

Clearinghouse Rule 26-005

State of Wisconsin Department of Children and Families Group Home Licensing

DCF 57

The statement of scope for this rule, SS 007-24, was approved by the Governor on January 18, 2024, published in Register 817A4 on January 22, 2024, and approved by Secretary Emilie Amundson on February 12, 2024.

The Wisconsin Department of Children and Families proposes an order to repeal ch. DCF 57 Appendices A to D; to amend s. DCF 57.62 (1) (b) and (6); and to repeal and recreate subch. I to VI of ch. DCF 57, relating to group home licensing.

Analysis Prepared by the Department of Children and Families

Statutory authority: Sections 48.625 (1g) and (1m) and 48.67 (1m) (intro.), (c) 2., and (e), Stats.

Statutes interpreted: Sections 48.383, 48.685, 48.625 (1), (1g), and (1m), 48.67 (1m) (intro.), (c) 2., and (e), Stats.

Explanation of Agency Authority

Section 48.625 (1), Stats, provides that any person who receives, with or without transfer of legal custody, *5 to 8 children*, not including children who under sub. (1m) are not counted toward that number, to provide care and maintenance for those children shall obtain a license to operate a group home from the department. To obtain a license under this subsection to operate a group home, a person must meet the determination of need requirement under sub. (1g), meet the minimum requirements for a license established by the department under s. 48.67, meet the requirements specified in s. 48.685, and pay the license fee under sub. (2).

Section 48.625 (1g), Stats., provides that no person may apply for a license under sub. (1) to operate a new group home or for an amendment to a license under sub. (1) that would increase the bed capacity of an existing group home until the department has reviewed the *need for the additional placement resources* that would be made available by the issuance or amendment of the license and has certified in writing that a need exists for the proposed additional placement resources. The department shall promulgate rules to implement this subsection.

Section 48.625 (1m), Stats., provides that the department shall promulgate rules establishing standards for a group home for *custodial parents and expectant parents*. Those rules shall require such a group home to provide for the health, safety, and welfare of the child of any child custodial parent who has been placed in that group home and to have a policy governing visitation between such a child and the child's noncustodial parent.

Section 48.67 (1m), Stats., provides that the department shall promulgate rules establishing *minimum requirements* for the issuance of licenses to, and establishing standards for the

operation of group homes. Those rules shall be designed to protect and promote the health, safety, and welfare of the children in the care of all licensees. Those rules shall include rules that require all of the following:

- (c) 2. That all staff members of a group home who provide care for the residents of the group home have current proficiency in the use of an *automated external defibrillator*, as defined in s. 256.15 (1) (cr), achieved through instruction provided by an individual, organization, or institution of higher education that is approved under s. 46.03 (38) to provide such instruction or through instruction obtained in connection with military service if the staff member or group home demonstrates to the satisfaction of the department that the instruction obtained in that connection is substantially equivalent to the instruction provided by a person approved under s. 46.03 (38).
- (e) That all group homes at all times have a staff member designated as an out-of-home care provider for purposes of making decisions concerning the participation of a child placed in the group home in age or developmentally appropriate activities. Those rules shall also require an out-of-home care provider so designated to receive training in knowledge and skills relating to the use of the *reasonable and prudent parent standard* in making decisions concerning a child's participation in age or developmentally appropriate activities. In addition, those rules shall require an out-of-home care provider so trained to make reasonable and prudent parenting decisions in accordance with the reasonable and prudent parent standard.

Summary of the Rule

The proposed rule makes the following changes to the requirements for a license to operate a group home under ch. DCF 57:

Insurance

- Repeals the requirement for insurance coverage on the risks of the group home in the provision of services.

Licensee reporting requirements

- Limits the requirement on reporting a *medication administration error* to only if the error results in an *adverse reaction*.
- Revises reporting timeframe for the death of a resident from within 72 hours to within 24 hours.
- Clarifies the requirement to *notify the placing agency* of a serious incident that involves a resident from as soon as possible to within 24 hours and adds a requirement to also notify the resident's *parent*, guardian, legal custodian, or Indian custodian within 24 hours.
- Creates a requirement that a *licensee* who knows or has reasonable cause to suspect that a resident has been *abused or neglected* shall immediately abide by the reporting requirement in s. 48.981 (2) and (3) (a), Stats.
- Repeals the requirement to notify the department's interstate compact office of each resident from out-of-state that is discharged from the group home.
- Repeals the requirement to submit a copy of any resulting police report to the department if there is an accident involving a vehicle transporting a resident.

