

## Clearinghouse Rule 25-043

### State of Wisconsin Department of Children and Families Foster Home Licensing

#### DCF 56

The statement of scope for this rule, SS 097-23, was approved by the governor on November 2, 2023, published in Register 815A1 on November 6, 2023, and approved by Secretary Emilie Amundson on November 29, 2023.

The Wisconsin Department of Children and Families proposes an order **to repeal** ss. DCF 56.01 (2) (Note), 56.02, 56.03 (1), (3) (a) and (Note), (4), (5), (6), (6m), (8), (10m), (11m), (17), (18), (23), (25), (26), (28), (31), (32), (33), (34d), and (35m), 56.08, 56.09 (1) (am) to (dm) and (em) to (o), (1g), and (1m), 56.13 (1), (3) (Note), (4) (a) 1. b., (6t), (7), and (8), 56.14 (1), (2), (5) (b), (6) (h), (7) (a) 1. to 9. and (Note), (c), (d) and (Note), and (8) (a), 56.17 (2) (q), 56.18, 56.19, 56.20, 56.22 (6) (a) 3. and (b), and (Note), 56.23 (3) (a) 5.; **to renumber** ss. 56.17 (2) (a), 2., 4., 5., (d); **to renumber and amend** ss. DCF 56.13 (4) (a) 1. a., 56.14 (4) (a) 1. a., (7) (a) (intro.), 56.17 (2) (a) (intro.), 1., 3.; **to consolidate, renumber, and amend** ss. DCF 56.03 (3) (intro.) and (b) and 56.22 (6) (a) (intro.), 1., and 2.; **to amend** ss. DCF 50.05 (10) (a) 5. and 6., 51.07, 56.03 (1d), (2), (10), (11r), (12), (13), (20), (21g), (21r), (24), (27r), (30), (34h), (34m), (36), (37), (37e), (37m), (37s), 56.055 (1) (a) 1. and 2. and (b), (3) (a), (b), (c) and (Note), (4) (intro.), and (5), 56.13 (title), (4) (title) and (b), (5) (b) 1., (6) (b) 1., 56.14 (3), (4), (5) (a), (6p) (title), (intro.), and (k), (7) (b) 2., (7s) (title) and (intro.), (8) (b) 1., 1r., 2. a., 3., and 4., 56.16 (2) (a), 56.17 (1) (a), (2) (b) (intro.), 1., 3. (intro.) and g. and 4., (c), (e), (g), (h), (i), (k), (L) 1. and 2., (n), and (o), 56.22 (1) (a) and (b), (3) (a) and (b), (4) (a) (intro.), 1. (intro.), a., g., 2. e., (b) 1., 2., and 3., (c) (intro.), 1. (intro.), and 2. (intro.), (d) (intro.), and (5) (a), (intro.), 1. to 6., and (b), (7), 56.23 (1) (c), (2) (intro.), (a) 1. (intro.), 2. a. to d., and (b), (3) (a) 1., 3., and 4., and (5); **to repeal and recreate** ss. DCF 56.03 (11), (15m), (16), (29), (33m), (34p), and (34t), 56.04 (1) to (5), (7), and (8); 56.05, 56.055 (2), 56.06, 56.07, 56.09 (title), (1), (title), (intro.), (a), and (2) to (12), 56.10, 56.12, 56.13 (2), (3), (5) (title), (a), (c), (6) (title), (a), (c), 56.14 (6), (6d), (7) (b) 1., 56.15, 56.16 (1), 56.17 (1) (b), 56.21, and 56.23 (4) (Note); and **to create** ss. DCF 56.03 (1b), (3m), (8m), (10g), (10n), (19) (Note), (20d), (20h), (20p), (20t), (24m), (26m) and (Note), (34n), (35s), and (37u), 56.04 (9) to (14), 56.055 (6) and (Note), 56.072, 56.074, 56.076, 56.078, 56.085, 59.09 (13) to (16), 56.135, 56.14 (3) (Note) and (6p) (L), 56.185, 56.24, and 56.25, relating to foster home licensing.

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#### Analysis Prepared by the Department of Children and Families

**Statutory authority:** Sections 48.383 (3), 48.62 (1) and (8) (a), 48.627 (2) (b), 48.67 (intro.) and (4) (a), 938.383 (3), and 227.11 (2) (a), Stats.

**Statutes interpreted:** Sections 48.383, 48.62, (4) 48.627 (2), 48.67 (intro.) and (4), 48.685, 48.75 (3), 48.88, 938.383

### **Explanation of Agency Authority**

Section 48.67 (intro.), Stats., provides that the department shall promulgate rules establishing minimum requirements for the issuance of licenses to, and establishing standards for the operation of, child welfare agencies, child care centers, foster homes, group homes, shelter care facilities, and county departments. Those rules shall be designed to protect and promote the health, safety, and welfare of the children in the care of all licensees.

Section 48.67 (4) (a), Stats., provides that all foster parents successfully complete training in the care and support needs of children who are placed in foster care that has been approved by the department. The department shall promulgate rules prescribing the training that is required under this subsection and shall monitor compliance with this subsection according to those rules. The training shall include training topics specified in s. 48.67 (4) (a), Stats.

Section 48.62 (1), Stats., provides that any person who receives, with or without transfer of legal custody, 4 or fewer children or, if necessary to enable a sibling group to remain together, 6 or fewer children or, if the department promulgates rules permitting a different number of children, the number of children permitted under those rules, to provide care and maintenance for those children shall obtain a license to operate a foster home from the department, a county department or a licensed child welfare agency as provided in s. 48.75, Stats.

Section 48.62 (8), Stats., provides that the department shall promulgate rules providing levels of care that a foster home is licensed to provide. Those levels of care shall be based on the level of knowledge, skill, training, experience, and other qualifications that are required of the licensee, the level of responsibilities that are expected of the licensee, the needs of the children who are placed with the licensee, and any other requirements relating to the ability of the licensee to provide for those needs that the department may promulgate by rule.

Sections 48.383 (3) and 938.383 (3), Stats., require the department to promulgate rules to implement requirements regarding the reasonable and prudent parent standard.

Section 48.627 (2) (a), Stats., requires that a foster parent have homeowner's or renter's liability insurance that provides coverage for negligent acts or omissions by children placed in a foster home that result in bodily injury or property damage to 3rd parties. Section 48.627 (2) (b), Stats., provides that a licensing agency may, in accordance with rules promulgated by the department, waive the requirement under par. (a) if the applicant shows that they are unable to obtain the required insurance, that they had a homeowner's or renter's liability insurance policy canceled or that payment of the premium for the required insurance would cause undue financial hardship.

Section 48.64 (4) (a), Stats., provides that, except as provided in par. (d), any decision or order issued by an agency that affects the head of a foster home or the child involved may be appealed to the department under fair hearing procedures established under rules promulgated by the department.

Section 227.11 (2) (a), Stats., expressly confers rule-making authority on each agency to promulgate rules interpreting the provisions of any statute enforced or administered by the agency.

## Summary of the Rule

The proposed rule makes the following changes to the foster home license requirements in ch. DCF 56:

### Licensing

- Revises the requirement of a physical exam of the applicant from within the past 6 months to within the past 12 months.
- Repeals the requirement of a physical exam for household members and instead requires a statement from either the household member or a medical provider who performed an exam within the previous 12 months indicating any physical or mental conditions that would threaten the health or safety of a foster child.

### Foster parent qualifications

- Revises the requirement that a nonrelative foster parent be at least age 21 and a relative foster parent be at least age 18 to instead require that all foster parents be at least age 18.
- Revises the wording of the foster parent characteristics for clarity and repeals those that are difficult to assess, such as “a satisfactory self-concept.”
- Repeals the foster parent responsibility of notifying the licensing agency of any change in their job or work schedule.
- Creates a foster parent responsibility of engaging in shared parenting with the foster child’s parent, guardian, or Indian custodian and including them in meetings and appointments.

### Background checks

- Requires review of any final substantiated findings in Wisconsin, review of any child protective services records for the person in the department’s child welfare automation system or in county records from the 5-year period before the search, and review of any child protective services records for the person or findings comparable to a final substantiated findings in another state in which the applicant or nonclient resided during the 5-year period before the search.
- Requires that a licensing agency inform an applicant whether they are eligible for a rehabilitation review.

### Notification requirements

- Revises reporting timeframes for serious incidents involving a foster child or the foster home from “immediately” to within 24 hours after the incident.
- Revises the reporting timeframe for changes related to the background check from “immediately” to within 5 days.
- Requires notification within 5 days if a foster parent no longer has vehicle liability insurance or homeowner’s or renter’s liability insurance.
- Repeals requirement that the licensing agency notify the department exceptions panel of any serious incident reports by the foster parent of a Level 5 foster home.

### Physical environment

- Revises the provision allowing the licensing agency to require a fence around a play area when there is a safety hazard on the premises or nearby to instead allowing the

licensing agency to require that the foster parent take specific actions or have a safety plan to address the safety hazard.

- Repeals quantitative requirements on the minimum square feet of living area per household member, minimum square feet per child in a bedroom, minimum floor space in a bedroom, number of feet between beds, number of children that may share a bedroom, number of feet between a top bunk and the ceiling, maximum space between crib slats, maximum space between a crib mattress and the side of a crib, and minimum temperature of the foster home during waking and sleeping hours.
- Repeals the prohibition on any foster child over 6 years of age sharing a bedroom with a child of the opposite sex and instead provides that a foster child may share a bedroom with another child if the supervising agency approves and any foster child who is age 6 years or older consents.
- Revises the conditions when a foster child one year of age or older may regularly share a bedroom with an adult from only when a medical provider determines it is medically necessary and the licensing agency approves to instead allow a foster child one year of age or older to regularly share a bedroom with a nonparent adult if the foster child and the adult are siblings; the foster child and the adult were sharing a bedroom before the adult turned 18 years of age; or based on the foster child's needs if the supervising agency approves, the foster child has a sleeping space in another bedroom to return to when the needs subside, and, if the foster child is 6 years of age or over, the foster child consents.
- Repeals the prohibition of triple bunk beds.
- Modifies the requirement for a safety railing on a top bunk from only if occupied by a foster child under 8 years of age to instead requiring a safety railing when any foster child sleeps in a top or middle bunk.
- Revises the prohibition on access to dangerous materials and objects to add the qualifier "as appropriate for a foster child's age and developmental, emotional, and behavioral needs."
- Repeals the minimum age requirement of 12 years of age for operating hazardous machinery or equipment unless permitted by statute to instead provide that no foster child may operate any hazardous machinery or equipment in violation of a law that specifies a minimum age or that is beyond the foster child's knowledge or mental or physical capacity.

#### Emergency preparedness

- Requires that the foster parent have an emergency plan that specifies where a foster child will shelter during a tornado warning.
- Repeals the requirements of agency approval and specified details of a fire safety evacuation plan and instead require that a foster parent have a written plan for the immediate and safe evacuation of the foster home in the event of a fire.

#### Firearms and other dangerous weapons

- Repeals the prohibition on a loaded firearm in the foster home and instead allows a foster parent to carry a concealed handgun in the presence of a foster child if the foster parent has a license to carry a concealed weapon and carries the handgun using a holster

or carry system that ensures that the firearm is in the control of the foster parent at all times.

- Maintains the requirement that a firearm be stored unloaded and locked in an area not readily accessible to a foster child and modifies additional storage provisions from requiring that ammunition be stored in a separate locked area to instead requiring that a firearm either be stored in a gun safe with ammunition allowed or one or more of the following: with ammunition locked in a container separate from the firearm, with the trigger lock engaged on the firearm, or with the cable lock engaged on the firearm.

#### Transportation

- Revises the current requirement that the foster parent provide or arrange a foster child's necessary transportation to instead require that foster parent provide transportation or ensure a foster child's access to other private transportation, public transportation, taxi, or ride share, so the foster child can attend medical appointments; visit family; get to school; and engage in social, religious, and cultural activities.

#### Capacity

- Clarifies that a child receiving respite care should be included when determining the maximum number of persons that may be receiving care in a foster home and adds that a child of the foster parent who is under 19 years of age and in high school should be included in addition to minor children of the foster parent.
- Increases the maximum number of foster children who may be cared for in a foster home from 4 to 6, unless an exception is granted.
- Allows the licensing agency to grant an exception to allow up to 8 foster children in a foster home, instead of 7 foster children, if necessary to maintain a sibling connection, a parental connection, or an established meaningful relationship between a child and the foster parent. This last criterion is modified from "maintaining placement continuity" to "maintaining relationship continuity."
- Repeals provisions limiting the number of foster children in a foster home with a Level 3 to 5 certification and limiting the number of foster children who are under 2 years of age and creates a provision authorizing the licensing agency to limit the number of foster children placed in a Level 1 to 4 foster home to fewer than 6 and the department exceptions panel to limit the number of foster children placed in a Level 5 foster home to fewer than 6.

#### Care of a foster child

- Repeals the requirement that a foster parent allow a foster child to keep and wear their own clothing appropriate to the season and setting.
- Allows a foster parent to use a video or audio monitor inside the foster home to monitor a foster child 2 years of age or over only if there is a specific safety need that can only be met through the use of video or audio monitoring and the supervising agency approves; prohibits recording the video or audio used for monitoring; and authorizes a foster parent to take a video or audio recording of a social or recreational activity that a foster child is taking part in.
- Prohibits a foster parent from authorizing any significant changes to a foster child's hair such as haircuts or style or color changes, without permission from the child's parent,

guardian, legal custodian, or Indian custodian; allows a foster child who is age 12 years or older to make their own hair care decisions; and allows a foster parent to authorize hair care services needed to maintain the style, cut, and color of a foster child's hair.

- Extends the time allowed for care of the foster child by any other person before supervising agency approval is required from 48 to 72 hours.
- Requires that a foster parent and the supervising agency coordinate transportation for a foster child's visits with their parent, siblings, and other identified persons under the family interaction plan.
- Repeals the requirement that a foster parent provide a foster child with spending money.
- Allows a licensing agency to grant an exception to the requirement that a foster parent use a licensed or certified child care provider for regular child care outside the foster home if there is no licensed or certified provider within 15 miles of the foster home, there is no opening at a licensed or certified provider that is within 15 miles of the foster home and the foster child has been placed on a waitlist, or the supervising agency determines that care by the unregulated provider is the best interest of the foster child. An unregulated provider will need to pass the background check and abide by the provisions on supervision, discipline, and physical restraint.
- Revises provisions specifying time limits on time-outs for a foster child based on the child's age and instead provide factors for the foster parent to consider in deciding the appropriate disciplinary action and the use of time-outs.
- Repeals the requirement that the foster parent maintain case records on a foster child.

#### Hearings

- Clarifies that license revocation remains effective during the appeal process.

#### Level 5 foster homes

- Incorporates application requirements that have not been in rule.
- Allows a foster parent to have an associate's degree or higher instead of requiring a bachelor's degree or higher.
- Requires that the foster parent contact with the foster child include parent-child interactions, such as doing homework, playing games, and going on community outings.
- Repeals traineeship as a qualification for a foster parent and program staff.
- Revises the minimum age requirement for program staff from 21 years of age to 18 years of age.
- Revises the physical exam requirement for program staff from within the past 6 months to within the past 12 months.

#### Foster parent training

- Repeals the requirement for a foster parent training advisory committee.
- Repeals the requirement that the preplacement training for foster parents who operate a Level 4 foster home include 4 hours of child-specific or population-specific training.
- Repeals the option of an agency curriculum for preplacement training.
- Repeals details of the department's standardized curriculum for initial licensing training.

- Revises the ongoing training limitation that no more than 20 percent of the required hours be from books, periodicals, web-based resources, or television and radio presentations to instead provide that ongoing training that is not in person or a live video conference not exceed 20 percent of the required hours.

#### Supervising or placing agency

- Repeals the requirement that each foster child with a severe emotional disturbance have a clinical consultant with specified qualifications assigned.
- Repeals the requirement for an aftercare plan for a child who is no longer in foster care.
- Repeals the qualification requirements for a child welfare professional for foster homes with a Level 3 to 5 certification and instead require that the supervising or placing agency ensure that each child welfare professional is able to perform the specified duties independently or under the supervision of staff with a master's degree or higher educational level.

#### Licensing agency responsibilities

- Expands the requirement that a licensing agency notify any supervising agency with a foster child placed in a foster home prior to placement of a new foster child in the home from only when there will be more than 2 foster children placed in a foster home with a Level 3 to 5 certification to instead require notification when any new foster child will be placed in a foster home.

#### Respite care for foster parents

- Reduces applicability of the respite care rule for a planned absence of the foster parent from an absence of more than 48 hours to an absence of more than 72 hours.
- Provides that a foster child not be in respite care for more than 28 consecutive days and that a licensing agency may establish a limit that is less than 28 consecutive days.

#### Relative or like-kin foster homes

- Repeals nonsafety-related waivers for relatives and specifies additions, modifications, and exceptions for a relative or like-kin of a child placed or intended to be placed in the home.

### **Summary of Data and Analytical Methodologies**

The development of the proposed rule focused on maintaining licensing standards needed for safe caregiving while repealing overly stringent rules that cause unnecessary administrative burden for licensing agencies and inappropriate barriers to licensure of foster parents, especially relatives.

The process began with appointing a DCF 56 Advisory Council that included county foster care licensors, supervisors, and ongoing services professionals, and representatives from the Wisconsin County Human Services Association, the Wisconsin Association of Family & Children's Agencies, tribal child welfare agencies, private child-placing agencies, and the Division of Milwaukee Child Protective Services.

The department and the DCF 56 Advisory Council compared the shorter and simpler federal Department of Health and Human Services National Model Foster Family Home Licensing Standards (2019) and the department's current rule. In particular, many of the quantitative

requirements in the physical environment section of the current rule were determined to be inappropriate, such as measuring the size of a foster child's bedroom. In other areas, the department's proposed rule includes more than what is in the model licensing standards.

Additional input was received from other stakeholders, including foster youth at Camp to Belong, the Children's Court Improvement Program, Indian Child Welfare Directors, and advocates for relative licensing.

The department also made changes to provisions in the current rule for which there are a large number of questions and exception requests, including sleeping arrangements, the requirement to use a licensed or certified child care provider for regular child care outside the foster home, firearms, and care of a foster child's hair. The proposed rule has fewer prescriptive requirements for sleeping arrangements, allows unregulated child care providers in certain circumstances, allows concealed carry of a handgun, offers additional options for firearm storage requirements, and specifies that major hair care decisions should be made by a foster child's parent or a foster youth.

In addition, the proposed rule creates separate licensing standards for relatives and like-kin, as authorized by a federal rule issued in September 2023. The department's current rule allows for nonsafety-related waivers for relatives based on a previous federal regulation. The licensing standards for relatives and like-kin in the proposed rule are based on the model standards, *Kin-Specific Foster Home Approval: Recommended Standards of National Organizations*, which were released shortly after the new federal rule by a coalition of 10 national organizations. The department's relative and like-kin standards align with the kin-specific model standards.

### **Summary of Related Federal Law**

42 USC 671 (a) (10) (A) provides that a state shall establish and maintain standards for foster family homes that are *reasonably in accord with recommended standards of national organizations* concerned with standards for the homes, including standards related to admission policies, safety, sanitation, and protection of civil rights, and which shall permit use of the reasonable and prudent parenting standard.

