall have all of the following qualifications to perform the responsibilities under sub. (3) for a child with a level of need of 3 or higher in the agency's care who is placed in a foster home with a Level 3 to 5 certification:

(a) One of the following:

1. A master's degree or higher in a social work or related field.

2. A bachelor's degree and a minimum of 2 years of post-degree experience in a social work-related field.

(b) Licensed or certified under ch. 457, Stats., and ch. MPSW 3, 6, 11, 12, or 17.

(3) RESPONSIBILITIES OF SUPERVISING AGENCY CASEWORKER FOR LEVELS 3 TO 5. A caseworker employed by or under contract to the supervising agency shall do all of the following regarding a child with a level of need of 3 or higher in the agency's care who is placed in a foster home with a Level 3 to 5 certification:

(a) Coordinate assessments of the child.

(b) Select the appropriate foster home for a child after careful consideration of how well a prospective foster family will do all of the following:

1. Meet the child's specific needs.

2. Address concerns of the child's birth or adoptive parents.

3. Accomplish the goals of the child's permanency plan.

(c) Form the child's treatment team and serve as the team coordinator.

(d) Provide foster parents with information about the child under ch. DCF 37.

(e) Educate a child's treatment team members on services and procedures for a child's specific needs.

(f) Develop appropriate interventions and services for the child with the child's treatment team.

(g) Be available or have a designee who is available for the foster parents to consult on a 24-hour per day basis.

(h) Assist in the training of foster parents.

(i) Comply with agency contact requirements with the foster parent and foster child in ss. DCF 56.18 and 56.19.

(j) Supervise a child's case plan, permanency plan, and treatment plan.

(k) Keep written progress notes.

(L) Coordinate provided or purchased services for the child and the child's family.

(m) Arrange for the assistance of appropriate specialists.

(n) Perform necessary court responsibilities as appropriate.

(o) Perform liaison activities with other agencies.

(p) Coordinate educational and community services.

(q) Advocate for the best interests and rights of the child.

(r) Organize treatment team meetings under s. DCF 56.17 (2) (g).

(4) SUBSTITUTE FOR CASEWORKER RESPONSIBILITIES. Notwithstanding sub. (3) (intro.), the supervisory agency may assign specific duties in sub. (3) to another person who meets the same qualifications as the supervisory agency caseworker or to a person who is an intern or in a field placement for a higher education program and is supervised by a person meeting the same qualifications as a supervisory agency caseworker.

SECTION 85. DCF 56.16 to 56.23 and Appendix A are created to read:

DCF 56.16 Licensing agency responsibilities. (1) A licensing agency shall do all of the following:

(a) Recruit a pool of foster parents who are interested in and capable of working with the types of children who are commonly placed by that agency.

(b) Assess and screen families who are interested in becoming foster parents.

(c) Develop foster homes to meet the needs of a specifically identified child in need of placement.

(d) Provide, arrange, and approve required pre-placement, initial, and ongoing training for foster parents under s. DCF 56.14.

(e) Consult with supervising agency caseworkers and social workers to match a child's specific needs with available foster parents.

(f) Provide each licensed or prospective foster parent with a copy of the agency's foster parent handbook under s. DCF 56.12.

(g) Comply with agency responsibilities regarding respite care under s. DCF 56.21 (2).

(h) Provide general support to foster parents.

(i) Review the foster parent's fire safety evacuation plan under s. DCF 56.08 (8) and disaster plan under s. DCF 56.08 (10m) with the foster parent to ensure that the plans provide for adequate safety and communication with the agency.

(j) Encourage peer support among foster parents and inform foster parents of available supports, especially among foster parents who are caring for children with similar conditions.

(k) Notify the placing agency of any serious incident reported by a foster parent under s. DCF 56.06.

(L) Notify the clerk of the school district in which a foster home is located when a license to operate a foster home is issued in that school district, pursuant to s. 48.62 (3), Stats. The notification shall include all of the following:

1. The name of the foster parent.

2. The address and phone number of the foster parent.

3. The type of children expected to be placed in the foster home.

4. The name, address, and phone number of a contact person from the licensing agency.

(2) In addition to sub. (1), a licensing agency shall do all of the following regarding foster homes with a Level 3 to 5 certification:

(a) Identify foster homes with similar qualifications as existing foster homes to be used as emergency or alternative options.

