

Chapter PW-CY 40

CHILDREN AND YOUTH

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PW-CY 40.01 Definitions. (1) **DAY CARE CENTER** means a facility where a person or persons provide, for compensation and/or consideration for service, group care for 4 or more children under 7 years of age, for less than 24 hours a day.

(2) **DEPARTMENT** means the Wisconsin State Department of Public Welfare.

(3) **DIVISION** means the Wisconsin State Division for Children and Youth.

History: 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.02 Licensing. (1) **LICENSE REQUIREMENTS.** Day care centers providing group care for 4 or more children under 7 years of age and operating for compensation and/or consideration for services must be licensed.

(2) **LICENSE PROCEDURES.** (a) A non-transferable license shall be secured annually from the department, upon appropriate application and compliance with these rules and standards. This license shall be prominently displayed at the center.

(b) Each license shall bear the name of the center, the name of the person licensed and a description of the premises.

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(c) The number of children specified on the license is the maximum number to be received or to be cared for at one time.

(d) There is no fee charged for the license.

(3) TYPES OF DAY CARE CENTER LICENSES. The type of license issued indicates the professional training of the staff and the adult-child ratio. (a) Nursery school is a center which has at least one teacher certified by the department of public instruction, and has one nursery school teacher for every 25 children.

(b) Nursery center is a center which meets the rules and standards for a day care center but does not have the minimum of certified teachers per group of children.

(4) LICENSING EXEMPTIONS. No license is required for a person or persons who provide: (a) Care for children in the child's own home and/or in the homes of relatives or guardians.

(b) Care in centers conducted by public and parochial schools.

(c) Care given to children on church premises while their parents are attending religious services.

(5) APPLICATION FOR LICENSE. An application for a license, which shall be made in writing to the department, shall include: (a) A statement from the state industrial commission or local building inspector showing approval of the premises for the use intended.

(b) A statement of the purpose of the day care center.

(c) A description of the program and activities designed to carry out the purposes.

(d) A floor plan of all of the rooms and outdoor play area.

(e) A completed application form.

(6) RENEWAL OF LICENSE. Application for a renewal of a license shall be made:

(a) Each year in writing to the department on specified forms.

(b) Whenever there is a change in the conditions described on the last license issued.

(7) EVALUATION. (a) A representative of the department shall visit and study each day care center before the initial licensing and each subsequent renewal. The representative shall submit to the department a written evaluation indicating whether the required rules and standards have been met. He may visit any time to assure continued compliance.

(b) Each center shall have the continued supervision and consultation of the department and shall submit required reports.

(c) The department at its discretion shall have the authority to make exceptions to any rule or standard when it is assured that the granting of such an exception will not be detrimental to the children attending the center.

(8) PROVISIONAL LICENSES. A provisional license may be issued and renewed in 6 month periods up to 2 years to any center whose services are needed, but is temporarily unable to conform to all established minimum requirements.

(9) REVOCATION OF LICENSE. (a) The right to operate is dependent upon continued compliance with required rules and standards.

(b) The license may be revoked in accordance with subsections 48.71 (1) and (2), Wis. Stats., and with Wis. Adm. Code section PW-CY 40.02 dealing with license procedures.

(10) **APPEAL PROCEDURE.** (a) Any person aggrieved by the department's refusal or failure to issue or renew a license, or by its revocation of a license has the right to an administrative hearing provided for contested cases in chapter 227, Wis. Stats.

(b) Judicial review of the department's decision may be had as provided in chapter 227, Wis. Stats.

(11) **ALLEGED VIOLATIONS.** (a) Whenever the department has reason to believe that any person is violating any of the provisions of sections 48.60, 48.62, or 48.65, Wis. Stats., it shall have authority to inspect the premises where the violation is alleged to occur and shall make an investigation to determine the facts and prosecute under section 48.76, Wis. Stats., if indicated.

(b) The department may either revoke the license and/or institute prosecution.

History: 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

Note: Personnel and program standards. A day care center is of importance in the community and, therefore, program standards are established to assure parents, the child, and the community that a wholesome and proper service is provided.

Warm, understanding personnel, with knowledge and training in child development, can create an environment which will enhance the educational, physical, and social development of the individual child. Close cooperation with parents can promote unity in caring for the child and an understanding of the stresses and strains he may be undergoing because of his separation from home. Close cooperation between the day care center and other community forces (such as family and child welfare agencies, child guidance clinics, health departments, and public health nurses) will contribute to the best interests of the child.

The quality of program and equipment in every type of day care center affects the well-being of each child enrolled. The program should have a positive influence in helping to develop healthy, happy, well-adjusted children. Children learn through their play experiences—sometimes by imitating adults, sometimes through experimenting with materials. Sufficient toys and play materials are needed so that the child may have many enriching experiences at the center. Adequately furnished premises help produce pleasant surroundings.

Specific aspects of day care are described under the headings: Personnel, Educational Program, Health, Records and Reports, Equipment, Physical Plant, Sanitation, Finances and Insurance. Under these headings are the required and recommended standards which will promote wholesome growth and protect the children enrolled in day care centers.

PW-CY 40.03 Personnel standards. (1) **PERSON IN CHARGE.** (a) *Required standard.* An administrator or director shall be in charge of the day care center, shall be at least 21 years of age and demonstrate a supervisory and administrative ability. In the absence of this person, there shall be a qualified substitute.

(b) *Recommended standards.* The administrator or director should have:

1. Professional background and be familiar with current thinking and development in early childhood education.
2. Experience in working with young children and parents.

(2) **ALL PERSONNEL.** (a) *Required standard.* All personnel shall be emotionally and physically able to perform assigned duties.

(b) *Recommended standards.* 1. All those employed in day care centers should have a genuine interest in and a warm feeling for children. They should have a sympathetic, intelligent understanding of the needs of children and their development. They should have an even temperament and a sense of humor in order to help create an atmosphere of security and happiness in the center.

2. It is desirable there be both men and women on the staff.

(3) NUMBER OF STAFF. (a) *Required standards.* 1. There shall be at least 2 adults available at any center so that children are never left unattended.

2. The ratio of group of children to child care staff shall not exceed:
- a. Two to three year olds _____ 8 children to 1 adult
 - b. Three to four year olds _____ 10 children to 1 adult
 - c. Four to five year olds _____ 12 children to 1 adult
 - d. Five years and over _____ 16 children to 1 adult

(4) DUTIES AND QUALIFICATIONS OF STAFF. Note: Whether the center has a small or large staff, the following duties and qualifications are essential for efficient operation to safeguard the best interest of children. (a) *Child care staff.* 1. Required standards. a. Those working directly with the children shall have at least a high school education or its equivalent as determined by the extension division of the university of Wisconsin.

b. In order to be designated as nursery school teachers and kindergarten teachers, staff members shall be certified as such by the department of public instruction.

2. Recommended standards. a. Staff should be composed of mature persons trained in early childhood education and have special understanding of the needs of children.

b. Staff members should acquaint themselves with current trends and techniques in early childhood education through acceptable training courses and programs taken at least once every five years.

c. Each staff member should be able to establish wholesome adult-child relationships and possess the capacity for pleasant cooperative relationships with other adults.

(b) *Volunteers.* 1. Required standard. When volunteers are used, they shall work only under supervision of the child care staff.

2. Recommended standards. a. Volunteers should be selected on the basis of natural aptitudes as well as training.

b. Volunteers should be able to give a definite amount of time at regular periods including in-service training.

(c) *Other staff members.* 1. Recommended standards. a. Cooks. Cooks should be dependable and adaptable and capable of preparing palatable, nutritionally adequate menus for young children, using approved methods of food preparation.

b. Maintenance and housekeeping. Care should be taken to select persons who like young children.

(d) *Special personnel.* 1. Recommended standards. a. The use of specialized consultants, in addition to the regular staff members, has been found to be helpful in the operation of the day care center.

b. Nurse. A registered nurse with public health training would be helpful in assisting with the health program, but she should have experience, training, and the personality to work with young children.

c. Physician. A physician should be available for emergencies and for consultation.

(e) *Other services.* It is desirable if services can be arranged with a casework agency for work with individual parents or consultation with staff; a psychologist for counselling with the staff; a social group worker to work with school age children and a nutritionist or dietician for counselling on meal planning and food preparation.

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PW-CY 40.04 Educational program standards.

Note: Because education includes all experiences, every day care center has an obligation to provide the best possible kind of education. The curriculum and all the experiences, both of the nursery school and nursery center, should meet the needs and interests of the children, the parents, and the community.

(1) PROGRAM. (a) *Required standard.* There shall be a planned program appropriate for the age of the children.

(b) *Recommended standards.* A day care center should contribute to the education of young children by: 1. Encouraging desirable health habits and attitudes;

2. Providing appropriate space, supplying varied and challenging equipment and plan materials, and helping children to learn to care for such equipment and materials and to use them creatively and constructively;

3. Fostering intellectual interest and abilities through opportunities to explore, investigate and experiment, to make and carry out plans, to work out solutions to problems, to develop competence and to find satisfaction in work and achievement;

4. Developing enjoyment of music, art, and literature;

5. Furthering emotional stability in an atmosphere where children feel accepted and understood; where they are helped to achieve a healthy balance between emotional expression and emotional control;

6. Creating a friendly social atmosphere in which attitudes that are essential to living in a democracy are encouraged; strengthening self-respect and self-confidence and at the same time building respect for and consideration of others;

7. Sharing with parents the aims and activities of the day care center, and planning individual conferences and group meetings with the parents; and

8. Helping the child further relationships with adults who are warm, friendly, and able to provide the security of understanding and firm discipline.

History: 1-2-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.05 Health standards. (1) STATE AND LOCAL REGULATIONS.

(a) *Required standard.* Written health policy. Every day care center shall have a written plan indicating specific policies and procedures that will insure health protection for all. This written plan shall be consistent with state and local health regulations.

(2) STAFF (Paid and volunteer workers). (a) *Required Standards.*
1. Physical examinations. a. Workers, prior to employment and annually thereafter, shall submit to the center administrator a certificate from a licensed physician indicating freedom from illness detrimental to children. The certificate shall be based on a physical examination which includes a negative PPD skin test or a chest X-Ray and if required by a local health regulation, a negative serological test. The worker shall also submit evidence of vaccination for smallpox within the last 5 years.

b. Medical certificates shall be kept on file in the center.

2. Exclusion. Staff members when ill, including such conditions as diarrhea, upper respiratory infections and skin lesions, shall be excluded from the center.

(b) *Recommended standard.* Employment of pregnant staff members and volunteers should be terminated when they are unable to perform their duties.

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(3) CHILDREN. (a) *Required standards.* 1. Physical examination. a. Before admission and annually thereafter, a report by a licensed physician shall be submitted to the administrator of the center certifying that each child is able to participate in day care activities and is free from communicable diseases, including tuberculosis and other conditions hazardous to the welfare of other children; providing dates of immunization and vaccinations and indicating any known allergies.

b. It shall be the duty of the person in charge to require another physical examination before allowing the child to continue in attendance should there be reason to suspect the later development of any condition hazardous to the child or others.

c. Reports of physical examinations shall be kept on file in the center.

(b) *Recommended standards.* 1. Each child should have a complete dental examination before admission and a repeat examination semi-annually by his family dentist. Each child should be immunized against smallpox, diphtheria, polio and tetanus and such immunizations should be started before admission to the center. Parents should be encouraged to have remedial problems, including dental care, corrected promptly.

2. The center should obtain a statement from the parents that, to their knowledge, the child has not been in contact with a contagious disease during the 2 weeks prior to admission.

(4) MORNING HEALTH INSPECTIONS. (a) *Required Standard.* Morning health inspection of each child on arrival at the center shall be made by a person capable of recognizing common signs of communicable disease or other evidence of ill health.

(b) *Recommended standard.* Health inspections should be made in the presence of the parent or his representative, whenever possible, and parents should be alerted to the importance of observing children daily for signs of illness before they leave home.

(5) TEMPORARY ISOLATION, EXCLUSION AND EMERGENCY CARE. (a) *Required standards.* 1. Temporary isolation shall be within sight and hearing of an adult and shall be provided for children with a cold, sore throat, inflammation of the eyes, fever, lice, rash, vomiting, diarrhea or other illnesses or conditions. Such temporary isolation shall be pending exclusion of the child from the center.

2. Parents or some responsible person, when parents cannot be reached, shall be contacted as soon as possible after illness is discovered. Arrangements shall be made for the exclusion of the child from the center.

3. Written permission from the parents to call the family physician or refer a child for medical care in case of an accident or emergency shall be on file in the center. This permission shall be used only when the parent or some responsible person cannot be reached within a reasonable time.

4. When a child is suspected of having a communicable disease (i.e. chicken-pox, German measles, infectious hepatitis, measles, mumps, poliomyelitis, ringworm of the scalp, scarlet fever and whooping cough, diphtheria and meningitis), the local health officer must also be notified.