42 USC 671 (a) (2) Before a child in foster care placed with prospective foster parents, the *prospective foster parents will be prepared adequately with the appropriate knowledge and skills* to provide for the needs of the child, and that such preparation will be continued, as necessary, after the placement of the child.

42 USC 672 (c) (1) In general, a foster parent may care for *not more than 6 children* in foster care. State *flexibility to exceed* this limit is allowed for any of the following reasons:

- To allow a parenting youth in foster care to remain with the child of the parenting youth.
- To allow siblings to remain together.
- To allow a child with an established meaningful relationship with the family to remain with the family.
- To allow a family with special training or skills to provide care to a child who has a severe disability.



*Separate Licensing Standards for Relative or Kinship Foster Family Homes*, Department of Health and Human Services, 88 Federal Register 66700 (September 28, 2023) (to be codified at 45 CFR 1355.20 and 45 CFR 1356.21)

This federal rule allows state and tribal Title IV–E agencies to adopt a set of foster home licensing or approval standards for individuals related to a child by blood, marriage or adoption and other individuals who have an emotionally significant relationship with the child, including fictive kin, that differ from the foster home licensing or approval standards used for individuals who are not relatives or fictive kin.

*National Model Foster Family Home Licensing Standards*, Department of Health and Human Services, Administration on Children, Youth, and Families, Children's Bureau, Information Memorandum 19-01, Attachment A, issued February 4, 2019

The Department of Health and Human Services, Children's Bureau, developed [\*National Model Foster Family Home Licensing Standards\*](#) in response to a directive in The Family First Prevention Services Act (2018) to identify reputable model licensing standards for the licensing of foster family homes (Public Law 115-123, Section 50731).

### **Comparison to Adjacent States**

#### **Michigan**

A foster parent is required to designate sleeping arrangements that are appropriate for each child's age, sexual orientation, gender identity and expression, medical and mental health needs, behavior, and history of abuse. Bedrooms must have a window to the outside that is big enough for evacuation. The use of a video camera in a bedroom of any foster child over the age of 2 is strictly prohibited.

Michigan allows a foster parent to carry a firearm in the foster home and on the property as allowed by law. Firearms must be stored locked either in a gun safe, solid metal gun case, or solid wood gun case with ammunition allowed in the same location or locked with a cable lock or trigger lock with ammunition in a separate locked location that is inaccessible to children. This is similar to the department's proposed rule.

A foster parent must provide an allowance for a foster child based on agency guidelines or as determined by the social services worker and the foster parent for specific youth. Any money earned or received directly by the child remains the property of the child.

A foster parent must ensure that a child is able to communicate with family and friends in a manner consistent with the child's expressed wishes, appropriate to the child's functioning, and in accordance with the child's treatment plan.

#### **Illinois**

A bedroom must be a minimum of 40 square feet for the first child and a minimum of 35 square feet for each additional child sharing the room. Children under six years of age may share a bedroom with related children of the opposite sex who are also under age six if each child is provided with a separate bed or crib.

The provisions on firearms and ammunition requires that they be stored and locked up separately at all times and kept in places inaccessible to children. Loaded guns may not be kept in a foster home unless required by law enforcement officers and in accordance with their law enforcement agency's safety procedures. This provision is similar to Wisconsin's current rule on firearms.

Personal allowance money shall be available to the children based upon the child's age and

ability to manage the money. Adolescents may be allowed to earn additional spending money.

Foster parents are authorized to approve visits that do not exceed 48 hours away from the foster parents' care.

Dangerous household supplies and dangerous tools shall be kept in a safe place inaccessible to children under 12 years of age.

#### Iowa

The minimum bedroom area per child shall be 40 square feet. Any child over five years of age may not share a bedroom with a child of the opposite sex. A bedroom must have an unobstructed, operable window that is large enough to allow for an unrestricted exit by the child. Except for baby video monitors for a child under 2 years of age used in their bedroom, video or surveillance cameras are not allowed in the child's bedroom or bathroom. Temperature in the bedroom must be at least 65 degrees.

Firearms, sling shots, BB guns, and any other projectile weapon must be stored in a locked area inaccessible to children. Ammunition must be locked separately from a weapon. The rule specifies a form for foster parents to sign if they have a permit to carry a firearm. Any motor vehicles used to transport a foster child shall not contain a loaded gun.

The agency may waive any non-safety licensing standard for relative applicants, just as under Wisconsin's current rule.

#### Minnesota

A foster child must be provided with a separate bed suitably sized for the child, except that two siblings of the same sex may share a double bed. Bedrooms that are used by foster children must have two exits.

Firearms and ammunition must be stored separately in locked areas that are not accessible or visible to a foster child. No one may have a loaded firearm on their person in a foster home.

#### **Effect on Small Businesses**

The rule affects small businesses as defined in s. 227.114 (1), Stats., but will not have a significant economic impact on a substantial number of businesses.

#### **Analysis Used to Determine Effect on Small Businesses**

The rule reduces the administrative burden on private child-placing agencies that license Level 3 to 5 foster homes.

#### **Agency Contact**

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#### **Place Where Comments are to be Submitted and Deadline for Submission**

Comments may be submitted to Elaine Pridgen, Department of Children and Families, 201 W. Washington Ave, P.O. Box 8916, Madison, WI, 53708-8916 or [dcfpublichearing@wisconsin.gov](mailto:dcfpublichearing@wisconsin.gov). The comment deadline is June 24, 2025.

## **Rule Text**

### **SECTION 1. DCF 50.05 (10) (a) 5. and 6. are amended to read:**

**DCF 50.05 (10)** (a) 5. Any of the changes specified in the background check notification requirements in s. DCF ~~56.05 (1) (g)~~ 56.06 (4) for any household member.

6. If the prospective adoptive parents have a foster child placed in the home, any of the serious incidents specified in the notification requirements in s. DCF 56.06 (2) and (3).

### **SECTION 2. DCF 51.07 is amended to read:**

**DCF 51.07 Credit for foster parent training.** (1) COMPLETION OF THE STANDARDIZED CURRICULUM. (a) Notwithstanding s. DCF 51.05, a prospective adoptive parent that has completed the foster parent training under s. DCF 56.14 (6d), ~~(6h)~~, or (7) may receive credit as appropriate toward the 25 hours of preadoption training under ss. DCF 51.05 and 51.06. The adoption agency shall ensure that the prospective adoptive parent completes in-person training sufficient to cover the required topics in s. DCF 51.05 (1) as they relate to adoption.

(2) PARTIAL COMPLETION OF THE STANDARDIZED CURRICULUM. If a prospective adoptive parent has partially completed the foster parent training under s. DCF 56.14 (6d), ~~(6h)~~, or (7), the adoption agency shall determine the amount of credit to allow for the foster parent training that was completed and what additional training is needed for the adoptive parent to comply

### **SECTION 3. DCF 56.01 (2) (Note) and DCF 56.02 are repealed.**

### **SECTION 4. DCF 56.03 (1) is repealed.**

### **SECTION 5. DCF 56.03 (1b) is created to read:**

**DCF 56.03 (1b)** “Advanced practice nurse prescriber” has the meaning given in s. 50.01 (1b), Stats.

**SECTION 6. DCF 56.03 (1d) and (2) are amended to read:**

**DCF 56.03 (1d)** “Age or developmentally appropriate activities” means activities that are generally accepted as suitable for children of a given chronological age or level of maturity or that are determined to be developmentally appropriate for a child based on the cognitive, emotional, physical, and behavioral capacities that are typical for children of a given age or age group or, in the case of a specific foster child, activities that are suitable for the foster child based on the cognitive, emotional, physical, and behavioral capacities of that foster child.

~~(2) “Basement” has the meaning prescribed in s. SPS 320.07 (8), namely, that level means the portion of a foster home below the first or ground floor level with its entire floor below any exit discharge grade to the exterior of the foster home.~~

**SECTION 7. DCF 56.03 (3) (intro.) and (b) are consolidated, renumbered DCF 56.03 (3), and amended to read:**

**DCF 56.03 (3)** “Basic maintenance payment” means a payment to reimburse a foster parent for the cost of a foster child’s food, clothing, housing, basic transportation, and personal items, as follows:

~~(b) For care and maintenance provided by a foster home that is certified to provide care at a level of care that is higher than Level 1 care, an age-related foster care payment established by s. 48.62 (4), Stats.~~

**SECTION 8. DCF 56.03 (3) (a) and (Note) are repealed.**

**SECTION 9. DCF 56.03 (3m) is created to read:**

**DCF 56.03 (3m)** “Biopsychosocial assessment” means an assessment of a foster child’s disability, measurement of the behavioral and cognitive correlates of the disability, assessment of how psychosocial and environmental factors influence how the foster child copes with the disability, a review of biological factors that affect the disability, and an identification of possible treatments for the disability.

**SECTION 10. DCF 56.03 (4), (5), (6), (6m), and (8) are repealed.**

**SECTION 11. DCF 56.03 (8m) is created to read:**

**DCF 56.03 (8m)** “Court order” means an order of a state court or tribal court.

**SECTION 12. DCF 56.03 (10) is amended to read:**

**DCF 56.03 (10)** “Department exceptions panel” or “exceptions panel” means the group authorized to grant exceptions under s. DCF ~~56.02(2)~~ 56.24 to nonstatutory requirements of this chapter.

**SECTION 13. DCF 56.03 (10g) is created to read:**

**DCF 56.03 (10g)** “Division of hearings and appeals” means the division of hearings and appeals in the department of administration.

**SECTION 14. DCF 56.03 (10m) is repealed.**

**SECTION 15. DCF 56.03 (10n) is created to read:**

**DCF 56.03 (10n)** “Entity” has the meaning given in s. 48.685 (1) (b), Stats.

**SECTION 16. DCF 56.03 (11) is repealed and recreated to read:**

**DCF 56.03 (11)** “Exit” means a continuous and unobstructed means of egress from inside the foster home to the exterior of the foster home, including intervening halls, balconies, ramps, fire escapes, stairways, and windows.

**SECTION 17. DCF 56.03 (11m) is repealed.**

**SECTION 18. DCF 56.03 (11r), (12), and (13) are amended to read:**

**DCF 56.03 (11r)** “Family interaction plan” means a plan developed by a placing agency to promote a foster child’s interaction with ~~members of the foster child’s family~~ parent, siblings, and other identified persons and includes interaction by in person or virtual face-to-face contact; telephone calls; texts; instant messages; letters; emails; and attendance at routine activities, such as ~~counseling sessions, family gatherings,~~ medical or treatment-related appointments, school events, and faith-related activities.

**(12)** “Foster care” means care and maintenance provided to a foster child in a foster home pursuant to a court order, voluntary placement agreement, or voluntary transition-to-independent-living agreement.

**(13)** “Foster child” means a ~~child~~ person under 21 years of age who is placed for care and maintenance in a foster home by the department, a county agency, a tribal child welfare agency, or a licensed private child-placing agency ~~or a court~~ by court order, voluntary placement agreement, or voluntary transition-to-independent-living agreement.

**SECTION 19. DCF 56.03 (15m) is repealed and recreated to read:**

**DCF 56.03 (15m)** “Group home has the meaning given in s. 48.02 (7), Stats.

**SECTION 20. DCF 56.03 (16) is repealed and recreated to read:**

**DCF 56.03 (16)** “Guardian” means a person or agency appointed by the court to make important decisions in matters having a permanent effect on the life and development of a child as specified in s. 48.023, Stats.

**SECTION 21. DCF 56.03 (17) and (18) are repealed.**

**SECTION 22. DCF 56.03 (19) (Note) is created to read:**

**DCF 56.03 (19) Note:** A “home-based private educational program” is commonly known as home-schooling.

**SECTION 23. DCF 56.03 (20) is amended to read:**

**DCF 56.03 (20)** “Household member” means any person living in a foster home, whether or not related to the ~~licensee~~ foster parent.

**SECTION 24. DCF 56.03 (20d), (20h), (20p), and (20t) are created to read:**

**DCF 56.03 (20d)** “Indian child” means any unmarried person who is under the age of 18 years and is either a member of an Indian tribe or is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

**(20h)** “Indian custodian” means an Indian person who has legal custody of an Indian child under tribal law or custom or under state law or to whom temporary physical care, custody, and control has been transferred by the parent of the child.

**(20p)** “Indian tribe” means any Indian tribe, band, nation, or other organized group or community of Indians that is recognized as eligible for the services provided to Indians by the U.S. secretary of the interior because of their status as Indians.

**(20t)** “Kinship care provider” means a person who is receiving kinship care payments under s. 48.57 (3m) or (3n), Stats.

**SECTION 25. DCF 56.03 (21g) and (21r) are amended to read:**

**DCF 56.03 (21g)** “Level of care” means the intensity of services that is best able to meet the needs of a foster child who has been assessed with a corresponding level of need.

**(21r)** “Level of need” means a rating of a foster child that is used to inform decision making on placement and service provision. The level of need is derived from an algorithm that is based on an assessment of a foster child’s functioning.

**SECTION 26. DCF 56.03 (23) is repealed.**

**SECTION 27. DCF 56.03 (24) is amended to read:**

**DCF 56.03 (24)** “Licensing agency” means the department, a county agency, tribal child welfare agency, or a licensed private child-placing agency that may issue a license to operate a foster home under this chapter.

**SECTION 28. DCF 56.03 (24m) is created to read:**

**DCF 56.03 (24m)** “Like-kin” means an individual who has a significant emotional relationship with a child or the child’s family that is similar to a familial relationship and who is not and has not previously been the child’s foster parent. For an Indian child, “like-kin” includes individuals identified by the child’s tribe according to tribal tradition, custom or resolution, code, or law.

**SECTION 29. DCF 56.03 (25) and (26) are repealed.**

**SECTION 30. DCF 56.03 (26m) and (Note) are created to read:**



**DCF 56.03 (26m)** “Medical provider” means a physician, physician assistant, or an advanced practice nurse prescriber.

**Note:** “Physician” and “physician assistant” are defined in s. 990.01, Stats.

**SECTION 31. DCF 56.03 (27r) is amended to read:**

**DCF 56.03 (27r)** “Normalcy” means ~~the~~ a foster child’s ability to easily engage in healthy and age or developmentally appropriate activities that promote well-being, such as participation in social, scholastic, and enrichment activities.

**SECTION 32. DCF 56.03 (28) is repealed.**

**SECTION 33. DCF 56.03 (29) is repealed and recreated to read:**

**DCF 56.03 (29)** “Out-of-home care” means when a child is under the placement and care responsibility of an agency in a foster home, group home, residential care center for children and youth, or shelter care facility, in the home of a relative other than a parent, in the home of like-kin, in the home of a person not a relative or like-kin, or in a court-ordered supervised independent living arrangement.

**SECTION 34. DCF 56.03 (30) is amended to read:**

**DCF 56.03 (30)** “Permanency plan” means a plan required under s. 48.38 (2), Stats., that is designed to ensure that a child placed in out-of-home care is safely reunified with ~~the child’s family~~ their parent, guardian, or Indian custodian whenever appropriate, or that the child quickly attains a safe placement or home providing long-term stability.

**SECTION 35. DCF 56.03 (31), (32), and (33) are repealed.**

**SECTION 36. DCF 56.03 (33m) is repealed and recreated to read:**

**DCF 56.03 (33m)** “Placing agency” means a licensed private child-placing agency, county agency, tribal child welfare agency, the department, or a licensed child welfare agency from another state authorized to place children in foster homes.

**SECTION 37. DCF 56.03 (34d) is repealed.**

**SECTION 38. DCF 56.03 (34h) and (34m) are amended to read:**

**DCF 56.03 (34h)** “Program staff” means staff in a Level 5 foster home who are responsible for daily supervision of ~~the children~~ a foster child and providing direct care to the ~~children~~ foster child to ensure their safety and well-being.

**(34m)** “Reasonable and prudent parent standard” means a standard for use in making decisions regarding a foster child’s participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities that is characterized by careful and sensible parental decisions that maintain the health, safety, best interests, and cultural, religious, and tribal values of the foster child while at the same time encouraging the emotional and developmental growth of the foster child.

**SECTION 39. DCF 56.03 (34n) is created to read:**

**DCF 56.03 (34n)** “Relative” has the meaning given in s. 48.02 (15), Stats., except that it does not include a parent.

**SECTION 40. DCF 56.03 (34p) and (34t) are repealed and recreated to read:**

**DCF 56.03 (34p)** “Residential care center for children and youth” has the meaning given in s. 48.02 (15d), Stats.

(34t) “Respite care” means care and services provided to a foster child during the absence of the foster parent.

**SECTION 41. DCF 56.03 (35m) is repealed.**

**SECTION 42. DCF 56.03 (35s) is created to read:**

**DCF 56.03 (35s)** “Shelter care facility” has the meaning given in s. 48.02 (17), Stats.

**SECTION 43. DCF 56.03 (36), (37), (37e) (37m), and (37s) are amended to read:**

**DCF 56.03 (36)** “Supervising agency” means the agency responsible for overseeing the care and maintenance of a child placed in out-of-home care, which may be a county agency, a tribal child welfare agency, the department, or a licensed private child-placing agency.

**(37)** “Team” means the group appointed by the placing and supervising agencies to assess a foster child, develop and implement the ~~case and permanency plans~~ plan, and evaluate the foster child’s progress for a foster child with a level of need of 1 to 2 who is placed in a foster home.

**(37e)** “Treatment” means the combination of therapies, services, and care designed to assist a foster child in achieving established measurable and behavioral goals and objectives based upon the information gathered through the assessment process.

**(37m)** “Treatment plan” means the comprehensive services plan developed by the treatment team for a foster child with a level of need of 3 to 5 who is placed in a foster home with a Level 3 to 5 certification.

**(37s)** “Treatment team” means the group appointed by the placing and supervising agencies to assess a foster child, develop and implement the treatment plan, and evaluate the foster child’s progress for a foster child with a level of need of 3 to 5 who is placed in a foster home with a Level 3 to 5 certification.

**SECTION 44. DCF 56.03 (37u) is created to read:**

**DCF 56.03 (37u)** “Verification” means the licensing agency sees the documentation necessary to meet a specific requirement but does not need to retain a copy in its files unless specifically stated.

**SECTION 45. DCF 56.04 (1) to (5) are repealed and recreated to read:**

**DCF 56.04 Licensing. (1) WHO MUST APPLY.** (a) Any person proposing to provide foster care for a foster child shall apply to a licensing agency for a license to operate a foster home. Each household member who will act in the role of foster parent shall be an applicant.

(2) **INITIAL LICENSE.** Before an applicant may be issued an initial license to operate a foster home, the applicant shall submit all of the following to the licensing agency:

(a) A completed application form provided by the licensing agency that is signed by each applicant.

(b) References required under s. DCF 56.13 (4) (b), (5) (c), or (6) (c).

(c) Information required for the background check under s. DCF 56.055 (1) (a) and (b).

(d) Verification of homeowner’s or renter’s liability insurance coverage, a request for a waiver, or a request for licensure for a period of no more than 90 days to allow time to obtain the necessary documentation to request a waiver under s. DCF 56.05 (9) (c).

(e) Verification of vehicle liability insurance for any vehicle owned by the applicant that will be used to transport a foster child.

(f) For each household member, a written statement indicating any physical or mental conditions of the household member that would threaten the health or safety of a foster child.

The statement may be from the household member or a medical provider who has performed an exam within the previous 12 months.

(g) A written statement from a medical provider that states that the applicant had a physical exam performed within the previous 12 months, and the results of that physical indicate the applicant does not have any physical or mental conditions that would prevent them from safely caring for a foster child.

