

## Chapter PW-CY 40

## CHILDREN AND YOUTH

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**PW-CY 40.01** Definitions. History: 1-2-56; r. Register, August, 1970, No. 176, eff. 3-1-71.

**PW-CY 40.02** Licensing. History: 1-2-56; r. Register, August, 1970, No. 176, eff. 3-1-71.

**PW-CY 40.03** Personnel standards. History: 1-2-56; r. Register August, 1970, No. 176, eff. 3-1-71.

**PW-CY 40.04** Educational program standards. History: 1-2-56; r. Register, August, 1970, No. 176, eff. 3-1-71.

**PW-CY 40.05** Health standards. History: 1-2-56; r. Register, August, 1970, No. 176, eff. 3-1-71.

**PW-CY 40.06** Administration standards. History: 1-2-56; r. Register, August, 1970, No. 176, eff. 3-1-71.

**PW-CY 40.07** Equipment standards. History: 1-2-56; r. Register, August, 1970, No. 176, eff. 3-1-71.

**PW-CY 40.08** Physical plant standards. History: 1-2-56; r. Register, August, 1970, No. 176, eff. 3-1-71.

**PW-CY 40.09** Sanitation standards. History: 1-2-56; r. Register, August, 1970, No. 176, eff. 3-1-71.

### LICENSING DAY CARE CENTERS FOR CHILDREN

**PW-CY 40.10 Introduction.** (1) **STATEMENT OF INTENT.** The intent of these rules is to protect and promote the health, safety and welfare of children in day care centers in Wisconsin.

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(2) **EFFECT OF RULES.** The following rules for licensing have the full effect and force of laws as provided in chapter 227, Wis. Stats. These rules do not repeat the laws related to day care licensing. Persons using these rules should also be aware of and familiar with the statutory sections related to these rules so that they are knowledgeable about the requirements of the law as well as the rules.

(3) **TO WHOM THE RULES APPLY.** The rules apply to all day care centers for children.

(4) **EXCEPTIONS TO RULES.** The department may make exceptions to any of the rules for licensing day care centers when it is assured that granting such exceptions is not detrimental to the health, safety and welfare of children.

(5) **DEFINITIONS.** The following words and phrases have the designated meanings:

(a) *Department* unless qualified means the state of Wisconsin department of health and social services.

(b) *Division* unless qualified means the division of family services of the department.

(c) *Rule* means 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.

(d) *Day care center* means a licensed 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. A day care center may be licensed as:

1. A day nursery, which must meet all the rules for licensing day care centers, or as

2. A nursery school, which must meet the requirements for day nurseries and in addition, for each 25 children, must have at least one staff member certified as a nursery school teacher by the department of public instruction or a staff member who shows evidence of meeting the qualifications required for such certification.

(e) *Compensation* means payment for day care. This payment can be in the form of a cash fee or in the form of consideration for service performed.

**History:** 1-2-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61; r. and recr. Register, August, 1970, No. 176, eff. 3-1-71.

**PW-CY 40.11 Organization and administration. (1) PURPOSE.**

(a) Each day care center shall set forth a clearly defined statement of purpose which shall be filed with the department. If the center is incorporated, the constitution and by-laws may be filed with the department in place of the statement of purpose.

(2) **ADMINISTRATION.** (a) The board of directors or the owner shall be legally responsible for the operation of the center and for meeting the rules.

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(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 requirement 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.

**History:** Cr. Register, April, 1957, No. 16, eff. 5-1-57; r. and recr. Register, June, 1970, No. 174, eff. 1-1-71.

**PW-CY 40.64 Additional exceptions to the legal limit of 4 unrelated children.**  
History: Cr. Register, April, 1957, No. 16, eff. 5-1-57; r. and recr. Register, June, 1970, No. 174, eff. 1-1-71. r. Register, March, 1976, No. 243, eff. 5-1-77.

**PW-CY 40.65 Fair hearings.** (1) **LEGAL BASIS.** This rule is adopted pursuant to section 48.64(4) (a), Wis. Stats.

(2) **DEFINITIONS.** (a) A claimant means a person licensed to operate a foster home under section 48.62, Wis. Stats., affected by a decision or order issued by a division of the department of health and social services, a county welfare department or a child welfare agency.

(b) A hearing is defined as an orderly, readily available proceeding before an impartial employe of the state agency, in which a dissatisfied claimant or his representatives may present his case with the help of witnesses to show why action or inaction in his case should be corrected by the state agency; it is a continuation of the administrative process in which the claimant invokes the responsibility of the state agency through a quasi-judicial hearing in the particular case.

**Note:** Impartial employe of the state agency is currently defined as a hearing officer of the legal section of DFS.

(c) A request for a hearing is defined as any clear expression on the part of the claimant to the effect that he wishes to go beyond the usual procedure for adjusting complaints with a division of the department of health and social services, a county welfare department or a child welfare agency, and that he wants an opportunity to present his case to the department of health and social services. The specific wording of such a request is immaterial.

(d) The date of the request for hearing is defined as the date on which the request is received.

(3) **PURPOSES.** The major purposes of hearings are:

(a) To provide an opportunity for a dissatisfied claimant to appeal a decision or order issued by a division of the department of health and social services, county welfare agency, or a child welfare agency affecting the claimant or the children involved.

(b) To enable the county and claimants, jointly, to ascertain the factual basis on which, through proper application of the law and agency policy, a just decision may be reached.