- Repeals the requirement to notify the department of the admission of each serious juvenile offender placed in a group home in which that is not the primary client group served by the group home.
- Revises notification requirement for the licensee of a *corporation-operated* group home from within 30 calendar days of any change in the executive responsible for the group home, the chairperson of the board, or in the corporate structure to at least 10 days prior to a *change in the authorized representative* who shall have responsibility for the administration of the group home.

Staff members

- Revises the minimum age for a staff member *from 21 years* of age and 2 years older than the oldest resident when hired (or for any position except program director, a student in a human services field who is age 19 or 20) *to 18 years* of age or older.
- Allows *program director qualification* of 5 or more years *experience* in licensed group care setting in addition to the current qualification of a bachelor's degree and at least 2 years of supervised child welfare experience.
- Repeals education or work experience qualifications for *resident care staff*.
- Repeals relief help provisions.

Hiring staff members

- Reduces required *references* from 3 to 2.
- Repeals requirement for a tuberculosis test.

Staff training

- Repeals the requirement that a new staff member sign and date their job description.
- *Revises the deadline* for completion of *orientation* training from within the first week after hire to before the staff member may work independently with a resident.
- Adds the *topics* of the communication log, staff conduct toward residents, and resident rights to *orientation* training.
- Repeals the requirement that a staff member complete fire safety and evacuation training provided by the Wisconsin Technical College system or a comparable entity and instead requires that each licensee create *fire evacuation procedures and train* staff members on the procedures developed.
- Adds a requirement of basic *anti-human trafficking* training for all staff members and advanced training for staff members who work in a group home that specializes in serving residents who have been sex trafficked.
- Repeals limits on the *format* of continuing education training.

Personnel record for staff members

- Adds written authorization from the program director or group home manager to administer medication to the list of documents in a staff member's personnel record.

Employees or contractors who are not staff members

- Creates a new section on an employee or contractor who works in a group home but is not a staff member.
- Provides for the same hiring requirements as staff members, with the exception that the licensee *does not need* to determine that an employee or contractor who is not a staff member displays the *capacity to successfully nurture and care for a resident*.
- Provides for the same requirements as staff members on transporting a resident, confidentiality, and child abuse or neglect reporting.

Volunteers

- Creates new requirement for a *background check* for a volunteer with the same requirements as a staff member, except a fingerprint-based check of the FBI database is not required.
- Adds a requirement that a volunteer who transports a resident provide documentation that their vehicle has liability insurance coverage.

Admission

- Repeals the requirement that there be no more than 4 years difference in the ages of residents.
- Revises the requirement of a medical exam of a new resident and a dental exam within 30 days after admission if the resident has not had a medical exam within the previous year before admission and a dental exam within 6 months before to instead require that *the act of scheduling a medical and dental exam be completed within the first 30 days* after admission, unless the resident has already had a medical and dental exam within the recommended periodicity schedule.
- Adds the following to the *information* that a staff member must provide in writing and discuss with a new resident at admission: the name and contact information for the group home manager; documentation of any known scheduled court hearings, family interactions, or other appointments; and a description of the daily activities available to the resident.
- Adds requirement that the licensee obtain from the placing agency a copy of the *consent* for medical care and administration of medication signed by a resident's parent, guardian, legal custodian, or Indian custodian and retain a copy of the consent in the resident's record.

Discharge

- Separates discharge provisions into *planned and unplanned discharges*.

Treatment plans

- Divides the treatment plan into the resident *assessment*, initial treatment *plan*, and treatment plan *review*.
- *Repeals the discharge summary* and integrates discharge planning into the overall process of developing and reviewing the *treatment plan* starting at admission.

Staffing requirements

- Prohibits a licensee who *operates more than one group home* from considering a staff member to be providing supervision at more than one group home during a scheduled shift or temporarily moving a resident from one group home to another group home to meet staffing requirements.
- Changes the staffing ratio from 1:5 to 1:4 during waking hours to address the needs of higher acuity youth.

Communication log

- Adds a requirement that the communication log include the *name* and arrival and departure times of each staff member for each shift and the chosen name of any resident mentioned.

Confidentiality

- Adds a requirement for the licensee to create a procedure on storage and access to electronic records.

Principles for nurturing care

- Adds the principle that the licensee must ensure a resident's access to family and other persons with whom they have an important relationship.

House rules

- Repeals the requirements that a licensee include a description of acceptable conduct and curfews in their house rules.

Resident rights

- Modifies the search provisions for residents who are not patients subject to DHS 94 to provide that a staff member *may search* a resident's *sleeping area, belongings, and other storage space* used by the resident without the resident's consent only if the staff member believes the search is *necessary to prevent harm to the resident or another person*. The licensee is required to create a written procedure on how the group home conducts a search in compliance with this requirement and what the licensee or staff member will do if a dangerous item is found during a search.