5. When a positive diagnosis of a communicable disease is made, the families of exposed children shall be notified by the center and such children shall be watched for symptoms of the disease.

(b) *Recommended standard.* Staff should be continually alert for any symptoms of illness.

(6) **FIRST AID.** (a) *Required standards.* 1. Every center shall have a supply of rolled bandages, tape, and bandaids.

2. Superficial wounds shall be cleansed with soap and water and protected.

(b) *Recommended standards.* 1. First aid care should be provided by the staff nurse, when one is employed, or by a regular staff member having the equivalent of Red Cross first aid training.

2. Suggested items for an adequate first aid kit can be found on page 5, School Health Emergencies pamphlet, State Board of Health.

(7) **WEIGHING AND MEASURING.** (a) *Recommended standard.* Height and weight measurements should be entered on the physical examination form. Thereafter, children should be weighed and measured every three months and entries should be made on the child's health card. Failure to gain in weight and height for two successive periods should be an indication of a need for a medical examination.

(8) **REST PERIODS.** (a) *Required standards.* 1. When a session is more than 4 hours in length, the nap period shall be one hour or longer for all children under 5 years of age.

2. There shall be a mid-session quiet period for children who attend for less than 4 hours.

(9) **MEDICATION.** (a) *Required standard.* While at the center no prescribed medication shall be given to a child, except by a physician or registered nurse, nor shall a child be permitted to take such medication.

(10) **PROVISION OF FOOD.** (a) *Required standards.* 1. When a session is more than 4 hours, children shall be served a regular meal, which shall supply at least one-third of the daily food needs.

2. When there is a 3 to 4 hour session, a simple mid-session snack, such as fruit juice, shall be provided.

(b) *Recommended standard.* Menus should be made available to parents in order that they may adjust the child's diet at home to adequately meet the daily food needs.

History: 1-2-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.06 Administration standards. (1) RECORDS AND REPORTS.

(a) *Required standards.* 1. All published statements such as brochures, publicity, etc. shall be accurate and complete.

2. Required records shall be readily available.

(2) **CHILDREN'S RECORDS.** (a) *Required standard.* Current information shall be maintained on each child attending the center and shall include:

1. Name, birth date, full names of both parents or guardians.

2. Home address of parents, work addresses, and telephone number of parents.

3. Name, address, and telephone number of physician caring for the child.

4. Name, address, and telephone number of person to be notified in case of emergency, when parents cannot be reached.
5. Written consent of parent to contact family or center physician in case of emergency.
6. Record of all physical examinations, first aid, and any other matters relating to the child's health.
7. Date child enters and leaves the center.
8. Record of daily attendance of each child.

(3) **PERSONNEL RECORDS.** (a) *Required standards.* 1. There shall be maintained a record for each employe, which shall include: name, address, age, training, education, experience, and other qualifications.

2. Report of physical examination at time of employment and subsequent annual examinations.

3. Persons to be notified in the event of an emergency.

4. Personnel forms and character references on all staff members shall be made available upon request.

(4) **PERSONNEL PRACTICES.** (a) *Recommended standards.* 1. A periodic written evaluation of each employe by his supervisor is desirable.

2. There should be a written statement on file at the center of personnel practices and policies, which should include hours of work, vacation, sick leave, leave of absence, and salary schedules. In addition, there should be channels for complaints and suggestions.

(5) **STATISTICS.** (a) *Required standard.* Centers shall submit the statistical report required by the department.

History: 1-2-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.07 Equipment standards. (1) **PLAY EQUIPMENT.** (a) *Required standards.* 1. There shall be equipment to meet the varied developmental needs and interests of children of different age groups.

2. There shall be equipment outdoors and indoors to assure variety in active physical play and creative learning experience for the children attending the center.

3. There shall be equipment for climbing, swinging, sliding, riding, pushing, and pulling, and material such as sand, in which to explore and dig, large building blocks and building toys, creative materials for art, music, literature, science, woodworking and manipulative toys.

(2) **FURNISHINGS.** (a) *Required standards.* 1. Tables and chairs shall be of suitable size for children.

2. There shall be low, open shelves for the storage of play materials.

3. There shall be sufficient work space for children.

4. There shall be individual space for children's clothing. This space may be provided by such things as lockers and/or low hooks.

5. All furnishings and equipment shall be durable and safely constructed so that there are no sharp, rough, loose, or pointed edges which could injure children.

History: 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.08 Physical plant standards. (1) **BUILDING.** (a) *Required standards.* 1. Day care centers shall be in conformity with Wis. Adm. Code, chs. 50-57 (Industrial Commission Building Code).

2. There shall be an inspection of each building by the industrial commission or local building inspector to determine compliance with

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local and state regulations. The inspector will file with the department a written statement of conformity with all local regulations as regards safety and fire protection.

3. All electrical work shall conform to the Wisconsin state electrical code, of the State Industrial Commission. All electrical work shall be inspected periodically.

4. No day care center may be located in a convalescent or maternity home or in a rooming house or boarding house for adults.

5. Only floors having at least 2 exits to the ground level shall be used for children.

6. If a third floor of a non-fire resistive building is used, all stairways shall be enclosed with one-hour fire resistive partitions and doors.

7. All stairways shall be equipped with railings suitable for the use of children; stairways and corridors shall be kept clear and unobstructed at all times.

8. Basement rooms, which comply with inspection, may be used for children only for active play.

9. The heating plant shall conform with Wis. Adm. Code, chapter 58, Wisconsin Heating, Ventilation and Air Conditioning code.

10. Space designated for use by the children shall be available for the children only and not used for other purposes while the center is open.

(b) *Recommended standard.* First floor rooms are most desirable for all activities in day care centers.

(2) **LIGHTING.** (a) *Required standard.* There shall be a minimum of 20 foot candles of illumination throughout every room as measured on a light meter maintained on a horizontal plane 24" above the floor.

(3) **VENTILATION.** (a) *Required standard.* There shall be either a ventilating system or outside windows, which conform to Wis. Adm. Code, chapter 58 of the Wisconsin Heating, Ventilating and Air Conditioning Code.

(4) **ROOM TEMPERATURES.** (a) *Required standard.* A temperature of not less than 68 degrees shall be maintained as measured 18 inches from the floor.

(5) **PROTECTIVE MEASURES.** (a) *Required standards.* 1. Fireplaces and steam radiators, shall be protected by screens or guards.

2. Dangerous items, such as drugs and firearms which are located anywhere on the premises, shall be under lock.

3. Materials harmful to children, such as cleaning materials and matches, shall be kept out of the reach of children.

4. Each floor of the day care center shall be equipped with the required number of fire extinguishers approved by the Underwriters' Laboratories. Automatic carbon tetrachloride extinguishers are prohibited.

5. Each extinguisher shall be inspected by a competent person once a year and shall bear a label indicating its present condition and the date of inspection.

6. The center shall have a telephone and an available list of emergency telephone numbers.

(6) **PLAY SPACE.** (a) *Required standards.* 1. Indoors, the space used by the children shall include 35 square feet of floor space per child,

exclusive of hallways, bathrooms, lockers, laundry and furnace rooms, and that part of the kitchen occupied by stationary equipment.

2. Outdoors, there shall be at least 75 square feet per child of safe play space.

3. The outdoor play space shall be enclosed in such a manner as to prevent the children from leaving the premises without proper supervision.

4. Outdoor play areas shall be well drained.

(b) *Recommended standards.* Part of the outdoor play space should have a hard surface. Provision should be made for shade in part of the play area.

(7) **SLEEPING FACILITIES.** (a) *Required standards.* 1. There shall be at least 35 square feet of floor space per child and not less than 280 cubic feet of air space in sleeping rooms.

2. If the center is in operation more than 4 hours a day, sleeping facilities shall be provided.

3. Individual cots or beds are required for children attending more than 4 hours.

4. Individual bedding, sufficient to maintain warmth, shall be provided either by the parents or by the center. Covers shall be laundered as needed and always upon change of occupancy.

5. Children shall not use beds of members of the household.

6. Rows of cots shall be separated by at least 2 feet. If there are not partitions between cots, head to toe sleeping arrangements shall be made.

7. Children may rest on rugs in half-day programs only. Each child shall have his own rug. Rugs shall be washed frequently.

History: 1-2-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.09 Sanitation standards. (1) **INSPECTION.** (a) *Recommended standard.* There should be an initial inspection of each building by the state board of health or the local health department. Provision should be made to insure continuing conformance to all state and local regulations with regard to sanitation, water supply, garbage, and sewage disposal.

(2) **DRINKING WATER.** (a) *Required standards.* 1. A supply of safe drinking water shall be readily available at all times from a drinking fountain of the angle jet type or by use of individual cups.

2. The water supply shall be of safe, sanitary quality and shall be obtained from a water supply system the location, construction, and operation of which shall comply with the standards approved by the state board of health.

(3) **MILK.** (a) *Required standard.* All milk used for drinking shall be certified as pasteurized Grade A.

(4) **WASHROOM AND TOILET FACILITIES.** (a) *Required standards.* 1. Toilets of the water flush type shall be used and connected with a sewage system which has been approved by the state board of health.

2. Separate places for each child's individual washcloth, towel, comb, and clothing (which are to be kept clean) are to be provided.

(b) *Recommended standards.* 1. One toilet and one wash basin should be provided for every 10 children under care.

2. The toilets and wash basins should be of a height and suitable size for children.

3. The floor of the toilet rooms should conform with the Wisconsin state building code.

4. The use of paper towels is recommended.

(5) **SCREENS.** (a) *Required standard.* Window and doorway openings shall be properly screened in season.

(6) **HOUSEKEEPING.** (a) *Required standard.* The premises shall be neat and clean.

(7) **REFRIGERATION.** (a) *Required standards.* 1. All perishable food and drink shall be stored in a refrigerator, which shall have a temperature maintained at or below 50 degrees Fahrenheit.

2. Perishable foods include milk and milk products, meat, fish, poultry, shell fish, eggs, gravies, poultry stuffing, salad and other mixtures containing any of the above foods.

(8) **FOOD PREPARATION FACILITIES.** (a) *Required standards.* 1. If food is served, facilities shall be provided for preparation, storage, and serving in a sanitary condition.

2. Dishes and utensils shall have smooth, hard surfaces, which are free from cracks, chips, and roughened areas.

3. The food preparation table surface shall be smooth, nonabsorbent and easily cleaned.

4. Eating and drinking utensils and all utensils used in food preparation, storage, and service shall be promptly and properly cleaned. Dishwashing procedure and care of equipment shall comply with state, local and county sanitation laws. In the absence of such laws, dishes and utensils shall be sterilized by scalding or chemicals, or disposable dishes are used. All utensils shall be stored in clean, dust-proof and vermin-proof cabinets that are tightly enclosed on all sides.

History: 1-2-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.10 Finances standards. (1) **FINANCES.** (a) *Required standard.* Each center shall have, and be able to show, a source of funds sufficient to insure continuous operation in accordance with the standards.

History: 1-2-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.11 Insurance standards. (1) **INSURANCE.** (a) *Required standard.* Each center shall carry workmen's compensation insurance in accordance with chapter 102, Wis. Stats., and comply with provisions of the federal social security act.

(b) *Recommended standard.* Each center should carry public liability insurance.

History: 1-2-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.12 Repeal of former standards and regulations. The Wisconsin day care standards and regulations No. 1.01 through 1.08 adopted by the board of public welfare on November 10, 1949 are hereby repealed.

PW-CY 40.13 Revision of forms. Forms prescribed by the department as required by law are set forth in the appendix and may subsequently be revised by the department in conformance with the standards and regulations.

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PW-CY 40.20 Revocation of licenses, permits or certifications. (1) **DEFINITIONS.** As used in these rules, "license" means any license, permit, certification or other grant of authority issued and subject to suspension or revocation by the state department of public welfare; "department" means the state department of public welfare; "hearing" includes a joint hearing by the department and any other administrative agency; "revocation or suspension" of licenses includes refusal to renew the same.

(2) **HOW PROCEEDINGS INITIATED.** Proceedings to revoke or suspend licenses may be initiated in one of 2 ways:

(a) On a verified complaint by an individual or an officer required by law to enforce the law in question, filed in triplicate (original and 2 copies) with the department;

(b) By the department on its own motion, whenever its investigation discloses probable grounds for action. The director of the division for children and youth may act for the department in initiating proceedings under this subsection.

(3) **STYLE OF PLEADINGS.** All pleadings, notices, orders and other papers filed in such proceedings shall be captioned "Before the Wisconsin State Department of Public Welfare" and shall be entitled "In the Matter of the Revocation or Suspension of the _____ (license, permit, or certification) of _____, Respondent." The party whose license is involved shall be known and designated as the "Respondent."