(c) To contribute to uniformity in the application of the law and policy by assuring that every claimant is fully informed of his rights, that hearings on any grievance are readily available, and that instances of inequitable treatment are speedily remedied by prompt execution of hearing decisions.

(d) To safeguard claimants from mistaken, negligent, unreasonable or arbitrary action. The hearing process is not a substitute for proper and efficient administration and is not designed to produce any result that could not have been produced through regular administrative processes.

(e) To reveal aspects of a division of the department of health and social services, a county welfare department or a child welfare agency policy that constitute a misconstruction of law, state rules or policy.

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(f) To provide a method whereby evidence may be obtained for referral to proper state policy-making authority, which evidence may show the need for modification of a state policy or policies.

(4) REQUIREMENTS. (a) Every claimant at the time of his application, and when other administrative decisions are made shall be informed in writing of his right to a fair hearing if his application is not acted upon with reasonable promptness, or if he is not satisfied with the action taken, and the method by which he may obtain a hearing.

(b) Every claimant may obtain a hearing before the department of health and social services in relation to a decision or order if he is dissatisfied with the action taken.

(c) The request for a hearing must be timely. No review will be provided in any case where the decision or inaction to be reviewed involves a question which arose more than 60 days prior to the request for a hearing.

(5) REQUEST FOR HEARING. (a) A complaint may be initiated orally in person, by letter or by form and if not adjusted by a division of the department of health and social services, a county welfare department or a child welfare agency to the satisfaction of the claimant a request for hearing will be completed and a hearing will be scheduled. Requests for hearing shall usually be on the simple form supplied by the state agency, but no written request shall be rejected for lack of formality.

(b) An oral request for a hearing made in person will be accepted, but shall be reduced to writing and signed by the claimant before the hearing will be scheduled. No request shall be dismissed without hearing unless the claimant shall remove from the jurisdiction, die, withdraw his request in writing, or abandon the proceedings. The proceedings may be considered abandoned if neither the claimant nor his representative appears at the time and place set for hearing, and if, within a reasonable time after the mailing of an inquiry as to whether he wishes any further action taken on his request for a hearing, no reply is received by the state agency.

(6) FAIR HEARING. (a) Hearings shall be held at a time convenient to the claimant and agency staff, easily accessible to the claimant and, whenever possible, on the premises of a division of the department of health and social services, a county welfare department or a child welfare agency, subject to the judgment of the hearing officer. Adequate preliminary notice shall be given to the claimant and his representative, if any, including information about the procedure at the hearing.

(b) The hearing shall be conducted by a hearing officer, duly appointed and qualified under the state civil service laws, who has not taken any part in the particular action under consideration.

(c) The claimant shall have the opportunity to examine all documents and records used at the hearing at a reasonable time before as well as during the hearing; have the opportunity to present his case, or be represented; have the opportunity to bring witnesses, confront and examine witnesses adversely, to establish all pertinent

facts and circumstances, to advance any arguments without undue interference, and to question or refute any testimony or evidence.

(d) Unless waived by both parties a continuance for a reasonable time shall be granted when an issue is raised for the first time in a hearing.

(e) The claimant may question interpretation of the law, and the reasonableness and equity of policies practiced under the law, if he is aggrieved by their application to his situation.

(f) The hearing is an informal administrative procedure subject to the requirements of due process.

(7) DECISIONS. (a) The transcript of testimony and the exhibits, papers and request filed in the proceeding constitute the exclusive record for decision and are available to the claimant at any reasonable time after the decision upon request, and at a place accessible to him.

(b) The decision on the hearing shall be in writing by the secretary of the department or his designee.

(c) The decision shall set forth the issue or issues, citation of law or precedents, the reasoning that led to the decision, the principal and relevant facts elicited at the hearing, and the action taken. These factors shall be grouped under appropriate headings such as preliminary recitals, finding of fact, conclusions of law and order. A certified copy of the decision shall be mailed to the claimant (and his attorney if any) and the division of the department of health and social services, a county welfare department or a child welfare agency charged with the administration of the services.

(8) ALLOCATION OF RESPONSIBILITY. The functions relating to fair hearings are allocated to the division of family services. All final decisions, except cases wherein the request for review has been abandoned, shall be based upon hearings conducted by the hearing officer duly appointed pursuant to state civil service laws and responsible to the division, provided that if emergency needs so require the division administrator or any other employe duly designated by him may serve as a hearing officer. Such decisions shall be binding upon the state, county agencies, and child welfare agencies involved.

**History:** Cr. Register, August, 1973, No. 212, eff. 9-1-73; am. Register, July, 1975, No. 235, eff. 8-1-75.

**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. [health and social services]

(3) DIVISION means the Wisconsin state division for children and youth. [family services]

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

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**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 2 years to any camp whose services are needed, but is temporarily unable to conform to all established minimum requirements.

(8) **REVOCAION 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, Wis. Adm. Code, 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.)

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.

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(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.** (1) *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.

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(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 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.

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; am. (3) (a) 1, Register, December, 1972, No. 204, eff. 1-1-73.

**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 6 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.

(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.** (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, section 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.

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(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.

*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.

(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.

(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.

2. Each transportation unit shall carry adequate first aid equipment.

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3. The camp shall provide supervision in transportation units. In a vehicle which carried 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.

