

Filed May 7, 1970  
10:30 am  
PW-CY 40.60 -  
.64

ORDER OF THE STATE DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
RECREATING AND REPEALING RULES PW-CY 40.60 to 40.64 - RULES  
FOR LICENSING FOSTER HOMES

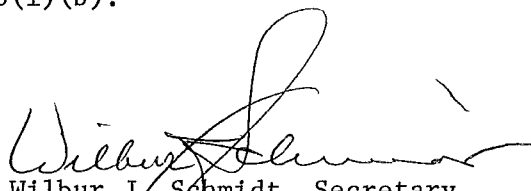
Pursuant to authority vested in the Department of Health and Social Services by sections 46.014(3) and 48.67, Wis. Stats., the Board of Health and Social Services hereby repeals and adopts rules as follows:

Sections PW-CY 40.60 to 40.64 of the WISCONSIN ADMINISTRATIVE CODE are repealed.

Sections PW-CY 40.60 to 40.64 of the WISCONSIN ADMINISTRATIVE CODE are adopted to read as recreated in the attached copy.

The repeals and the recreated rules contained herein shall take effect on January 1, 1971 with full compliance by current licensees being mandatory by the date of expiration of each current license following January 1, 1971, pursuant to authority granted in section 227.026(1)(b).

Dated: May 5, 1970

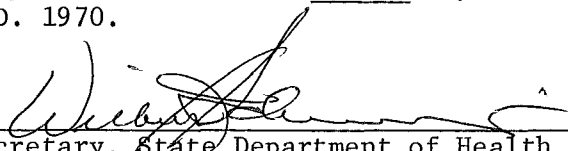
  
Wilbur J. Schmidt, Secretary  
Department of Health and Social Services

STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Wilbur J. Schmidt, Secretary of the State Department of Health and Social Services, and custodian of the official records of said Department, do hereby certify that Rule PW-CY 40.60-40.64 relating to licensing foster homes was duly repealed and recreated by the State Board of Health and Social Services on April 8, 1970 as shown by the copy annexed hereto.

I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand at the State Office Building in the City of Madison, this 5<sup>th</sup> day of May, A.D. 1970.

  
Secretary, State Department of Health and Social Services

PW-CY 40.60 - RULES FOR LICENSING FOSTER HOMES

(1) INTRODUCTION

(a) Statement of Intent. The intent of these rules is to protect and promote the health, safety, and welfare of children in care in foster homes in Wisconsin.

(b) Effect of Rules. The following rules for licensing foster homes have the full effect and force of law as provided in Section 227.01 (3), Wis. Stats. These rules do not repeat the laws related to child care and licensing. Persons using these rules should be aware of and familiar with the statutory section containing laws pertinent to foster care.

(c) Exceptions to Rules. The Department may make, or may delegate to an agency the authority to make, exceptions to any of the rules for licensing foster homes when the Department is assured that granting such exceptions, or the authority to make exceptions, is not detrimental to the health, safety or welfare of children.

(d) Definitions

1. Department                      The State of Wisconsin Department of Health and Social Services.
2. Rule                                A regulation, standard, statement of policy or general order (including the amendment or repeal of any of the foregoing), of general application and having the effect of law.
3. Licensing Agency                The agency responsible for evaluating the applicant, issuing a license if the applicant qualifies, and supervising the licensee to insure his continued compliance with rules.
4. Foster Home                      Any facility operated by a person required to be licensed under Section 48.62, Wis. Stats.
5. Child                                A person under 18 years of age.

6. Relative                    A parent, grandparent, brother, sister, uncle, aunt, first cousin, nephew, niece, stepparent, stepbrother, or stepsister.
7. Foster Child                A child who lives in a home required to be licensed under Section 48.62, Wis. Stats.
8. Foster Parent(s)          A person or persons who operate a facility required to be licensed under Section 48.62, Wis. Stats.
9. Legal Custodian          The person having the right to the care, custody and control of a child and the duty to provide food, clothing, shelter, ordinary medical care, education and discipline for a child.
10. Guardian                 The person having the right to make major decisions affecting the child including the right to consent to marriage, to enlistment in the armed forces, to major surgery and to adoption or to make recommendations as to adoption.