(h) Information on any previous licensure as a foster parent or as any other type of licensed caregiver for children, including the name of the licensing agency and the period during which the license was held.

(i) An attestation on a form prescribed by the department that as a foster parent they will comply with all of the requirements in this chapter.

**Note:** DCF-F-CFS0787, *Child Foster Care Licensing Checklist*, is available on the department's website at <https://dcf.wisconsin.gov/cwportal/fc/forms>.

(j) If required by the licensing agency, documentation of an inspection of the heating, electrical, plumbing, water, or sewage system under s. DCF 56.07 (1) (c).

(k) If required by the licensing agency, the results of private well water test under s. DCF 56.07 (1) (d).

(L) The results of an inspection of a wood-burning stove or other alternative heating source, except a fireplace, under s. DCF 56.07 (6) (c) 1.

(m) If required by the licensing agency, the results of a fireplace inspection under s. DCF 56.07 (6) (c) 2.

**(3) LICENSE RENEWAL.** At least 60 days prior to the expiration of a current license to operate a foster home, an applicant for renewal of the license shall submit all of the following to the licensing agency:

(a) A completed application form provided by the licensing agency that is signed by each applicant.

(b) Information required for the background check under s. DCF 56.055 (1) (a).

(c) Verification of homeowner's or renter's liability insurance coverage, a request for a waiver, or a request for licensure for a period of no more than 90 days to allow time to obtain the necessary documentation to request a waiver under s. DCF 56.05 (9) (c).

(d) Verification of vehicle liability insurance for any vehicle owned by the applicant that will be used to transport a foster child.

(e) If required by the licensing agency, a written statement from a medical provider that states that the applicant had a physical exam performed within the most recent 12 months and the results of that physical indicate the applicant does not have any physical or mental conditions that would affect their ability to safely care for a child.

(f) An attestation on a form prescribed by the department that as a foster parent they will comply with all of the requirements in this chapter.

**Note:** DCF-F-CFS0787, *Child Foster Care Licensing Checklist*, is available on the department's website, at <https://dcf.wisconsin.gov/cwportal/fc/forms>.

(g) If required by the licensing agency, documentation of an inspection of the heating, electrical, plumbing, water, or sewage system under s. DCF 56.07 (1) (c).

(h) If required by the licensing agency, the results of private well water test under s. DCF 56.07 (1) (d).

(i) The results of an inspection of a wood-burning stove or other alternative heating source, except a fireplace, under s. DCF 56.07 (6) (c) 1.

(j) If required by the licensing agency, the results of a fireplace inspection under s. DCF 56.07 (6) (c) 2.

(4) CHANGE IN APPLICATION INFORMATION. An applicant shall notify the licensing agency within 5 working days if any of the information included in the application changes prior to the licensing agency's determination on whether to approve or deny the application.

(5) HOME STUDY. An applicant shall cooperate with the licensing agency's process of determining the applicant's ability to meet the needs of a foster child by doing all of the following:

(a) Allowing the licensing agency access to the applicant's home and premises to ensure it meets the standards in this chapter.

(b) Ensuring that each household member attends at least one scheduled interview in the applicant's home to allow the licensing agency to observe family functioning and assess the family's capacity to meet the needs of a foster child.

(c) Complying with requests from the licensing agency to provide additional information or complete supplemental assessments needed for the licensing agency to do a comprehensive foster home study.

(d) Providing truthful and sufficient information to the licensing agency on their ability to meet the requirements of this chapter.

**SECTION 46. DCF 56.04 (7) and (8) are repealed and recreated to read:**

**DCF 56.04 (7) LICENSE MODIFICATION.** A licensing agency may modify a license to operate a foster home at any time based on a request from a foster parent or at the licensing agency's discretion.

**(8) ACTION BY THE LICENSING AGENCY.** (a) *Background check.* Within 10 working days after receiving the information required for the background check under s. DCF 56.055 (1),

the licensing agency shall begin the background check of the applicant and any nonclient resident in the foster home.

(b) *Decision timeframe.* Within 60 working days after receiving all information necessary to make a decision on an application for an initial license or license renewal, the licensing agency shall approve the application and issue the license or shall deny the application.

(c) *Notice of appeal rights.* If an application for an initial license, license renewal, or license modification is denied, the licensing agency shall provide the applicant with written reasons for the denial and information on how to file an appeal under s. DCF 56.10.

#### **SECTION 47. DCF 56.04 (9) to (14) are created to read:**

**DCF 56.04 (9) AGENCY REQUIREMENTS PROHIBITED.** A licensing agency may not create eligibility or termination criteria for a foster home license that are in addition to the criteria in this chapter and applicable statutes. A licensing agency may develop policies and procedures to implement this chapter.

**(10) LICENSE PROHIBITION.** No licensing agency may issue a foster home license to an employee of the agency or to the relative of an employee of the agency if the employee works in the child welfare area of the agency. This subsection does not apply to a volunteer for the agency.

**Note:** The intent of this requirement is to prevent possible conflicts of interest.

**(11) NO MULTIPLE LICENSES.** No foster parent may hold more than one license to operate a foster home under this chapter.

**(12) EFFECTIVE PERIOD OF A LICENSE.** A foster home license shall be effective for a period not to exceed 2 years and may be renewed upon successful completion of the relicensing requirements.



**(13) LICENSE REVOCATION.** (a) *Basis for revocation.* A foster home license may be revoked by a licensing agency if the foster parent has violated any provision in ch. 48, Stats., or this chapter or if the foster parent has failed to meet the minimum requirements for a license under this chapter.

(b) *Procedure for revocation.* To revoke a foster home license, a licensing agency shall provide the foster parent with written notice of the revocation, the grounds for revocation, and information on how to file an appeal under s. DCF 56.10.

**(14) REAPPLICATION FOLLOWING DENIAL OR REVOCATION.** No applicant or former foster parent who, for a substantive reason, was denied a license or whose license was revoked may reapply for a license at any licensing agency within a 2-year period following the effective date of the license denial or revocation.

**SECTION 48. DCF 56.05 is repealed and recreated to read:**

**DCF 56.05 Foster parent qualifications.** (1) **GENERAL BACKGROUND.** (a) A foster parent shall be fit and qualified, exercise sound judgment, display the capacity to successfully nurture a foster child, not abuse alcohol or drugs, and not have a criminal conviction, pending criminal charge, or a finding by a governmental body of a civil or criminal violation of statutes, rules, or ordinances that is substantially related to the care of children or the operation of a foster home. In determining whether a criminal conviction, pending criminal charge, or finding by a governmental body is substantially related to the care of children or the operation of a foster home, the licensing agency shall apply the factors in s. DCF 12.06.

(b) A foster parent and all nonclient residents in the foster home shall comply with the background check requirements in s. 48.685, Stats., and s. DCF 56.055.

**(2) AGE.** A foster parent shall be 18 years of age or older.

(3) HEALTH. (a) A foster parent may not have any physical or mental condition that would prevent them from safely caring for a foster child.

(b) No foster parent or household member may have a physical or mental condition that would threaten the health or safety of a foster child.

(c) If at any time the licensing agency has reason to believe that the physical or mental health of an applicant, foster parent, or household member may pose a threat to the health, safety, or welfare of a foster child, the licensing agency may require an assessment, such as an alcohol or other drug abuse assessment or an evaluation of the person's physical or mental health, as a condition for issuing or continuing the license.

(4) FINANCIAL STABILITY. A foster parent shall have the income and resources to make timely payments for shelter, food, utility costs, clothing, and other household expenses without relying on the basic maintenance payments received for care of a foster child.

(6) CHARACTERISTICS. (a) *All foster parents.* As evidenced through interviews with foster family members, use of the department's assessment system, communication with references, and any supplemental assessment, such as an alcohol or other drug abuse assessment or a physical and mental health evaluation, a foster parent shall have or exhibit all of the following characteristics to a degree that will allow the foster parent to adequately provide foster care services:

1. An adequate understanding of or a motivation to learn a foster child's development, trauma, strengths, and needs.

2. The ability to cope with additional stress factors that may occur during the course of the placement of a foster child.

3. Recognition of past personal trauma and experiences and how this may impact a foster parent's ability to safely care for a foster child placed in their care.

4. A communication style that is effective and respectful to all household members.

5. An ability to maintain healthy relationships with family and friends.

6. Parenting ability or a motivation to learn appropriate parenting techniques focused on the age, abilities, strengths, and needs of a foster child that would be placed in a foster home at the level of care that the foster parent has or is seeking.

7. A willingness to work with the supervising agency, placing agency, licensing agency, and the foster child's parent, guardian, or Indian custodian in achieving the permanence goal established in the foster child's permanency plan.

8. A willingness to promote normalcy for a foster child by encouraging the foster child to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities under s. DCF 56.09 (3).

9. An ability to provide stability, routine, and organization.

10. Commitment, time, and ability to perform the responsibilities in sub. (7).

(b) *Level 3 to 5*. In addition to the requirements under par. (a), a foster parent who operates a foster home with a Level 3 to 5 certification shall have or attain the following knowledge, skills, and qualifications in order to care for a foster child:

1. Knowledge of the behavioral, emotional, or physical conditions; symptomology; and treatment and care needs associated with foster children with a level of need of 3 to 5.

2. Knowledge of the operation of any specialized equipment and emergency back-up systems used by the foster child.

3. Recognition of escalating symptoms or side effects of the foster child's condition and appropriate ways to respond.

4. Knowledge of the foster child's medications, services, and treatments.

5. A commitment to providing care for a foster child with serious treatment needs.

(7) RESPONSIBILITIES. (a) *All foster parents.* A foster parent shall do all the following:

1. Be familiar with and comply with all requirements of this chapter.

2. Maintain the confidentiality of all personal information about a foster child and the foster child's family.

3. Participate in the preparation of all household members to become a foster family.

4. Participate in the selection of and accept placement of a foster child only in conformity with the conditions specified on the license and with the approval of the licensing and supervising agencies.

5. Engage in shared parenting with the foster child's parent, guardian, or Indian custodian, such as including them in meetings and appointments regarding the foster child, unless otherwise directed by the supervising agency.

6. Support a foster child's relationships with their family and others who are important to them by allowing communication, unless it is restricted in the treatment plan or court order.

7. Comply with and support all requirements of a foster child's court order under ch. 48 or 938, Stats., and any associated plan, including a family interaction plan, permanency plan, and independent living plan.

8. Cooperate and provide truthful and sufficient information to the licensing agency, supervising agency and placing agency responsible for supervising a foster child in the foster

parent's care and keep the licensing agency and any other responsible agency informed of each foster child's progress and problems.

9. Apply the reasonable and prudent parent standard when making decisions concerning a foster child's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities under s. DCF 56.09 (3).

10. Allow the supervising agency at least 30 days in which to make an alternate placement if the foster parent asks that a foster child be removed from the foster home.

(b) *Foster home with Level 3 to 5 certification.* In addition to the requirements under par. (a), a foster parent who operates a foster home with a Level 3 to 5 certification shall assume primary responsibility for implementing the in-home care and treatment strategies specified in the foster child's treatment plan.

(8) VEHICLE LIABILITY INSURANCE. A foster parent who transports a foster child in their own vehicle shall have vehicle liability insurance coverage.

(9) HOMEOWNER'S OR RENTER'S LIABILITY INSURANCE. (a) *Definition.* In this subsection, "Wisconsin insurance plan" means the mandatory risk-sharing insurance plan established under s. 619.01, Stats., and s. Ins 4.10.

**Note:** The Wisconsin Insurance Plan offers homeowner's insurance for people who have had their coverage cancelled or who have been denied insurance in the standard insurance market. For information on the Wisconsin Insurance Plan, contact any insurance agency. General information on the Wisconsin Insurance Plan is available at <https://www.wisinsplan.com/>.

(b) *General requirement.* A foster parent shall have homeowner's or renter's liability insurance as required under s. 48.627 (2) (a), Stats., unless any of the following conditions apply:

1. The licensing agency has granted a waiver of the homeowner's or renter's insurance requirement under pars. (c) and (d).

2. The licensing agency has issued a license for a period not to exceed 90 days to allow the foster parent time to obtain the necessary documentation to request a waiver under par. (c).

(c) *Waiver conditions.* A foster parent or applicant may request a waiver of the requirement to have homeowner's or renter's liability insurance by submitting any of the following to the licensing agency:

1. 'Homeowner's denial.' Documentation of a denial of homeowner's liability insurance through a standard insurance policy for a reason other than poor condition of the property and a denial of the same through the Wisconsin insurance plan.

2. 'Homeowner's cancellation.' Documentation of the cancellation of a homeowner's liability insurance for a reason other than nonpayment of premiums and a denial of the same through the Wisconsin insurance plan.

3. 'Renter's denial.' Documentation of the denial of renter's liability insurance from 2 insurance companies.

4. 'Renter's cancellation.' Documentation of the cancellation of a renter's liability insurance for reasons other than nonpayment of premiums and documentation of a denial of coverage from one other insurance company.

5. 'Financial hardship.' Documentation that payment of the insurance premium for homeowner's or renter's liability insurance would cause undue financial hardship for the foster parent or applicant as evidenced by any of the following:

a. The foster parent or applicant is receiving Wisconsin Works payments under s. 49.148, Stats.

b. The foster parent or applicant is receiving supplemental security income under 42 USC 1381 to 1383d.

c. The gross monthly income of the foster parent's or applicant's family is below the level at which a monthly payment would be required under the maximum monthly payment schedule for ch. DCF 1.

(d) Within 30 days after receipt of a request that is accompanied by the documentation required under par. (c), the licensing agency shall approve or deny the waiver request and notify the applicant or foster parent in writing of its decision and the reasons for the decision.

(e) The licensing agency shall retain documentation of the waiver decision.

**Note:** A foster parent has limited liability under s. 895.485, Stats. This does not mean that the foster parent has no liability. In the event that a foster parent is sued, the foster parent may be liable for any judgment and attorney's fees.

**SECTION 49. DCF 56.055 (1) (a) 1. and 2. and (b) are amended to read:**

**DCF 56.055 (1) (a) 1.** Complete and submit to the licensing agency the department's background information disclosure and written authorization for the licensing agency to make follow-up contact with the Wisconsin department of justice and any other person or organization to determine if there is any reason under sub. (4) why the applicant should not be granted a license or have an existing license renewed.

2. Provide the licensing agency with information on each person's places of residence during the 5-year period before submission of the license application.

(b) Before an initial foster home license is issued or a license is renewed after a break in licensure, the applicant shall provide the licensing agency or its designated agent with a set of fingerprints sufficiently clear to submit to the Wisconsin department of justice or other law

enforcement agency for submission to the national crime information database as provided in s. 48.685 (2) (c) 1., Stats.

**SECTION 50. DCF 56.055 (2) is repealed and recreated to read:**

**DCF 56.055 (2) CONDUCT BACKGROUND CHECK.** The licensing agency shall do all of the following:

(a) Obtain the information required under s. 48.685 (2) (am), Stats., regarding the applicant and any nonclient resident in the applicant's home, including the following:

1. A criminal history search from the records maintained by the department of justice.
2. Information that is contained in the registry under s. 146.40 (4g), Stats., regarding any findings against the person.
3. Information maintained by the department of safety and professional services regarding the status of the person's credentials, if applicable.
4. Information maintained by the department of health services under s. 48.685, Stats., and under ss. 48.623 (6) (am) 2. and (bm) 5., 48.75 (1m), and 48.979 (1) (b), Stats., regarding any denial to the person of a license, or continuation or renewal of a license to operate an entity, or of payments under s. 48.623 (6), Stats., for operating an entity, for a reason specified in s. 48.685 (4m) (a) 1. to 5., Stats., and regarding any denial to the person of employment at, a contract with, or permission to reside at an entity or of permission to reside with a caregiver specified in s. 48.685 (1) (ag) 1. am., Stats., for a reason specified in s. 48.685 (4m) (b) 1. to 5., Stats. If the information obtained under this subdivision indicates that the person has been denied a license, or continuation or renewal of a license, payments, employment, a contract, or permission to reside as described in this subdivision, the licensing agency need not obtain the information specified in subd. 5.



**Note:** Information on how to conduct an initial search of the records in subds. 1. to 4. is at <https://recordcheck.doj.wi.gov>. Following the search, the licensing agency will receive a report from the Department of Justice with the results of the criminal records search under subd. 1. and a report from the Department of Health Services with the results of the search of integrated databases with the information under subds. 2. to 4. Further investigation may be required.

5. a. Information in the department's child welfare automation system on any final substantiated findings that the person has abused or neglected a child. If the licensing agency does not have access to the department's child welfare automation system, the licensing agency shall request and obtain the information from the department.

b. Any child protective services records for the person in the department's child welfare automation system from the 5-year period before the search. If the licensing agency does not have access to the department's child welfare automation system, the licensing agency shall contact each county in this state in which the person is a resident or was a resident during the 5-year period before the search for any child protective services records during that period.

c. If the licensing agency is informed that the person resided outside this state at any time during the 5-year period before the search, information in any child abuse or neglect registry maintained by any other jurisdiction in which the person is a resident or was a resident during those 5 years for any findings comparable to a final substantiated finding or any reports that the person abused or neglected a child.

(b) Submit the fingerprints of the applicant under sub. (1) (b) to the Wisconsin department of justice or other law enforcement agency for submission to the national crime information database as provided in s. 48.685 (2) (c) 1., Stats.

(c) Conduct a reverse search of the Wisconsin sex offender registry using the applicant's address.

**Note:** A reverse search by address can be done by entering applicant's address at <http://doc.wi.gov/community-resources/offender-registry>. The Wisconsin Sex Offender Registry does not contain information on all convicted sex offenders.

(d) Obtain a criminal history records search from any other jurisdiction in which the person is or was a resident if the licensing agency is informed that a nonclient resident in the applicant's home resided outside the state of Wisconsin at any time during the 5-year period before the search.

**SECTION 51. DCF 56.055 (3) (a), (b), (c) and (Note), (4) (intro.), and (5) are amended to read:**

**DCF 56.055 (3)** (a) If the results of the criminal history records search under (2) (a), (b), or (d) indicate a charge of a crime specified in s. 48.685 (1) (c), Stats., or comparable law in any other jurisdiction, but do not completely and clearly indicate the final disposition of the charge, the licensing agency shall make every reasonable effort to contact the appropriate clerk of court to determine the final disposition of the charge.

(b) If the background information disclosure indicates a charge or conviction of a crime specified in s. 48.685 (1) (c), Stats., or comparable law in any other jurisdiction, but the results of the criminal history records search under sub. (2) (a), (b), or (d) do not include the charge or conviction, the licensing agency shall make every reasonable effort to contact the appropriate clerk of court to obtain a copy of the criminal complaint and the final disposition of the complaint.

(c) If the results of the criminal history records search under sub. (2) (a), (b), or (d); the background information disclosure; or any other information indicate that the person was convicted of a violation of s. 940.19 (1), 940.195, 940.20, 941.30, 942.08, 947.01 (1), or 947.013, Stats., or comparable law in any other jurisdiction, not more than 5 years before the agency obtained the information, the licensing agency shall make every reasonable effort to

contact the appropriate clerk of court to obtain a copy of the criminal complaint and judgment of conviction relating to that violation. The licensing agency shall determine whether the circumstances underlying the conviction are substantially related to the care of children or the operation of a foster home under s. 48.685 (5m), Stats., and s. DCF 56.05 (1).