**PW-CY 40.90 Rules for licensing group foster homes for children.** (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 group foster homes in Wisconsin.

(b) *Effect of rules.* The following rules for licensing group 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 laws pertinent to foster care.

(c) *Exceptions to rules.* The department may make exceptions to any of the rules for licensing group foster homes beginning with PW-CY 40.91 (2) when the department is assured that granting such exceptions is not detrimental to the health, safety or welfare of children. No exceptions shall be made to PW-CY 40.90 (1) (a) through 40.90 (1) (f) or to PW-CY 40.91 (1).

(d) *Effective date of rules.* These rules shall be effective for all group foster homes for children 30 days after their publication in the Wisconsin Administrative Register, except that any group foster home for children which was licensed by the department prior to the effective date of these rules may continue to comply with the Rules for Licensing Foster Homes (PW-CY-40.60-64) for up to 12 months from the effective date of the rules contained herein. Administrative rule PW-CY-40.64 (Additional Rules for Exceptions to the Legal Limit of Four Unrelated Children) shall be repealed effective 12 months from the effective date of the rules contained herein.

(e) *Definitions.* 1. **Department.** The department is the state of Wisconsin department of health and social services including any of the divisions of the department.

2. **Rule.** A rule is 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 licensing agency is the department. It is responsible for evaluating the applicant, issuing a license if the applicant qualifies, and supervising the licensee to ensure continued compliance with rules.

4. **Child.** Child is legally defined as an individual under 18 years of age. In addition these rules use the word to include those individuals who are 18 years of age or older and receiving care, training and services pursuant to sections 48.48 (4m) and 48.48 (14), Wis. Stats. In these rules, child means any foster child placed in and any other child residing in the group foster home.

5. Foster child. A foster child is a child placed for care and maintenance, with or without transfer of legal custody, in a group foster home for children.

6. Child welfare agency. A child welfare agency is any facility licensed under section 48.60, Wis. Stats.

7. Supervising agency. A supervising agency is a child welfare agency licensed to place children in foster homes, county agency specified in section 48.56(1), Wis. Stats., or the department which is responsible for the supervision of a child in a group foster home. The supervising agency also places the child in the group foster home unless his parent or guardian, or a court of record has placed the child.

8. Person. A person is any individual, partnership, association, corporation or public agency other than the department.

9. Licensee. The licensee is any person licensed by the department under sections 48.62 and 48.64(3), Wis. Stats.

10. Sponsoring agency. The sponsoring agency is a child welfare agency licensed to place children in foster homes, a county agency specified in section 48.56(1), Wis. Stats., or the department which enters into a contract in writing with the licensee, specifying the program under which the group foster home shall be operated and for exclusive placement of children in the home.

11. Group foster home for children. A group foster home for children is any facility operated by a person required to be licensed under section 48.62, Wis. Stats., and licensed by the department, under section 48.64(3), for 5 through 8 foster children. Herein, group foster home for children is referred to as group foster home. There are three categories of group foster homes:

a. Corporation operated group foster home, wherein the licensee is a non-profit or proprietary corporation, which operates one or more group foster homes.

b. Family operated group foster home, wherein the licensee is one or more individuals who operates not more than one group foster home.

c. Agency operated group foster home, wherein the licensee is a public agency other than the department.

**Note** Any family boarding home, as specified in section 51.18, Wis. Stats., serving 5 through 8 individuals at least one of whom is a child, shall comply with the rules contained herein and the applicable rules of the department of industry.

12. Foster parent staffing arrangement. A foster parent staffing arrangement means that at least one individual regularly providing day-to-day care and supervision of the foster children in the group foster home has the home as his or her primary domicile. Individuals in this type of staffing arrangement may include:

a. Independent operators who regularly provide care in their primary domicile.

b. Employees of the licensee who regularly provide care and supervision of foster children in their primary domicile.

13. Shift staffing arrangement. A shift staffing arrangement means that individuals who are employed by the licensee regularly provide care on a rotating or shift basis in the group foster home.

14. Caretaker. A caretaker is an individual who provides primary care and supervision of the foster children in the group foster home on a regular, scheduled, full or part-time basis.

a. In the foster parent staffing arrangement a caretaker is one whose primary domicile is the group foster home and any other who also provides primary care and supervision of the foster children in the home on a regular, scheduled basis.

b. In the shift staffing arrangement a caretaker is engaged on a regular, scheduled basis to provide primary care and supervision of the foster children on each shift in the group foster home.

15. Relief help. Relief help is an individual scheduled as an assistant to caretakers who are present in the group foster home, and/or an individual irregularly and infrequently used as a replacement for caretakers for brief periods of time. An individual regularly scheduled to replace a caretaker on days off or for other prolonged periods is not relief help but an additional caretaker.

16. Volunteer. A volunteer is any individual providing services to the group foster home who receives no monetary reimbursement for services. Payment for out-of-pocket expenses is not considered reimbursement for services.

(f) *Statutory rights of applicants and licensees.* 1. The right to make application for a license. (section 48.68, Wis. Stats.)

2. The right to be evaluated objectively on the basis of written rules. (section 48.68, Wis. Stats.)

3. The right to receive a license if applicant fully satisfies all requirements. (section 48.68, Wis. Stats.)

4. The right to 30 days written notice and specification of grounds for revocation of license, and the opportunity to correct violations. (section 48.71, Wis. Stats.)