(e) Statutory Rights of Applicants and Licensees

1. The right to make application for a license (Sections 48.68 and 48.75(2), Wis. Stats.)
2. The right to be evaluated objectively on the basis of written rules (Sections 48.68 and 48.75(1), Wis. Stats.)
3. The right to receive a license if applicant fully satisfies all requirements (Section 48.68, Wis. Stats.)
4. The right to written notice and specification of grounds for revocation of license (Sections 48.71 and 48.75(2), Wis. Stats.)
5. The right to appeal when refused a license or when license has been revoked (Sections 48.72 and 48.75(2), Wis. Stats.)
6. The right to accept children for care if licensed (Section 48.62, Wis. Stats.)

PW-CY 40.61 - FOSTER PARENTS AND THEIR FAMILIES

(1) APPLICATION FOR LICENSE

- (a) The person or persons seeking a license shall make application on forms prescribed by the Department.\* Married couples shall both be parties to the application.

\* NOTE: A licensing agency may use the Department prescribed form printed under their own agency name instead of the Departmental identification.

- (b) Foster parents wishing to continue to be licensed shall file a new application when:

1. Their present license will expire within 30-60 days.
2. They plan to move from the address specified on their present license within 30 days or less.
3. Their legal status has changed within the last 30 days.
4. They wish to have the conditions changed that are specified on their present license.

(2) AGE OF FOSTER PARENTS

- (a) No applicant or applicants may receive a license for the first time when one or both are younger than 21 or older than 64 years.
- (b) No foster parent who reaches the age of 70 years may continue to be licensed except when his or her spouse is younger than 70.

(3) PERSONAL QUALIFICATIONS REQUIRED OF FOSTER PARENTS

Foster parents shall be responsible, mature individuals of reputable character who exercise sound judgment and display the capacity to provide good care for children. They shall give sufficient information to enable the licensing agency to verify whether or not they meet these requirements.

(4) HEALTH OF FOSTER FAMILY

- (a) All members of the foster family household shall be in physical and mental health that will not adversely affect the health of children received for care, or the quality and manner of their care.
- (b) At the time of the first application for a license and not less often than annually thereafter, foster parents shall authorize their physician to submit a statement to the licensing agency certifying that a physical examination, including TB test and/or X-ray was completed within the past year and that the foster parents were essentially free from medical conditions which might endanger foster children.
- (c) If the licensing agency or the Department has reason to believe that the physical or mental health of any child or adult member of the foster family household might endanger children in care, the agency or the Department may require that the foster parents (for themselves or in behalf of their own children), or the adult family members in question, shall authorize the submitting of a statement from a qualified physician and if required, a psychiatrist, certifying the condition of the person.

PW-CY 40.62 - FOSTER HOMES

(1) GENERAL REQUIREMENTS

- (a) The home shall be so constructed, arranged and maintained as to provide adequately for the health and safety of all occupants. It shall be of size and space, and shall have furnishings and equipment to accommodate comfortably both the family and foster children in their care. The licensing agency or the Department may require inspection of the home by fire, health, sanitation or safety officials when in its judgment such expert opinion is needed to assist the agency in making a decision about the safety of the home for the care of foster children.
- (b) Potentially dangerous items such as, but not limited to household poisons, medicines, plastic bags, matches, knives and firearms shall not be kept where they are easily accessible to children.

(2) SLEEPING ARRANGEMENTS

- (a) Each foster child shall be provided with a separate bed except that 2 brothers or 2 sisters may share a double bed. Each bed shall be of such size as to insure comfort of the child, shall have suitable springs in good condition, a clean and comfortable mattress with waterproof covering when necessary, and provided with suitable bedding adequate for the season.
- (b) No foster child one year of age or older shall be permitted to share a bedroom with one or both foster parents.
- (c) No child 6 years of age or older shall be permitted to share a bedroom with a child of the opposite sex.

- (d) There shall be at least 35 square feet of floor space for each child occupying a bedroom.
- (e) Foster children shall not be permitted to sleep in any building, apartment or other structure which is separate from the family home; nor shall any child be permitted to sleep in an unfinished attic, in an unfinished basement,\* or in a hall or any other room which is normally used for other than sleeping purposes.