(4) **COMPLAINT ON DEPARTMENT'S INVESTIGATION.** If the complaint is founded upon an investigation made by the department, it shall be incorporated in the notice of hearing and statement of issues as prescribed by (7).

(5) **FORM OF CAUSES.** If the alleged cause is a continuing one, its general nature and the approximate time covered shall be stated in the complaint or notice of hearing; if a specific incident is relied on, it shall be alleged with such particularity as to time, place and circumstances as may be necessary to enable the respondent to prepare his defense; and in either case the cause may be alleged in the language of the statute or rule claimed to be involved, and shall conclude: "contrary to sec. _____ of the statutes" or "contrary to rule _____" of the rules and regulations of the department governing _____, or both. Separate causes shall be stated in separate paragraphs and numbered consecutively.

(6) **PROCEDURE UPON FILING OF COMPLAINT.** Upon the filing of a complaint as prescribed by (2) (a), the director of the division for children and youth shall cause an investigation to be made of the matters alleged to determine whether there is probable cause for action and if he determines that there is such probable cause he shall order a hearing as prescribed by (7) and also notify the complainant thereof. If he determines that no further action is warranted he shall notify the complainant, who may appeal in writing to the director of the state department of public welfare, who shall review the files of the director of the division for children and youth and may affirm his decision, order further investigation or order a hearing on the charges. Provided, that in any case where a hearing has been ordered, the respondent has no standing to attack the determination of the

director of the division for children and youth or the director of the state department of public welfare in ordering such hearing, but shall be required to plead to the merits.

(7) NOTICE OF HEARING AND STATEMENT OF ISSUES. Notices of hearing shall be addressed to the respondent or respondents at his last known post-office address, shall include the statement of issues and shall be in substantially the following form:

(a) If on complaint filed as provided in (2) (a), such complaint shall be attached to the following notice:

"To ----- (name)
----- St.
-----, Wis.
Respondent

"Please take notice that a hearing will be held on the ----- day of -----, 19----, at room No. ----- (or other proper designation) of the ----- Building (or other proper designation, No. ----- St., in the city of -----, Wisconsin, at ----- o'clock ---M, or as soon thereafter as the matter may be reached, on the question whether the ----- (license, permit or certification) heretofore issued to the above named Respondent pursuant to sec. -----, Stats., should be suspended or revoked. The issues involved and the causes there to be considered are (as set forth in the attached complaint) to which you are required to make answer in writing at least ----- days before the time set for said hearing.

"Dated at Madison, Wisconsin this ----- day of -----, 19----.

"WISCONSIN STATE DEPARTMENT OF PUBLIC WELFARE

By -----
Director, Division for Children and Youth

(b) If on only part of the causes set forth in such complaint, the form set forth in subsec. (a) shall be altered by inserting in lieu of the matter enclosed in brackets: "as set forth in paragraphs -----, -----, ----- and ----- of the attached complaint."

(c) If initiated on the department's own motion, the form set forth in subsec. (a) shall be altered by inserting in lieu of the matter enclosed in brackets:

"the following:
"1. -----
"2. -----
"3. -----"

(d) If in part on complaint and in part on causes initiated by the department on its own motion, the form set forth in (a) shall be altered by inserting in lieu of the matter enclosed in brackets:

"as set forth in the attached complaint, (or paragraphs -----, -----, ----- and ----- of the attached complaint), together with the following additional issues and causes:

"1. -----
"2. -----
"3. -----"

(8) ANSWER. The answer of the respondent shall be verified, unless an admission of the allegations might subject the party to prosecution for a felony, and shall be filed with the director of the division for children and youth in triplicate (original and 2 copies) within at least one-half the time intervening between the notice of hearing and the time set for said hearing, and such time for answer shall be stated in said notice as required by (7). The answer must contain:

(a) A specific denial of each material allegation of the causes controverted by the respondent.

(b) A statement of any new matter constituting a defense or mitigating circumstances charged, which the respondent wishes to have considered.

(9) ADMISSION BY NOT DENYING. Every material allegation of the causes not controverted as prescribed shall be taken as true, but new matter in the answer shall be deemed controverted without any reply being served or filed.

(10) DEFAULT; RELIEF THEREFROM. In case the respondent fails to submit an answer as required by (8), or fails to appear at the hearing at the time fixed therefor, the causes specified may be taken as true and the department may make findings and enter its order on the basis of the facts revealed by the preliminary investigation. But the director of the division for children and youth officer or the department may, for good cause shown, relieve the respondent from the effect of such default and permit him to answer and defend the proceeding, at any time before the department enters its order or within 60 days thereafter.

(11) SERVICE AND FILING OF PAPERS. Notice of hearing shall be given by personal service, but all other notices, orders and other papers may be served by the director of the division for children and youth or the department by first class or registered mail addressed to the party at his last known post office address, or to his attorney of record. Papers required to be filed with the department or the director of the division for children and youth may be mailed to the following address:

311 State Street
Madison (3), Wisconsin

(12) CONDUCT OF HEARINGS; CONTINUANCES; APPEARANCES; EXAMINATION OF WITNESSES. Unless otherwise ordered by the department, all hearings shall be conducted on behalf of the department by the director of the division for children and youth or some other member of the division designated by him. Continuances and adjournments may be granted by such presiding officer for cause shown. The respondent may appear in person or by any officer, regular employe or attorney. The complainant may likewise so appear. Witnesses competent to take an oath shall be sworn by the presiding officer and may be examined on behalf of the department by the presiding officer or by a representative of the attorney-general acting as counsel for the department, or, with the permission of the presiding officer, by any employe of the department or by any complainant or his attorney. The respondent or any of his agents, officers or employes may be examined adversely as prescribed by section 325.14, Wis. Stats.

(13) **SUBPOENAS.** The director of the division for children and youth may sign and issue subpoenas, whether he is to conduct the hearing or not.

(14) **PREHEARING CONFERENCES.** Prehearing conferences may be held at the convenience of the parties and shall be conducted by the director of the division for children and youth or other member or employe of the division designated by him, who shall keep and preserve a record of any agreement as to the issues or stipulation or admission of fact which may be made at such conference. Such record shall be attached to the file and constitute a part of the official record of the case.

(15) **ARGUMENTS.** Except as provided in section 227.12, Wis. Stats., arguments shall be submitted to the department in writing, unless otherwise ordered. Five copies of such written arguments shall be filed with the director of the division for children and youth. The time for filing arguments shall be fixed by the officer presiding at the hearing.

(16) **VARIANCES.** The provisions of section 263.28, Wis. Stats., with reference to variances between the allegations and the proof, shall apply to proceedings under these rules.

PW-CY 40.30 Adoptions. (1) **SERVICES OF ADOPTION AGENCIES TO THE ADOPTIVE CHILD AND ITS NATURAL PARENTS SHALL INCLUDE:**

(a) The agency shall provide opportunity for discussion of the situation to help the family and the agency determine whether the services of the agency are suitable.

(b) An agency accepting responsibility for the natural family and child shall offer casework services to natural parents.

(c) In considering plans for their child, parents shall be told about the alternatives of keeping or releasing the child: They shall be informed about the appropriate resources and shall be helped to an understanding of the implications of the choice they make.

(d) If the decision is to give up the child, the agency shall help the parent and the child throughout the process of separation.

(e) In making the investigations required by section 322.02 (1), Wis. Stats., and in exercising its authority under section 48.36 (2), Wis. Stats., the agency shall obtain pertinent information about the family, its religious, cultural, social and economic background and the health, personalities and capacities of individual members.

(f) In accord with sections 46.03 (7) and 48.36 (1), (2), Wis. Stats., a careful study shall be made of the child's individual characteristics and his capacities and potentialities for growth.

(g) A general physical examination (and special tests and examinations as indicated) by a licensed physician shall be given the child.

(h) Before the child is placed for adoption, the agency shall be certain that all rights of the parent or parents have been permanently terminated pursuant to section 48.07 (7), Wis. Stats., or that the child has no parents.

(i) At the time of the termination of parental rights, the agency shall make certain that guardianship is established pursuant to section 48.07 (7), Wis. Stats.

(2) SERVICES OF ADOPTION AGENCIES TO ADOPTIVE APPLICANTS SHALL INCLUDE: (a) Written or personal inquiries about adoption shall be handled expeditiously and an appointment for an initial interview with a social worker made as soon as possible.

(b) The agency shall make known and explain the content, meaning and purpose of its policies and practices.

(c) Agencies serving children who need adoptive homes shall interpret to adoptive applicants the needs of such children for normal home life.

(d) The agency shall give the couple information about adoption as it relates to them.

(e) The agency shall seek to understand the couple's motivation for adopting children.

(f) If the couple is childless, the agency shall seek to ascertain the reason for their childlessness and its significance for them.

(g) Through this study, the agency shall determine the couple's maturity; their health; their capacity for loving the child and insuring his acceptance by the community, for providing moral and spiritual guidance, a happy and stable home, reasonable financial security; and shall secure information concerning the couple's relatives and friends.

(h) The agency shall determine through their study the sort of child whose needs the family can best meet.

(i) The caseworker shall give information regarding agency procedures and discuss with the applicants how they will work together during the study, placement, and supervisory period.

(j) The pastor and two responsible references must be consulted in accordance with section 322.02 (2), Wis. Stats.

(k) Appropriate medical opinions shall be secured regarding the health of adoptive applicants.

(l) There shall be sufficient interviews with the husband and wife together and separately to achieve the purposes of the home study.

(3) THE PLACEMENT PROCESS FOR ADOPTIVE CHILDREN SHALL INCLUDE: (a) When a child is ready for adoptive placement, the evaluation of his potentialities and needs shall be considered in relation to the evaluations of the homes studied. The home best suited to the particular child shall be chosen.

(b) The child, his personality, potentialities and needs shall be discussed with the selected adoptive parents.

(c) If these discussions result in agreement to continue the placement process, arrangements shall then be made for the selected adoptive parents to see the child and become acquainted with him.

(d) Time shall be allowed for the selected adoptive parents to consider and discuss their reactions to the child.

(e) If the agency concludes that the reactions of the selected adoptive applicants and the child are satisfactory, arrangements for placement may be made.

(f) The agency which places the child in an adoptive home shall secure the signatures of the applicants to an agreement in conformity with sections 48.22 (2), 48.36 (2) and (3), and 48.37 (3) and (4), Wis. Stats., which shall insure the right of the agency to visit the

child, give directions for his care, evaluate his adjustment, and, if necessary, remove the child at the discretion of the agency. The worker shall explain the significance of this agreement.

(g) The worker shall prepare the family for the supervisory period by giving further information regarding procedure and their relationship to the agency.

(4) SUPERVISION BY THE ADOPTION AGENCY AFTER PLACEMENT OF AN ADOPTIVE CHILD UNTIL ITS ADOPTION SHALL INCLUDE: (a) The agency shall provide casework service after the child is in the home in order to evaluate the placement and to assist in the adjustment between the child and the family.

(b) The agency shall remove the child from his adoptive home when his best interests demand such removal.

(c) The agency shall see to it that the adoptive parents are informed of the nature of the court hearing, and of the responsibility of the parents and the agency in completing the legal adoption.

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LICENSING AND OPERATION OF CHILD WELFARE AGENCIES (CHILD PLACING)

PW-CY 40.40 Organization and administration. (1) **PURPOSE.** Each child placing agency shall: (a) Define its purpose and functions broadly in articles of incorporation or in a written constitution and by-laws. The articles of incorporation or the constitution and by-laws shall state in general terms the geographic area to be served, the types of children to be accepted for care, and the services to be provided.

(b) File a copy of the articles of incorporation, if any, or a copy of the constitution and by-laws, and amendments thereto, with the department.

(c) Prior to the establishment of a new agency, or the changing of the basic program of an existing agency, consult with the department.

(d) Submit to the department, prior to the issuance of a license, an application listing specifically the kind of children to be served and details about the services offered. The application form shall be supplied by the department.

(2) **BOARD.** Every agency shall be governed by a board which is responsible for the proper conduct of the agency according to its defined purpose. The board shall: (a) Be accountable to the department for the maintenance of standards as prescribed by these rules.

(b) Meet regularly and keep minutes of each meeting which shall be made a part of the permanent records of the agency.

(c) Select and employ an executive to whom the responsibility for administration of the agency shall be delegated and, when necessary, terminate his employment.

(d) Assume responsibility, jointly with the executive, for formulating the plans and policies of the agency; but neither the governing board, nor committees thereof, shall operate the agency directly.

(e) Keep sufficiently informed through the reports of its executive and committees and through board meetings, to see that the agency fulfills all its functions in the best interests of the children served.

(3) **FINANCING.** Each agency shall: (a) Have a sound plan of financing to assure sufficient funds to enable it to carry out its defined purposes and provide proper care for children.