5. The right to appeal when refused a license or when license has been revoked. (section 48.72 and 48.64 (4), Wis. Stats.)

6. The right to accept foster children for care if licensed. (section 48.62, Wis. Stats.)

7. The right to 30 days written notice prior to the removal of any foster child who has been in the group foster home for 6 months or longer, unless the foster child's safety requires it. (section 48.64 (1), Wis. Stats.)

8. The right to appeal any agency decision or order affecting the licensee or the foster children involved and to receive a fair hearing before the department. (section 48.64 (4) (a), Wis. Stats.)

9. The right to judicial review of the department's decisions. (section 48.64 (4) (b), Wis. Stats.)

**History:** Cr. Register, March, 1976, No. 243, eff. 5-1-76.

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**PW-CY 40.91 Administration and management.** (1) **CONTRACT WITH SPONSORING AGENCY.** The licensee shall contract in writing with one sponsoring agency, specifying the program under which the group foster home shall be operated and for the exclusive placement of children in the group foster home by or through that agency.

(2) **CORPORATION OPERATED GROUP FOSTER HOMES.** (a) *Incorporation.* 1. Any body of persons wishing to operate a corporation operated group foster home or series of such group foster homes shall be incorporated in accordance with the laws of the state of Wisconsin.

2. Except for a non-profit corporation which does not issue capital stock, any corporation which is incorporated outside of Wisconsin shall secure authorization from the secretary of state to do business in Wisconsin.

(b) *Boards of directors.* 1. Each corporation shall be governed by a board of directors which is responsible for the operation of the corporation according to its defined purpose.

2. No member of the board shall be an employee of the corporation or the spouse of an employee, unless the corporation is a non-profit non-stock corporation incorporated in Wisconsin for the sole purpose of operating *one* group foster home.

3. The board shall:

a. Establish written policies to be followed by the corporation in operation of the group foster home and regular planned review of its policies and practices.

b. Exercise trusteeship for property, investments, and protection from liability.

c. Approve the budget and be responsible for obtaining and disbursing funds.

d. Designate an executive and delegate to the executive responsibility for the administration of the group foster home.

4. Meet at least quarterly and keep minutes of each meeting which shall be made a part of the permanent records of the corporation.

(c) *Financial arrangements.* 1. The board with the executive shall be responsible for the secure and judicious use of the funds of the group foster home. Policies and practices shall be in accord with sound budgeting, disbursement and audit control procedures.

2. Each corporation shall:

a. Have a sound, written plan of financing to assure sufficient funds to enable it to carry out its defined purposes and to provide proper care for foster children.

b. Maintain a system of business management and staffing to assure maintenance of complete and accurate accounts, books and records.

c. Upon request, provide the licensing agency with a confidential balance sheet and financial records or financial statements.

(3) FINANCIAL ARRANGEMENTS FOR AGENCY AND FAMILY OPERATED GROUP FOSTER HOMES. (a) The family operated group foster home shall maintain an accurate bookkeeping system which identifies income and disbursement by categories for each foster child and for the home on department prescribed forms.

(b) The agency operated group foster home shall upon request provide the licensing agency with financial records or statements relating to the financial operation of the group foster home.

(4) INSURANCE. (a) All licensees shall carry sufficient forms and amounts of available insurance to insure the liability risks of the home in the provision of services and to give reasonable protection to its assets.

(b) All licensees shall be responsible for providing liability insurance for all situations in which foster children are transported by the licensee or its agents.

(5) APPLICATION. (a) Applications for license shall be on forms provided by the department and signed by:

1. An authorized representative of a corporation or public agency, or
2. The individuals making application for a family operated group foster home.

(b) If the applicant meets the requirements contained herein, a license shall be issued which shall specify the location of the group foster home, the sex, age and number of foster children it may receive, the expiration date and any other limiting conditions. If a corporation or public agency desires to operate more than one group foster home, it shall apply for a separate license for each such home.

(c) A new application for licensure shall be submitted by the licensee at least 30 days prior to expiration of the current license or any change in the name of the licensee or location of the home.

(d) The following materials shall accompany the first application for a license.

1. Copies of the articles of incorporation, constitution and by-laws of the corporation.
2. Evidence that the group foster home meets the requirements contained herein.
3. The applicant shall provide evidence of the availability of funds to carry the group foster home through the first 6 months of operation. Such evidence is not limited to actual cash or credit but may be evidence of the intent of an agency to sufficiently utilize the group foster home that a minimum necessary population is maintained.
4. The names, addresses and titles of the board members and the executive responsible for administration of the group foster home if the applicant is a corporation; if the applicant is a public agency, the name of the director and other personnel responsible for the management of the group foster home.

(e) The following material shall be submitted at the time of license renewal.

1. The names, qualifications and classifications of current staff employed at the group foster home or responsible for its operations.
2. A copy of any revisions of personnel practices affecting the group foster home which have been made since the last license was issued.
3. If the licensee is a corporation, copies of the annual reports published since the last license was issued.
4. If the licensee is a corporation, the budget for the current year and a confidential balance sheet for the period since the last license was issued.
5. If the licensee is a corporation, a list of the current members of the board of directors, its committees and its officers.

**History:** Cr. Register, March, 1976, No. 243, eff. 5-1-76.

**PW-CY 40.92 Personnel.** (1) **QUALIFICATIONS OF CARETAKERS AND RELIEF HELP.** (a) *Age.* 1. Caretakers shall be at least 21 years of age and no older than 65 years of age at the time of initial licensing or employment.