(b) Develop and facilitate peer support among foster parents, especially among foster parents who are caring for children with similar conditions.

(c) Participate in the determination of supplemental payments under s. DCF 56.23 (2) and exceptional payments under s. DCF 56.23 (3) as follows:

1. Review the payment amount that a placing agency is proposing for a child's placement and discuss the child's needs with the placing agency.

2. Inform a prospective foster parent of the placing agency's proposed payment amount.

3. Recommend any modifications to the payment amount that the placing agency has proposed.

4. Participate with the placing agency, foster parent, and treatment team members in the redetermination of the payment amount following a reassessment under s. DCF 56.22 (5) (b).

5. At a foster parent's request, assist a foster parent in resolving a disagreement between the foster parent and the placing agency regarding a payment amount before the foster parent requests a hearing under s. DCF 56.10.

DCF 56.17 Child's treatment team for Levels 3 to 5. (1) MEMBERSHIP. (a) A child with a level of need of 3 or higher who is placed in a foster home with a Level 3 to 5 certification shall have a treatment team that consists of the child, the child's parent or legal guardian, the foster parent, and at least one representative each from the supervising and placing agencies. At least one member of the team shall have clinical training in a field related to the primary needs of the child. In addition, the treatment team may include other social workers, caseworkers, clinical consultants, physicians, nurses, psychologists, therapists, school personnel, home health agency staff, or other significant individuals in the child's life.

(b) A parent or child may be excluded from the treatment team by the child's supervising agency caseworker only when their inclusion would be inappropriate due to age, condition, or unwillingness to cooperate. Any justification for exclusion shall be documented in the child's case record and anyone excluded shall be informed of the reason for the decision, as appropriate.

(2) RESPONSIBILITIES. The treatment team for a foster child shall do all of the following:

(a) Using specialists when necessary, arrange for additional appropriate assessments based on the needs and strengths of the child, child's family, and foster parent as identified in the assessment under s. DCF 56.22. If the child may have a serious emotional disturbance, arrange for a bio-psycho-social assessment that includes all of the following:

1. An assessment of the child's disability.

2. Measurement of the behavioral and cognitive correlates of the disability.

3. An assessment of how psycho-social and environmental factors influence how the child copes with the disability.

4. A review of biological factors that affect the disability.

5. Identification of possible treatments for the disability.

(b) Develop the child's written treatment plan within 30 days after the child's placement in a foster home. The treatment plan shall do all of the following:

1. Specify the treatment and services to be provided to the child and the child's family.

2. Identify who is responsible for providing each treatment and service.

3. Establish measurable goals and objectives for the placement in all areas of the child's life, including all of the following:

a. Supervision and safety.

b. Health, emotional, and behavioral stability.

c. Daily living and community integration.

d. Education.

e. Communication skills.

f. Legal status, including permanency planning issues.

4. If a child is 15 years of age or over, include a description of the programs and services that are or will be provided to assist the child in preparing for the transition from out-of-home care to independent living as required under s. 48.38 (4) (h) or 938.38 (4) (h), Stats.

(c) Establish an appropriate level of nursing, other medical care, and other types of care for the child based upon the child's needs and the abilities of the foster parent.

(d) Determine the need for and arrange appropriate and qualified psychiatric and psychological services for the child.

(e) Provide copies of the treatment plan to all treatment team members, including the child if the child is more than 12 years old, as allowed by law.

(f) Implement and support the treatment plan, including ensuring that all available resources and treatments are known or explored and developing new resources if appropriate.

(g) Meet to formally review the treatment plan, share information, exchange ideas and opinions, and discuss issues at least every 3 months from the date of distribution of the treatment plan. The supervising agency caseworker shall determine if more frequent treatment team meetings are necessary. Other treatment team members may request a meeting.

(h) Share knowledge regarding the child and the treatment plan with other treatment team members as allowed by law and encourage support for the treatment plan.

(i) Ensure that family counseling is provided to the child's family and the foster family as needed.

(j) Ensure that 24−hour per day, 7−day per week crisis intervention is provided for the foster child and the foster parent as needed.

(k) Monitor and evaluate the progress of the treatment plan and the continued appropriateness and effectiveness of the provided services and supports and placement of the child on an ongoing basis.