(b) Have sufficient funds assured to carry it through its first year of operation and be able to furnish evidence to that effect.

(c) Maintain financial records of all receipts, disbursements, assets and liabilities.

(d) Provide for an annual audit of all accounts by an auditor who is not in the employ of the agency nor a member of the board. The report of the audit shall be made a part of the agency records.

(e) Furnish financial records or financial statements to the department upon request.

History: Cr. Register, August, 1957, No. 20, eff. 9-1-57.

Register, November, 1964, No. 107

PW-CY 40.41 Personnel and personnel practices. (1) PERSONNEL.

(a) *Employees.* All employees shall be persons of good character, good health, emotional stability and of sufficient ability and education to carry out their assigned duties.

(b) *Executive.* There shall be an executive who shall: 1. Be competent to administer the agency according to its stated objectives and have the qualifications of a casework supervisor, if none is employed.

2. Be responsible for administering the policies established by the board.

(c) *Social work staff.* 1. Each agency shall have sufficient social work staff to provide satisfactory services.

2. Supervisors and caseworkers who are employed shall have professional training acquired through graduation and by degree from a recognized school of social work. This shall not apply to persons employed in social work positions in licensed child welfare agencies in Wisconsin at the time these standards become effective.

3. The casework supervisor, if employed, shall possess above average ability in casework practice and have knowledge of and skill in casework supervision. He or she shall have had at least 3 years of supervised experience as a caseworker in a recognized family or child welfare casework agency.

4. Caseworkers shall possess knowledge of casework principles and practices and shall have the ability to apply these in child welfare practice.

5. Persons (case aides) who have a liking for and an interest in working with people may assist the caseworkers with certain functions. Employees in this classification must have qualified supervision. They shall be college graduates. They shall not assume the full responsibilities and duties normally assigned to professionally trained caseworkers.

6. Social work students when placed in an agency shall work under qualified supervision for the purpose of training and experience, but shall not be considered or used as a substitute for employed staff.

(d) *Clerical services.* Every agency shall have adequate clerical services to keep correspondence, records, bookkeeping and files current and in good order.

(2) **PERSONNEL PRACTICES.** (a) Each agency shall have a written statement of personnel practices adopted by the board. This statement shall be available to and made known to each employee at the time of employment.

(b) There shall be for each position or type of position below the executive a salary range equivalent to prevailing rates of pay and commensurate with the duties and responsibilities of the position. This shall be reviewed annually.

(c) Increases in salary within the salary range shall be made in relation to the quality of service.

(d) A personnel record shall be maintained for each employee or staff member.

History: Cr. Register, August, 1957, No. 20, eff. 9-1-57.

PW-CY 40.42 Social services. (1) INTAKE AND SOCIAL STUDY. Each agency shall: (a) Adopt written policies in regard to acceptance of children for placement in foster care.

(b) Secure and record social information to determine that placement of a child in foster care is for the best interest of the child, before making such placement. In the rare instance of emergency, provision shall be made for temporary care until the intake study can be completed and a decision made regarding continuing care.

(c) Accept a child for placement only from a parent or parents, guardian, or a court of competent jurisdiction or, upon a specific written authorization by one of these to place the child, as only these have the right under the law to contract for a child's placement. An exception may be made only in the case of an emergency when the parents or guardian cannot be located. Every effort shall be made to locate promptly the child's natural protectors. If they cannot be located the agency shall not continue to care for a child without legal authority but shall inform the appropriate court immediately.

(d) In cases of joint custody, accept a child from both parents, but not from one parent or guardian alone.

(e) Except for children who are physically or mentally handicapped or emotionally disturbed, place no child under 3 years of age in a child caring institution, unless there is an established plan in operation which assures replacement of the child out of the institution within 30 days.

(f) Except for children who are physically or mentally handicapped or emotionally disturbed, place no child over 3 but under 6 years of age in a child caring institution, unless there is an established plan in operation which assures replacement of the child out of the institution within 3 months.

(g) Prior to the acceptance of a child for placement from his parents or guardian, obtain written authorization and agreement for

1. Care of the child by the agency,
2. Routine and emergency medical and surgical care,
3. Payment for care.

(2) SUPERVISION AND SERVICES TO CHILDREN. The agency shall make provision for continuing social services to the child, to his parents and to the foster parents while the child is in placement.

(3) FOSTER HOME CARE. Each agency shall: (a) Use only those foster homes and child caring institutions which are licensed under the laws of the state of Wisconsin or under the laws of the state in which such foster homes or child caring institutions are located.

(b) After giving due consideration to the emotional and physical needs and religious background of the child and his parents select a foster home or child caring institution wherein the care given will be for the child's best interests.

(c) Place a child in a home which meets the foster home standards as prescribed by the department.

(4) ADOPTIONS. Each agency licensed to make adoptive placements shall follow the standards prescribed by the department in the regulations relating to adoptions.

(5) DISCHARGE FROM CARE. Each agency shall: (a) When care is terminated release a child only to the child's parents or guardians, or to a court of competent jurisdiction, or upon the written authorization of one of these. If a child has been received for care upon court order the child shall not be released to other persons except upon court order.

(b) Provide service to the family and child prior to the return of the child to his parents or relatives. Arrangements shall be made for adequate follow-up service and supervision according to their needs.

(c) Provide the parents or agency receiving the child with pertinent health information and, when indicated, with the name of the physician who has been providing medical care.

History: Cr. Register, August, 1957, No. 20, eff. 9-1-57.

PW-CY 40.43 Program of child care. (1) **EDUCATION.** Full time school attendance is required of all children as specified in the laws of Wisconsin.

(2) **RELIGION.** Each agency shall: (a) Provide children with opportunity for moral and religious education and experience according to the religious belief of the child or his parents.

(b) Have defined policies concerning religious training for the information of those wishing to place children with it.

(c) Except for grave reasons place children in foster homes on the basis of their major religious groupings as, for example, Catholic, Protestant, Jewish.

(3) **HEALTH CARE.** (a) *General health program.* Each agency shall: 1. Take steps so that every child, after a thorough health appraisal, shall be rehabilitated, if indicated, to the fullest extent possible.

2. Follow all state and local health regulations.

3. Obtain from the parent or guardian of every child accepted for care a written authorization for emergency surgical or medical care, for necessary vaccinations and immunizations, for routine medical examinations and for hospitalization, if indicated.

4. Provide for the health care of children accepted for placement taking into consideration the religious affiliations or the expressed wishes of the parents and the child.

(b) *Admission examination.* 1. A complete physical examination covering the items included on form entitled "Health Examinations by Physicians", shall be done within 48 hours prior to the acceptance of a child for placement. In case of an emergency, a child may be accepted for placement with a preliminary examination and health history adequate for the determination of communicable disease or infestation with vermin within 48 hours of placement, but a thorough examination shall then be given within 72 hours after placement.

2. The initial admission examination shall include: a. health history of the child; developmental history; previous illnesses, injuries and operations; previous immunizations; social, emotional and environmental history.

b. Health history of the child's family including social, mental or emotional problems.

c. A thorough physical examination covering items included on form entitled "Health Examinations by Physicians". Tests for visual and auditory acuity shall be made when the age and development of the child permits. Psychological and psychiatric evaluation shall be made, if indicated.

d. The following tests unless the results of similar tests performed within 6 months prior to acceptance for placement can be obtained: blood tests for syphilis; when reasonably practical stool examination

for parasites and cultures for bacteria; tuberculin test, and chest x-ray if indicated.

3. The physician making the examination shall report his results in writing and in enough detail to show: a. The child's physical condition and state of development.

b. Freedom from or presence of communicable disease.

c. The child's ability to take part in group activities or a schedule of permitted activities when these need to be limited.

d. Recommendations and orders for future care and examinations.

(c) *Immunizations.* Each child taken under care shall be or shall have been vaccinated for smallpox and immunized against diphtheria and tetanus. Each child under 5 years of age shall be or shall have been immunized against whooping cough. Each child under care shall be or shall have been protected against polio. Initial immunizations and booster injections shall be carried out as recommended by the state board of health.

(d) *Medical examinations.* Each agency shall provide for each child, annually, a complete health examination covering items included on form entitled "Health Examinations by Physicians".

(e) *Medical care.* Each agency, or others responsible, shall make provisions for prompt treatment in case of illness and for carrying out corrective measures and treatment of remediable defects or deformities. Agencies shall make every effort to provide and secure funds and services to pay for medical, nursing and hospital care, for the correction and treatment of remedial defects or deformities. They shall not, however, be held financially responsible for expensive medical and dental care if parents or courts refuse to pay. Psychiatric treatment of emotional disturbances shall be provided when resources are available.

(f) *Dental care.* 1. Each agency shall make provision for adequate dental examinations and re-examinations and treatment, including necessary prophylaxis, repair and extractions.

2. Each child under care shall have a thorough dental examination as soon as practical after acceptance for placement and at least once a year thereafter.

3. At the time of discharge the child's current dental record shall be made available to the parent or the agency responsible for planning for the future dental care of the child.

(g) *Hospitalization.* 1. Each agency shall make provision and establish procedures for hospitalization of the children under care.

2. At the time of acceptance for placement a blanket authorization for the provision of medical and surgical care and hospitalization, and for immunizations, shall be secured from the parents or guardian.

(h) *Special care.* The agency shall inform foster parents of the expected precautions to be taken by them in the handling of medicines and prescriptions so that treatment or medication shall be given only upon the order of a physician, except for first aid treatment in case of an accident.

(i) *Medical records.* A separate health record shall be maintained for each child which includes the items on form entitled "Health Examinations by Physicians". The following items shall be included in the child's health record:

1. Signed authorization for regular and emergency medical and surgical care or for immunizations or hospitalization, if indicated.

2. Report of admission physical examination and recommendations, including the previous and continuing health and medical history of the child.

3. Reports of periodic re-examinations and recommendations.

4. Record of dental examinations showing dates and by whom given.

(j) *Clothing.* 1. The agency shall furnish adequate clothing for each child under care. Shoes shall be fitted to the individual child. Children shall be treated as individuals in the selection of clothing.

2. Clothing shall be suited to the existing climatic and seasonal conditions, be of proper size, of the character usually worn by children in the area, and adequate in amount to permit cleaning and repair.

(k) *Reports.* The death or serious injury of any child under care shall be reported to the department within 48 hours.

History: Cr. Register, August, 1957, No. 20, eff. 9-1-57.

PW-CY 40.44 Records and reports. (1) **GENERAL REQUIREMENTS.** Each agency shall maintain records and submit reports prescribed by the department. Authorized representatives of the department shall have access to all records and shall respect their confidential nature in accordance with section 48.78, Wis. Stats.

(2) **RECORDS.** Records which every agency shall maintain are:

(a) A permanent register of all children accepted for service or placement.

(b) Individual case records for each child served and his family.

(c) Individual foster home records for each foster home used by the agency.

(d) Health records of children.

(e) Personnel records.

(f) Financial reports and audits.

(3) **REPORTS.** Reports which each agency shall submit to the department are:

(a) Quarterly statistical report (form CY16).

(b) Social data card for each child accepted for care (form CY22).

(c) Social data change sheet for each child when need for this is indicated (form CY22A).

(d) Stubs of foster home licenses when issued by the agency.

(e) Reports of offer of service to unmarried mothers, if indicated (form CY17A).

(f) Each agency shall make a report to the department within 48 hours after the occurrence of an unusual incident, such as the death or serious injury of a child, or his alleged abuse or exploitation.

(g) Financial records or financial statements upon request.

History: Cr. Register, August, 1957, No. 20, eff. 9-1-57.

**LICENSING AND OPERATION OF CHILD
WELFARE AGENCIES****(Child Caring Institutions)**

PW-CY 40.50 Organization and administration. (1) **PURPOSE.** (a) Except as provided in subsection (b) every child caring institution shall: 1. Define its purpose and functions broadly in articles of incorporation or in a written constitution and by-laws. The articles of incorporation or the constitution and by-laws shall state in general terms the geographic area to be served, the types of children to be accepted for care, and the services to be provided;

2. File a copy of the articles of incorporation, if any, or a copy of the constitution and by-laws, and amendments thereto, with the department;

3. Prior to the establishment of a new institution, or the changing of the basic program of care of an existing institution, consult with the department;

4. Submit to the department, prior to the issuance of a license an application listing specifically the kind of children to be served and details about the services offered. The application form (CY 124) shall be supplied by the department;

(b) An institution whose purpose is primarily educational, if not incorporated, shall, in lieu of compliance with (a) 1 and 2, define its purpose and functions in a statement to be filed with the department.

(2) **LOCATION.** All institutions shall be located where conditions beneficial to the health, safety, and well-being of the children can be maintained.