2. No caretaker who reaches the age of 70 years may continue to be licensed or employed unless approved by the licensing agency.

3. Relief help shall be at least 18 years of age at the time of initial employment.

(b) *Personal qualifications.* Caretakers and relief help shall be responsible, mature individuals of reputable character who exercise sound judgement and display the capacity to provide good care for children.

(c) *Health.* 1. All caretakers, relief help, and any other individuals residing in the home shall be in physical and mental health that will not adversely affect the health of foster children or the quality and manner of their care.

2. If the licensing or sponsoring agency has reason to believe that the physical or mental health of any caretaker, relief help, or any other individual residing in the home might endanger foster children in care, the agency may require that such individual shall authorize the submitting of a written statement from a licensed physician and, if required, a psychiatrist or clinical psychologist. The written statement shall certify the conditions of the individual and the possible effect on the group home environment and foster children.

3. At the time of first application for license or employment and not less often than every 2 years thereafter, caretakers shall receive a health examination covering the areas included on the department prescribed form.

4. Relief help regularly employed more than 10 hours per week shall meet the health requirements for caretakers.

(d) *Education and training.* 1. Caretakers shall either:

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a. Have had one or more years of experience as foster parents, institutional houseparents, or other relevant child care experiences, or,

b. Have successfully completed not less than 24 hours of relevant training in accordance with a plan formulated by the applicant or licensee and approved by the licensing agency, or,

c. Agree to complete such training as specified in preceding subdivision b. within a period not to exceed one year from the time of initial licensure or employment.

2. Caretakers shall participate in ongoing in-service training of at least 15 hours a year in accordance with a plan formulated by the licensee and approved by the licensing agency.

(e) *First aid training.* 1. Each caretaker shall either:

a. Have successfully completed a course in first aid training acceptable to the licensing agency, or,

b. Agree to take the next such available local course in first aid.

2. Each caretaker shall update his knowledge about first aid by successfully completing a first aid course acceptable to the licensing agency at least once in each consecutive 3 year period.

(2) VOLUNTEERS. (a) If volunteers are used, the licensee shall assign an appropriate staff member to:

1. Develop a plan for the orientation and use of volunteers and

2. Evaluate and supervise volunteers.

(b) Volunteers who are in regular contact with foster children more than 10 hours per week shall meet the health requirements for caretakers.

(3) STAFFING PATTERNS. (a) *Both foster parent staffing arrangement and shift staffing arrangement.*

1. The licensee shall not schedule relief help or volunteers to serve the purpose of replacing caretakers as the usual and primary providers of care and supervision of the foster children in the group foster home. At the request of the sponsoring or licensing agency the licensee shall make available scheduling and time records of all caretakers, relief help and volunteers.

2. There shall be at least 2 caretakers licensed or employed for each group foster home.

3. There shall be a written and workable plan for contacting another caretaker, relief help individual or other responsible adult when emergencies occur at a time when only one caretaker or relief help individual is in the home.

(b) *Foster parent staffing arrangement only.* 1. One of the caretakers shall not have responsibilities unrelated to the group foster home program in excess of 10 hours per week. The second caretaker may have responsibilities away from the group foster home for more than 10 hours per week, but shall be otherwise available and make constructive contributions to the group foster home program.

2. The number of foster children caretakers may receive for care plus the number of caretakers' own children who live in the household shall not exceed a combined total of 10.

(4) PERSONNEL PRACTICES AND POLICIES. (a) *Caretakers and Relief Help Employed More than 10 Hours per Week*. 1. There shall be written statements of personnel practices and policies made available by the licensee to personnel employed as caretakers and relief help regularly employed for more than 10 hours per week. Statements of personnel practices and policies shall be made known to such employees at the time of employment and shall include but not be limited to the following:

- a. Salary provisions (beginning salary, merit increases and amount).
- b. Fringe benefits (vacation, holidays, sick leave, overtime, leaves of absence, retirement plan, insurance coverage).
- c. Probationary period.
- d. Work schedule.
- e. Definition of duties.
- f. Evaluation standards.
- g. Additional employment and voluntary activities.
- h. Living arrangements.
- i. Chain of command.
- j. Grievance procedures.
- k. Termination procedures.

2. A personnel file shall be maintained by the licensee on each such employe.

- a. Each personnel file shall contain:
  - 1) Name and address.
  - 2) Date of birth.
  - 3) A statement of the employe's qualifications (training, experience, education).
  - 4) Short social history.
  - 5) Reference reports.
  - 6) Duties, terms of employment and immediate supervisor.
  - 7) Health record.
  - 8) Attendance record.
  - 9) Annual and termination evaluations.
- b. Reference reports shall include:
  - 1) Character references from at least 2 people and references from previous employers.

2) Documentation of references either by letter or verifications in the record of verbal contact giving dates, individuals making contact and individuals contacted and the content.

c. Any personnel file shall be made available upon request to the sponsoring and licensing agencies.

(b) *Relief help employed 10 or less hours per week and volunteers.*

1. A record shall be maintained on all other relief help and volunteers and be made available upon request to the sponsoring and licensing agencies. This record shall include:

a. Name and address.

b. Age.

c. T.B. or health verification, as applicable.

d. Dates and hours employed or volunteered.