(L) Make treatment plan revisions and adjustments as necessary. Ensure revisions and adjustments to the treatment plan are in writing and are based on all of the following:

1. Observations from the supervising agency caseworker's direct contact with the child.

2. Discussions that include the child, child's parent, guardian at litem, service providers, and collateral contacts.

3. Other relevant data or information.

(m) Design and implement new treatment strategies as needed.

(n) Consult with the foster parent or supervising agency caseworker about events in the foster home if requested.

(o) Arrange for interaction between the child and the child's family as provided in the child's permanency plan or treatment plan.

(p) Resolve any disagreements between the foster parent and the supervising agency. Efforts by the treatment team to resolve disagreements may not replace any internal grievance procedures established by the supervising agency or the foster parent's fair hearing rights under s. 48.64 (4) (a), Stats.

(q) Develop an aftercare plan for a child that ensures continuity in managing a child's needs after the child's placement ends.

DCF 56.18 Agency contact with foster parent. (1) CONTACT REQUIREMENTS. (a) *Level of care 1 or 2*. A licensing agency, supervising agency, or placing agency shall have at least one contact per month with a foster parent who operates a foster home with a Level 1 or 2

certification if a child is placed in the foster home. The contact may be in person, by phone, or by an interactive electronic format.

(b) *Level of care 3 to 5*. 1. A licensing agency, supervising agency, or placing agency shall have at least 2 in-person contacts per month with a foster parent who operates a foster home with a Level 3 to 5 certification if a child is placed in the foster home. At least one of these contacts shall be in the foster home.

2. Notwithstanding subd. 1., if a child with a level of need below 3 is placed in a foster home with a Level 3 or 4 certification, the licensing agency, placing agency, or supervising agency shall have at least one in-person contact per month with the foster parent each full calendar month that the child is in the foster home.

3. If a foster home with a Level 3 to 5 certification has not had placement of a child for 3 or more months and the licensing agency, supervising agency, or placing agency has not seen the foster parent in the foster home during that time, the licensing agency, supervising agency, or placing agency shall have an in-person contact with the foster parent in the foster home before a child is placed in the foster home or within 24 hours of the child's placement in the foster home.

(c) *Multiple foster parents*. If there is more than one foster parent on the license to operate the foster home, the agency may have contact with only one of the foster parents.

(2) MULTIPLE AGENCIES. If the licensing agency, supervising agency, and the placing agency under sub. (1) are different agencies, those agencies shall determine a contact plan.

(3) PURPOSES OF CONTACT. The agency contact with the foster parent shall focus on the safety, permanence, and well-being of the child to evaluate the compatibility of the child with the foster parent and other household members and the ability of the foster parent to meet the needs

of the child in a safe manner. The contacts shall include discussion of any additional support needed by the foster parent to safely maintain any child in foster care living in the foster home.

DCF 56.19 Agency contact with foster child. (1) CONTACT REQUIREMENTS. (a) *Level of care 1 or 2.* A licensing agency, placing agency, or supervising agency shall have at least one in-person contact with a child each full calendar month that the child is placed in a foster home with a Level 1 or 2 certification.

(b) *Level of care 3 or 4*. 1. A licensing agency, placing agency, supervisory agency shall have an in-person contact with a child placed in a foster home with a Level 3 or 4 certification at least every other week. At least one contact per month shall be in the child's foster home.

2. Notwithstanding subd. 1., if a child with a level of need below 3 is placed in a foster home with a Level 3 or 4 certification, the licensing agency, placing agency, or supervising agency shall have at least one in-person contact with the child each full calendar month that the child is in the foster home.

(c) *Level of care 5*. 1. A licensing agency, placing agency, supervisory agency representative other than a program manager shall have an in-person contact with a child at least every other week that the child is placed in a Level 5 foster home.

2. A program manager shall have an in-person contact with a child who is placed in a Level 5 foster home at least every week that the child is placed in the foster home.

(2) MULTIPLE AGENCIES. If the licensing agency, placing agency, and supervisory agency under sub. (1) are different agencies, those agencies shall determine a contact plan.

(3) IN FOSTER HOME. More than 50 percent of the agency in-person contacts with a child between October 1 of one year and September 30 of the following year shall be in the child's foster home.

(4) COMBINE WITH FOSTER PARENT CONTACT. One agency contact with a child per month may be combined with an agency contact with a foster parent under s. DCF 56.18.