**Note:** A list of Wisconsin county clerks of court is available at <http://www.wicourts.gov/contact/docs/clerks.pdf>. ~~An investigation and determination regarding whether the circumstances of the convictions for the crimes specified in par. (c) are substantially related to the care of children under s. 48.685 (5m), Stats., is required. The specified crimes are misdemeanor battery, battery to an unborn child, battery special circumstances, reckless endangerment, invasion of privacy, disorderly conduct, and harassment.~~

(4) (intro.) Unless the person has demonstrated that ~~the person~~ they have been rehabilitated under s. 48.685 (5) or (5c), Stats., and ch. DCF 12, an applicant or licensee ~~is unqualified to~~ may not hold a license if the applicant or licensee or a nonclient resident in the ~~foster~~ home meets any of the following conditions:

(5) DENIALS OR REVOCATION. The licensing agency shall provide the department with information about each person who is denied a license or has a license revoked for a reason specified in sub. (4).

## **SECTION 52. DCF 56.055 (6) and (Note) are created to read:**

**DCF 56.055 (6) REHABILITATION REVIEW.** If an applicant or a nonclient resident in the applicant's home has been convicted of a crime that is a bar for foster care licensing but is eligible for a rehabilitation review under s. 48.685 (5), Stats., and ch. DCF 12, the licensing agency shall inform the applicant about the option to apply for a rehabilitation review.

**Note:** The rehabilitation review process and application forms are available on the department website, <https://dcf.wisconsin.gov/rehab-review>.

## **SECTION 53. DCF 56.06 and 56.07 and repealed and recreated to read:**

**DCF 56.06 Notification requirements.** (1) PHONE NUMBER. A foster parent shall notify the licensing agency and, if not the same, the supervising agency no later than the end of the next working day after the foster parent's phone number is changed.

(2) SERIOUS INCIDENTS INVOLVING A FOSTER CHILD. A foster parent shall notify the licensing agency and, if not the same, the supervising agency within 24 hours after any of the following:

- (a) The death of a foster child.
- (b) The serious illness or injury of a foster child that requires the services of a medical professional, such as a broken bone, burn, concussion, wound requiring stitches, drug overdose, or the ingestion of poison.
- (c) A foster child has a reportable communicable disease under ch. DHS 145.
- (d) The foster parent has reasonable cause to believe any of the following:
  - 1. A foster child has been abused or neglected.
  - 2. A foster child has been threatened with abuse or neglect and it is likely that the foster child will be abused or neglected.
- (e) An error in administering medication to a foster child.
- (f) A suicide attempt by a foster child.
- (g) The unauthorized absence of a foster child from the foster home for longer than 8 hours or for longer than is reasonable given the foster child's age, maturity, and mental and emotional capacity.
- (h) An incident requiring contact with law enforcement at the foster home or that involves a foster child.
- (i) A condition or situation that requires the removal of a foster child from a foster home.

(j) The displacement of a foster child due to implementation of the disaster plan required under s. DCF 56.072 (5).

(k) The use of a physical restraint as required under s. DCF 56.09 (15) (e).

(L) Any other serious incident related to a foster child.

**(3) SERIOUS INCIDENTS INVOLVING THE FOSTER HOME.** A foster parent shall notify the licensing agency within 24 hours after any of the following:

(a) A fire in the foster home that requires the services of a fire department.

(b) Any physical damage to the foster home or premises that would impact the health or safety of the foster child, including the following:

1. Structural damage that may affect the safe shelter of the foster child.

2. Failure in the heating, cooling, electrical, plumbing, or smoke detection system that is not repaired or that cannot be repaired within 24 hours after the failure becomes known.

**(4) BACKGROUND CHANGES.** (a) An applicant or foster parent shall notify the licensing agency within 5 days after any of the following applies to the applicant, foster parent, or a nonclient resident:

1. The person has been convicted of any crime.

2. The person is the subject of a pending criminal charge.

3. The person has been adjudicated delinquent for committing a crime.

4. The person is the subject of a delinquency petition alleging that the person committed a crime.

5. A final substantiated finding has been made that the person abused or neglected a child.

6. A finding that is comparable to a final substantiated finding has been made in any other jurisdiction.

7. A governmental body made a finding that the person abused or neglected any client or misappropriated the property of any client.

8. The person has been or is being investigated by any governmental agency for any other act, offense, or omission, including an investigation related to the abuse or neglect, or threat of abuse or neglect, to a child or other client, or an investigation related to misappropriation of a client's property.

(b) 1. An applicant or foster parent shall notify the licensing agency that a person intends to become a nonclient resident in the applicant's or foster parent's home as soon as possible before the person begins residing in the home, except as provided under subd. 2.

2. If a person becomes a nonclient resident in the applicant's or foster parent's home without advance notice to the applicant or foster parent, the applicant or foster parent shall notify the licensing agency within 5 days.

(5) INSURANCE. A foster parent shall notify the licensing agency within 5 days if the foster parent no longer has the vehicle liability insurance required under s. DCF 56.05 (9) or the homeowner's or renter's insurance required under s. DCF 56.05 (10).

**Note:** In addition, licensing or supervising agency approval is required for certain actions related to the care of a foster child under s. DCF 56.09 (4)

**DCF 56.07 Physical environment.** (1) GENERAL. (a) A foster home may be a house, apartment, mobile home, or other housing unit used as a residence by a person or family.

(b) A foster parent shall maintain the foster home in a safe and sanitary condition that does not endanger the physical health and safety of the foster child.

(c) The licensing agency may require an inspection of the heating, electrical, plumbing, water, or sewage system for the foster home if expert opinion is necessary to help the agency evaluate the safety of the home.

(d) The licensing agency may require a foster home's private well water to be tested if the water is used for drinking.

(e) A licensing agency may require that a foster parent take specific actions or have a safety plan to address a safety hazard on the premises or nearby, including a swimming pool, hot tub, body of water, trampoline, manure pit, vehicle traffic, and railroad tracks.

(2) KITCHEN. A foster home shall have equipment for the safe preparation, storage, serving, and clean-up of food.

(3) BATH AND TOILET FACILITIES. A foster home shall have at least one bathroom that contains a toilet, sink, and a shower or bathtub that is operational.

(4) SLEEPING ARRANGEMENTS. (a) A foster parent shall provide each foster child with clean sleeping supplies, including a bed, mattress, and linens, as appropriate for the foster child's needs and age.

(b) 1. Each infant foster child, birth to 12 months of age, shall sleep alone in a crib, bassinet, bedside sleeper, play yard, or a sleeping device determined by tribal custom. Any sleeping device used by an infant foster child shall be in safe working condition and may not have been recalled by the manufacturer.

2. The sleeping space for an infant foster child, birth to 12 months of age, shall be safe for infants with appropriately-sized bedding and free of blankets and other items, such as pillows and stuffed animals.

3. An infant foster child, birth to 12 months of age, may share a bedroom with a foster parent.

(c) A foster child over the age of one year may not regularly share a bedroom with a nonparent adult unless any of the following conditions apply:

1. The foster child and the adult are siblings.
  2. The foster child and the adult were sharing a bedroom prior to one of them turning 18 years of age.
  3. The supervising agency approves based on the foster child's needs; the foster child has a sleeping space in another bedroom to return to when the needs subside; and if the foster child is 6 years of age or over, the foster child consents.
- (d) A foster child may share a bedroom with another child with the approval of the supervising agency and the consent of any foster child who is 6 years of age or over.
- (e) A foster parent and a foster child may not share a bed.
- (f) Related foster children one year of age or over may share a bed with approval of the supervising agency and the consent of any foster child who is 6 years of age or over. Unrelated foster children may not regularly share a bed.
- (g) A foster child may sleep in the middle or top bunk of a bunk bed only if it has a safety rail.
- (h) No foster child may regularly sleep in any space or room normally used for communal living.
- (i) A foster child's bedroom shall have a window and adequate space to pass between beds.
- (j) A foster child's bedroom shall have a door for privacy, unless the supervising agency approves of the foster child sleeping in a space without a door and any foster child who is age 6 or over consents.
- (k) A responsible care provider shall sleep within call of a foster child during the night.
- (L) A foster child may regularly sleep in a basement bedroom if all of the following conditions are met:



1. Exits from the basement comply with s. SPS 321.03 (5).

2. Access to the basement is appropriate given the foster child's ambulatory level.

(m) No foster child may regularly sleep in any building, apartment, or other structure on the premises that is separate from the foster home, unless the foster child is of appropriate developmental maturity and consents to this arrangement and the supervising agency approves.

**(5) STORAGE SPACE.** A foster parent shall provide storage space for a foster child's clothing and personal belongings.

**(6) HEATING.** (a) A foster home shall have a functioning heating system.

(b) Unvented gas, oil, or kerosene space heaters may not be used in a foster home.

(c) 1. All wood-burning or other alternative heating source in a foster home, except a fireplace, shall be inspected by a fire safety expert at least biennially and certified as properly installed and maintained as defined by the manufacturer's recommendations or specifications or other standards utilized by the fire safety expert.

2. A licensing agency may require an inspection of a fireplace by a fire safety expert.

**(7) ACCESS TO DANGEROUS MATERIALS AND OBJECTS.** A foster parent shall prevent a foster child's access to medications, poisonous materials, cleaning supplies, alcoholic beverages, and other dangerous materials and objects as appropriate for a foster child's age and developmental, emotional, and behavioral needs.

**(8) HAZARDOUS MACHINERY AND EQUIPMENT.** (a) In this subsection, "hazardous machinery and equipment" means any machine or other equipment generally known to be hazardous to untrained or unskilled operators or to operators who for any other reason are physically or mentally unable to operate the equipment safely, including a motor vehicle, power lawn mower, tractor or other farm machinery or equipment, snowblower, chain saw, power-driven shop tool,

snowmobile, all-terrain vehicle, utility-terrain vehicle and any other machinery or equipment determined by the licensing or supervising agency.

(b) No foster child may operate any hazardous machinery or equipment in violation of a law that specifies a minimum age requirement or that is beyond the foster child's knowledge or mental or physical capability.

(c) All hazardous machinery and equipment to be used by a foster child shall be maintained in a safe operating condition.

(d) A foster child shall be under the general and appropriate supervision of a responsible adult when operating hazardous machinery or equipment.

(e) The licensing or supervising agency may require that a foster child complete a safety course prior to operating hazardous machinery or equipment.

**(9) PHONE OR OTHER COMMUNICATION DEVICE.** (a) A foster home shall have at least one operating phone or other communication device capable of completing a phone call accessible to a foster child when the foster child is in the home.

(b) A foster parent shall maintain a comprehensive list of emergency telephone numbers, including poison control, and post those numbers in a prominent place in the foster home.

**(10) PETS.** (a) A foster parent shall ensure that a pet is safe to be around a foster child.

(b) Each pet shall be vaccinated in accordance with any state or local law where the foster home is located.

#### **SECTION 54. DCF 56.072, 56.074, 56.076, and 56.078 are created to read:**

**DCF 56.072 Emergency preparedness.** (1) SMOKE DETECTOR. A foster parent shall have at least one functional smoke detector on each level of the foster home and at least one near each sleeping area.

(2) FIRE EXTINGUISHER. A foster parent shall have at least one operable fire extinguisher in the home that is readily accessible.

(3) CARBON MONOXIDE DETECTOR. A foster parent shall have at least one functional carbon monoxide detector on each level of the foster home, except the attic.

(4) EMERGENCY PLANS. (a) *Fire safety evacuation.* A foster parent shall have a written plan for the immediate and safe evacuation of the foster home in the event of a fire.

(b) *Tornado warning.* A foster parent shall have an emergency plan that specifies where a foster child will shelter during a tornado warning.

(c) *Review and post.* The foster parent shall review the fire and tornado safety plans with the foster child and post them in a prominent place in the foster home.

(5) DISASTER EVACUATION PLAN. A foster parent shall file a disaster plan with the licensing agency that will allow the licensing agency to identify, locate, and ensure continuity of services to a foster child under the placement and care responsibility or supervision of an agency if the foster child is displaced or adversely affected by a disaster. The disaster plan shall include all of the following:

(a) Where a foster parent and foster child would go in an evacuation.

(b) Contact information for a relative or friend out of the area who will know where the foster parent and foster child have relocated.

**DCF 56.074 Foster child's additional needs.** (1) FOSTER HOME ACCOMMODATIONS. (a) A licensing agency may require modifications to a foster home or other accommodations necessary to meet specific requirements identified by a foster child's team or treatment team.

(b) If necessary for a foster child to access the foster home, at least one entrance shall be level or ramped in accordance with ch. SPS 362 and in a manner that provides safe access for the child.

(c) Doorways and passageways to the common rooms, bathroom, and the foster child's bedroom shall meet standards relating to accessibility in ch. SPS 362 if the foster child uses a wheelchair, scooter, or walker.

(d) Bathroom facilities shall be readily accessible to a foster child requiring regular use of a wheelchair, scooter, or walker.

**(2) OTHER ADDITIONAL NEEDS.** (a) Notwithstanding s. DCF 56.04 (8), a licensing or supervising agency may impose additional conditions upon a foster parent if the age, trauma history, mental or physical disabilities, impaired judgment, or mobility of a foster child creates additional needs.

(b) If a foster child is nonambulatory, the fire safety evacuation plan required under s. DCF 56.072 (4) (a) shall include the means by which the foster child will be assisted in evacuating the home.

**(3) WRITTEN CONDITIONS.** Any condition imposed by the licensing or supervising agency shall be in writing and reviewed jointly by the agency and foster parent before taking effect.

**DCF 56.076 Firearms and other dangerous weapons.** **(1) DEFINITION.** In this section, “dangerous weapon” means any firearm, any electric device designed to immobilize or incapacitate persons by the use of electric current, any spray device designed to immobilize or incapacitate persons by the use of chemicals or other liquids or gases, any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrument that is calculated or likely to produce death or great bodily harm.

(2) LAWS. A foster parent shall comply with all federal, state, and local laws relating to the possession, transportation, and carry of a dangerous weapon.

(3) SAFE STORAGE OF FIREARMS. A foster parent who is not actively using, transporting, or cleaning a firearm, or exercising their right to carry a concealed handgun under sub. (5), shall store the firearm as provided in par. (a) and either par. (b) or (c) as follows:

(a) Unloaded and locked in an area that is not readily accessible to a foster child.

(b) With one or more of the following secondary safety measures used:

1. Ammunition is locked in a container separate from the firearm.

2. Trigger lock is engaged on the firearm.

3. Cable lock is engaged on the firearm.

(c) In a gun safe made of steel with a secure functioning biometric, electronic, or combination locking mechanism that is designed to store firearms and ammunitions.

Ammunition may be locked in the gun safe with the firearm.

(4) SAFE STORAGE OF OTHER DANGEROUS WEAPONS. A dangerous weapon other than a firearm shall be stored in a locked area that is not readily accessible to a foster child.

(5) CARRYING A CONCEALED HANDGUN. (a) A foster parent may carry a concealed handgun in the presence of a foster child if the foster parent has a license to carry a concealed weapon under s. 175.60, Stats., and carries the handgun using a holster or carry system that ensures that the firearm is in the control of the foster parent at all times.

(b) Notwithstanding the license requirement in par. (a), a foster parent may carry a concealed handgun without a state license in accordance with 18 USC 926B and 18 USC 962C and other applicable law.

(6) HUNTING. A foster parent may allow a foster child to hunt in compliance with s. 29.591 or 29.592, Stats., and other applicable law, based on the reasonable and prudent parent standard.

**DCF 56.078 Transportation.** (1) A foster parent or other person acting on behalf of the foster parent who transports a foster child for any purpose shall possess a valid driver's license and vehicle liability insurance.

(2) A foster parent shall provide a foster child's transportation or ensure the foster child's access to other private transportation, public transportation, taxi, or ride share, so the foster child can attend medical appointments; visit family; get to school; and engage in social, religious, and cultural activities.

(3) A foster parent or person acting on behalf of the foster parent may transport a foster child under the age of 8 years in a private motor vehicle only if the conditions in s. 347.48 (4), Stats., are met.

(4) Each foster child who is not required to be in an individual child car safety seat or booster seat under sub. (3) when being transported shall be properly restrained by a seat belt, unless the foster child cannot be properly restrained in a seat belt because of a physical or medical condition and has obtained a written statement from a licensed physician that meets the requirements in s. Trans 315.03.

(5) If it is anticipated that a foster child will drive the applicant's motor vehicle, the applicant shall ensure that the foster child is insured.

**SECTION 55. DCF 56.08 is repealed.**

**SECTION 56. DCF 56.085 is created to read:**

**DCF 56.085 Capacity.** (1) TOTAL NUMBER OF PERSONS RECEIVING CARE. The number of persons receiving care in a foster home, including the combined total of foster children, children of the foster parent who are minors or less than 19 years of age and in high school, children receiving respite care, other children, and adults who need care may not exceed the following:

(a) In a foster home with a Level 1 to 2 certification, 8 persons.

(b) In a foster home with a Level 3 to 5 certification, 6 persons.

(2) NUMBER OF FOSTER CHILDREN. Care and maintenance may be provided for no more than 6 foster children in a foster home, except as provided in sub. (4) or (5).

(3) AGENCY OR DEPARTMENT EXCEPTIONS PANEL LIMIT ON NUMBER OF FOSTER CHILDREN. (a) A licensing agency may limit the number of foster children placed in a Level 1 to 4 foster home to fewer than 6.

(b) The department exceptions panel may limit the number of foster children placed in a Level 5 foster home to fewer than 6.

(4) AGENCY EXCEPTIONS. A licensing agency may grant an exception to sub. (2) under s. DCF 56.24 (1) and allow up to 8 foster children in a foster home if necessary to maintain any of the following:

(a) A sibling connection.

(b) A parental connection between a minor parent and minor child.

(c) An established meaningful relationship between a child and foster parent.

(5) DEPARTMENT EXCEPTIONS. A licensing agency may apply to the department exceptions panel for an exception to subs. (1) and (2) under s. DCF 56.24 (2) and allow care of 9 or more individuals, including foster children, in a foster home to maintain a relationship specified in sub. (4) (a) to (c).

(6) LICENSE MODIFICATION. The licensing agency shall modify the license to reflect a reduction in the number of foster children in the home if any of the children leave.

**SECTION 57. DCF 56.09 (title), (1) (title), (intro.), and (a) are repealed and recreated to read:**

**DCF 56.09 Care of a foster child. (1) GENERAL.** A foster parent shall provide care that meets the following conditions:

(a) Is respectful toward the cultural beliefs, attitudes, and behaviors of a foster child and their family.

**SECTION 58. DCF 56.09 (1) (am) to (dm) are repealed.**

**SECTION 59. DCF 56.09 (1) (em) to (o), (1g), and (1m) are repealed.**

**SECTION 60. DCF 56.09 (2) to (12) are repealed and recreated to read:**

**DCF 56.09 (2) SUPERVISION.** (a) A foster parent may not leave a foster child under 10 years of age without supervision by a responsible care provider.

(b) A foster parent shall ensure that a foster child receives responsible supervision appropriate to their age, maturity, and abilities.

(c) A foster parent shall use the reasonable and prudent parenting standard to determine whether a foster child may be unsupervised.

(d) 1. A foster parent may use a video or audio monitor inside the foster home to monitor a foster child who is under 2 years of age.