(c) A written job description for each employe shall be maintained.

(d) A plan for program orientation of new employes shall be provided and implemented.

(5) **DISCRIMINATION.** The group foster home shall be in compliance with sections 111.31 through 111.37, Wis. Stats., Title VI of the Civil Rights Act of 1964, and Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972.

**History:** Cr. Register, March, 1976, No. 243, eff. 5-1-76.

**PW-CY 40.93 Child care.** (1) **ACCEPTING CHILDREN FOR PLACEMENT.** The licensee shall accept for placement only those children for whom the supervising and sponsoring agencies have agreed in writing as to which agency shall provide direct social services to the foster child.

(2) **SUPERVISION OF FOSTER CHILDREN.** (a) Foster children under the age of 8 years or with limited mobility\* shall not be left in the home without supervision by a caretaker or relief help individual.

**Note:** "Limited mobility" means any mental, developmental or physical disability which restricts the child's mobility or ability to function without supervision.

(b) Foster children 8 years and older shall receive supervision appropriate to their age and maturity.

(c) Caretakers shall not provide care for more than 2 foster children under 2 years of age at one time.

(d) The care of foster children shall not be combined with any other service or business conducted in the home without the written approval of the licensing agency.

(e) There shall be at least one caretaker and relief help individual in the home at those times when the total number of foster children and children of caretakers or relief help present exceeds 8 who are younger than 16 years of age. A relief help individual is not required when 2 caretakers are in the group foster home.

(3) **DISCIPLINE.** (a) Discipline shall be for the purpose of helping the foster child and shall be handled with kindness and understanding.

(b) Discipline shall be fair, reasonable, consistent and related to the behavior.

(c) No foster child shall be subjected to unusual, severe or cruel punishment.

(d) The group foster home shall have written house rules regarding expected behavior of foster children and related disciplinary action. House rules shall be reviewed and approved by the supervising agency(s).

(4) CLOTHING. (a) Caretakers shall see that funds provided by parents or agency for the purchase of clothing are used in such a way that foster children are comfortably and appropriately clothed within the limit of funds provided. Clothing for each foster child shall be individually selected and fitted, appropriate to the season and comparable to that of other children in the community.

(b) When possible, foster children shall participate in the selection and purchase of their clothing.

(c) Foster children's clothing shall be kept in a state of suitable repair and cleanliness.

(5) EDUCATION. (a) Caretakers shall make every reasonable effort to ensure that foster children of school age in their care regularly attend a school program unless otherwise excused by school officials.

(b) Caretakers shall make every reasonable effort to participate in school activities.

(6) WORK PERFORMED BY CHILDREN. (a) Foster children in care shall have opportunities to assume responsibility for household duties or chores appropriate to their age, health and ability.

(b) No licensee shall use the labor of children as a substitute for the employment of a sufficient number of competent employees to operate and maintain the home.

(c) Household duties of foster children shall not interfere with their school, sleep or study.

(7) RELIGIOUS TRAINING. Caretakers shall make every reasonable effort to make opportunities available to each foster child for religious education and attendance at services compatible with the foster child's or parents' religious heritage or preference.

(8) NUTRITION. (a) Food shall be provided to children in sufficient quantities and varieties, and shall provide for essential nutritional and dietary needs.

(b) In planning menus, considerations shall be given, whenever possible, to the religious practices and the cultural patterns of the foster children.

(c) Daily menus shall be kept on file and available to the licensing agency for at least 30 days thereafter.

(d) Supplementary food or modified diets as ordered by a physician shall be provided for those foster children who have special needs.

(9) **RECREATION AND LEISURE TIME ACTIVITIES.** The licensee shall provide recreational opportunities based on the age, abilities and interests of the foster children.

(10) **VISITING.** Caretakers shall cooperate with the supervising agency in seeing that an appropriate relationship is maintained between the foster child and his or her relatives in accordance with the plan delineated by the agency.

(11) **ALLOWANCES FOR FOSTER CHILDREN.** Each foster child shall be given an allowance appropriate to age and maturity and in accordance with the supervising agency plan.

(12) **MEDICAL CARE.** (a) Each child shall receive an annual health examination covering the areas included on a department prescribed form.

(b) All medical reports, i.e., physical examinations, tests and recommendations, shall be in writing and filed with the supervising agency.

(c) Caretakers shall promptly carry out provisions for treatment of illness and for corrective measures and treatment of remediable defects or deformities in accordance with the supervising agency plans, with the directions of the physician and with the consent of the legal guardian as required.

(d) Each foster child shall receive regular dental examinations and treatment. Each foster child shall have a thorough dental examination as soon as practical after acceptance for care and at intervals thereafter not exceeding 6 months after the last examination or completion of treatment.

(13) **TRANSPORTATION.** The licensee shall make every reasonable effort to provide safe transportation of foster children.

(14) **FOSTER CHILD'S NAME.** No foster child shall be permitted to use or be known by the foster parents' surname unless the foster child's parents or guardian give their consent in writing, or the foster child's name is changed under section 296.36; Wis. Stats.

**History:** Cr. Register, March, 1976, No. 243, eff. 5-1-76.

**PW-CY 40.94 Physical plant and environment.** (1) **BUILDING SITE LOCATION.** In the judgement of the licensing agency, the location of the home shall be related to the program offered and age, sex, needs and interest levels of the residents. Factors to be considered in determining the acceptability of the location shall include: access to educational, recreational, religious, shopping, and cultural opportunities; health resources; access to public and private utilities and services such as safe water supply, sewage disposal, fire and police protection.