(5) PURPOSE OF CONTACT. An agency contact with a child shall do all of the following:

(a) Focus on the safety, permanence, and well-being of the child.

(b) Be of sufficient duration and substance to address the goals of the child's case plan; permanency plan; or treatment plan, if applicable.

(c) Provide an opportunity for the child to speak privately with the agency representative.

DCF 56.20 Evaluation of Level 3 to 5. At least annually, a foster parent who operates a foster home with a Level 3 to 5 certification and the licensing, placing, and supervising agencies shall develop written evaluations of the care and supervision provided to a child and the overall performance of all individuals involved in the child's care. The evaluations shall be used to improve the quality of the child's care and the foster care program. Copies of any evaluations shall be maintained at the licensing agency and at the foster home.

DCF 56.21 Respite care for foster parents. (1) APPLICABILITY**.** This section applies to care provided in either of the following circumstances:

(a) Services or emergency care provided to a foster child during a planned absence of the foster parent for more than 48 hours.

(b) Care for a foster child during the foster parent's absence that is paid for by a licensing, supervising, or placing agency.

(2) LICENSING AGENCY RESPONSIBILITIES. A licensing agency shall do all of the following:

(a) Develop policies and procedures to govern the agency's respite care program.

(b) Inform a foster parent of the process to be used to fund respite care prior to the first placement of a child in a foster home.

(c) Assist and intervene when issues arise between a foster parent and the respite care provider if the parties are not able to resolve those issues.

(d) Keep documentation of a respite care provider's qualifications in the foster parent's file at the licensing agency.

(e) For respite care in foster homes with a Level 3 or 4 certification, the licensing agency shall do all of the following:

1. Develop, in consultation with foster parents, a pool of respite care providers that will be used when respite care is provided. If the respite care is to be provided in a foster home, the foster parent may approve the use of a particular respite care provider.

2. Provide training and support to respite care providers.

3. Consult with a foster parent and the child's social worker or supervising agency caseworker to develop a respite care schedule for a specific child and provide the schedule to the respite care providers.

(3) RESPITE CARE PROVIDER QUALIFICATIONS. A respite care provider shall have the following qualifications:

(a) Be at least 18 years of age and at least 5 years older than any foster child being cared for by the respite provider, except if the respite care provider is a relative of the child, be at least 3 years older than the child.

(b) Have direct care experience or training in working with children with conditions similar to those of the foster child for whom he or she will be caring.

(c) Be physically able to provide the care needed.

(d) Be flexible and willing to work varied, atypical hours.

(e) Be able to reliably get to and from respite care assignments.

(f) Have the ability to do all of the following:

1. Accept responsibility.

2. Work independently.

3. Exercise good judgment.

4. Maintain confidentiality.

5. Manage the varied medical, behavioral, and other care needs of the foster children for whom the respite care provider will be caring.

(g) Reside in a home that meets the physical, safety, and environmental needs of the foster child for whom care is to be provided if the respite care is to be provided in the respite care provider's residence.

(h) Authorize the licensing or supervising agency to conduct a criminal records check as described in s. DCF 56.05 (1) (f).

(i) Agree to provide quality, reliable, and temporary care for the child in foster care that is consistent with the child's treatment, case, or service plan.

(j) Obtain from the foster parent appropriate information about the specific care procedures and interaction strategies relevant for the child's care.

(k) Agree to perform household and emergency tasks directly related to the general health and well-being of the foster child.

(L) Possess a valid driver's license and automobile insurance if transporting a foster child.

(m) Agree to abide by s. DCF 56.09 (1g), (2) (d) and (e), and (5).

(n) May not be an employee of the licensing agency or a relative of an employee of the licensing agency if the employee works in the area of the agency that issues foster care licenses.

(4) ELIGIBILITY FOR SUBSIDIZED RESPITE CARE. (a) *Level 1 or 2*. A licensing agency may establish policies and procedures to fund respite care for a foster parent who operates a foster home with a Level 1 or 2 certification.

(b) *Level 3 or 4*. 1. A licensing agency shall fund and arrange for a foster parent who operates a foster home with a Level 3 or 4 certification to have 8 to 24 consecutive hours of respite care per month of care provided. Respite care shall be provided in a combination of days to be determined by the foster parent and the licensing agency. The licensing agency may require that any respite care include an overnight stay.