\* NOTE: "A basement is a story whose floorline is below grade at any entrance or exit and whose ceiling is not more than 5 feet above grade at any such entrance or exit." Wis. Adm. Code section Ind 51.13

- (f) Foster children under the age of 7 years shall not be permitted to sleep in finished basement bedrooms or in bedrooms above the second floor of a single family dwelling.
- (g) Foster children 7 years or older shall not be permitted to sleep in finished basement bedrooms or in bedrooms above the floor of a single family dwelling unless suitable provision has been made for heating, ventilation and humidity control, and all exits from such bedrooms have been approved in writing by fire safety officials acceptable to the licensing agency.
- (h) At night a responsible adult shall sleep within call of foster children.

(3) STORAGE FACILITIES

Foster parents shall provide sufficient drawer and closet space to accommodate each child's clothing, toys and other belongings.



(4) RECREATION AND PLAY SPACE

The home shall have space for indoor play and access to outdoor play space. Outdoor play space shall be fenced when, in the judgment of the licensing agency or the Department, nearby street traffic, railroad tracks, lake, river or other potential hazards suggest the necessity for such protection.

PW-CY 40.63 - CARE OF CHILDREN

(1) SUPERVISION OF CHILDREN

- (a) The care of foster children is a demanding responsibility. It shall not be combined with regular part-time care of other children, with the care of non-related aged individuals, or with any other service or business conducted in the home without the written approval of the licensing agency. Such approval shall be dependent upon the presentation of satisfactory evidence that such undertaking will not be likely to interfere with the quality or manner of care provided foster children.
- (b) The foster mother shall not be regularly employed outside the home without written approval of the licensing agency. Such approval shall be dependent upon the presentation of satisfactory evidence that suitable plans will be made for the care of children during the foster mother's absence from the home.
- (c) Children under the age of 7 years shall not be left in the home without supervision by a responsible person.
- (d) Children 7 years and older shall receive responsible supervision appropriate to their age and maturity as might reasonably be provided by a prudent parent in the case of her own children.

(2) DISCIPLINE

- (a) Child training and discipline shall be handled with kindness and understanding.
- (b) No child in care shall be subjected to verbal abuse, derogatory remarks about himself or members of his family, or to threats to expel the child from the foster home.

- (c) No child in care shall be subjected to unusual, severe or cruel punishment.
- (d) No child shall be permitted to discipline any other child in care.
- (e) No child in care shall be deprived of meals, mail or family visits as a method of discipline.

(3) WORK PERFORMED BY CHILDREN

Children in care shall have opportunities to assume responsibility for household duties or chores appropriate to their age, sex, health, and ability. Such duties shall not be assigned as punishment, or interfere with school, sleep, recreation or study.

(4) EDUCATION

Foster parents shall make every reasonable effort to see that children of school age in their care attend school regularly unless otherwise excused by school officials.

(5) MORAL AND RELIGIOUS TRAINING

Foster parents shall provide for the moral training of children in care and shall make opportunities available to each child in care for religious education and attendance at services compatible with his religious heritage.

(6) NUTRITION

Food shall be provided to children in care in sufficient quantities and varieties, and shall provide for essential nutritional and dietary needs.

(7) CLOTHING

Foster parents shall see that funds provided by parents or agency for the purchase of clothing are used in such a way that children

in their care are comfortably and appropriately clothed within the limits of funds provided, and that children's clothing is kept in a state of suitable repair and cleanliness.

(8) INFANTS

Foster parents shall not provide care for more than 2 foster children at one time who are under 2 years of age.

(9) RESPONSIBILITY OF THE FOSTER PARENTS TO THE LICENSING AGENCY

(a) Foster parents shall be responsible for seeing that they accept children for care only in conformity with the conditions relating to number, sex, age or other limitations specified on the license.

(b) Foster parents shall notify the licensing agency within 4 days after the acceptance of a child into their home from a source other than the licensing agency.

(10) RESPONSIBILITY OF FOSTER PARENTS TO CHILD'S LEGAL CUSTODIAN

(a) Foster parents shall keep the legal custodian informed of the child's progress while in their care. They shall consult with the legal custodian regarding care, training and plans for the child whenever more than the day-to-day routine is involved.

(b) Foster parents shall consult with the legal custodian before taking or allowing the child to go on vacation trips or visits to the child's relatives.

(c) Foster parents shall notify the legal custodian as soon as possible of emergencies involving the foster child. This includes serious illness or injury requiring medical treatment, unauthorized absence from the home, or other situations of which prudence suggests the legal custodian be notified. This re-

quirement in no way relieves foster parents from first taking action such as obtaining emergency medical treatment for the child before notifying his legal custodian.