(2) **GENERAL BUILDING REQUIREMENTS.** The group foster home and grounds shall be maintained in a clean, safe and sanitary condition and a good state of repair.

(3) **SPACE REQUIREMENTS.** (a) There shall be at least 200 square feet of living space for each resident of the home. "Living space" excludes

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unfinished basement, attic, attached garages, or similar areas not usually occupied by resident in daily living.

(b) There shall be at least 55 square feet of floor space in a bedroom designed for only one child, 50 square feet of floor space for each child in a bedroom occupied by two children and 45 square feet of floor space for each child in a bedroom occupied by 3 or 4 children.

(4) **BEDROOMS.** (a) Regular sleeping provisions for children shall not be in any building, apartment, or other structure which is separate from the group foster home.

(b) Children shall not 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.

(c) Children under the age of 8 or those with handicaps limiting mobility\* shall not be permitted to sleep in finished basement rooms or in bedrooms above the second floor.

(d) Children 8 years of age or older and without handicaps limiting mobility\* shall not be permitted to sleep in finished basement rooms unless provisions have been made for heating, ventilation and humidity control and there are 2 means of exit from the basement, at least one of which will open to the outside.

(e) Children 8 years of age or older and without handicaps limiting mobility\* shall not be permitted to sleep in bedrooms above the second floor of a one or 2 family dwelling unless provisions have been made for heating and ventilation and there are at least 2 means of exit to grade level.

**Note:** "Handicaps limiting mobility" means any mental, developmental, or physical disability which restricts the child's mobility or ability to function without supervision.

(f) No child shall be required to sleep in a bed with an adult.

(g) No child 6 years of age or older shall be permitted to share a bedroom with a child of the opposite sex.

(h) No more than 4 children shall occupy any bedroom.

(i) Children of the caretakers shall not be displaced and permitted to occupy sleeping quarters not acceptable for foster children.

(j) No foster child 3 years of age or older shall be required to share a bedroom with a caretaker.

(k) During sleeping hours a caretaker or relief help shall be within call of the foster children.

(5) **STUDY AREAS.** There shall be a quiet area in the home suitable for study.

(6) **DINING AREA.** Dining facilities shall be such as to permit all members of the household to sit down to meals together.

(7) **BATHROOM.** (a) The home shall contain one complete bathroom for each 8 individuals residing in the household.

**Note:** Complete bathroom includes stool, washbowl, and a tub or shower.

(b) Bathroom facilities shall be indoors and easily accessible from sleeping rooms occupied by children.

(8) INDOOR RECREATION AREA. Both indoor recreation equipment and space appropriate to the age and interest levels of foster children shall be provided.

(9) FURNISHINGS. (a) The living area shall be adequately furnished and allow for free and informal use by the children.

(b) Each foster child shall be provided with a separate bed except that 2 brothers or 2 sisters may share a double bed if available and if they so desire.

(c) Each bed shall be of such size as to ensure comfort of the child, have suitable springs in good condition, a clean and comfortable mattress with waterproof covering when necessary, and be provided with a pillow, 2 sheets, bedspread and blankets adequate for the season.

(d) All bed linens shall be changed at least once a week, more often if necessary.

(e) The minimum spacing between beds shall be 2 feet, and 5 feet between bunk beds. A top bunk shall be at least 3 feet below the lowest point of the ceiling.

(f) The top bunk of double decker bunk beds shall not be used for children under 8 years of age or those with handicaps limiting mobility.

(g) Triple decker bunks shall not be used.

(10) KITCHEN. (a) The kitchen shall be of adequate size and equipped with adequate household appliances and utensils to meet the needs of residents.

(b) Dishes, silverware, utensils and food shall be maintained and stored in a clean and sanitary manner.

(11) LAUNDRY. (a) Private or public laundry facilities shall be available to meet the needs of all residents.

(b) Any laundry equipment in the home shall be installed and vented in accordance with the manufacturer's recommendations.

(12) STORAGE SPACE. (a) The group foster home shall have sufficient storage space to accommodate, within reason, each child's clothing and other belongings.

(b) All medicines shall be labeled and stored in a locked compartment designated for this use only except the medicines requiring refrigeration shall be properly stored and clearly labeled. All outdated medicines shall be destroyed.

(c) Children shall be supervised in the safe use and/or storage of potentially dangerous items such as, but not limited to, firearms, plastic bags, matches, knives, flammable liquids, insecticides and household poisons.

(13) **TELEPHONE.** A telephone shall be provided with emergency instructions posted nearby for fire, police and medical assistance.

(14) **EMERGENCY EQUIPMENT.** Each group foster home shall have first aid supplies.

(15) **OUTDOOR PLAY SPACE.** Depending on the ages, needs and interest levels of the children, there shall be either protected outdoor play space or provisions for a variety of recreational activities. Means shall be provided to minimize or eliminate hazards to the health and safety of children at play.

(16) **HEATING.** (a) The group foster home shall provide a heating system which is capable of maintaining a temperature in living and sleeping quarters of at least 68° Fahrenheit.

(b) The heating unit shall be maintained in a safe condition as determined through an annual check by a qualified individual acceptable to the licensing agency.

