

Chapter HSS 54

CHILD-PLACING AGENCIES

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HSS 54.01 Introduction. (1) **PURPOSE.** The purpose of this chapter is to protect and promote the health, safety and welfare of children in the care of child-placing agencies.

(2) **APPLICABILITY.** This chapter applies to all child-placing agencies.

(3) **EXCEPTIONS TO RULES.** The department may make exceptions to any of the rules for licensing child-placing agencies when the department is assured that granting such exceptions is not detrimental to the health, safety and welfare of children.

(4) **DEFINITIONS.** (a) "Board of directors" means the policy-making body which governs a child welfare agency.

(b) "Child" means a person under 18 years of age.

(c) "Child-placing agency" means a child welfare agency licensed to place children in licensed family foster homes and licensed group homes.

(d) "Child welfare agency" means any person required to be licensed under s. 48.60, Stats.

(e) "Department" means the department of health and social services.

(f) "Division" means the department's division of community services.

(g) "Guardian" means the person or agency appointed by a court to make major decisions affecting a child which may include consent to marriage, to enlistment in the armed forces, to major surgery and to adoption, or to manage the estate of a minor.

(h) "Legal custodian" means the person or agency to whom a court has transferred a child's legal custody, and who thereby has the right and duty to protect, train and discipline the child and to provide for the child's care needs. "Legal custody" has the meaning prescribed in s. 48.02 (12), Stats.

History: Cr. Register, September, 1982, No. 321, eff. 10-1-82; am. (4) (c), Register, December, 1983, No. 336, eff. 1-1-84.

HSS 54.02 Organization and administration. (1) **INCORPORATION.** Every child welfare agency shall be incorporated. Any agency incorporated outside of Wisconsin shall secure authorization from the secretary of state to do business in Wisconsin.

(2) **BOARD OF DIRECTORS.** (a) Every agency shall be governed by a board of directors which is responsible for the operation of the agency according to its defined purposes.

(b) If the agency is incorporated in another state, the board of directors shall:

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1. Meet in Wisconsin at least once during the period for which the license is issued, or

2. Have a subcommittee of at least 3 Wisconsin residents one of whom shall be a member of the board. This subcommittee shall be responsible to the board of directors to see that board policies are carried out and that there is adherence to licensing rules.

(c) When requested, the board, or its subcommittee if it is in the category covered by sub. (2) (b) 2. above, shall meet with its licensing representative.

(d) The board shall:

1. Define its responsibilities. These responsibilities shall include:

a. The establishment of policies to be followed by the agency and regular planned review of policies and purposes of the agency to determine that the interests of children are being served.

b. Surveillance that the agency does not discriminate in its personnel practices, intake and services on the basis of race, color and national origin.

c. The exercise of trusteeship for property, investment and protection from liability.

d. Approval of the budget and responsibility for obtaining and disbursing of funds.

e. Employment of a qualified executive and delegation to that executive the responsibility for the administration of the agency and the employment of other staff members.

2. Meet at least semiannually and keep minutes of each meeting which shall be made a part of the permanent records of the agency.

3. Keep informed to insure that the agency fulfills its functions.

4. Consult with the department prior to the establishment of a new agency or the changing of a basic program of care of an existing agency or the extension of service into additional program or geographic areas.

5. Notify the department when there is a change in the executive of the agency and/or the chief officer of the board.

6. Notify the department of any major changes pending or occurring in the corporate structure, organization or administration of the agency.

(3) APPLICATION. (a) The board shall submit to the department an application to operate an agency in a form prescribed by the department for a license. The application shall be signed by the chief officer of the board and the agency executive. It shall not operate the agency until it receives such a license.

(b) If the board is applying for a license for the first time the application shall be submitted at least 60 days prior to the date on which it proposes to begin operation.

(c) The following material shall accompany the first application for a license: