

No. 390, S.]

[Published July 21, 1951.]

**CHAPTER 509.**

AN ACT to renumber 48.40 (1); to amend 48.37 (3), 48.38 (1) (introductory paragraph) and (b) and 48.40 (2); and to create 48.40 (1) (b) of the statutes, relating to child welfare agencies, foster homes and powers of the state department of public welfare.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 48.37 (3) of the statutes is amended to read:

48.37 (3) Each license issued shall specify in general terms the kind of child welfare work the licensee is authorized to undertake, the ages and sex of children that may be received and the number of the same, and the territory within which said licensee, with due regard to its facilities for service, may place and supervise children, and whether such licensee is authorized to select foster homes for children and to issue permits to the same as provided in section 48.38. All such licenses shall expire \* \* \* *one year from date of issuance*, shall not be transferable, and may be revoked by the state department of public welfare as provided in section 48.39.

SECTION 2. 48.38 (1) (introductory paragraph) and (b) of the statutes are amended to read:

48.38 (1) (introductory paragraph) The term "foster home" as used in sections 48.35 to 48.42 shall mean the place of residence of any person or persons who receive

therein a child or children \* \* \* for control, care and maintenance, with or without transfer of custody; provided

(b) That the parents (natural or adoptive) or guardians of such children are not resident in the same home. No more than 4 children may be placed in a foster home unless all are in the relationship to each other of brother or sister. *Exceptions to the number of children may be made by the state department of public welfare.*

SECTION 3. 48.40 (1) of the statutes is renumbered 48.40 (1) (a).

SECTION 4. 48.40 (1) (b) of the statutes is created to read:

48.40 (1) (b) In addition to the penalties provided, the several circuit courts shall have jurisdiction to prevent and restrain by injunction violations of sections 48.37, 48.41 and 48.45. It shall be the duty of the several district attorneys, upon request of the state department of public welfare, to institute action for such injunction under chapter 268.

SECTION 5. 48.40 (2) of the statutes is amended to read:

48.40 (2) Whenever the state department of public welfare shall be advised or shall have reason to believe that any person in this state is conducting or maintaining a foster home without having a permit therefor, as in this chapter provided, it shall make an investigation to ascertain the facts and take necessary steps to protect the children in such foster home either by issuing a permit pursuant to section 48.38 or by removing said children. The state department of public welfare may also cause a prosecution to be instituted against such person under the provisions of section 48.41. *The state department of public welfare may refuse to issue a permit to any foster home which does not comply with any rule, regulation or standard established by the department for the conduct of a foster home. The department shall be authorized to remove any children from a foster home which has been denied a permit.*

Approved June 28, 1951.

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