(c) Portable electric or unvented space heaters shall not be permitted.

(17) **ELECTRIC SYSTEM.** (a) Electrical systems and appliances shall be in good repair and properly protected.

(b) Protective covers for electrical outlets shall be installed in all areas occupied by children under 5 years of age.

(18) **SANITATION.** (a) All regularly opened windows and doors shall be properly screened.

(b) Adequate and safe water supply and sewage disposal systems shall be provided. When water is obtained from a private well, the water supply shall meet the requirements of the division of health and its safety shall be determined by annual testing of a sample submitted to the state laboratory of hygiene, Madison, Wisconsin or to a laboratory certified by the division of health.

(c) The group foster home shall be equipped with a water heater adequate to meet the needs of all residents.

(d) All spoiled and deteriorated food products shall be disposed of immediately. All garbage while in the home shall be kept in non-combustible, watertight containers. Garbage shall be removed from the living quarters at least daily.

(19) **LIGHT AND VENTILATION.** (a) All habitable rooms shall be provided with adequate light and ventilation.

(b) All sleeping rooms occupied by children shall be rooms with an outside wall and an openable window.

(c) All bath and toilet rooms shall be provided with an openable window or exhaust ventilation.

(20) FIRE PREVENTION AND SAFETY. (a) Habitable rooms on the second floor shall be provided with access to 2 exits, at least one of which shall be a stairway exit.

**Note:** A window shall be considered an "exit" if it is openable from the inside without the use of tools, not less than 22 inches in the smallest dimension, at least 5 square feet in area and with a lower sill not more than 4 feet from the floor.

(b) Passageways leading to exits shall be clear and unobstructed. One exit door shall be at least 3 feet in width.

(c) All stairs serving 3 or more levels shall have a door at either the bottom or top of the stairs and the door shall be kept closed.

(d) Group foster homes shall have a smoke detection system listed by the Underwriter's Laboratory and installed according to the manufacturer's instructions or a sprinkler system.

(e) There shall be a written posted plan for emergency evacuation of the home and at the time of placement each resident shall be instructed in the use of the plan. Evacuation procedures shall be reviewed with the residents every 2 months.

(f) A fire extinguisher acceptable to the local fire department shall be provided in the kitchen. Caretakers shall be instructed in its use.

(g) Smoking in bed shall not be permitted.

(h) The licensee shall demonstrate that the home has passed an annual fire safety inspection acceptable to the licensing agency.

(21) SAFETY MEASURES. (a) Tubs and showers shall have safety strips applied or other provisions shall be made to prevent slipping.

(b) Stairways, halls, and aisles shall be maintained in good repair, adequately lighted and free from obstacles.

(c) Each stairway shall be provided with a handrail and steps shall have a non-slip surface.

**History:** Cr. Register, March, 1976, No. 243, eff. 5-1-76.

**PW-CY 40.95 Recording and reporting.** (1) RECORDS ON FOSTER CHILD. During the time a child is in care the licensee shall maintain a record on forms provided by the department. Such records shall contain the following information and they shall be kept current and in the group foster home:

(a) Foster child's name, alias, and sex.

(b) Foster child's birth date.

(c) Name of person or agency to be notified in an emergency.

(d) Placement date.

(e) Person or agency responsible for the foster child.

(f) Name of physician to be called in an emergency.

(g) Current medical information about the foster child while in care such as medical examinations and immunizations, illnesses and accidents, including dates of each; allergies, sensitivity to medications or foods, physical limitations, and recommendations for follow-up medical care, medications and treatment received, including dates of each.

(h) Name of dentist and dates foster child is examined.

- (i) Name of school and current grade.
- (j) Foster child's religion.
- (k) Date foster child is removed from placement.

(2) CONFIDENTIALITY. Group foster home staff and volunteers shall maintain in confidence all information and records on foster children.

(3) AGENCY ACCESS TO RECORDS. At the request of the licensing or sponsoring agency, caretakers shall make available for inspection all records on foster children received by them.

(4) RESPONSIBILITY TO THE LICENSING AGENCY. (a) The licensee shall report to the licensing agency as soon as possible the death of any foster child, or any serious illness or injury to a foster child which required hospitalization.

(b) The licensee shall report in writing to the licensing agency the following as soon as possible:

1. Any fire on the premises which requires the services of a fire department.

2. Any intention to terminate the group foster home. Notification shall be at least 30 days in advance of such termination.

3. If the licensee is a corporation, any change in the name of the executive responsible for the group foster home, chairman of the board or any change in the corporate structure.

(5) RESPONSIBILITY TO THE SUPERVISING AGENCY. (a) The licensee shall notify the supervising agency as soon as possible of emergencies involving the foster child. This includes serious illness or injury requiring medical treatment, death, unauthorized absence from the home, or other situations of which prudence suggests the supervising agency be notified. This requirement is no way relieves the licensee from first taking whatever action is necessary to protect the health and safety of the foster child

(b) The licensee shall keep the supervising agency informed of the foster child's progress while in care and shall consult with this agency regarding care, training, and plans for the foster child whenever more than the day-to-day routine is involved.

(c) The licensee shall allow the supervising agency a minimum of 30 days in which to make suitable plans for the foster child when the licensee has requested the foster child's removal from the home, unless both parties agree to earlier removal.

**History:** Cr. Register, March, 1976, No. 243, eff. 5-1-76.