2. A foster parent may use a video or audio monitor inside the foster home to monitor a foster child who is 2 years of age or over only if there is a specific safety need that can only be met through the use of video or audio monitoring and the supervising agency approves.

3. A foster parent may not record the video or audio used for monitoring a foster child inside the foster home.

4. A foster parent may take a video or audio recording of a social or recreational activity that a foster child is taking part in.

**(3) REASONABLE AND PRUDENT PARENT STANDARD.** (a) *Promote normalcy.* A foster parent shall promote normalcy for a foster child by using the reasonable and prudent parent standard when making a decision concerning the foster child's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities.

(b) *Reasonable and prudent parenting standard.* When a foster parent is making a decision concerning participation in an activity by a foster child placed in the foster home, the foster parent shall use a decision-making standard that is characterized by careful and sensible parental decisions that maintain the health, safety, best interests, and cultural, religious, and tribal values of a foster child while at the same time encouraging the emotional and developmental growth of the foster child.

(c) *Decision-making factors.* When applying the reasonable and prudent parenting standard, the foster parent shall consider all of the following:

1. The health, safety, and best interests of the foster child.
2. The physical and emotional developmental level of the foster child.
3. The foster child's wishes, as gathered by engaging the foster child in an age-appropriate discussion about participation in the activity.

4. The cultural, religious, and tribal values of a foster child and the foster child's family. If reasonably possible to do so, the foster parent shall consult with the foster child's parent, guardian, legal custodian, or Indian custodian about the foster child's participation in extracurricular, enrichment, cultural, and social activities and the foster child's cultural, religious, and tribal values, in making decisions concerning the foster child's participation in those activities, but is not required to consult with the parent, guardian, legal custodian, or Indian custodian about every decision affecting the foster child. If the foster parent is unable to consult with the foster child's parent, guardian, legal custodian, or Indian custodian, they shall consult with the supervising agency about any cultural, religious or tribal values to be considered.

5. Court orders and other legal considerations affecting the foster child, including the prohibitions in par. (g).

6. Potential risks of the activity under consideration.

7. Whether participating in the activity will provide an experience that is similar to the experiences of the foster parent's children and other children in the home.

8. Developmental activities of peers.

9. Information on the forms required under ch. DCF 37.

**Note:** The forms required under ch. DCF 37 are DCF-F-872A-E, *Information for Out-of-Home Care Providers, Part A* and DCF-F-872B-E, *Information for Out-of-Home Care Providers, Part B*. Both forms are available on the department website at <https://dcf.wisconsin.gov/cwportal/fc/forms>.

(d) *Indian child.* If the foster child is an Indian child, the supervising agency shall ask the foster child's parent, guardian, or Indian custodian and the Indian child's tribe about specific tribal values and customs and provide this information to the foster parent.

(e) *Conflicting appointments.* If an activity that promotes normalcy conflicts with a scheduled family interaction, therapy, or other appointment, the foster parent shall consult with the foster child's child welfare professional about whether the activity can be accommodated.

(f) *Foster child's hair.* 1. A foster parent may not authorize any significant changes to a foster child's hair, such as haircuts or style or color changes, without permission from the foster child's parent, guardian, legal custodian, or Indian custodian.

2. A foster child who is age 12 years or older may make their own hair care decisions.

3. A foster parent may authorize hair care services needed to maintain the style, cut, and color of a foster child's hair.

(g) *Prohibitions.* A foster parent may not do any of the following:

1. Permit the foster child to participate in an activity that would violate a court order or any federal or state statute, rule, or regulation.

2. Make a decision that conflicts with the foster child's permanency plan or family interaction plan.

3. Consent to the foster child's marriage.

4. Authorize the foster child's enlistment in the U.S. armed forces.

5. Authorize medical, psychiatric, or surgical treatment for the foster child beyond the terms of the consent for medical services authorized by the foster child's parent, guardian, legal custodian, or Indian custodian.

6. Represent the foster child in a legal action or make a decision of substantial legal significance.

7. Determine which school the foster child attends or make a decision for the foster child regarding an educational right or requirement that is provided in federal or state law.

8. Require or prohibit a foster child's participation in an age or developmentally appropriate extracurricular, enrichment, cultural, or social activity solely for the foster parent's own convenience or based solely on the foster parent's own values.

(4) AGENCY APPROVAL. (a) A foster parent shall secure approval from the supervising agency before taking a foster child out of state for more than 48 hours.

(b) A foster parent shall secure approval from the supervising agency before making plans for the care of a foster child by any other person in or away from the foster home for more than 72 hours.

(5) FAMILY INTERACTION PLAN. (a) A foster parent shall follow the family interaction plan that was developed by the placing agency and the foster child's parent, guardian, or Indian custodian.

(b) The foster parent and the supervising agency shall coordinate transportation for visits required under the family interaction plan.

(6) PERSONAL BELONGINGS. Any personal belonging that a foster child had when placed in the foster home, that was purchased on behalf of the foster child with public funds, that the foster child received as a gift or earned, including money, belong to the foster child and the foster child shall take them when the placement ends, unless the items are permanently affixed to the foster home.

(7) HOUSEHOLD CHORES. (a) A foster parent may require a foster child to share in household chores appropriate to the foster child's age, degree of maturity, mental capability, health, and physical ability. These duties shall be similar to those required of other children in the home and may not interfere with a foster child's school attendance, family visits, sleep, studies, or cultural practices or traditions, including religious practices.

(b) A foster parent shall compensate a foster child in the same manner that other children in the home are compensated for household chores or labor that goes beyond household chores.

(c) A foster child may not be expected to perform labor that goes beyond household chores or financially benefits the foster parent without the foster child's agreement and approval of the foster child's parent, guardian, legal custodian, or Indian custodian and approval of the supervising agency.

**(8) HEALTH OF A FOSTER CHILD.** (a) A foster parent shall schedule an appointment with the foster child's medical provider within the first 30 days after placement, unless the foster child is current on medical well-child checks and vaccinations.

(b) A foster parent shall ensure that the foster child receives medical treatment based on the recommended preventative pediatric health care schedule for continued well-child checks and twice-yearly dental cleanings.

(c) A foster parent shall ensure that a foster child who needs medical, dental, mental, or behavioral health attention receives appropriate and adequate services promptly.

(d) A foster parent may not deny a foster child access to confidential family planning and reproductive health services.

(e) 1. A foster parent may not smoke or vape or allow another person to smoke or vape in the foster home or in a vehicle when a foster child is present.

2. Nothing in this paragraph shall be interpreted to interfere with traditional or established spiritual or cultural ceremonies involving the use of tobacco.

**(9) NUTRITION.** (a) A foster parent shall ensure that a foster child receives food that meets the foster child's daily nutritional needs.

(b) A foster child shall be given choices in food that are in accordance with the foster child's cultural practices or dietary preferences, unless a medical provider advises against it and the placing agency maintains documentation from the medical provider.

(c) No foster child may be forced to eat against their wishes except by court order and under the supervision of a medical provider.

(d) A foster parent may not lock or restrict access to food from a foster child unless directed by a medical provider or mental health professional and the placing agency maintains documentation.

(e) A foster parent caring for an infant foster child, birth to 12 months of age, shall follow nutritional guidance provided by the foster child's medical provider.

**(10) EDUCATION.** (a) A foster parent shall make every reasonable effort to ensure that a foster child of school age in their care attends school unless otherwise excused by school officials.

(b) A foster parent may not provide a home-based private educational program to a foster child in their care. This does not apply to homebound study under s. 118.15 (1), Stats., or as specified in the foster child's individualized education program.

**(11) REGULAR CHILD CARE OUTSIDE THE FOSTER HOME.** (a) In this section, "unregulated child care provider" means a person the foster parent believes will be a responsible provider of regular child care provided outside the foster home but who does not have a license or certification to provide child care.

(b) A foster parent shall use a child care provider that is licensed under ch. DCF 250, 251, or 252 or certified under ch. DCF 202, except as provided in par. (c).

(c) A licensing agency may grant an exception to par. (b) and allow the foster parent to use an unregulated child care provider if any of the following conditions is met:

1. There is no licensed or certified child care provider within 15 miles of the foster home.
2. There is no opening available at a licensed or certified child care provider that is within 15 miles of the foster home, and the foster child has been placed on a waitlist.
3. The supervising agency determines that care by the unregulated child care provider is in the best interest of the foster child.

(d) Prior to the foster parent using an unregulated provider for regular child care outside the foster home, the licensing agency or supervising agency shall do all of the following:

1. Complete the background check under s. 48.685 (2) (am), Stats., for the unregulated child care provider and under s. 48.685 (2) (b), Stats., for any nonclient resident of the unregulated child care provider who will have regular, direct contact with the foster child.
2. Verify that the unregulated child care provider is not providing child care for more than 3 unrelated children under the age of 7 for compensation for less than 24 hours per day.
3. Obtain the unregulated child care provider's agreement to abide by subs. (2) (a) and (b), (14), and (15).

**(12) CARE OF OTHERS IN THE FOSTER HOME.** (a) A foster parent may combine the care of a foster child with the care of other nonrelated children or adults only with the written approval of the licensing agency and any other certification or licensing agency.

(b) The licensing agency shall confer with any other certification or licensing agency prior to granting approval and may approve a request only if the foster parent presents satisfactory evidence that the additional activities will not interfere with the quality or manner of care provided to the foster child.

**SECTION 61. DCF 56.09 (13) to (16) are created to read:**

**DCF 56.09 (13) SEARCH.** (a) A foster parent may conduct a search without a foster child's consent if the foster parent believes a search is necessary to prevent harm to the foster child or another person.

(b) The foster parent shall share information about the search with the supervising agency and licensing agency.

(c) The foster parent shall inform the foster child of the search if the foster child did not consent in advance.

**(14) DISCIPLINE.** (a) A foster parent shall consider a foster child's trauma history; age; and cognitive, emotional, physical, and behavioral capacities to understand and learn age-appropriate behaviors when deciding on the appropriate disciplinary action for the foster child, including the use of timeouts.

(b) A foster parent may restrict a foster child's access to their phone, tablet, or other device as a consequence provided that the foster parent allows the foster child to communicate with their family, service providers and others associated with their placement and their attorney or guardian ad litem.

(c) A foster parent may not punish a foster child by depriving them of their basic needs, including food, sleep, clothing, toileting access, and interactions with their family.

(d) A foster parent may not subject any foster child to verbal abuse, profanity, humiliation, or derogatory remarks about the foster child or the foster child's family or to threats to expel the foster child from the foster home.



(e) 1. In this paragraph, “physical punishment” means inflicting any kind of physical pain or discomfort on a foster child, including hitting, slapping, spanking, punching, shaking, kicking, biting, or washing out a foster child’s mouth with soap.

2. Physical punishment of a foster child is prohibited.

(f) A foster parent may not do any of the following:

1. Lock a foster child in any enclosure, room, closet, or other part of the foster home or elsewhere on the premises.

2. Restrain a foster child using any physical apparatus that interferes with the free movement of their limbs and body.

**(15) PHYSICAL RESTRAINT.** (a) A foster parent may not use any type of physical restraint on a foster child unless the foster child’s behavior presents an imminent danger of harm to self or others and physical restraint is necessary to contain the risk and keep the foster child and others safe.

(b) A foster parent shall attempt other feasible alternatives to de-escalate a foster child and situation before using physical restraint.

(c) A foster parent may not use physical restraint as disciplinary action, for the convenience of the foster parent, or for therapeutic purposes.

(d) If physical restraint is necessary under par. (a), a foster parent may only use the physical restraint in the following manner:

1. With the least amount of force necessary and in the least restrictive manner to manage the imminent danger of harm to self or others.

2. That lasts only for the duration of time that there is an imminent danger of harm to self or others.

3. That does not include any of the following:

a. Any maneuver or technique that does not give adequate attention and care to protection of the foster child's head.

b. Any maneuver that places pressure or weight on the foster child's chest, lungs, sternum, diaphragm, back, or abdomen causing chest compression.

c. Any maneuver that places pressure, weight, or leverage on the neck or throat, on any artery, or on the back of the foster child's head or neck, or that otherwise obstructs or restricts the circulation of blood or obstructs an airway, such as straddling or sitting on the foster child's torso.

d. Any type of choke hold.

e. Any technique that uses pain inducement to obtain compliance or control, including punching, hitting, hyperextension of joints, or extended use of pressure points for pain compliance.

f. Any technique that involves pushing on or into a foster child's mouth, nose, or eyes, or covering the foster child's face or body with anything, including soft objects, such as pillows, washcloths, blankets, and bedding.

4. Notwithstanding subd. 3. f., if a foster child is biting themselves or another person, a foster parent may use a finger in a vibrating motion to stimulate the foster child's upper lip and cause the foster child's mouth to open and may lean into the bite with the least amount of force necessary to open the foster child's jaw.

(e) A foster parent shall report the use of any physical restraint to the licensing agency as soon as possible but no later than 24 hours after the imminent danger has been resolved. The report shall include a description of the situation that led to the use of restraint, the nature of the

restraint that was used, any follow-up actions that were taken, any injuries that may have resulted from use of the restraint, and any additional information required by the licensing agency.

**(16) CONFIDENTIALITY.** A foster parent and other persons in a household having access to confidential information about a foster child and their family may not discuss or otherwise disclose that information to any other person while the foster child is in the foster home or after the foster child leaves the foster home, except as follows:

- (a) To the licensing, supervising, or placing agency.
- (b) To another foster parent or respite provider as authorized by the agency, such as when another foster parent is being considered as a placement for the foster child or the person is providing respite care for the foster child.
- (c) By order of a court.
- (d) As otherwise provided by law.

**Note:** Disclosure of confidential information is governed by ss. 48.78 and 48.981 (7), Stats., and other state and federal laws and regulations.

## **SECTION 62. DCF 56.10 and 56.12 are repealed and recreated to read:**

**DCF 56.10 Hearings. (1) TYPES OF APPEALS.** An applicant or foster parent may request a hearing under ch. 227, Stats., to appeal any of the following decisions by a licensing agency:

- (a) The denial of an application for an initial license, license renewal, or license modification.
- (b) The revocation of an existing license.

**Note:** The appeal rights described in this section relate only to licensure decisions. Foster parents also have appeal rights for nonlicensure decisions as provided under s. 48.64 (4), Stats., and ch. HA 3 rules. Any circuit court decision regarding a placement or a placed child is not appealable by the foster parent under this section.

(2) REQUEST FOR A HEARING. A request for a hearing shall be in writing and shall be addressed to division of hearings and appeals. The date of the request for a hearing shall be the date on which the request is received by that office. Any request for a hearing shall be received no more than 10 days after the date of the notice of the licensing agency's decision.

**Note:** A request for a hearing may be mailed to Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875; faxed to (608) 264-9885; or delivered to 4822 Madison Yards Way, Madison, WI 53705.

(3) ARRANGEMENTS FOR A HEARING. In response to a request for a hearing under this section, the division of hearings and appeals shall appoint a hearing examiner, set a date for the hearing and notify the parties in writing at least 10 days before the hearing of the date, time, and place of the hearing and of the procedures to be followed.

(4) APPEAL OF A LICENSE REVOCATION. (a) *Revocation remains effective during appeal process.* A license revocation shall be effective as of the date of the revocation notice and shall remain in effect regardless of a pending appeal, unless the revocation is overturned by the division of hearing and appeals or rescinded by the licensing agency.

(b) *If a revocation is overturned.* 1. 'Unexpired license.' If a revocation is overturned by the division of hearing and appeals and the foster parent's license to operate a foster home did not expire while the appeal was pending, the licensing agency shall reinstate the person's prior license with the original expiration date.

2. 'Expired license.' If a revocation is overturned by the division of hearings and appeals after the person's license to operate a foster home has expired, the person may apply for a renewal license under s. DCF 56.04 (2) (b) within 30 days after the date of the decision overturning the revocation. The person shall provide new fingerprints for the background check under s. DCF 56.055 (1) (b) due to the gap in licensure.

**DCF 56.12 Information for foster parents.** Prior to or at the time of issuing an initial or subsequent license to operate a foster home, the licensing agency shall provide each foster parent with all of the following:

(1) FOSTER PARENT HANDBOOK. A foster parent handbook prescribed by the department that includes information on all of the following topics:

- (a) The child welfare and juvenile court systems.
  - (b) The purpose of foster care.
  - (c) Permanency planning.
  - (d) The requirement for a foster parent to report child abuse or neglect under s. DCF 56.06
- (2) (d).
- (e) Developing and maintaining family connections.
  - (f) Caring for foster children, including attachment, child development, grief, loss, trauma, discipline of foster children, and independent living skills.

(2) BROCHURES. A brochure prescribed by the department on each of the following topics:

- (a) The foster parent insurance program and how to file a claim under that program.
- (b) The foster care reimbursement and rate structure, including the clothing allowance.
- (c) The reasonable and prudent parent standard.

(3) RESOURCES. Information about resources for foster parents, including the availability of respite care services and how foster parents can access those services.

**Note:** The publications DCF-P-5000, *Foster Parent Handbook*; DCF-P-PFS2010, *Foster Parent Insurance Program*; DCF-P-PFS0142, *Understanding the Uniform Foster Care Rate*; and DCF-P-5105, *Reasonable and Prudent Parent Standard*, are available on the department's website at <https://dcf.wisconsin.gov/cwportal/fc/forms>.

**SECTION 63. DCF 56.13 (title) is amended to read:**

**DCF 56.13 (title) Foster home level of care certification for Levels 1 to 4**

**SECTION 64. DCF 56.13 (1) is repealed.**

**SECTION 65. DCF 56.13 (2) and (3) are repealed and recreated to read:**

**DCF 56.13 (2) CERTIFICATION.** A licensing agency shall certify each foster home for a level of care under subs. (3) to (6) commensurate with the foster parent's knowledge, training, skills, experience, and relationship to the foster child in accordance with the licensing agency's programming and capacity.

**(3) LEVEL 1 FOSTER HOME.** (a) *Specific child.* A licensing agency may grant a Level 1 certification only to a foster home operated by a foster parent who has a previous or existing relationship with a foster child or the foster child's family and who is not a relative or like-kin to the foster child.

(b) *Training.* Each foster parent who operates a Level 1 foster home shall complete a minimum of 6 hours of preplacement training under s. DCF 56.14 (6) before or after the placement of a foster child but no later than 6 months after the date of initial licensure.

**SECTION 66. DCF 56.13 (3) (Note) is repealed.**

**SECTION 67. DCF 56.13 (4) (title) is amended to read:**

**DCF 56.13 (4) (title) LEVEL 2 ~~BASIC~~ FOSTER HOME.**

**SECTION 68. DCF 56.13 (4) (a) 1. a. is renumbered DCF 56.13 (4) (a) 1. and amended to read:**

**DCF 56.13 (4)** (a) 1. Each foster parent who operates a Level 2 foster home shall complete a minimum of 6 hours of ~~pre-placement~~ preplacement training under s. DCF 56.14 (6) before or after initial licensure but prior to the placement of any foster child in the home.

**SECTION 69. DCF 56.13 (4) (a) 1. b. and (Note) are repealed.**

**SECTION 70. DCF 56.13 (4) (b) is amended to read:**

**DCF 56.13 (4) (b) *References.*** An applicant for certification to operate a Level 2 foster home shall submit at least 3 favorable reference letters written by persons unrelated to the applicant. A reference letter shall include a statement indicating how long the person giving the reference has known the applicant, under what circumstances the person knows the applicant, and the person's knowledge of the applicant's characteristics under s. DCF 56.05 ~~(4)-(b)~~ (6) (a).