(3) **BOARD.** Every institution, except one whose purpose is primarily educational, shall be governed by a board which is responsible for the proper conduct of the agency according to its defined purpose. In the absence of a board, the operator or operators of an educational institution shall be accountable to the department for the maintenance of standards as prescribed by these rules. The board shall: (a) Be accountable to the department for the maintenance of standards as prescribed by these rules;

(b) Meet regularly at reasonable intervals and keep minutes of each meeting which shall be made a part of the permanent records of the institution;

(c) Select and employ an executive to whom the responsibility for administration of the institution shall be delegated and, when necessary, terminate his employment;

(d) Assume responsibility, jointly with the executive, for formulating the plans and policies of the institution, but neither the governing board, nor committees thereof, shall operate the institution directly;

(e) Keep sufficiently informed through the reports of the executive and committees, board meetings and visits, to see that the institution fulfills all its functions in the best interests of the children served.

(4) **FINANCING.** Each institution shall: (a) Have a sound plan of financing to assure sufficient funds to enable it to carry out its defined purposes and provide proper care for children.

(b) Have sufficient funds assured to carry a new institution through its first year of operation and be able to furnish evidence to that effect.

(c) Maintain financial records of all receipts, disbursements, assets and liabilities.

(d) Provide for an annual audit of all accounts by an auditor who is not in the employ of the agency nor a member of the board. The report of the audit shall be made a part of the agency records.

History: Cr. Register, October, 1957, No. 22, eff. 11-1-57.

PW-CY 40.51 Personnel and personnel practices. (1) PERSONNEL.

(a) *General qualifications.* All employees shall be persons of good character, good health, emotional stability and of sufficient ability and education to carry out their assigned duties. They shall have qualifications to enable them to work with children.

(b) *Administrative staff.* The administrative staff shall consist of:
1. An executive trained and successfully experienced with children in a field of social work, education, medicine, nursing, religious service, or other allied professions. The executive shall possess administrative skill and have a concept of the broad field of services to children, and of the role of the institution in meeting the needs of children in the community.

2. A qualified staff person to whom authority can be delegated in the absence of the executive.

(c) *Clerical staff.* Every institution shall have adequate clerical services to keep correspondence, records, bookkeeping and files current and in good order.

(d) *Child care staff.* Child care staff shall be defined as those persons, such as houseparents, counselors, housemothers or group mothers, who are primarily responsible for the day-to-day living experiences of the children and who act as substitute parents. They shall:
1. Have sufficient training and experience to equip them for their work.

2. Be in good physical and mental health.

3. Have unquestionable moral and emotional fitness for work with children.

(e) *Other staff.* Staff such as cooks, kitchen help, housekeepers, gardeners, janitors, laundresses and seamstresses shall be employed in sufficient numbers to carry on the necessary every day housekeeping functions of the institution.

(f) *Supervision of children.* Staff for supervision of children shall include:
1. At least one houseparent or assistant houseparent, or employee properly substituting for either of these, on duty during waking hours. During this time one houseparent shall be responsible for no more than 15 children of school age.

2. A registered nurse, or a person approved by a physician, on duty at all times when children under 2 years of age are under temporary care pending placement.

3. A staff member at night within hearing or call of every 25 children.

4. Another adult who can be summoned to assist in cases of emergency so that the children are not unattended.

(g) *Social work staff.* See social services.

(2) **PERSONNEL PRACTICES.** (a) Each institution shall have a written statement of personnel practices adopted by the board. This statement shall be available to and made known to each employee at the time of employment.

(b) There shall be for each position or type of position, apart from that of the executive or superintendent, a salary range equivalent to prevailing rates of pay and commensurate with the duties and responsibilities of the position. This shall be reviewed annually.

(c) Increases in salary within a given range shall be made in relation to quality of service. This does not apply to members of religious orders.

(d) Every staff member shall have a physical examination before he or she begins work and annually thereafter. Such examination shall include a tuberculin test, and a chest x-ray if indicated, a blood test for syphilis and any other laboratory procedures recommended by the examining physician to show freedom from communicable disease.

(e) A personnel record which is confidential shall be maintained for each employee or staff member.

History: Cr. Register, October, 1957, No. 22, eff. 11-1-57.

PW-CY 40.52 Buildings, grounds, and equipment. (1) **GENERAL REQUIREMENTS.** (a) All buildings used to house an institution and all construction or remodeling of an institution shall comply with state and local building codes.

(b) Plans for new buildings or extensive remodeling of existing buildings shall be submitted to the department for review and to the industrial commission and local authorities for approval, before contracts are let or the construction work begun.

(c) The department shall request the industrial commission, or the local building authority, to make a building inspection of each institution at intervals not to exceed 2 years. The orders of these authorities shall be mandatory.

(d) The premises of each institution shall be used exclusively for the program of child care and shall be equipped for that purpose.

(2) **GENERAL SANITATION.** The institution shall: (a) Comply with requirements and qualify for approval of the state and local departments of health.

(b) Keep all parts of the building and equipment clean and sanitary.

(3) **WATER.** The institution shall: (a) Have available at all times a safe, adequate supply of running hot and cold water.

(b) If available, have drinking water supplied from an approved public water supply.

(c) When water is obtained from a private well, see that the water supply is in compliance with the requirements of the state board of health, and that its safety is assured by monthly testing of samples submitted to the State Laboratory of Hygiene, Madison, Wisconsin, or to a laboratory certified by the state board of health.

(d) Prohibit the use of common drinking utensils.

(4) **SEWAGE.** Sewage shall be disposed of through a municipal sewage system when available. When an independent or private system is necessary the installation shall comply with the requirements of the state board of health.

(5) **BATH AND TOILET FACILITIES.** The institution shall: (a) Maintain bathrooms, toilets and lavatories, which shall be convenient to the sleeping rooms, in a sanitary condition. Where there is a toilet there shall also be a lavatory.

(b) Provide separate toilets and bathrooms for boys and girls 6 years of age and over and separate bath and toilet facilities for staff.

(c) Prohibit the use of common towels.

(d) Provide privacy and toilet room equipment of the appropriate height for the children using it.

(e) Provide one toilet for every 8 children, one tub or shower for every 8 children, one lavatory for every 4 children.

(6) **SLEEPING FACILITIES.** The institution shall: (a) Provide sleeping rooms of an area not less than 50 square feet with a maximum of a 9 foot ceiling and not less than an average of 500 cubic feet per child. A room designed and used for one child shall contain at least 600 cubic feet with a minimum floor dimension of 7 feet.

(b) Provide each child with his own bed which shall be not less than 30 inches wide nor shorter than his height.

(c) Provide separate sleeping rooms for boys and girls 6 years and over.

(d) Have beds at least 3 feet apart at the head, foot and sides. Double-decker beds, if used, shall be 3 feet apart at the head and foot and at least 5 feet apart at the sides.

(e) Provide each bed with level, substantial springs, a comfortable mattress, a pillow, 2 sheets and sufficient covering for comfort.

(f) Provide a complete change of clean bed linen once a week. For the enuretic child, clean bed linen shall be provided after wetting of the bed. Rubber sheeting shall be provided for all children under 6 years of age and for all enuretics.

(7) **HEAT, LIGHT, VENTILATION AND SCREENING.** The institution shall: (a) Provide heating facilities that will keep the temperature in living and sleeping quarters within the range of 70-74 degrees fahrenheit during the day and 55-65 degrees fahrenheit during the night.

(b) Provide for heating bathrooms above the minimum temperatures.

(c) See that natural light and ventilation are available in every room used by children and staff. Window areas shall not be less than one-tenth of the floor area of each room and not less than 12 square feet per room.

(d) Provide artificial light when needed. Classrooms and study rooms shall follow lighting standards as prescribed by the industrial commission.

(e) Provide proper screening throughout the building where and when needed.

(8) **SAFETY AND PROTECTION FROM FIRE.** The institution shall: (a) Comply with state and local building codes and ordinances relating to fire protection and safety.

(b) Have a definite plan of evacuation of buildings in case of fire, using fire drills as indicated.

(c) Train staff and children in properly reporting a fire and train staff in extinguishing a small fire.

(d) Provide one fire extinguisher for every 2000 square feet of floor area, and at least one extinguisher on each floor, including the basement.

(e) Keep fire extinguishers charged and filled at all times and have them inspected annually.

(f) Have all exits, doors, halls and stairs well lighted and kept clear and ready for instant use. Exit signs and lights shall be provided when required by the building code.

(g) Provide more than one exit leading to the outside of the building from each floor, such exit doors to open outward and not to be locked from the inside.

(h) Report any major fire on the premises to the department within 48 hours.

(i) Instruct the children in fire prevention by seeing that care is exercised by the staff in allowing children to use matches, to tend fires, to play around unprotected areas, to smoke or to handle inflammable or combustible materials.

History: Cr. Register, October, 1957, No. 22, eff. 11-1-57.

PW-CY 40.53 Child care and development. (1) **GENERAL REQUIREMENTS.** Each institution shall: (a) Establish a well rounded and flexible program of child care to provide desirable living experiences as aids to individual development and growth, constantly evaluate this program, which involves spiritual, mental, social and emotional adjustment and character building, and adapt it to the needs of children currently under care.

(b) Integrate the institution program with community activities so that children have normal community contacts and opportunities to participate in outside activities wherever possible.

(2) **PERSONAL HYGIENE.** Appropriate means shall be provided so that every child will have an opportunity to develop proper and socially accepted habits, including personal care and hygiene.

(3) **CLOTHING.** Each institution shall: (a) Furnish each child with adequate clothing, individually selected and properly fitted, which shall be appropriate to the season and comparable to that worn by other children in the community. It shall be marked with the child's name.

(b) See that all shoes are fitted to the individual child and that they are kept in repair.

(c) Provide an adequate supply of coats, shoes, gloves, rubbers, galoshes and rain equipment.

(4) **WORK EXPERIENCE.** Each institution shall: (a) See that all work done by the children in the institution is appropriate to the age, health and abilities of the child, that it is assigned with the view

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to training, as much as possible, and that it does not interfere with the child's time for school, study periods, play, sleep, normal community contacts or visits with his family.

(b) Not require children to be solely responsible for any major phase of the institutional operation or maintenance such as cooking, laundering, housekeeping, farming or repairing.

(c) Not consider or use children as substitutes for employed staff or as a source of cheap labor.

(d) Observe the rules of the industrial commission regarding child labor and not permit a child under 14 years of age to operate a tractor except in the immediate presence of an adult.

(5) **EXPLOITATION.** No child shall be used for the purpose of soliciting funds for the agency in any way which would be harmful or cause embarrassment to the child or his family.

(6) **DISCIPLINE AND CONTROL.** Each institution shall: (a) Regard discipline, when necessary, as an educational process aimed to change attitudes as well as conduct, and to help the child understand and conform to established standards of behavior by the exercise of inner control, rather than by external pressure.

(b) Prohibit physical abuse and ill treatment as well as harsh and humiliating discipline.

(3) Determine the kind of discipline needed on an individual basis and discourage the use of group discipline for an offense by an individual. Care shall be taken not to create a distaste for work by using it as an inappropriate discipline.

(d) Prohibit the deprivation of meals as a method of discipline.

(e) Not permit a child to punish another child or a group of children.

(7) **HEALTH CARE.** (a) *General health program:* Each institution shall: 1. Take steps so that every child, after a complete and total health appraisal, shall be rehabilitated, as indicated, to the fullest extent possible.

2. Follow all state and local health regulations.

3. Have a definitely planned program of health supervision and medical care.

4. Obtain from the parent or guardian of every child accepted for care a written authorization for emergency surgical or medical care, for necessary vaccinations and immunizations, for routine medical examinations and for hospitalization, if indicated.

5. Provide for the health care of the children, taking into consideration the religious affiliations or the expressed wishes of the parents and the child.