2. Notwithstanding subd. 1., a licensing agency is not required to fund and arrange respite care of a child with a level of need below 3 who is placed in a foster home with a Level 3 or 4 certification.

DCF 56.22 Assessment of needs and strengths. (1) RESPONSIBILITY FOR ASSESSMENT**.** (a) A placing agency shall use a standardized assessment tool prescribed by the department to assess the needs and strengths of a child placed or to be placed into a foster home and the needs of the child's foster parent. A placing agency may subcontract this responsibility.

Note: The assessment tool is available in the forms section of the department's website at http://dcf.wisconsin.gov.

(b) Notwithstanding par. (a), this section does not apply to a child placed or to be placed into a foster home that is licensed solely for the purpose of adoption of a domestic infant under s. 48.837, Stats., or a foreign child under s. 48.839 or 48.97, Stats.

(2) QUALIFICATION TO ASSESS. An individual performing the assessment shall be trained and certified in the use of the department's standardized assessment tool.

(3) TIMES OF ASSESSMENT. (a) *Assessment within 30 days after placement*. A placing agency shall assess each foster child before placement in a foster home or within 30 days after the child's placement. A placing agency shall assess each foster parent within 30 days after the child's placement in the foster home.

(b) *Reassessment every 6 months*. A placing agency shall reassess each foster child and the child's foster parent within 6 months after the child's last assessment or reassessment. The placing agency, licensing agency, or foster parent may request a reassessment more frequently.

(4) STANDARDIZED ASSESSMENT TOOL. (a) *Basics of the tool*. The standardized assessment tool shall include a list of items that may have a direct impact on service planning for the child and the child's foster parent. The list of items included in the standardized assessment tool shall assist with evaluation of all of the following:

1. The child's functioning, including all of the following:

a. The impact of trauma on the child.

b. Life functioning, including physical, mental, and dental health; relationships with family members; and social skills.

c. Functioning in a child care or school setting.

d. Behavioral and emotional needs.

e. Risk behaviors.

f. Strengths.

g. The effect of the culture of the child and the child's family on service provision.

2. The foster parent's functioning in relation to the identified foster child, including all of the following:

a. Supervision.

b. Problem solving.

c. Involvement with care.

d. Knowledge.

e. Empathy with the child.

f. Organization.

g. Social resources.

h. Physical health.

i. Mental health.

j. Substance use.

k. Developmental.

L. Family stress.

m. Cultural congruence.

(b) *Gather information*. Before administering the standardized assessment tool, the person who will administer the tool shall first do all of the following:

1. Review the child's case record.

2. Interview or collect information from an individual who has interviewed the child, child's family, foster parent or other out-of-home care provider, the child's team or treatment team, and the licensing agency.

3. Review information gathered in collaboration with the child's team or treatment team and the licensing agency.

Note: See s. DCF 56.17 (1) on treatment team membership.

(c) *Rating a child.* The person administering the standardized assessment tool shall rate the child on each item in the tool on a 4-point scale relative to what is developmentally appropriate for a child of a similar age, as follows:

1. ‘Needs.’ The following ratings shall apply to items representing needs of a child or the child’s family:

a. A rating of 0 means there is no evidence of the existence of a special need.

b. A rating of 1 means there is a history or concern that a basic special need may exist.

c. A rating of 2 means there is a presence of a moderate special need.

d. A rating of a 3 means there is a presence of an intensive special need.

2. ‘Strengths.’ The following ratings shall apply to items representing strengths of a child or the child’s family:

a. A rating of 0 indicates a centerpiece strength.

b. A rating of 1 indicates a useful strength.

c. A rating of 2 indicates an identified strength.

d. A rating of 3 indicates no strength has been identified.

(d) *Rating a foster parent.* The person administering the standardized assessment tool shall rate a foster parent’s needs on each item in the tool on a 4-point scale in relation to a specific identified child, as follows:

1. A rating of 0 means there is no reason to believe a need exists.

2. A rating of 1 means there is a history or concern that needs to be monitored.

3. A rating of 2 means there is a presence of a need that must be acted upon.

4. A rating of 3 means there is a presence of a need that requires immediate or intensive action.

(5) USE OF ASSESSMENT INFORMATION. (a) The placing agency shall use information from the assessment of the child, the child’s family, the child’s foster parent, the supervising agency, and the licensing agency for all of the following:

1. To communicate information about the needs and strengths of the child and child's family.

2. To assist with determining the child's service needs and developing the child's plan of care.

3. To determine a level of need of 1/2, 3, 4, 5, or 6 for the child.

4. To inform decisions regarding a placement at a level of care that is appropriate to meet the child's level of need.

5. To evaluate the match between the knowledge, skills, and abilities of a foster parent and the needs and strengths of the child.