**SECTION 71. DCF 56.13 (5) (title) and (a) are repealed and recreated to read:**

**DCF 56.13 (5) LEVEL 3 FOSTER HOME. (a) *Experience.*** An applicant for certification to operate a Level 3 foster home shall have at least 3 of the following:

1. A minimum of one year of experience as a foster parent or kinship care provider.
2. A minimum 5 years of experience working with or parenting children.
3. A minimum of 500 hours of experience as a respite provider for children under the supervision of a human services agency.
4. A high school diploma or the equivalent.
5. A college, vocational, technical, or advanced degree in the area of a foster child's treatment needs, such as nursing, medicine, social work, or psychology.
6. Work or personal experience for which the applicant has demonstrated the knowledge, skill, ability, and motivation to meet the needs of a foster child with a level of need of 3.

**SECTION 72. DCF 56.13 (5) (b) 1. is amended to read:**

**DCF 56.13 (5) (b) 1.** Each foster parent who operates a Level 3 foster home shall complete a minimum of 36 hours of ~~pre-placement~~ preplacement training under s. DCF 56.14 (6d) ~~before or after initial licensure but prior to the placement of any child in the home.~~

**SECTION 73. DCF 56.13 (5) (c) is repealed and recreated to read:**

**DCF 56.13 (5) (c) *References.*** An applicant for certification to operate a Level 3 foster home shall submit at least 4 favorable reference letters, as follows:

1. Three of the letters shall be written by persons unrelated to the applicant. At least one of these reference letters shall be regarding the applicant's qualifications under par. (a), excluding par. (a) 4.

2. The fourth favorable reference letter shall be from a relative, preferably from an adult child if applicable.

3. Each reference letter shall include a statement indicating all of the following:

a. How long the person giving the reference has known the applicant.

b. Under what circumstances the person knows the applicant.

c. The person's knowledge of the applicant's characteristics under s. DCF 56.05 (6).

**SECTION 74. DCF 56.13 (6) (title) and (a) are repealed and recreated to read:**

**DCF 56.13 (6) LEVEL 4 FOSTER HOME. (a) *Experience.*** An applicant for certification to operate a Level 4 foster home shall have at least 4 of the following:

1. A minimum of one year of experience as a foster parent or kinship care provider caring for a child who has a level of need of 3 or greater.

2. A minimum of 5 years of experience working with or parenting children.



3. A minimum of 500 hours of experience as a respite provider for children under the supervision of a human services agency.

4. A high school diploma or the equivalent.

5. A college, vocational, technical, or advanced degree in the area of a foster child's treatment needs, such as nursing, medicine, social work, or psychology.

6. Work or personal experience for which the applicant has demonstrated the knowledge, skill, ability, and motivation to meet the needs of a foster child with a level of need of 4.

**SECTION 75. DCF 56.13 (6) (b) 1. is amended to read:**

**DCF 56.13 (6) (b) 1.** Each foster parent who operates a Level 4 foster home shall complete a minimum of 40 hours of ~~pre-placement~~ preplacement training under s. DCF 56.14 ~~(6h) before or after initial licensure but prior to the placement of any child in the home~~ (6d).

**SECTION 76. DCF 56.13 (6) (c) is repealed and recreated to read:**

**DCF 56.13 (6) (c) *References.*** An applicant for certification to operate a Level 4 foster home shall submit at least 4 favorable reference letters as follows:

1. Three of the letters shall be written by persons unrelated to the applicant. At least one of these reference letters shall be regarding the applicant's qualifications under par. (a), excluding par. (a) 4.

2. The fourth favorable reference letter shall be from a relative, preferably from an adult child if applicable.

3. Each reference letter shall include a statement indicating all of the following:

a. How long the person giving the reference has known the applicant.

b. Under what circumstances the person knows the applicant.

c. The person's knowledge of the applicant's characteristics under s. DCF 56.05(6).

**SECTION 77. DCF 56.13 (6) (c) 2. a. to c. are renumbered DCF 56.13 (6) (c) 3. a. to c. and DCF 56.13 (6) 3. c., as renumbered, is amended to read:**

**DCF 56.13 (6) 3. c.** ~~His or her~~ The person's knowledge of the applicant's ~~qualifications and~~ characteristics under s. DCF 56.05 ~~(1)-(b)~~ (6).

**SECTION 78. DCF 56.13 (7) and (8) are repealed.**

**SECTION 79. DCF 56.135 is created to read:**

**DCF 56.135 Level 5 foster homes. (1) DEVELOPMENT.** (a) *Need for Level 5.* A licensing agency, placing agency, or supervising agency may consider developing a Level 5 foster home if the following circumstances exist:

1. A placement is needed for a child with all of the following conditions:

a. The child has behaviors or conditions that require a high degree of supervision and overnight awake care by program staff who rotate shifts within a 24-hour period.

b. The child will benefit from a home-like environment that has fewer children than a group home or residential care center for children and youth.

c. The child is expected to need long-term care or a similar care setting as an adult or has needs agreed to by the department.

2. All other community placement options have been investigated and determined to not be in the best interest of the child.

(b) *Preapproval to begin child-specific planning for a Level 5 foster home.* Prior to submitting an application for certification of a Level 5 foster home, a licensing agency or placing agency or supervising agency shall submit a completed form prescribed by the

department to request preapproval from the department exceptions panel to begin the development of a Level 5 foster home for the specific child meeting the conditions in par. (a).

**Note:** DCF-F-5177-E, *Preapproval to Begin Child Specific Planning for Level 5 Foster Home*, is available on the department's website at <https://dcf.wisconsin.gov/cwportal/fc/forms>.

(c) *Application for certification of a Level 5 foster home.* 1. The licensing agency, in collaboration with the placing agency, supervising agency, and the proposed foster parent, shall submit the following information to the department exceptions panel to request certification of a Level 5 foster home:

- a. A completed application form prescribed by the department.
- b. Information on the specific child to be placed in the foster home.
- c. A description of the programming and services that the foster parent and program staff will provide for the foster child.
- d. The qualifications of the proposed foster parent to meet the needs of the specific child to be placed in the home.
- e. The qualifications of the proposed program staff to meet the needs of the specific child to be placed in the foster home and the proposed program staff-to-child ratios.
- f. A crisis or behavioral support plan specific to the child to be placed in the foster home.

**Note:** DCF-F-2559-E-E, *Initial Application for Certification and Child Placement*, is available on the department's website at <https://dcf.wisconsin.gov/cwportal/fc/forms>.

2. The licensing agency, in collaboration with the placing agency, supervising agency, and the proposed foster parent, shall participate in a site visit with the department and other persons on the child's treatment team. The site visit may be in person or virtual as determined by the department. All of the following shall be discussed at the site visit:

a. The plan for the child's transition to the Level 5 foster home and integration into the community.

b. The plan to support the child's educational needs.

c. The programs and services that the child will be engaged in while placed in the Level 5 foster home, both formal and informal.

d. The family interaction plan.

e. If the child is age 16 or over, the plan for the child's transition to adult care.

(d) *Interagency memorandum of understanding*. If a requirement in this chapter is not designated as the responsibility of a licensing agency, placing agency, or supervising agency, all agencies involved in providing care and maintenance, supervision, or services for a foster child placed in a Level 5 foster home shall enter a memorandum of understanding to determine responsibility for all requirements for which responsibility is not designated.

(2) LICENSING AGENCY RESPONSIBILITIES. (a) The licensing agency shall ensure that each Level 5 foster home has a foster parent qualified to operate the foster home.

(b) The licensing agency, in conjunction with the foster parent, placing agency, and supervising agency, shall oversee program development and operation of the Level 5 foster home and do all of the following:

1. Review the appropriateness of admission of each child to the Level 5 foster home.
2. Participate in developing, reviewing, and updating each foster child's assessments and treatment plans.
3. Provide technical assistance to the foster parent on the development, supervision, and support of program staff.
4. Periodically review and update the Level 5 foster home policies and procedures.

(c) The licensing agency shall review and maintain records on the foster parent, program staff, and volunteers, including all of the following:

1. Completed background information disclosures and background check results documenting that the background check requirements under s. 48.685, Stats., and s. DCF 56.055 are met.

2. Documentation that the foster parent and program staff have completed the training and orientation required under subs. (6) (b) and (7) (j) and (k).

**(3) PLACEMENTS INTO A LEVEL 5 FOSTER HOME.** (a) *Last community option.* The licensing agency and foster parent shall only consider placing a child into a Level 5 foster home as the last community placement option when the conditions in s. DCF 56.135 (1) (a) 1. and 2. are met.

(b) *Compatibility with other children.* Before a new child is placed in a Level 5 foster home, the licensing agency and the foster parent shall evaluate the compatibility of this child with each foster child currently placed in the home. The placement of a child in a Level 5 foster home may not displace or endanger the health, safety, or well-being of any foster child currently placed in the foster home.

(c) *Medically-fragile child.* The licensing agency and the foster parent shall ensure that the treatment plan for a medically-fragile foster child who is placed in a Level 5 foster home includes emergency medical protocols.

(d) *Waiver funding.* The licensing agency shall notify the department of health services if an application is submitted to support a child's placement in a Level 5 foster home with funding under the disabled children's long-term support program as defined in s. 46.011 (1g), Stats.

(5) RESPITE CARE. A Level 5 foster home may only provide respite care to a foster child who was previously placed in the foster home or a foster child specifically identified and approved by the department on a planned basis.

(6) FOSTER PARENT. (a) *Qualifications*. In addition to requirements in s. DCF 56.05, the foster parent of a Level 5 foster home shall have the following qualifications:

1. 'Management experience.' The foster parent of a Level 5 foster home shall have either of the following:

- a. Experience managing staff or a business.
- b. A professional development plan to develop management and supervisory skills.

2. 'Education or experience in human services.' The foster parent of a Level 5 foster home shall have at least one of the following:

- a. An associate's degree or higher from an accredited college or university.
- b. Two years of supervised full-time work experience in an out-of-home care program or assisted living program with adults.
- c. Two years of personal experience caring for a person who has needs similar to the population to be served.

(b) *Training*. The foster parent of a Level 5 foster home shall complete the following training:

- 1. A minimum of 40 hours of preplacement training under s. DCF 56.14 (6p).
- 2. A minimum of 30 hours of initial licensing training under s. DCF 56.14 (7s) during the initial licensing period.
- 3. A minimum of 24 hours of ongoing training under s. DCF 56.14 (8) in each 12-month period of licensure subsequent to the initial licensing period.

(c) *Responsibilities.* The responsibilities of the foster parent of a Level 5 foster home include all of the following:

1. Working in conjunction with the licensing agency, placing agency, and supervising agency as specified in sub. (1) (c) and (2) (b).

2. Overseeing the day-to-day operations of the Level 5 foster home, including hiring, training, and evaluating program staff.

3. Providing oversight and guidance to program staff.

4. Participating in the foster child's treatment team and assuming primary responsibility for implementing the in-home care and treatment strategies specified in the foster child's treatment plan.

5. Having an in-person contact with a foster child placed in the foster home a minimum of once per week for the duration of the foster child's placement. The contacts shall provide opportunities for the foster parent and foster child to engage in parent-child interactions, such as doing homework, playing games, and going on community outings to create a home-like setting for the foster child.

6. Ensuring that program staff are promoting normalcy for each foster child placed in the foster home by applying the reasonable and prudent parent standard when making decisions concerning a foster child's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities under s. DCF 56.09 (3).

7. Ensuring that program staff have access to the information needed to make decisions concerning a foster child's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities under s. DCF 56.09 (3).

(d) *Level 5 is the only shift-staffed foster home.* A foster parent may do any of the following only if the foster home has a Level 5 certification:

1. Live in a residence that is not the foster home.
2. Provide less than 50 percent of a foster child's care.

(7) PROGRAM STAFF. (a) *Staff-to-child ratios.* A Level 5 foster home shall have program staff in sufficient numbers to meet the following staff-to-child ratios:

1. One program staff person for every 2 children during waking hours.
2. One program staff person for every 4 children during sleeping hours.

(b) *Ratios are minimum.* A licensing, placing, or supervising agency or the department may require the number of program staff on duty to be higher than the minimum requirements in par.

(a) as necessary to meet the needs of each foster child and to ensure their safety and welfare.

(c) *Responsibilities.* Program staff shall be responsible for daily supervision of each foster child and to provide direct care to each foster child to ensure their safety and well-being, including promoting normalcy under s. DCF 56.09 (3).

(d) *Qualifications.* A program staff person shall have at least one of the following qualifications:

1. An associate's degree or higher from an accredited college or university with a major in a field specified in sub. (6) 2. a.
2. Current enrollment in and regularly attending an accredited college or university with a major in a field specified in sub. (6) 2. a.
3. At least one year of full-time experience working in a formal program with the type of child population served by the Level 5 foster home where the applicant is applying for employment.



4. Certification as a child and youth care worker under the standards of the Wisconsin Association of Child and Youth Care Professionals or other department-recognized certifying authority.

**Note:** Information on the Wisconsin Association of Child and Youth Care Professionals is available at <https://wacycp.org/>.

5. Personal experience with a person who has needs similar to the population to be served.

6. Skills and personal characteristics that relate to caring for a foster child who has needs similar to the population served.

(e) *Age.* A program staff person shall be at least 18 years old.

(f) *Hiring and employment.* Before an applicant for a program staff position in a Level 5 foster home begins employment, the foster parent or the licensing agency shall do all of the following regarding the applicant:

1. Conduct and document a background check pursuant to s. 48.685, Stats., and s. DCF 56.055.

2. Make a determination that the applicant has not had a license to operate a foster home, group home, or residential care center for children and youth revoked or denied within the last 2 years.

3. Obtain favorable references from at least 3 non-relatives.

4. Make a determination that the applicant has the capacity to successfully nurture and care for children and does not have a history of a civil action, criminal conviction, or administrative rule violation that is substantially related to the care of a child or a history of exercising unsound judgment or abuse of alcohol or drugs.

**Note:** For help in determining whether a civil action, criminal conviction, or administrative rule violation is substantially related to the care of children, consult s. DCF 12.06.

5. If the foster parent and licensing agency do not agree that a program staff person meets the qualifications to work in the Level 5 foster home, the licensing agency shall make the final decision.

6. The foster parent shall provide the licensing agency with the program staff records, including documentation that the hiring and employment requirements for program staff are met.

(g) *Health exam.* Upon hire and prior to working with a foster child, the foster parent shall require each program staff person to provide a statement from a medical provider that the program staff person meets the minimum physical requirements of the position and is in general good health. The statement shall be based on a medical examination performed within the previous 12 months.

(h) *Health concerns.* If a licensing agency or the department has reason to believe that the physical or mental health of a program staff person may pose a threat of harm to a foster child or to the quality and manner of their care or that the program staff person is not able to provide responsible care for a foster child, the licensing agency or the department may require that the program staff person submit a written statement from a medical provider or, if appropriate, a licensed mental health professional on the physical or mental condition of the program staff person and the possible effect of that condition on the foster home or a foster child in care.

(i) *Background check.* The foster parent shall require each program staff person to complete a background information disclosure form designated by the department and shall conduct a background check under s. 48.685, Stats., and s. DCF 56.055 every 4 years or at any time within that period.

(j) *New hire training and orientation.* Each program staff person who provides care for a foster child in a Level 5 foster home shall complete the following training and orientation prior to working independently with a foster child:

1. A minimum 40 hours of training on the following topics:
  - a. The standardized curriculum under s. DCF 56.14 (6) (a).
  - b. The topics listed in s. DCF 56.14 (6p) (b) to (j).
2. Fifteen hours of child-specific or population-specific training, orientation, or observation.

(k) *Ongoing training.* Each program staff person who provides care for a foster child in a Level 5 foster home shall complete a minimum of 24 hours of ongoing training that meets the conditions in s. DCF 56.14 (8) (b) in each year of employment subsequent to the initial year of employment.

(8) **VOLUNTEERS.** Each volunteer used by a Level 5 foster home shall be supervised by a program staff person and may not work independently with a foster child. Before a volunteer may begin performing activities, the foster parent shall do all of the following:

1. Notify the licensing agency.
2. Require the volunteer to complete a background information disclosure form designated by the department and shall conduct a background check under s. 48.685, Stats., and s. DCF 56.055 every 4 years or at any time within that period.
3. Orient the volunteer to the activities that the volunteer may perform as specified in the foster home's personnel policies and procedures.
4. Require each volunteer to maintain in confidence all information about the foster child and the foster child's family.

**SECTION 80. DCF 56.14 (1) and (2) are repealed.**

**SECTION 81. DCF 56.14 (3) is amended to read:**

**DCF 56.14 (3) QUALIFICATIONS OF TRAINERS.** Persons preparing or presenting materials for foster parent training shall have expertise in the subject matter as evidenced by prior experience or education, an ability to communicate their knowledge, and demonstrated cultural competence.

**SECTION 82. DCF 56.14 (3) (Note) is created to read:**

**Note:** See also ss. DCF 56.14 (6d) (b) and (7) (b).

**SECTION 83. DCF 56.14 (4) and (5) (a) are amended to read:**

**DCF 56.14 (4) TRAINING EXPENSES.** (a) The department shall provide funds to county agencies and, in a county with a population of more than ~~500,000~~ 750,000, the department, to enable foster parents to attend training. The funds may be used for materials, fees, transportation, and child care expenses incurred to attend training that is required or approved under this section or s. DCF 56.13.

(b) ~~No A licensing agency of a foster home with a Level 3 to 5 certification or licensed private child placing agency~~ may not require a foster parent to pay to attend training under this section.

**(5) (a) Level of care certification.** Each foster parent identified on the license to operate the foster home shall complete any ~~pre-placement~~ preplacement, initial licensing, or ongoing training required for the foster home's level of care certification under s. DCF 56.13, except as provided in par. (c) ~~and subs. (6) (b) and (7) (c) and (d).~~

**SECTION 84. DCF 56.14 (5) (b) is repealed.**

**SECTION 85. DCF 56.14 (6) and (6d) are repealed and recreated to read:**

**DCF 56.14 (6)** PREPLACEMENT TRAINING FOR LEVELS 1 AND 2. (a) The department shall develop and provide a standardized curriculum for preplacement training for a foster parent who operates a foster home with a Level 1 or 2 certification that is in accordance with s. 48.67 (4) (a) and includes medication administration and first aid, including cardiopulmonary resuscitation for a child of the age of any foster child that may be placed in the foster home.

**(6d)** PREPLACEMENT TRAINING FOR LEVEL 3 AND 4. (a) The preplacement training for a foster parent who operates a Level 3 or Level 4 foster home shall include the standardized curricula provided under subs. (6) (a) and (7) (a).

(b) Trainers for the portion of the Level 3 or Level 4 preplacement training standardized curriculum that is provided under sub. (7) (a) shall include a foster or adoptive parent, foster child, or birth parent.

**SECTION 86. DCF 56.14 (6h) is repealed.**

**SECTION 87. DCF 56.14 (6p) (title), (intro.), and (k) are amended to read:**

**DCF 56.14 (6p)** (title) ~~PRE-PLACEMENT~~ PREPLACEMENT TRAINING FOR ~~A LEVEL~~ THE FOSTER PARENT OF A LEVEL 5 PROGRAM-MANAGERS FOSTER HOME. (intro.) The ~~pre-placement~~ preplacement training for a the foster parent ~~who is a program-manager~~ of a Level 5 foster home shall include information on all of the following:

(k) ~~Four~~ Six hours of child-specific or population-specific training, orientation, or observation.