(b) *Admission examination.* A complete physical examination covering items included on form (CY 120) entitled "Health Examinations by Physicians" shall be made within 48 hours prior to the admission of a child. In case of emergency a child may be admitted with a preliminary examination and health history adequate for the determination of communicable disease and infestation with vermin within 48 hours of admission, but a thorough examination shall then be given within 72 hours after admission. The initial admission examination shall include: 1. Health history of the child. a. Developmental history,

b. Previous illnesses, injuries and operations,

c. Previous immunizations,

- d. Results of any clinical tests,
 - e. Social, emotional and environmental history.
2. Health history of the child's family covering social, mental or emotional problems.
3. A thorough physical examination covering items included on form (CY 120) entitled "Health Examinations by Physicians". Tests for visual and auditory acuity shall be made when the age and development of the child permits. Psychological and psychiatric evaluation shall be made if indicated.
4. The following tests unless the results of similar tests performed within six months prior to acceptance for care can be obtained: a. Blood tests for syphilis,
- b. When reasonably practical, stool examination for parasites and cultures for bacteria,
 - c. Tuberculin test, and chest x-ray if indicated.
- (c) *Physician's report.* The physician making the examination shall report his results in writing and in enough detail to show: 1. The child's physical condition and state of development.
2. Freedom from or presence of communicable disease.
 3. The child's ability to take part in group activities or a schedule of permitted activities when these need to be limited.
 4. Recommendations and orders for future care and examinations.
- (d) *Immunization.* 1. Each child taken under care shall be or shall have been: a. Vaccinated for smallpox, b. Immunized against diphtheria, c. Protected against polio, d. If under 5 years of age, immunized against whooping cough, e. Immunized for tetanus.
2. Initial immunizations and booster injections shall be carried out as recommended by the state board of health.
- (e) *Medical examinations.* Each institution shall provide for each child, annually, a complete health examination covering items included on form (CY 120) entitled "Health Examinations by Physicians".
- (f) *Medical care.* Each institution shall: 1. Provide for prompt treatment in case of illness and for carrying out corrective measures and treatment of remedial defects and deformities.
2. Make every effort to provide and secure funds to pay for medical, nursing and hospital care, and for the correction and treatment of remedial defects and deformities. However, it shall not be held financially responsible for expensive medical and dental care if parents or referring agencies or courts refuse to pay.
 3. Provide psychiatric treatment of emotional disturbances when resources are available.
- (g) *Dental care.* Each institution shall: 1. Provide for adequate dental examination and re-examinations and treatment, including necessary prophylaxis, repair and extraction.
2. See that each child under care has a thorough dental examination as soon as practical after admission and at least once a year thereafter.
 3. At the time of discharge make available to the parents, or to the agency responsible for planning for the future dental care of the child, the child's current dental record.

(h) *Hospitalization.* Each institution shall: 1. Make provisions and establish procedures for hospitalization of the children under care.

2. At the time of admission to care secure a blanket authorization for the provision of medical and surgical care, for immunizations and for hospitalization, if indicated, from the parents or guardian.

(i) *Special care.* 1. Special care and close adult supervision, as needed, shall be provided for sick children. Food supplies, utensils, lavatory facilities and bedding used by sick children shall not be used by well children.

2. Opportunity for 8 to 10 hours of uninterrupted sleep shall be provided according to the age and other individual needs of the child.

(j) *First aid.* 1. At least one member of the child care staff shall be able to administer first aid which shall be the equivalent of Red Cross First Aid Training.

2. Each institution shall have available for instant use a first aid kit including a supply of rolled bandages, tape, band-aids and a safe germicide.

(k) *Nursing care.* The institution shall: 1. When nursing care is prescribed for a child by the attending physician, provide a registered nurse, or a person approved by a physician.

2. See that a registered nurse, or a person approved by a physician, is on duty at all times when children under two years of age are under temporary care pending placement outside the institution.

3. Have available a sterile clinical thermometer.

4. Take special precautions in the handling of medicines and prescriptions and give treatment and medication only upon the order of a physician, except for first aid treatment in case of an emergency.

5. Keep medicine cabinets locked when not in immediate use, and the keys removed.

(l) *Medical records.* A separate health record shall be maintained for each child covering items included on suggested form (CY 120) entitled "Health Examinations by Physicians". The child's health record shall include: 1. Signed authorization for emergency medical and surgical care, for immunizations or hospitalization, if indicated.

2. Report of admission physical examination and recommendations, including the previous and continuing health and medical history of the child.

3. Reports of periodic re-examinations and recommendations.

4. Record of dental examination and treatment showing dates and by whom given.

(m) *Reports.* The death or serious injury of any child under care shall be reported to the department within 48 hours.

(8) **FOOD AND NUTRITION.** (a) *Nutritional requirements.* Each institution shall: 1. Provide the children under care with wholesome appetizing food adequate to meet their daily nutritional requirements. Differences in the amounts of food served, dependent upon physical development, shall be observed.

2. Provide supplementary food or modify diets as ordered by the physician for those children who have special needs.

3. Keep menus on file for a period of a year and submit them for review upon request of the department for evaluation by qualified nutritionists or dietitians.

4. Recognize variations in appetites and encourage but not force children to eat.

(b) *Food.* Each institution shall: 1. See that all fresh fluid milk used or served is pasteurized from Grade A sources.

2. Provide each child daily with at least 1½ pints of milk.

3. See that all food, canned or frozen by the institution, is processed in accordance with safe and approved methods.

4. See that home canned vegetables, meat, fowl and fish are boiled for at least 15 minutes after removal from the container before being tasted or eaten, because of the danger of botulism.

(c) *Meal planning and service.* Each institution shall: 1. Serve meals at recognized meal times and at least three times a day except when children obtain their noon meal at school.

2. When planning meals, give consideration to the religious practices of the children.

3. See that staff members, who do not have special dietary needs and who eat with the children or are served by them, do not receive food different from that served to the children (except tea and coffee).

(d) *Personnel.* All employees who handle food or work in the kitchen shall: 1. Have a physical examination just prior to, or at the time of, employment and annually thereafter. This examination shall include a blood test for syphilis and a chest x-ray. The report of the results of the examination shall be made a part of the employee's confidential personnel record.

2. Persons with a health history of typhoid, paratyphoid, dysentery, or other diarrheal diseases shall not be employed for work in the kitchen until it has been definitely determined by appropriate tests that such persons are not carriers of these diseases.

3. Be temporarily relieved of their duties when they show symptoms of illness (colds, elevated temperatures, rash or when they have open lesions) until such conditions are no longer present.

4. Refrain from the use of tobacco in the food preparation and storage areas.

5. Wear clean apparel and give special attention to the cleanliness of hands and fingernails. Hairnets, caps or other suitable covering shall be used to confine the hair.

(e) *Sanitation.* Each institution shall: 1. Observe and apply the regulations of the state board of health in relation to the proper facilities for sanitation throughout the kitchen, food preparation, serving and dining areas for the purpose of insuring cleanliness and protection from disease.

2. With respect to the kitchen, kitchen equipment and dishwashing procedures, meet the requirements of the state board of health for eating establishments.

3. Maintain multi-use utensils (cutlery, glassware, silver, dishes and kitchenware) in a clean and sanitary condition. Such utensils shall be cleaned and effectively sanitized after each use and they shall be discarded when chipped, cracked, pitted or when the outer surface is worn. Dishes shall be stored after each meal in a clean, dry place which is protected from flies, dust and other contamination. All foods, dishes and utensils and all cooking and storage areas shall be protected from insects and rodents.

4. See that the kitchen is clean, properly ventilated and adequately lighted.

5. Provide proper facilities for the storage and preservation of food.

6. See that the food preparation and service area is provided with adequate toilet and handwashing facilities which shall conform to state and local regulations. Soap and single service towels shall be provided near the handwashing facilities.

7. Provide tables and surfaces, with which food and drink may come in contact, of smooth, nonabsorbent, easily cleaned material.

8. Keep garbage in tightly covered containers, unless another method of disposal is provided, and trash in suitable containers so as not to become a nuisance or a fire hazard.

(9) **RELIGIOUS TRAINING.** Each institution shall: (a) Have defined policies regarding religious training for the information of those wishing to place children in the institution.

(b) In the religious education and experience provided, take into consideration the religious affiliations or the expressed wishes of the parents and of the child.

(10) **EDUCATION.** Each institution shall: (a) Be responsible for providing opportunity for academic and vocational training in accordance with the statutory requirements (Section 40.77, Wis. Stats.) and with the abilities and needs of the children. Compulsory school attendance is applicable to both public and private schools.

(b) Provide for specialized training for children unable to benefit from a regular school program because of physical, mental or emotional reasons. If these facilities are unavailable, efforts should be made to provide them.

(11) **RECREATION AND LEISURE TIME.** Each institution shall provide for a varied recreation program under competent leadership. In order to bring the children closer to the community, community recreational facilities shall be used when available and suitable. The institution itself will need to provide some facilities of its own.

(12) **CONTACTS WITH PARENTS AND RELATIVES.** (a) Appropriate and sufficient opportunity, determined on a casework basis, shall be made for children to visit with their families and relatives. Visits shall be allowed unless it is indicated that such visits are harmful to the child.

(b) An educational institution shall make provision for appropriate and sufficient opportunity for the children to visit with their families and relatives.

History: Cr. Register, October, 1957, No. 22, eff. 11-1-57.

PW-CY 40.54 Social services. (1) **GENERAL REQUIREMENTS.** (a) Each institution shall provide social services, including casework services, for children under care. Such services shall be provided by qualified caseworkers on the staff of the institution or by arrangement with a cooperating casework agency or agencies.

(b) An exception to the provision of social services and sufficient social work staff to provide satisfactory services shall be considered by the department in the case of an educational institution.

(2) **SOCIAL WORK STAFF.** (a) With the exception allowed in PW-CY 40.54 (1) (b) each agency shall have sufficient social work staff to provide satisfactory services.

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(b) Supervisors and caseworkers who are employed shall have professional training acquired through graduation and by degree from a recognized school of social work. This shall not apply to persons employed in social work positions in licensed child welfare agencies in Wisconsin at the time these standards become effective.

(c) The casework supervisor, if employed, shall possess above average ability in casework practice and have knowledge of and skill in casework supervision. He or she shall have had at least 3 years of supervised experience in a recognized family or child welfare casework agency.

(d) Caseworkers shall possess knowledge of casework principles and practices and shall have the ability to apply these in child welfare practice.

(e) Persons (case aides) who have a liking for and an interest in working with people may assist the caseworkers with certain functions. Employees in this classification must have qualified supervision. They shall be college graduates. They shall not assume the full responsibilities and duties normally assigned to professionally trained caseworkers.

(f) Social work students when placed in an institution shall work under qualified supervision for the purpose of training and experience, but shall not be considered or used as a substitute for employed staff.

(3) SOCIAL CASEWORK. (a) *Intake and admission.* Each institution shall: 1. Clearly define its intake policies in writing.

2. Limit admission to children for whom the institution is qualified by staff, equipment, capacity and program to give adequate care.

3. Accept no child for care without the written consent of parents or guardian or without a court order. There shall also be a written financial agreement and authorizations for medical and surgical care and hospitalization, when indicated.

4. When another agency has legal custody or guardianship, or is primarily responsible for planning for a child, have available copies of the original consents, orders, agreements and authorizations retained by the referring agency.

5. Except for the physically or mentally handicapped or emotionally disturbed, accept in the institution for care no child under 3 years of age unless there is an established plan in operation which assures replacement of this child out of the institution within 30 days.

6. Except for the physically or mentally handicapped or emotionally disturbed, accept for care in the institution no child over 3 but under 6 years of age unless there is an established plan in operation which assures replacement out of the institution within 3 months. Any existing institution which has children under 6 years of age under care when these standards take effect shall take steps so that all such children, with the exceptions outlined in paragraphs 5 and 6, are discharged from care before or by July 1, 1960.

7. Before acceptance for care, secure social information to determine that placement of the child in the institution is for the best

interest of the child. In the rare instance of emergency, provision shall be made for temporary care until the intake study can be completed and a decision made regarding continuing care.

(b) *Services to the child under care.* With the exception allowed in PW-CY 40.54 (1) (b), each institution shall: 1. Be responsible for providing for continuing social services to the child and to his family while the child is in the institution.

2. Evaluate the progress of the child in the institution. This evaluation shall be made at least every 6 months by the casework staff in conjunction with other members of the institutional staff whose contact with the child is significant. In the evaluation attention shall be given to the child's changing needs, the use he is making of placement, his readiness to return to his family, the ability of his family to accept him, and the long range plan for the child based upon the progress and the development of the situation.

(c) *Discharge from care.* 1. With the exception allowed in PW-CY 40.54 (1) (b), discharge shall be a part of a well planned program worked out individually with the child and through staff participation. Time shall be allowed to prepare the child for the situation into which he is going. Follow-up casework and supervision shall be provided directly by the institution or by another cooperating casework agency.

2. The parents or agency receiving the child shall be provided pertinent health information and, when indicated, the name of the physician who has been providing medical care.

History: Cr. Register, October, 1957, No. 22, eff. 11-1-57.

PW-CY 40.55 Records and reports. (1) **GENERAL REQUIREMENTS.** Each institution shall maintain records and submit reports prescribed by the department. Authorized representatives of the department shall have access to all records and shall respect their confidential nature in accordance with section 48.78, Wis. Stats.

(2) **RECORDS.** Records which each institution shall maintain are:
1. A permanent register of all children accepted for care. Included in the register shall be brief identifying information about each child including the following: name, sex, birthdate and birthplace; names, addresses and marital status of parents or guardians; date of admission and discharge; name of person or agency to whom the child was discharged.

2. Individual case records for all children accepted for care. Case records shall be confidential and shall be protected from unauthorized examination. The keeping of the case record shall be the responsibility of a properly designated person.