- (d) Foster parents shall allow the legal custodian a minimum of 30 days in which to make suitable plans for the child when the foster parents have requested the child's removal from their home.
- (e) Foster parents shall secure the approval of the child's legal custodian before making plans for the care of the child by other persons for any period in excess of 48 hours.
- (f) No child in care shall be permitted to use or be known by the foster parents' surname unless the child's parents or guardian give their consent in writing, or the child's name is changed under Section 296.36, Wis. Stats.
- (g) Foster parents shall cooperate with the child's legal custodian in seeing that an appropriate relationship is maintained between the child and his relatives.
- (h) Foster parents shall maintain in confidence all information detrimental to children in their care.

(11) RECORDS TO BE MAINTAINED BY FOSTER PARENTS

- (a) Foster parents shall maintain during the time a child is in their care, a record on forms provided by the Department. Such records shall contain the following information:
  1. Child's name or alias by which he is known
  2. Child's birthdate
  3. Name of the person or agency to be notified in an emergency

4. Date child received for care
  5. Person or agency placing the child
  6. Name of physician to be called in an emergency
  7. Medical information about the child while in their care such as medical examinations and immunizations, illnesses and accidents, including dates of each.
  8. Name of dentist and dates child seen
  9. Name of school and grades attended
- b. At the request of the licensing agency or the Department, foster parents shall make available for inspection such records of children received by them for care.

PW-CY 40.64 - ADDITIONAL RULES FOR EXCEPTIONS TO THE LEGAL LIMIT OF FOUR UNRELATED CHILDREN

NOTE: LIMITS FOR EXCEPTIONS. As provided in Section 48.64(3), Wis. Stats., the number of children who may be placed in a foster home is limited to 4 or less unless all children placed "are in the relationship to each other of brother or sister or unless the Department in accordance with its rules, adopted under s. 48.67 makes an exception." In no instance will the Department make an exception for the placement of more than 8 unrelated children in one foster home.

(1) ADDITIONAL REQUIREMENTS FOR FOSTER PARENTS

Before an exception is granted for the first time, foster parents shall meet the following requirements in addition to those required for licensing for the care of 4 or less children:

(a) Foster parents shall either:

1. Have had 2 or more years of experience as foster parents, institutional houseparents, or other relevant child care experience, OR,
2. Have successfully completed not less than 24 class hours of foster parent training, OR,
3. Agree to take such foster parent training within a period not to exceed one year.

(b) At least one foster parent shall either:

1. Have successfully completed a course in first aid training acceptable to the licensing agency, OR,
2. Agree to take such course in first aid within a period not to exceed one year.

(2) ADDITIONAL SPACE REQUIREMENTS

For an exception to be granted, the home shall initially meet, and shall continue to meet the following requirements:

- (a) There shall be an average of 200 square feet or more of indoor living space\* for each occupant of the household including foster children.

\* NOTE: The term "living space" is intended to include all areas of the house except an unfinished basement, attic or similar areas not usually occupied by the family in their daily living.

- (b) The home shall have a room for indoor recreation.
- (c) The home shall have a quiet area suitable for study.
- (d) The home shall contain one complete bathroom\* for each 8 persons occupying the household including foster children. If children of both sexes 6 years of age or older live in the household, there shall be 2 complete bathrooms.

\* NOTE: Complete bathroom is intended to include stool, washbowl, and a tub or shower.

- (e) Dining facilities shall be such as to permit all members of the household to sit down to meals together.
- (f) The home shall be inspected annually and certified in writing as being free from fire safety hazards by fire safety officials acceptable to the licensing agency.

(3) OTHER ADDITIONAL REQUIREMENTS

For an exception to be granted, the foster parents shall initially meet, and shall continue to meet the following requirements:

- (a) Foster parents shall contract in writing for the exclusive placement of children in their home by or through one agency.



- (b) The number of children foster parents may receive for care plus the number of their own children who live in the household shall not exceed a combined total of 10.
- (c) At those times when the number of foster children and children of the foster parents younger than 16 years exceeds 8, there shall be another person in the home to assist the foster parent at those times when more than 8 children are present. An assistant is not required when 2 foster parents are at home. The person selected to serve as assistant to the foster parents shall meet the requirements for licensing related to personal qualifications, health, and shall be no younger than 18 years of age.
- (d) The foster mother shall not be employed away from the home.