**SECTION 88. DCF 56.14 (6p) (L) is created to read:**

**DCF 56.14 (6p) (L)** Service coordination.

**SECTION 89. DCF 56.14 (6t) is repealed.**

**SECTION 90. DCF 56.14 (7) (a) (intro.) is renumbered (7) (a) and amended to read:**

**DCF 56.14 (7) (a)** The department shall approve a standardized curriculum for initial licensing training for a foster parent who operates a Level 2 foster home ~~that includes information on all of the following:~~

**SECTION 91. DCF 56.14 (7) (a) 1. to 9. and (Note) are repealed.**

**SECTION 92. DCF 56.14 (7) (b) 1. is repealed and recreated to read:**

**DCF 56.14 (7) (b) 1.** Trainers for the Level 2 initial licensing training shall include a foster or adoptive parent, foster child, or birth parent.

**SECTION 93. DCF 56.14 (7) (b) 2. is amended to read:**

**DCF 56.14 (7) (b) 2.** Notwithstanding subd. 1., a foster parent may attend an initial licensing training for which no foster or adoptive parent, foster child, or birth parent is a trainer if the licensing agency approves and provides opportunities for the foster parent attending the training to participate in activities or programs that promote networking among foster parents and provide an opportunity for an experienced foster parent to answer questions from the new foster parent.

**SECTION 94. DCF 56.14 (7) (c), (d), and (Note) are repealed.**

**SECTION 95. DCF 56.14 (7s) (title) and (intro.) are amended to read:**

**DCF 56.14 (7s)** INITIAL LICENSING TRAINING FOR ~~LEVEL~~ THE FOSTER PARENT OF A LEVEL 5 PROGRAM MANAGERS FOSTER HOME. The initial licensing training for a the foster parent ~~who is~~

~~a program manager for~~ of a Level 5 foster home shall include information on all of the following:

**SECTION 96. DCF 56.14 (8) (a) is repealed.**

**SECTION 97. DCF 56.14 (8) (b) 1., 1r., 2. a., 3., and 4. are amended to read:**

**DCF 56.14 (8) (b) 1.** The content of the training shall meet at least one of the purposes of foster parent training under sub. (1) ~~and conform with the foster parent's individualized training plan, unless a greater training need is demonstrated after the plan was developed~~ s. 48.67 (4), Stats.

1r. In addition to subd. 1., the content of ongoing training for ~~program managers and program staff for~~ the foster parent of a Level 5 foster home shall include all of the following:

2. a. Face-to-face consultation with professionals with expertise in specific identified areas, such as learning how to manage a foster child's emotional, developmental, behavioral, or medical needs or participating in therapy with a foster child.

3. The total credit given for training ~~using books, periodicals, and web-based resources under subd. 2. e. and television and radio presentations under subd. 2. f. that is not in person or a live video conference~~ may not exceed 20 percent of the required hours.

4. The ~~cost of a particular training option and the~~ usefulness of the skills or knowledge that is expected to be gained shall also be considered.

**SECTION 98. DCF 56.15 is repealed and recreated to read:**

**DCF 56.15 Supervising or placing agency. (1) AGENCY RESPONSIBILITIES.** A supervising agency or placing agency shall do, or contract for, all of the following:

(a) Ensure that every foster child in their care is assigned a supervising agency or placing agency child welfare professional.

(b) Have staff available for a foster parent to contact on a 24-hours per day, 7-days per week, basis.

(c) Ensure that each agency child welfare professional is able to perform the duties specified in sub. (2) independently or under the supervision of an experienced child welfare professional. Notwithstanding this requirement and sub. (2) (intro.), a person who is an intern or in a field placement for a higher education program may perform the duties under sub. (2) if they are supervised by an experienced child welfare professional.

**(2) RESPONSIBILITIES OF A SUPERVISING AGENCY OR PLACING AGENCY CHILD WELFARE PROFESSIONAL.** (a) *All levels of care.* A child welfare professional employed by, or under contract to, a supervising agency or placing agency shall do all of the following for each foster child in the agency's care:

1. Coordinate assessments of the foster child.
2. Select an appropriate foster home for the foster child after careful consideration of how well a prospective foster family will meet the foster child's specific needs and address concerns of the foster child's birth or adoptive parents.
3. Provide the foster parent with the supervising agency's after-hours telephone number.
4. Provide the foster parent with information about the foster child under ch. DCF 37.
5. Prior to or at the time of placement of the foster child with a foster parent, explain to the foster parent the child-specific considerations that the foster parent is required to take into account when applying the reasonable and prudent parent standard, as documented on the forms



required under ch. DCF 37, and provide the foster parent with the brochure required under s. DCF 56.12 (2m) (c).

6. When a school-age foster child is placed in a foster home, notify the school district in which the foster home is located and the school in which the foster child will enroll, unless the foster child will remain enrolled in the same school and school district. If the foster child will remain enrolled in the same school and school district, the supervising agency or placing agency shall give notification of the placement to the foster child's school and school district, as required under s. 48.64 (1r), Stats. The notification shall include all of the following:

- a. The name, address, and phone number of the foster parent.
- b. The name of the foster child.
- c. Information about the foster child required by the school, as allowed under any applicable confidentiality laws.
- d. The child welfare professional's contact information.

7. Advocate for the foster child with the foster child's school, medical facility, or any other program in which the foster child is involved to ensure that services provided to the foster child are consistent with the permanency plan and treatment plan, if applicable.

8. Adhere to the requirements in s. 48.383 (2) (c), Stats., in preparing or revising the permanency plan for a foster child.

9. Assist the foster parent and foster child with overcoming barriers to the foster child's participation in extracurricular, enrichment, cultural, and social activities that promote normalcy in an age and developmentally appropriate manner.

10. Assist with resolving a conflict among members of the foster child's team or treatment team on the application of the reasonable and prudent parent standard.

11. Provide updated information to the foster parent about child-specific considerations for reasonable and prudent parenting decisions throughout the foster child's placement through team or treatment team meetings and when there is a significant change in circumstances.

12. Advocate for the best interests and rights of the foster child.

13. Comply with agency contact requirements with the foster parent and foster child under s. DCF 56.185.

14. Support and assist the foster parent with effectively fulfilling the responsibilities in this chapter.

15. Assist the foster parent with any necessary arrangements in an emergency.

16. Perform liaison activities with other agencies.

17. Perform necessary court responsibilities as appropriate.

18. Notify the placing agency of any updates to information about the foster child that were not included in the forms provided to the foster parent at the time of placement under ch. DCF 37, if the supervising agency and placing agency are not the same agency.

**Note:** The forms provided under ch. DCF 37 are DCF-F-872A-E, *Information for Out-of-Home Care Providers, Part A*. and DCF-F-872B-E, *Information for Out-of-Home Care Providers, Part B*. Both forms are available on the department website at <https://dcf.wisconsin.gov/cwportal/fc/forms>.

(b) *Levels 3 to 5*. In addition to the requirements under par. (a), a supervising agency or placing agency child welfare professional shall do all of the following for each foster child with a level of need of 3 or higher in the agency's care:

1. Respond to a request from the foster child's foster parent for crisis intervention, emergency counseling, and related services within one hour.

2. Ensure that the foster child has a treatment team.

3. Serve as coordinator for the treatment team and organize treatment team meetings.

4. Educate a foster child's treatment team members on services and medical procedures for the foster child's specific needs.

5. Develop appropriate interventions and services for the foster child and the treatment team, including arranging assistance from appropriate specialists.

6. Provide or arrange for additional child care personnel during stressful or critical periods, as determined by the treatment team.

7. Assist and support the foster parent in obtaining any medical supplies and services required for the foster child. If required medical supplies and services are not included in the treatment plan, the supervising agency child welfare professional shall revise the treatment plan to include the required medical supplies and services and consult with the placing agency to determine financial responsibility.

8. Evaluate the foster child's progress and recommend services in the treatment plan.

(3) MULTIPLE AGENCIES. If more than one agency is performing supervising responsibilities under subs. (1) and (2), the agencies shall specify in writing which agency is responsible for each requirement.

**SECTION 99. DCF 56.16 (1) is repealed and recreated to read:**

**DCF 56.16 (1)** A licensing agency shall do all of the following:

- (a) Assess and screen families who are interested in becoming foster parents.
- (b) Comply with the licensing process in s. DCF 56.04, including the use of all components of a standardized assessment tool prescribed by the department to conduct the home study.
- (c) Notify the school district in which a foster home is located when a license to operate a foster home is issued in that school district, as required under s. 48.62 (3), Stats.

(d) Provide, arrange, and approve required preplacement, initial, and ongoing training for foster parents under s. DCF 56.14.

(e) Consult with a supervising agency child welfare professional to match a foster child's specific needs with an available foster parent.

(f) Provide written notice to any supervising agency with a foster child placed in a foster home prior to placement of a new foster child in the home. If written notice prior to the additional placement is not possible, verbally notify the supervising agency prior to the placement and subsequently provide written notice.

(g) Assist a foster parent in meeting the needs of a foster child in need of placement or a foster child who is currently placed in their foster home.

(h) Ensure that the foster parent is promoting normalcy for a foster child by providing opportunities for the foster child to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities under s. DCF 56.09 (3).

(i) Comply with agency responsibilities regarding respite care under s. DCF 56.21 (2).

(j) Notify any placing agency or supervising agency of a serious incident reported by a foster parent under s. DCF 56.06 (2m) or (3m) within 48 hours after the serious incident is known to have occurred.

**SECTION 100. DCF 56.16 (2) (a) is amended to read:**

**DCF 56.16 (2) (a)** Identify foster homes with similar qualifications as existing foster homes to be used as emergency or alternative options for placement or respite care.

**SECTION 101. DCF 56.17 (1) (a) is amended to read:**

**DCF 56.17 (1)** (a) A foster child with a level of need of 3 or higher who is placed in a foster home with a Level 3 to 5 certification shall have a treatment team that consists of the foster child; the foster child's parent ~~or legal~~ guardian, legal custodian, or Indian custodian; the foster parent; and at least one representative each from the supervising and placing agencies. At least one member of the treatment team shall have clinical training in a field related to the primary needs of the foster child. In addition, the treatment team may include other social workers, ~~caseworkers~~ child welfare professionals, clinical consultants, ~~physicians, nurses, psychologists, therapists,~~ medical providers, mental health providers, school personnel, ~~home health agency staff,~~ or other significant ~~individuals~~ persons in the foster child's life.

**SECTION 102. DCF 56.17 (1) (b) is repealed and recreated to read:**

**DCF 56.17 (1)** (b) A foster child shall be a member of the treatment team unless they choose not to participate or the supervising agency child welfare professional determines that their inclusion would be inappropriate due to their age or condition. If the child is not a member of the treatment team, the supervising agency child welfare professional shall document the reason in the case record.

**SECTION 103. DCF 56.17 (2) (a) is renumbered DCF 56.17 (2) (am) and, as renumbered, DCF 56.17 (2) (am) (intro.), 1., and 3. are amended to read:**

**DCF 56.17 (2)** (am) (intro.) Using specialists when necessary, arrange for additional appropriate assessments based on the needs and strengths of the foster child, the foster child's family, and the foster parent as identified in the assessment under s. DCF 56.22. If the foster child may have a serious emotional disturbance, arrange for a ~~bio-psycho-social~~ biopsychosocial assessment that includes all of the following:

1. An assessment of the foster child's disability.
3. An assessment of how ~~psycho-social~~ psychosocial and environmental factors influence how the foster child copes with the disability.

**SECTION 104. DCF 56.17 (2) (b) (intro.), 1., 3. (intro.) and g., and 4. and (c) are amended to read:**

**DCF 56.17 (2) (b) (intro.)** Develop the foster child's written treatment plan within 30 days after the foster child's placement in a foster home. The treatment plan shall do all of the following:

1. Specify the treatment and services to be provided to the foster child and the foster child's family.

3. (intro.) Establish measurable goals and objectives for the placement in all areas of the foster child's life, including all of the following:

- g. Regular, ongoing opportunities to engage in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities under s. DCF 56.09 (3).

4. If a foster child is ~~15~~ 14 years of age or over, include a description of the programs and services that are or will be provided to assist the foster child in preparing for the transition from out-of-home care to independent living as required under s. 48.38 (4) (h) or 938.38 (4) (h), Stats.

- (c) Establish an appropriate level of nursing, other medical care, and other types of care for the foster child based upon the foster child's needs and the abilities of the foster parent.

**SECTION 105. DCF 56.17 (2) (d) is renumbered DCF 56.17 (2) (a).**

**SECTION 106. DCF 56.17 (2) (e), (g), (h), (i), (k), (L) 1. and 2., (n), and (o) are amended to read:**

**DCF 56.17 (2) (e)** Provide copies of the treatment plan to all treatment team members, including the foster child if the child is ~~more than~~ 12 years ~~old~~ of age or older, as allowed by law.

(g) Meet to formally review the treatment plan, share information, exchange ideas and opinions, and discuss issues at least every 3 months ~~from the date of distribution of the treatment plan~~. The supervising agency ~~caseworker~~ child welfare professional shall determine if more frequent treatment team meetings are necessary. Other treatment team members may request a meeting.

(h) Share knowledge regarding the foster child and the treatment plan with other treatment team members as allowed by law and encourage support for the treatment plan.

(i) Ensure that family counseling is provided to the foster child's family and the foster family as needed.

(k) Monitor and evaluate the progress of the treatment plan and the continued appropriateness and effectiveness of the provided services and supports and placement of the foster child on an ongoing basis.

(L) 1. Observations from the supervising agency ~~caseworker's~~ child welfare professional's direct contact with the foster child.

2. Discussions that include the foster child; the foster child's parent, guardian ~~at item~~, or Indian custodian; service providers; and collateral contacts.

(n) Consult with the foster parent or supervising agency ~~caseworker~~ child welfare professional about events in the foster home if requested.

(o) Arrange for interaction between the foster child and the foster child's family as provided in the foster child's permanency plan or treatment plan.

**SECTION 107. DCF 56.17 (2) (q) and DCF 56.18 are repealed.**

**SECTION 108. DCF 56.185 is created to read:**

**DCF 56.185 Agency contact with foster parent and foster child. (1) CONTACT REQUIREMENTS.** (a) *Level of care 1 or 2.* If a foster child is placed in a Level 1 or 2 foster home, the licensing agency, supervising agency, or placing agency shall have contact with the foster parent and foster child as follows:

1. With the foster parent, at least one contact per month. The contact may be in person, by phone, or by an interactive electronic format.
2. With the foster child, at least one in-person contact each full calendar month that the foster child is placed in the foster home.
3. More than 50 percent of the agency in-person contacts with a foster child shall be in the foster child's foster home, occurring no less than every other month.

(b) *Level of care 3 or 4.* If a foster child is placed in a Level 3 or 4 foster home, the licensing agency, supervising agency, or placing agency shall have contact with the foster parent and foster child as follows:

1. With the foster parent, at least 2 in-person contacts per month. At least one of these contacts shall be in the foster home.
2. With the foster child, at least one in-person contact every other week. At least one contact per month shall be in the foster home.



3. Notwithstanding subd. 2., if a foster child with a level of need below 3 is placed in a Level 3 or 4 foster home, the licensing agency, placing agency, or supervising agency shall have at least one in-person contact with the foster child each full calendar month that the foster child is in the foster home.

(c) *Level of care 5.* 1. If a foster child is placed in a Level 5 foster home, the licensing agency, supervising agency, or placing agency shall have at least 2 in-person contacts per month with the foster parent. At least one of these contacts shall be in the foster home.

2. A licensing agency, placing agency, or supervisory agency representative other than the foster parent shall have an in-person contact with a foster child placed in a Level 5 foster home at least every other week. At least one contact per month shall be in the foster home.

(2) **PURPOSES OF CONTACT.** (a) The agency contact with the foster parent and the foster child shall focus on the safety, permanence, and well-being of the foster child.

(b) The agency contact with the foster parent and the foster child shall also be used to do all of the following:

1. Evaluate the compatibility of the foster child with the foster parent and other household members.

2. Evaluate the ability of the foster parent to meet the needs of the foster child in a safe manner.

3. Evaluate the experiences the foster child has had to regularly engage in age or developmentally appropriate activities following the reasonable and prudent parent standard.

4. Discuss any additional support needed by the foster parent to safely care for the foster child.

5. Confirm the safety of the placement setting.

(c) The agency contact with the foster child shall provide an opportunity for the foster child to have contact with their child welfare professional to openly discuss their adjustment to the placement setting and express their thoughts and feelings about their foster care experience.

(d) The agency contact with the foster parent shall be of sufficient duration and substance to address the goals of the foster child's permanency plan or treatment plan, if applicable.

(3) MULTIPLE AGENCIES. If the licensing agency, placing agency, and supervisory agency under sub. (1) are different agencies, those agencies shall determine a contact plan.

(4) MULTIPLE FOSTER PARENTS. If there is more than one foster parent on the license to operate the foster home, the agency may have contact with only one of the foster parents.

(5) COMBINING FOSTER PARENT AND FOSTER CHILD CONTACTS. One agency contact with a foster parent per month may be combined with an agency contact with a foster child.

(6) PLACING A FOSTER CHILD IN A LEVEL 3 TO 5 FOSTER HOME WITH NO CURRENT PLACEMENT. If a foster home with a Level 3 to 5 certification has not had placement of a foster child for 3 or more months and the licensing agency, supervising agency, or placing agency has not seen the foster parent in the foster home during that time, the licensing agency, supervising agency, or placing agency shall have an in-person contact with the foster parent in the foster home before a foster child is placed in the home or within 24 hours after the foster child's placement in the foster home.

**SECTION 109. DCF 56.19 and 56.20 are repealed.**

**SECTION 110. DCF 56.21 is repealed and recreated to read:**

**DCF 56.21 Respite care for foster parents. (1) APPLICABILITY.** This section applies to care of a foster child in any of the following circumstances:

(a) Services arranged in advance by the licensing agency or supervising agency and foster parent to provide care of a foster child during an absence of the foster parent for more than 72 hours.

(b) Care of a foster child arranged by the licensing or supervising agency when the foster parent is unavailable due to an emergency.

(c) Care of a foster child during the foster parent's absence that is paid for by a licensing, supervising, or placing agency.

(2) LICENSING AGENCY RESPONSIBILITIES. (a) A licensing agency shall do all of the following:

1. Develop policies and procedures to govern the agency's respite care program, including a procedure for informing a foster child's parent, guardian, legal custodian, or Indian custodian when the foster child receives care by a respite provider.

2. Inform a foster parent of the process to request and be reimbursed, if applicable, for respite services prior to utilizing the service.

3. Conduct a background check under s. DCF 56.055 on a person interested in being a respite provider if the person is not currently a foster parent.

(b) A licensing agency of Level 3 or 4 foster homes shall do all of the following:

1. Develop, in consultation with foster parents, a pool of respite providers that will be used when respite care is provided.

2. Provide training and support to respite providers specific to the population of children to be served by the respite provider.

3. Consult with the foster parent, foster child, and the supervising agency to develop a respite schedule for a specific child and provide the schedule to the respite providers.