3. Health records of children.

4. Personnel records.

5. Financial reports and audits.

6. Record of meals served.

(3) **REPORTS.** Reports which each institution shall submit to the department are: 1. Quarterly statistical report (Form CY 16).

2. Social Data Card for each child accepted for care (Form CY 22).

3. Social Data Change Sheet for each child when need is indicated (Form CY 22 A).

4. Financial records or financial statements upon request.

5. Record of meals served upon request.

6. Special reports. Each institution shall report to the department within 48 hours after the occurrence of an unusual incident, such as a major fire or the death or serious injury of any child or his alleged abuse or exploitation.

History: Cr. Register, October, 1957, No. 22, eff. 11-1-57.

PW-CY 40.60 Services to the child and his own family. The agency shall: (1) Offer casework service to the family in order to understand its problems, determine strengths of family ties, and evaluate its needs.

(2) Identify and weigh plans alternative to foster home placement.

(3) Refer the family to appropriate resources if this is indicated.

(4) Help parents and child understand and accept the separation if this becomes necessary.

(5) Through knowledge of the child, his personality, behavior, capacities, likes and dislikes, select a foster home appropriate to the child's needs.

(6) Place no more than 2 children under 2 years of age in one foster home.

(7) Obtain authorization to place children through court order or through contract with the parents or guardian (section 48.61 (1) and (2), Wis. Stats.). All such contracts shall be written.

(8) See to it that the child has a physical examination upon placement.

(9) Plan for continuing casework service with the child's own family during the period of separation.

History: Cr. Register, April, 1957, No. 16, Eff. 5-1-57.

PW-CY 40.61 Services to foster family; casework service. The agency shall: (1) Help all the members of the foster family to understand the nature of foster care and their relationship to a child.

(2) Examine and explore the reasons for the foster family's interest in providing care.

(3) Determine whether the family can accept the temporary nature of foster boarding care if placement is temporary.

(4) Help the foster family recognize its capacities and limitations in meeting the needs of particular children.

(5) Provide information to the foster family in order to enable the family and agency to work together in the interest of the child's adjustment.

History: Cr. Register, April, 1957, No. 16, Eff. 5-1-57.

PW-CY 40.62 Requirements for licensing. (1) THE FOSTER FAMILY. The foster family shall: (a) Closely resemble a normal family group.

(b) Have maturity, good health, a capacity to love children and accept them as members of the family, and help effect their acceptance in the community.

(c) Have ability to accept children for what they are and provide for their growth and development as individuals.

(d) Provide moral and spiritual guidance, a happy and stable home.

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- (e) Provide a nutritious and well balanced diet of sufficient quantity.
- (f) Have income adequate to meet its needs.
- (g) Agree to report to the agency immediately illness and injuries of the child, changes of address, disappearance or planned absence of the child, behavior problems of the child in home, school, and community.
- (h) Have a competent person in charge of the child at all times.
- (i) Agree to take into care no other children without permission of the licensing agency.
- (j) Agree to the removal of the foster child upon the request of the agency.

(2) **THE FOSTER HOME.** The foster home shall: (a) Be located in a community conducive to the emotional and physical wellbeing of children.

- (b) Have adequate space for indoor and outdoor play.
- (c) Comply with applicable state and local fire, sanitary, and safety regulations and meet approved standards for housekeeping.
- (d) Provide an individual bed for each child in an adequately heated and ventilated room. (Exception may be made for siblings.)
- (e) Provide a sleeping room so located that the child is assured of an adequate number of uninterrupted hours for sleep.
- (f) Arrange that a responsible adult sleep within call.

History: Cr. Register, April, 1957, No. 16, Eff. 5-1-57.

PW-CY 40.63 Services to the child and the foster family. The agency shall: (1) See to it that the foster parents' ability and interest in providing care are compatible with the child's needs.

- (2) Help the foster family understand the child and meet his needs.
- (3) Interpret the reason for separation of the child from his own family and help the foster family understand and accept the realities of the child's own family situation.
- (4) Periodically evaluate to see how adequately the foster parents are meeting the needs of the child during the period of placement.
- (5) Give casework service to the child in order to help in his adjustment and to help modify attitudes and behavior when indicated.
- (6) Make certain that the child's educational needs are met in compliance with the laws of the state.
- (7) Enlist the cooperation of community resources in order to further the child's total adjustment.
- (8) Help the foster family understand the child and his individual needs and help modify the handling of the child when indicated.
- (9) In the best interests of the child, continue to give casework services to the child's own family during the period of placement (unless there has been a termination of parental rights).
- (10) See to it that the child has an annual medical and dental examination, necessary follow-up consistent with accepted pediatric standards, and adequate medical care including hospitalization.
- (11) Help the foster parents and the child understand the reason for removal of the child if re-placement becomes necessary.
- (12) Help the foster parents, own parents, and child in preparing the child for return to his own home (unless there has been a termination of parental rights).

History: Cr. Register, April, 1957, No. 16, Eff. 5-1-57.

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PW-CY 40.64 Family group and family receiving homes. (1) **THE FOSTER FAMILY.** The foster family shall: (a) Have special qualities and capacities for meeting the needs of children in a group setting.

(b) Together with other adults working with the children, have a physical examination prior to licensing and annually thereafter or more frequently if indicated, with the objective of determining their capacity to provide satisfactory care.

(c) Comply with the applicable state and local fire, safety, and sanitary regulations and meet approved standards of housekeeping.

(d) Have adequate room for indoor recreation and outdoor play space.

(2) **THE AGENCY.** The agency shall assign to the group and receiving home a worker whose responsibility it shall be to coordinate all home-agency relations, both counselling and administrative.

History: Cr. Register, April, 1957, No. 16, eff. 5-1-57.

PW-CY 40.70 Definitions. (1) **DAY CAMPING** means an experience in group living in a natural environment. It is a creative, educational experience in cooperative group living in the out-of-doors; carried on during the day time under the supervision of trained leaders. It utilizes resources of the natural surroundings to contribute significantly to mental, physical, social and spiritual growth.

(2) **DEPARTMENT** means the Wisconsin State Department of Public Welfare.

(3) **DIVISION** means the Wisconsin State Division for Children and Youth.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.71 License. (1) **LICENSE REQUIREMENTS.** Day Camps providing group care for 4 or more children under 7 years of age and operating for compensation and/or consideration for services must be licensed.

(2) **LICENSE PROCEDURES.** (a) A non-transferable license shall be secured annually from the department, upon appropriate application and compliance with the rules and standards.

(b) Each license shall bear the name of the camp, name of the person licensed, and a description of the premises.

(c) The number of children specified on the license is the maximum number to be received or to be cared for at one time.

(d) There is no fee charged for the license.

(3) **LICENSING EXEMPTIONS.** No license is required for a person or persons who provide: (a) Camping experience for children at the child's own home and/or in homes of relatives or guardians.

(b) Camping experience conducted by public and parochial schools.

(c) Camping given to children on church premises while their parents are attending religious services.

(4) **APPLICATION FOR LICENSE.** An application for a license which shall be made in writing to the department shall include: (a) A statement from the state laboratory of hygiene or certified laboratory indicating that the water source has been tested and found to be safe.

(b) A statement of the purpose of the day camp.

(c) A description of the program and activities designed to carry out the purposes.

(d) A general description of the camp area and its general geographical location.

(e) A completed application form.

(5) RENEWAL OF LICENSE. Application for a renewal of license shall be made: (a) Each year in writing to the department on specified forms.

(b) Whenever there is a change in the conditions described on the last license issued.

(6) EVALUATION. (a) A representative of the department shall visit and study each day camp before the initial licensing and each subsequent renewal. The representative shall submit to the department a written evaluation indicating whether the required standards have been met. He may visit at any time to assure continued compliance.

(b) Each camp shall have the continued supervision and consultation of the department and shall submit required reports.

(c) The department at its discretion shall have the authority to make exceptions to any rule or standard, when it is assured that the granting of such an exception will not be detrimental to the children attending the camp.

(7) PROVISIONAL LICENSES. A provisional license may be issued and renewed in periods up to two years to any camp whose services are needed, but is temporarily unable to conform to all established minimum requirements.

(8) REVOCATION OF LICENSE. (a) The right to operate is dependent upon continued compliance with the required rules and standards.

(b) The license may be revoked by the department in accordance with section 48.71 (1) and (2), Wis. Stats., and with section PW-CY 40.02 dealing with license procedures.

(9) APPEAL PROCEDURE. (a) Any person aggrieved by the department's refusal or failure to issue or renew a license, or by its revocation of a license, has the right to an administrative hearing provided for contested cases in chapter 227, Wis. Stats.

(b) Judicial review of the department's decision may be had as provided in chapter 227, Wis. Stats.

(10) ALLEGED VIOLATIONS. (a) Whenever the department has reason to believe that any person is violating any of the provisions of sections 48.60, 48.62, or 48.65 Wis. Stats., it shall make an investigation to determine the facts and prosecute under section 48.76, Wis. Stats. if indicated.

(b) The department may either revoke the license and/or institute prosecution.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.72 Personnel standards. (1) ALL PERSONNEL. (a) *Required standards.* 1. The camp staff shall be adequate for the maintenance of the camp, for the care, protection, and education of the campers, and for business administration. There shall be a ratio of at least one counselor to every 8 children younger than 7 years of age. (This ratio is exclusive of administrative staff, junior counselors, or counselors-in-training. Administrative staff is defined as those staff members whose main responsibility involves other than direct program relationships with campers, i.e. directors, office staff, maintenance staff, cooks, dietitian, nurse.)

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2. All members of the program staff shall possess the following minimum qualifications: Emotional maturity; good health and vitality; enjoyment of outdoor living; liking for children and the ability to understand the needs of campers; placing the needs of the campers and the camp ahead of personal desires; ability to work as a member of a group; interest in contributing to the achievement of the objectives in the camp; good moral character and integrity; particular skills and abilities for the specific responsibilities they are to carry; must be a high school graduate or a mature person qualified by camping experience.

(b) *Recommended standards.* 1. The camp should have carefully prepared written job descriptions for all types of positions, to be used in hiring and supervising staff.

2. The camp should utilize the best known techniques for the selection of staff members, such as application blanks, personal interviews and references.

3. The camp should have written personnel policies covering such matters as remuneration, time off, illness, job descriptions, relationships, evaluations, conditions for re-employment, personal conduct, etc.

4. All staff members who receive salaries or wages should receive a letter or written contract stating specifically the conditions of their employment.

5. There should be sufficient continuity in the total staff from year to year to give stability and cohesion to the program.

6. There should be procedures through which staff members may readily express themselves on matters of camp policies and regulations, including those that affect themselves.

7. Two years of college or the equivalent in experience significant for camping is desirable for the program staff member and especially for the camp director.

(2) **CAMP DIRECTOR.** (a) *Required standards.* The camp director shall have, in addition to the qualification under "2, All Personnel," the following:

1. Education and experience. At least 2 years staff leadership experience in organized camping as well as background in administration and working with groups.

2. Personal qualifications. The director must be at least 21 years of age, possess maturity of judgment, show initiative and resourcefulness, and demonstrate supervisory and administrative ability. In the absence of this person, there shall be a qualified substitute.

(3) **STAFF TRAINING.** (a) *Required standards.* 1. There shall be a pre-camp training program for a minimum of 3 days or 15 hours.

2. There shall be in-service training throughout the season, such as staff meetings, conferences, etc.

(b) *Recommended standard.* Two days or 10 hours of pre-camp training should be spent on the camp site.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.73 Program standards. (1) **PROGRAM.** (a) *Required standards.* 1. The program shall be appropriate for the ages, abilities, and interests of the children attending the camp.

2. There shall be planned rest periods during the camp day for all children, and such shall be appropriate to the age of the child.

The rest period shall be one hour or longer for all children under 5 years of age, if camp is in session for more than 4 hours.

(b) *Recommended standards.* 1. The camp program should afford an opportunity for the campers to participate in a creative outdoor group experience in a democratic setting, and should provide for the development of each individual.

2. The camp should develop objectives in the following areas:

- a. Outdoor living.
- b. Fun and adventure.
- c. Social adjustment—for example: The development of independence and reliability, ability to get along with others, and values in group living.
- d. An understanding of individuals and groups of varied backgrounds.
- e. Improvement of health.
- f. Skills and appreciation, particularly as related to the out-of-doors.
- g. Spiritual values.

3. The program should be so planned, administered and supervised as to lead to the achievement of the general objectives of camping and the special objectives of the particular camp. These objectives should be stated in writing. Essentially the program should be related to the central theme of living together in a natural environment and learning to enjoy the out-of-doors.

4. Within the general framework of the program, there should be opportunity for cooperative planning for activities by campers and camp staff and an opportunity for some choice of activities by individual campers.

5. The program should include occasional parent participation activities and other techniques to strengthen family relationships and parent understanding of the children's needs.