6. To assist in the development of services and supports needed for a specific child and foster parent to promote the stability of the placement.

7. To provide a mental health screen to all children entering foster care.

8. To determine any supplemental payments under s. DCF 56.23 (2).

9. To determine any supplemental payments for purposes of an adoption assistance agreement under s. 48.975, Stats., and ch. DCF 50.

(b) A placing agency shall re-evaluate the appropriateness of a child's placement, services provided to the child, and supplemental payments made to the foster parent following a reassessment of the child under sub. (3) (b).

(6) MATCHING AND PREPLACEMENT VISITS. (a) *Matching the child and foster family.* A placing agency may place a child in a foster home only after careful consideration is made on how well the prospective foster family will do all of the following:

1. Meet the child's identified specific needs.

2. Address any concerns of the birth or adoptive parents.

3. Accomplish the goals of the child's permanency plan.

(b) *Pre-placement interactions for placements in foster homes with a Level 3 to 5 certification.* Before placing a child in a foster home with a Level 3 to 5 certification, the placing agency, supervising agency, and, if different, the licensing agency shall arrange for pre-placement, face-to-face interactions among the child, foster parent, and, if appropriate, the child's family, unless the placement is an emergency under s. 48.205, 48.63, or 938.205, Stats.

(7) PLACEMENT IN A FOSTER HOME. (a) A placing agency, in accordance with a licensing agency, may place a child in a foster home that is certified to provide a given level of care if the child's level of need is at or below the level of care that the foster home is certified to provide.

(b) Notwithstanding par. (a), a placing agency may place a child with a level of need that is higher than the level of care that a foster home is certified to provide if the placing agency grants an exception and documents in the child's electronic case record what services and supports will be provided to meet the child's needs as identified in the assessment tool.

(c) A child whose level of need is lower than 5 may not be placed in a Level 5 foster home, except for continuation of an existing placement during planning for the child's transition to a less restrictive setting following a reassessment under sub. (3) (b).

Note: See Appendix A for the placement complexity chart that shows placement options based on a child's level of need and a provider's level of care.

DCF 56.23 Supplemental payments, exceptional payments, initial clothing allowance, and retainer fee. (1) COVERAGE. (a) A placing agency shall determine the amount of any payment made directly to a foster parent for the care and maintenance of a foster child under one or more of the following:

1. Basic maintenance payments established under s. 48.62 (4), Stats.

2. Supplemental payments under sub. (2).

3. Exceptional payments under sub. (3).

4. Initial clothing allowance under sub. (4).

(b) The total monthly payment amount to a foster parent under par. (a) 1., 2., and 3. is subject to a maximum determined by the department.

(c) A placing agency may not make a supplemental or exceptional payment or pay an initial clothing allowance for a child placed in a Level 1 foster home.

Note: See s. DCF 56.16 (2) (c) on licensing agency participation in rate determination.

(2) SUPPLEMENTAL PAYMENTS. A placing agency shall make a supplemental payment to a foster parent for a child's special needs. The placing agency shall determine the amount of a supplemental payment based on the total under the following:

(a) 'Identified needs and strengths.' 1. On a form prescribed by the department, the placing agency shall use information obtained using the standardized assessment tool to rate the child under s. DCF 56.22 (4) (c) relative to what is developmentally appropriate for a child of a similar age in the following areas:

a. Adjustment to trauma.

b. Life functioning, including physical, mental, and dental health; relationships with family members; and social skills.

c. Functioning in a child care or school setting.

d. Behavioral and emotional needs.

e. Risk behaviors.

f. Child's language.

g. Strengths.

2. For points that have been assigned in the areas under subd. 1., the placing agency shall add the total points that represent all of the following:

a. A child's need that has a rating of 2 indicating there is a presence of a moderate special need.

b. A child's need that has a rating of a 3 indicating there is a presence of an intensive special need.

c. A child's strength that has a rating of 2 that indicates an identified strength.

d. A child's strength that has a rating of 3 that indicates no strength has been identified.