**(3) RESPITE PROVIDER QUALIFICATIONS.** A respite provider shall have the following qualifications:

- (a) Be at least 18 years of age.
- (b) Meet the background check requirements in s. 48.685, Stats., and s. DCF 56.055.
- (c) Have education, experience, or a relationship with the foster child and an ability to meet their needs.
- (d) Provide respite care in a home that meets the physical, safety, and environmental needs of the foster child for whom care is to be provided if the respite care is to be provided in the respite provider's residence.
- (e) Agree to abide by s. DCF 56.09 (2) (a) and (b), (14), and (15).
- (f) Is not an employee of the licensing agency or a relative of an employee of the licensing agency if the employee works in the child welfare area of the agency.

**(4) INFORMATION TO BE GIVEN TO RESPITE PROVIDER.** Prior to a foster parent using a respite provider, the supervising agency shall ensure that the respite provider has information on all the following:

- (a) The foster child's care needs.
- (b) The foster child's daily routine and schedule.
- (c) Family or sibling visitation that will occur during the foster parent's absence.
- (d) Section DCF 56.09 (2) (a) and (b), (14), and (15).
- (e) Phone numbers of emergency contacts.
- (f) The foster child's medical providers and any information needed for the foster child to receive medical care.

(6) ELIGIBILITY FOR SUBSIDIZED RESPITE CARE. (a) *Level 3 or 4.* 1. A licensing agency shall fund and arrange for a foster parent who operates a foster home with a Level 3 or 4 certification to have 8 to 24 consecutive hours of respite care per month. Respite care shall be provided in a combination of days to be determined by the foster parent and the licensing agency. The licensing agency may require that any respite care include an overnight stay.

2. Notwithstanding subd. 1., a licensing agency is not required to fund and arrange respite care of a foster child with a level of need below 3 who is placed in a foster home with a Level 3 or 4 certification.

(b) *Level 1 or 2.* A licensing agency may establish policies and procedures to fund respite care for a foster parent who operates a foster home with a Level 1 or 2 certification.

(7) RESPITE CARE LIMIT. A foster child may not be in respite care for more than 28 consecutive days. A licensing agency may establish a limit that is less than 28 consecutive days.

(8) REASONABLE AND PRUDENT PARENT STANDARD INAPPLICABLE. The reasonable and prudent parent standard does not apply to a foster parent providing respite care in a foster home.

**SECTION 111. DCF 56.22 (1) (a) and (b), (3) (a) and (b), (4) (a) (intro.), 1. (intro.), a., and g., 2. e, (b) 1., 2., and 3., (c) (intro.), 1. (intro.), and 2. (intro.), (d) (intro.) and (5) (a) (intro.), 1. to 6., and (b) are amended to read:**

**DCF 56.22 (1) (a)** A placing agency shall use a standardized assessment tool prescribed by the department to assess the needs and strengths of a foster child placed or to be placed into a foster home and the needs of the foster child's foster parent. A placing agency may subcontract this responsibility.

(b) Notwithstanding par. (a), this section does not apply to a foster child placed or to be placed into a foster home that is licensed solely for the purpose of adoption of a domestic infant under s. 48.837, Stats., or a foreign child under s. 48.839 or 48.97, Stats.

(3) (a) *Assessment within 30 days after placement.* A placing agency shall assess each foster child before placement in a foster home or within 30 days after the foster child's placement. A placing agency shall assess each foster parent within 30 days after the foster child's placement in the foster home.

(b) *Reassessment every 6 months.* A placing agency shall reassess each foster child and the foster child's foster parent within 6 months after the foster child's last assessment or reassessment. The placing agency, licensing agency, or foster parent may request a reassessment more frequently.

(4) (a) *Basics of the tool.* The standardized assessment tool shall include a list of items that may have a direct impact on service planning for the foster child and the foster child's foster parent. The list of items included in the standardized assessment tool shall assist with evaluation of all of the following:

1. The foster child's functioning, including all of the following:
    - a. The impact of trauma on the foster child.
    - g. The effect of the culture of the foster child and the foster child's family on service provision.
  2. e. Empathy with the foster child.
- (b) 1. Review the foster child's case record.

2. Interview or collect information from ~~an individual~~ a person who has interviewed the foster child, the foster child's family, foster parent or other out-of-home care provider, the foster child's team or treatment team, and the licensing agency.

3. Review information gathered in collaboration with the foster child's team or treatment team and the licensing agency.

(c) *Rating a foster child.* (intro.) The person administering the standardized assessment tool shall rate the foster child on each item in the tool on a 4-point scale relative to what is developmentally appropriate for a child of a similar age, as follows:

1. 'Needs.' (intro.) The following ratings shall apply to items representing needs of a foster child or the foster child's family:

2. 'Strengths.' (intro.) The following ratings shall apply to items representing strengths of a foster child or the foster child's family:

(d) *Rating a foster parent.* (intro.) The person administering the standardized assessment tool shall rate a foster parent's needs on each item in the tool on a 4-point scale in relation to a specific identified foster child, as follows:

(5) (a) (intro.) The placing agency shall use information from the assessment of the foster child, the foster child's family, the foster child's foster parent, the supervising agency, and the licensing agency for all of the following:

1. To communicate information about the needs and strengths of the foster child and the foster child's family.

2. To assist with determining the foster child's service needs and developing the foster child's plan of care.

3. To determine a level of need of 1/2, 3, 4, 5, or 6 for the foster child.

4. To inform decisions regarding a placement at a level of care that is appropriate to meet the foster child's level of need.

5. To evaluate the match between the knowledge, skills, and abilities of a foster parent and the needs and strengths of the foster child.

6. To assist in the development of services and supports needed for a specific foster child and foster parent to promote the stability of the placement.

(b) A placing agency shall re-evaluate the appropriateness of a foster child's placement, services provided to the foster child, and supplemental payments made to the foster parent following a reassessment of the foster child under sub. (3) (b).

**SECTION 112. DCF 56.22 (6) (a) (intro.), 1. and 2. are consolidated, renumbered DCF 56.22 (6), and amended to read:**

(6) MATCHING THE FOSTER CHILD AND FOSTER FAMILY. A placing agency may place a foster child in a foster home only after careful consideration is made on how well the prospective foster family will ~~do all of the following:~~

~~1. Meet~~ meet the foster child's identified specific needs.

~~2. Address~~ and address any concerns of the birth or adoptive parents.

**SECTION 113. DCF 56.22 (6) (a) 3. and (b) are repealed.**

**SECTION 114. DCF 56.22 (7) is amended to read:**

**DCF 56.22 (7) PLACEMENT IN A FOSTER HOME.** (a) A placing agency, in accordance with a licensing agency, may place a foster child in a foster home that is certified to provide a given level of care if the foster child's level of need is at or below the level of care that the foster home is certified to provide.



(b) Notwithstanding par. (a), a placing agency may place a foster child with a level of need that is higher than the level of care that a foster home is certified to provide if the placing agency grants an exception and documents in the foster child's electronic case record what services and supports will be provided to meet the foster child's needs as identified in the assessment tool.

(c) A foster child whose level of need is lower than 5 may not be placed in a Level 5 foster home, except for continuation of an existing placement during planning for the foster child's transition to a less restrictive setting following a reassessment under sub. (3) (b).

**SECTION 115. DCF 56.22 (Note) is repealed.**

**SECTION 116. DCF 56.23 (1) (c), (2) (intro.), (a) 1. (intro.), 2. a. to d., and (b) and (3) (a) 1., 3., and 4. are amended to read:**

**DCF 56.23 (1) (c)** A placing agency may not make a supplemental or exceptional payment or pay an initial clothing allowance for a foster child placed in a Level 1 foster home.

**(2) (intro.) SUPPLEMENTAL PAYMENTS.** A placing agency shall make a supplemental payment to a foster parent for a foster child's special needs. The placing agency shall determine the amount of a supplemental payment based on the total under the following:

(a) 1. (intro.) On a form prescribed by the department, the placing agency shall use information obtained using the standardized assessment tool to rate the foster child under s. DCF 56.22 (4) (c) relative to what is developmentally appropriate for a child of a similar age in the following areas:

2. a. A foster child's need that has a rating of 2 indicating there is a presence of a moderate special need.

b. A foster child's need that has a rating of a 3 indicating there is a presence of an intensive special need.

c. A foster child's strength that has a rating of 2 that indicates an identified strength.

d. A foster child's strength that has a rating of 3 that indicates no strength has been identified.

(b) *Level of care higher than level of need.* A placing agency shall make a supplemental payment under this paragraph that is an amount determined by the department if a foster home's level of care certification is higher than the level of need of a foster child placed in the foster home and the foster home has a Level 3 or 4 certification.

(3) (a) 1. Enable the foster child to be placed or remain in a foster home instead of being placed or remaining in a more restrictive setting.

3. Assist with transportation costs to the school the foster child was attending prior to placement in out-of-home care.

4. Replace a foster child's basic wardrobe that has been lost or destroyed in a manner other than normal wear and tear.

**SECTION 117. DCF 56.23 (3) (a) 5. is repealed.**

**SECTION 118. DCF 56.23 (4) (Note) is repealed and recreated to read:**

**DCF 56.23 (4) Note:** DCF-P-PFS0142, *Understanding the Uniform Foster Care Rate*, and DCF-F-CFS0834, *Foster Care Uniform Rate Setting*, are available on the department's website at <https://dcf.wisconsin.gov/cwportal/fc/forms>.

**SECTION 119. DCF 56.23 (5) is amended to read:**

**DCF 56.23 (5) RETAINER FEE.** A placing agency may provide a monthly retainer fee to a foster parent to maintain openings in a foster home for emergency placements under ss. 48.205

and 938.205, Stats. This fee may not be considered part of the foster care payment for a specific foster child.

**SECTION 120. DCF 56.24 and 56.25 are created to read:**

**DCF 56.24 Exceptions.** (1) LICENSING AGENCY AUTHORITY. (a) A licensing agency may grant an exception to any nonstatutory requirement in this chapter if the licensing agency determines that the exception will not jeopardize the health, safety or welfare of a foster child, except that the licensing agency may not grant an exception to any of the following requirements: ss. DCF 56.04 (1) (a), 56.04 (10), 56.04 (11), 56.085 (1) (a), 56.085 (1) (b), 56.085 (2), 56.09 (14) (f) 2., 56.13 (3) (b), 56.13 (4) (a) 1., 56.13 (4) (a) 2., 56.13 (5) (b) 1., 56.13 (5) (b) 2., 56.13 (6) (b) 1., 56.13 (6) (b) 2., 56.135 (1d), 56.135 (6) (b) 1., 56.135 (6) (b) 2., 56.135 (6) (c) 5., 56.135 (7) (j) 1., 56.135 (7) (j) 2., 56.14 (6) (a), 56.14 (6d) (a), 56.14 (6p), 56.14 (7) (a), 56.185 (1) (b) 1., 56.185 (1) (b) 2., 56.185 (1) (c) 1., 56.185 (1) (c) 2., 56.21 (3) (f), 56.21 (7), and 56.22 (7) (c).

(b) 1. Any exception granted under par. (a) shall be specified on the license with an explanation of any alternative requirement.

2. An exception shall be in effect only as long as the conditions under which the exception was granted continue to exist but no longer than 2 years from the date on which the exception is granted or the date on which the license terminates, whichever occurs first.

3. When the exception expires, the licensing agency shall determine if there is justification to continue the exception. The exception shall be documented on a subsequent license if it is continued.

(2) DEPARTMENT EXCEPTIONS PANEL. (a) An applicant or foster parent requesting an exception to a nonstatutory requirement in this chapter that the licensing agency may not grant

may ask the department exceptions panel to grant the exception, with the approval of the licensing agency. The licensing agency shall submit the request to the department exceptions panel.

**Note:** DCF-F-CFS0847, *Application to DCF Exceptions Panel for Exception to Ch. DCF 56*, can be obtained from the licensing agency or on the department's website at <https://dcf.wisconsin.gov/cwportal/fc/forms>.

(b) A department exception request shall include all of the following information:

1. The citation for the specific requirement for which an exception is requested.
2. The rationale for the request.
3. An explanation of any alternative provision planned to meet the intent of the requirement.

(c) 1. The department exceptions panel shall, in writing, indicate its approval or denial of the request within 10 working days after the department receives the request from the licensing agency and has all the information required to make its decision.

2. Notwithstanding subd. 1., the department exceptions panel shall, in writing, indicate its approval or denial of an application to operate a Level 5 foster home under s. DCF 56.135 (1)

(c) within 20 working days after the department receives the application from the licensing agency and has all the information required to make its decision.

(d) 1. The department exceptions panel shall consist of at least 3 persons who collectively are knowledgeable about the foster care program and licensing practices.

2. The chairperson of the panel shall be designated by the director of the department's bureau of permanence and out-of-home care.

3. The panel chairperson shall designate the remaining members of the panel.

**DCF 56.25 Relative or like-kin foster homes. (1) APPLICABILITY.** This section applies to a relative or like-kin of a child who is proposing to provide or is providing foster care for the child.

**(2) NO DUPLICATION OF ASSESSMENT.** A licensing agency is not required to conduct an assessment of a licensing requirement in this chapter for the relative of, or like-kin to, a foster child if the requirement was already met in an assessment that was completed within the previous 6 months.

**(3) LICENSING.** (a) Notwithstanding s. DCF 56.04 (2) (a) and (3) (a), an applicant who is a relative of, or like-kin to, the foster child shall submit a completed application form that is prescribed by the department instead of the licensing agency.

**Note:** DCF-F-5863-E, *Relative and Like-Kin Foster Care Application*, is available on the department's website at <https://dcf.wisconsin.gov/cwportal/fc/forms>.

(b) Notwithstanding s. DCF 56.04 (8) (a), the licensing agency shall begin the background check of an applicant who is a relative of, or like-kin to, the foster child and any nonclient resident in the home within 5 working days instead of 10 working days.

(c) Notwithstanding s. DCF 56.04 (8) (b), the licensing agency shall make a decision on the application of a relative of, or like-kin to, a foster child within 10 working days after receiving all necessary information instead of 60 working days.

(d) Notwithstanding s. DCF 56.04 (12), the license of a relative of, or like-kin to, a foster child shall terminate 6 months after the foster child achieves permanency if that occurs prior to the end of the 2-year licensing period.

(e) Section DCF 56.04 (2) (b), (e), (f), (g), (h), (j), (k), (L), and (m), (3) (d), (e), (g), and (h), (i), and (j), (5) (b) and (c), and (14) do not apply to a relative of, or like-kin to, a foster child.

**(4) FOSTER PARENT QUALIFICATIONS.** (a) In addition to other requirements in s. DCF 56.05, at least one foster parent in a foster home shall be a relative of, or like-kin to, the foster child placed in the home or intended to be placed in the home.

(b) Notwithstanding s. DCF 56.05 (6) (a) (intro.), in lieu of that provision, the following provision shall apply in the case of a relative of, or like-kin to, a foster child: As evidenced through communication with the foster parent and the use of the department's assessment system, a foster parent shall have or exhibit all of the following characteristics to a degree that will allow the foster parent to adequately provide foster care services:

(c) Section DCF 56.05 (3), (4), (6) (a) 4. and 5., (7) (a) 3., 4., and (8), do not apply to a relative of, or like-kin to, a foster child.

(d) Notwithstanding s. DCF 56.05 (9) (c), an applicant who is a relative of, or like-kin to a foster child may request a waiver of homeowner's or renter's liability insurance by attesting on the application under s. DCF 56.25 (3) (a) that the insurance policy that they had was canceled or payment of the premium for the required insurance would cause undue financial hardship.

**(5) NOTIFICATION REQUIREMENTS.** Section DCF 56.06 (5) does not apply to a foster parent who is a relative of, or like-kin to, a foster child.

**(6) PHYSICAL ENVIRONMENT.** (a) The licensing agency shall make diligent efforts to assist an applicant who is a relative of, or like-kin to a foster child with obtaining the required items in s. DCF 56.07 to expedite the licensing process.

(b) In addition to other requirements in s. DCF 56.07 (1) (a), any area of the foster home of a relative of, or like-kin to, a foster child that the foster child has access to shall be free from environmental hazards that significantly impact human health. If an environmental hazard is

identified, the placing or licensing agency shall make diligent efforts to assist the foster parent with ameliorating it.

(c) Notwithstanding s. DCF 56.07 (4) (a), in lieu of that provision, the following provision shall apply in the case of a relative of, or like-kin to, a foster child: A foster parent shall provide a safe sleeping space with sleeping supplies, such as a mattress and linens, for each foster child, as appropriate for the foster child's needs and age and similar to other household members.

(d) Section DCF 56.07 (1) (b) to (d), (2), (3), (4) (c) to (L), (5), (6) (c), (9) (b), and (10) (b) do not apply to a foster parent who is a relative of, or like-kin to, the foster child.

(7) TRANSPORTATION. Section DCF 56.078 (1) and (5) do not apply to a foster parent who is a relative of, or like-kin to, the foster child.

(8) CARE OF A FOSTER CHILD. Section DCF 56.09 (2) (a) and (8) (e) do not apply to a foster parent who is a relative of, or like-kin to, the foster child.

(9) FOSTER HOME LEVEL OF CARE CERTIFICATION FOR LEVELS 1 TO 4. (a) Notwithstanding s. DCF 56.13 (4) (a) 1., with respect to a relative of, or like-kin to, a foster child, the preplacement training shall be completed before or after the placement of a child but no later than 6 months after the date of initial licensure.

(b) Notwithstanding s. DCF 56.13 (5) (a) 1., in lieu of that provision, the following provision shall be an option for the required experience with respect to a relative of, or like-kin to, a foster child: A minimum of one year of experience with a child residing in the applicant's home.

(c) Notwithstanding s. DCF 56.13 (6) (a) 1., in lieu of that provision, the following provision shall be an option for the required experience with respect to a relative of, or like-kin

to, a foster child: A minimum of one year of experience with a child with needs that require additional supervision and care.

(d) Section DCF 56.13 (3), (4) (a) 2. and 3., (b), (5) (c), and (6) (c) do not apply to a foster parent who is a relative of, or like-kin to, the foster child.

**(10) FOSTER PARENT TRAINING.** (a) Notwithstanding ss. DCF 56.13 (4) (a) 1., (5) (b) 1., 2., and 3., (6) (b) 1., 2. and 3., and 56.14 (5) (a), with respect to a relative of, or like-kin to, a foster child, only one of the foster parents of a foster home is required to complete any preplacement, initial licensing, or ongoing training required for the foster home's level of care certification under s. DCF 56.13, except a proposed adoptive parent under s. DCF 56.14 (5) (c).

(b) Section 56.14 (7) does not apply to a foster parent who is a relative of, or like-kin to, the foster child.

**(11) LICENSING AGENCY RESPONSIBILITIES.** Section DCF 56.16 (1) (e) does not apply when the foster parent is a relative of, or like-kin to, the foster child.

**(12) ASSESSMENT OF NEEDS AND STRENGTHS.** Section DCF 56.22 (6) does not apply to a foster child whose proposed foster parent is a relative of, or like-kin to, the foster child.

**SECTION 121. DCF 56 Appendix A is repealed.**

**SECTION 122. INITIAL APPLICABILITY.** This rule first applies to an application for a license to operate a foster home that is submitted on the effective date of the rule.

**SECTION 123. EFFECTIVE DATE.** This rule shall take effect on the first day of the month following publication in the Administrative Register, as provided in s. 227.22 (2) (intro.), Stats.