6. Camps designed to offer a general program in camping should include a variety of situations in which the camper will have an opportunity:

- a. To acquire a feeling of competence and to enjoy himself in the natural outdoor setting through camp skills and other activities common to camp life.
- b. To participate in group projects, special events and ceremonies, and social activities.
- c. To share in the care of and improvement of the camp.
- d. To increase his knowledge and appreciation of the world in which he lives.
- e. To learn his relationship to his environment through such media as nature crafts, using native materials, etc.
- f. To participate in minor preparation of meals whenever and wherever conditions permit.
- g. For spiritual responses to camping experiences.

7. There should be continuity in this camp experience over a period of not less than 2 weeks. Camp should be operated at least 3 days per week, preferably 5, during the camp period.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.74 Site, facilities and equipment standards. (1) CAMP.
(a) *Required standards.* 1. The camp shall have on file, from the

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proper authorities, current written verification of the safety of water, sanitation, and buildings.

2. The site shall provide natural resources that will make possible an outdoor living experience.

3. Adequate provision shall be made for shelter of campers during inclement weather.

(b) *Recommended standards.* 1. The camp site should provide a maximum degree of privacy and wherever possible be isolated from densely populated and undesirable areas. It should be free from unnecessary hazards and be properly drained. It should be located within a reasonable distance from the campers' homes depending upon the transportation available.

2. There should be sufficient equipment and facilities, kept in safe operating condition, to carry out stated objectives and program.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.75 Administration standards. (1) **RECORDS AND REPORTS.**

(a) *Required standards.* 1. All published statements such as brochures, publicity, etc. shall be accurate and complete.

2. The camp shall have the following records readily available: a. Budget, financial statement, and menus (if food is served).

b. All permits required by local and state authorities.

c. Written consent of parents for campers' attendance and participation in activities.

d. Statement of insurance coverage. Provision shall be made for all legally required insurance.

(b) *Recommended standard.* The camp license should be displayed or readily available at all times.

(2) **CHILDREN'S RECORDS.** (a) *Required standards.* Current information shall be maintained on each child attending the camp and shall include: 1. Name, birth date, full names of both parents or guardian.

2. Home address of parents, work addresses, and telephone number of parents.

3. Name, address and telephone number of person to be notified in case of emergency, when parents cannot be reached.

4. Name, address, and telephone number of physician caring for the child.

5. Written consent of parent to contact family or camp physician in case of emergency.

6. Record of all physical examinations, first aid, and any other matters relating to the child's health.

7. Date child enters and leaves the camp.

8. Record of daily attendance of each child.

(b) *Recommended standard.* Other records of the individual camper, as deemed desirable by the camp administration, may be maintained during the camp period or season.

(3) **PERSONNEL RECORDS.** (a) *Required standards.* 1. There shall be maintained a record for each employee, which shall include name and address, age, training, education, experience, and other qualifications.

2. Report of physical examination at time of employment and subsequent annual examinations.

3. Persons to be notified in the event of an emergency.

4. Personnel forms and character references on all staff members shall be made available upon request.

(4) PERSONNEL PRACTICES. (a) *Recommended standards.* 1. A periodic written evaluation of each employee by his supervisor is desirable.

2. There should be a written statement on file at the camp of personnel practices and policies, which should include hours of work, vacation, sick leave, leave of absence, and salary schedules. In addition, there should be channels for complaints and suggestions.

(5) STATISTICS. (a) *Required standard.* Camps shall submit the statistical report required by the department.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.76 Health standards. (1) STATE AND LOCAL REGULATIONS.

(a) *Required standard.* Written health policy. Every day camp shall have a written plan indicating specific policies and procedures that will insure health protection for all. This written plan shall be consistent with state and local health regulations.

(2) CHILDREN. (a) *Required standard.* A recent medical statement shall be required from a family physician (or clinic) to show that the child is in good health and physically able to participate in the camp activities.

(b) *Recommended standards.* 1. Preventive inoculations recommended by public health authorities should be similarly recommended by the camp before opening.

2. There should be a written statement from the parent as to the camper's health since his camp physical examination and assurance that the camper has not since been exposed to contagious diseases.

3. There should be a quiet resting place.

(3) STAFF. (a) *Required standards.* 1. All paid and volunteer members upon beginning work, and annually thereafter, shall submit evidence of: a. A physician's statement based on examination stating they are free from illness which might be detrimental to the child's welfare.

b. A chest X-ray or a negative PPD showing freedom from active tuberculosis.

c. Evidence of small pox vaccination within the last 5 years.

2. Food service staff shall have certificates required to comply with local and state public health requirements.

(b) *Recommended standard.* All staff members should have fundamental knowledge of health and emergency procedures.

(4) INSPECTIONS AND FIRST AID. (a) *Required standards.* 1. There shall be a definite system of daily health supervision of the campers, including such times when campers are away from camp on out-of-camp activities. Health inspections shall be made by a person capable of recognizing common signs of communicable disease or other evidences of ill health.

2. A registered nurse, licensed physician, or a person holding a current American Red Cross Certificate in advanced first aid shall be available to this group. Arrangements shall be made with a nearby licensed physician to serve the camp if one is not in residence.

3. There shall be first aid equipment, as recommended by the American Red Cross, readily available and a designated first aid area, including a quiet resting place, in all units.

4. Transportation shall be immediately available at all times for use in case of emergency.

5. There shall be ready access to a telephone and a list of emergency telephone numbers posted.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.77 Food standards. (1) NUTRITION. (a) Required standards. 1. In menu planning, proper nutrition standards shall be observed. Children shall have the type and amount of food suited to their growth needs and activity. If the camp day includes both a morning and afternoon program, a mid-morning and mid-afternoon snack shall be available to supplement the noon meal.

2. Milk used for drinking shall be pasteurized Grade A according to state regulations and provided by an accredited source. Perishable foods including milk and milk products, meat, fish, poultry, shell fish, eggs, gravies, poultry stuffing, salad and other mixtures containing any of the above foods shall be kept at a temperature of not over 50 degrees Fahrenheit.

3. All food storage, preparation and service space and equipment shall be maintained clean and free from dirt and insects.

(b) *Recommended standard.* The noon meal, whether provided by camp or parents, should include a serving of protein food, vegetables, whole grain or enriched bread, and a simple dessert. The camp should furnish parents with suggestions and check for adequacy and safety measures if children bring lunches from home.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.78 Sanitation standards. (1) STATE AND LOCAL REGULATIONS. (a) Required standards. 1. All camps shall comply with state, county, and local sanitation laws.

2. If the camp does not operate under a permit which includes approval of the water supply, a special written approval of the water supply shall be obtained each year. The water supply shall be of adequate volume and safe, sanitary quality, and should be tested regularly during the camp season.

3. Swimming pools and waterfront areas shall be located, constructed, equipped and operated in compliance with applicable laws.

4. Dishwashing procedures and care of equipment shall comply with state, local, and county sanitation laws. In the absence of such laws, dishes and utensils shall be sterilized by scalding or chemicals, or disposable dishes used.

5. Liquid wastes shall be disposed of by facilities constructed and operated as required by and at locations approved by supervising health authorities.

6. Garbage and rubbish cans shall be watertight, fly-proof, emptied and cleaned at least every 2 days. Garbage and rubbish shall be hauled away from the camp for disposal. If disposal is within the camp (site), it shall be by burial under six inches of well tamped dirt. The surroundings of stored garbage and rubbish containers will be maintained clean and dry.

(b) *Recommended standard.* There should be a plan for control of insects, rodents, and poisonous weeds.

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(2) **HYGIENE.** (a) *Required standard.* Adequate handwashing facilities shall be provided in proximity to toilets, privies, and urinals.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.79 Safety standards.

Note: Safety factors are fundamental considerations in the conduct of any camp and should be considered in all preceding topics. Natural hazards to safety, such as cliffs, swamps, mine shafts, dead trees, etc. should be structurally eliminated or reduced to a minimum before the camp is occupied. Every day camp should carry on a continuous program of safety education for its campers and staff.

(1) **WATERFRONT SAFETY.** (a) *Required standards.* 1. The person actively in charge of the waterfront shall be at least 21 years of age and shall have a current water safety instructor's certificate from the American Red Cross or an organization having equivalent standards. (If public facilities are used, the camp shall have written verification from proper authorities of the adequacy of personnel practices and equipment used.)

2. Practices and equipment for waterfront areas shall comply with applicable state laws and shall comply with Wis. Adm. Code, chapter H 75.05 (6). (a) A system of checking persons in and out of the water must be used.

(b) The buddy plan, which provides for the division of the group of persons into pairs so that every person has a partner while in the water, must be enforced.

(c) Life saving equipment that is adequate for the type of swimming, boating, and canoeing areas used must be provided, must be kept in perfect order at all times, and must be so placed as to be immediately available. One good life saving boat with proper equipment must be on hand at all times.

(d) A first aid kit must be on hand at the waterfront, and must be equipped and ready for immediate use.

(e) Swimming regulations must be posted on the waterfront, and must be obeyed by all, including guests.

Note: It is recommended that the following regulations be included: 1. Swim during swimming periods only.

2. Do not enter the water until the signal is given by the waterfront director.

3. Always swim with another person.

4. Stay in assigned swimming area.

5. Dive only in water of known and approved depth.

6. Remain out of the water when chilled or tired.

7. No guest shall be allowed in swimming until he has presented a health certificate.

Swimming pools shall be protected by a fence, and its entrance gate kept locked except during periods when the swimming director is on duty.

3. Practices and equipment for boating, canoeing, sailing and other watercraft shall comply with applicable laws. In the absence of such laws, the Standards of American Red Cross are acceptable.

(2) **SAFETY PRECAUTIONS.** (a) *Required standards.* 1. Riflery and archery are not to be included in the camp program. If included for older children added precaution for protection of children under 7 shall be provided.

2. Two or more counselors shall accompany groups leaving the immediate camp site.

3. Safety rules governing the use of tools and power tools shall be studied and observed, and such tools shall be used only under qualified supervision.

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(3) FIRE PROTECTION. (a) *Required standards.* The director of the camp shall be responsible for the regular inspection of all fire protection facilities and equipment, such as: 1. Containers for gasoline, kerosene, explosives, and flammable materials shall be plainly marked and stored in a locked building not occupied by campers or staff and at a safe distance from the program buildings.

2. All camps shall provide adequate lengths of hose for fire fighting, if water under pressure is available.

3. Fire extinguishers and other suitable fire fighting equipment shall be placed at strategic and easily accessible points.

4. Fireplaces and chimneys shall be properly built and inspected annually, prior to the opening of camp.

5. Before camp opens, arrangements shall be made with the nearest public officials for protection in case of fire. Any permits required for operation of incinerators or for open fires shall be secured.

(b) *Recommended standard.* Emergency procedures for fire drills, civil defense drills or any natural disaster should be planned and practiced.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.80 Transportation standards. (Where transportation is used in connection with a day camp, the following standards shall be observed.) (1) **EQUIPMENT AND SAFETY.** (a) *Required standards.* 1. All transportation equipment is maintained in safe operating condition and meets all safety tests required by the laws of the state and the ordinances of the municipality in which the day camp operates.

2. Every day camp shall carry on a continuous program of transportation safety education for its staff and campers. (Day camp operators should realize that they carry a responsibility to their campers over and above the technical requirements of the state laws or municipal ordinances.)

(2) **DRIVERS.** (a) *Required standards.* 1. Each driver of a camp vehicle shall meet the driving requirements of the state concerning the specific vehicle which he operates.

2. Each driver shall be selected for dependability, good habits, and unquestionable good character.

3. Each driver shall be free from communicable disease, strong enough to handle the transportation unit he drives, have normal use of his body, both hands, both feet, both eyes, and both ears.

4. Each driver shall be at least 21 years of age and have at least one-year's experience as a driver.

(b) *Recommended standard.* Every day camp should train its own drivers in all needed safety procedures.

(3) **INSURANCE.** (a) *Required standards.* A day camp operating its own transportation unit shall carry liability insurance as follows: 1. For a unit carrying not more than 18 campers: Minimum limits of \$50,000 for injury to any one person; \$100,000 in any one accident.

2. For a unit carrying more than 18 campers: Minimum limits of \$100,000 for injury to any one person; \$300,000 in any one accident.

(4) **SAFETY.** (a) *Required standards.* 1. The number of campers in transportation units shall not exceed the seating capacity of such units.

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2. Each transportation unit shall carry adequate first aid equipment.
3. The camp shall provide supervision in transportation units. In a vehicle which carries more than 10 campers, there should be at least one adult in addition to the driver.
4. Where a day camp charters transportation units, the owners of such vehicles shall be required to produce evidence that they meet the transportation standards herein required of day camps.

History: Cr. Register, October, 1961, No. 70, eff. 11-1-61.