3. A placing agency shall make a supplemental payment under this paragraph that is a dollar amount determined by the department multiplied by the total points determined under subd. 2.

(b) 'Level of care higher than level of need.' A placing agency shall make a supplemental payment under this paragraph that is an amount determined by the department if a foster home's level of care certification is higher than the level of need of a child placed in the foster home and the foster home has a Level 3 or 4 certification.

(3) EXCEPTIONAL PAYMENT. (a) A placing agency may make an exceptional payment to a foster parent to accomplish any of the following:

1. Enable the child to be placed or remain in a foster home instead of being placed or remaining in a more restrictive setting.

2. Enable the placement of siblings or minor parent and minor children together.

3. Assist with transportation costs to the school the child was attending prior to placement in out-of-home care.

4. Replace a child's basic wardrobe that has been lost or destroyed in a manner other than normal wear and tear.

5. For a child placed in a foster home before February 21, 2011, and who remains placed in that foster home, equalize the total payment amount lost by the child's foster parent due to implementation of the method of determining supplemental payments in sub. (2).

(b) A placing agency may determine the frequency and amount of an exceptional payment necessary to meet one or more purposes in par. (a), provided no total monthly payment to the foster parent exceeds the maximum amount determined by the department under sub. (1) (b).

(4) INITIAL CLOTHING ALLOWANCE. (a) A placing agency may pay an initial clothing allowance to a foster parent when a child is initially placed in foster care.

(b) The amount of the initial clothing allowance shall be the actual cost of the clothing not to exceed a maximum determined by the department.

(c) If a child is placed in foster care 120 days or more after a previous out−of−home care placement was terminated, the placement shall be considered an initial placement for the purpose of par. (a).

Note: See the department's uniform foster care rate-setting policy and forms related to rates on the department's website www.dcf.gov in the section on foster care program and services. The policy includes current information for all of the following:

1. Total monthly maximum payment to a foster parent.
2. Dollar amount that is multiplied by the total points of a child's identified needs and strengths to determine the portion of a supplemental payment under sub. (2) (a).
3. Dollar amount of the portion of a supplemental payment under sub. (2) (b) if a foster home's level of care is higher than a child's level of need.
4. Maximum initial clothing allowance.

(5) RETAINER FEE. A placing agency may provide a monthly retainer fee to a foster parent to maintain openings in a foster home for emergency placements under ss. 48.205 and 938.205, Stats. This fee may not be considered part of the foster care payment for a specific child.

Appendix A

Placement Complexity Chart Options

		Placement Options		
Child's Level of Need	**Provider's Level of Care**	**Foster Home**	**Group Home**	**Residential Care Center**
1/2	1	Child-Specific		
	2	Basic		
3	3	Moderate Treatment	Group Home	
4	4	Specialized Treatment		
5	5	Exceptional Treatment		Residential Care Center
6	6			

	Step-down level to be used for transition planning to a less restrictive placement setting.
	Placement of children at this level is not appropriate.

Note: A child in foster care can be served by a foster home with a certification lower than the child's level of need if an exception has been granted and documented in the child's electronic case record by the placing agency and the agency shows what services and supports will be provided to meet the child's needs.

SECTION 86. DCF 201.02 (12) and (17) (note) are amended to read:

DCF 201.02 (12) "Foster parent" means a person licensed under s. 48.62 (1) ~~(a)~~, Stats.

(17) Note: Section 49.155 (1) (c), Stats., provides: "Notwithstanding s. 49.141 (1) (j), 'parent' means a custodial parent, foster parent, ~~treatment foster parent,~~ legal custodian or person acting in place of a parent."

SECTION 87. DCF 201.02 (21) is repealed.

SECTION 88. DCF 250.03 (13) is amended to read:

DCF 250.03 (13) "Foster home" means any facility ~~that is~~ operated by a person ~~required to be~~ licensed under s. 48.62 (1) ~~(a)~~, Stats.~~, and that provides care and maintenance for no more than 4 foster children, or, if necessary to keep siblings together, for no more than 6 foster children.~~

SECTION 89. EFFECTIVE DATE. This rule shall take effect the first day of the month following publication in the Administrative Register as provided in s. 227.22 (2) (intro.), Stats.