Behavior intervention

- Adds a requirement that a staff member consider information in the resident's treatment plan on the resident'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 resident and repeals provisions specifying time limits on time-outs for a resident based on the resident's age.
- Adds a requirement that staff members take *precautions to protect* a resident and others having contact with the resident if the resident has a propensity or known history of harm to others or engages in self-harm or suicidal ideation.
- Prohibits depriving a resident of their basic needs, including food, sleep, clothing, toileting access, and interactions with their family.

- Prohibits preventing a resident from entering the group home unless the resident poses an *imminent danger* to a person in the group home.
- Requires that a licensee develop a procedure on trauma-informed methods for staff members to follow to *de-escalate* a resident.

Promoting normalcy

- Allows a resident who is 12 years of age or older to make their own *hair care decisions* without authorization from a reasonable and prudent parenting decision maker or the resident's parent, guardian, legal custodian, or Indian custodian; prohibits a reasonable and prudent parenting decision maker from authorizing any hair care services that would make significant change to the style, cut, or color of the hair of a resident who is under 12 years of age without permission from the resident's parent, guardian, legal custodian, or Indian custodian; allows a reasonable and prudent parenting decision maker to authorize hair care services needed to maintain the style, cut, and color of the hair of a resident who is under 12 years of age.

Health

- Repeals existing language on consent and provides that before an examination or service is provided, written consent to perform the examination or service shall be obtained pursuant to the applicable law relating to the type of service and the age of the resident.
- Repeals provisions on self-administration of medication.
- Allows a medication administration record to be electronic if the licensee's electronic version includes all of the information specified in the rule and the department's form.
- Revises a provision that requires that staff members who administer medication to abide by clinically acceptable standards for good medical practice, so it is applicable to all medication and not just psychotropic medication.

Food and nutrition

- Prohibits a licensee from *locking or restricting a resident's access to food*, unless it is used for excess food storage or the licensee is providing the resident with a diet that is prescribed or recommended by the resident's medical provider, registered dietician nutritionist, or prenatal care provider to meet the needs of the resident and there is a statement outlining the prescribed or recommended diet in the resident's record.

Education

- Requires that a licensee provide *internet access* in a group home for residents to complete school assignments.

Household duties

- Provides that a licensee may not rely solely on the household duties of residents to keep the premises and all furnishings and equipment in a state of good repair and in a safe, operable, and sanitary condition.

Resident absence

- Requires a licensee to notify law enforcement; the placing agency; and the resident's parent, guardian, legal custodian, or Indian custodian if a resident has been absent from the group home without permission or past the resident's scheduled return time for δ

hours or for a period of time that cannot reasonably be justified by the resident's age, maturity, or emotional capacity.

Additional requirements for group homes providing care for expectant and custodial parents and a resident's child

- Adds requirements for staff members to complete training in shaken baby syndrome and abusive head trauma and receive certification in first aid for children under 3 years of age.

Physical plant and environment

- Repeals square footage per resident requirements for general living space and floor space in bedrooms.
- Limits the number of residents that may share a bedroom to no more than 2.
- New group homes that receive an initial probationary license after the effective date of the rule will be required to provide each resident with their own bedroom.
- Requires that in determining whether residents will share a bedroom, the program director or group home manager consider the physical safety, developmental status, treatment needs, and preferences of each resident.
- Prohibits a resident who is 18 years of age or older from sharing a bedroom with a resident who is under 18 years of age, unless the resident who is 18 years of age or older is related to the other resident or is continuing to share a bedroom with a resident whom they had already been sharing the bedroom with prior to turning 18 years of age.

Safety precautions and plans

- Requires that a licensee file a disaster plan with the department and any placing agency with a resident placed in the group home that would allow the department and placing agency to identify, locate, and ensure continuity of services to residents who are displaced or adversely affected by a disaster.
- Requires licensee to have a tornado preparedness plan posted at a prominent location in the group home and to practice the plan with residents in the spring and fall of each year.

Determination of need

- Repeals the current determination of need process that requires an applicant to submit a statement of support from a county, the department, or DOC; a description of why there is a need for this particular group home; a plan for operation of the group home and instead creates a process by which the department evaluates group home capacity and determines whether increased capacity is needed at least every 2 years. If increased capacity is needed, the department issues a statement that specifies the areas of need and a request for applicants to submit a request for a determination of need. A need determination panel appointed by the department will review requests and make recommendations to the department on which applicants may submit an application for a license.

Qualified residential treatment program

- Requires a person who obtains a license after the effective date of the rule to become certified as a qualified residential treatment program within 3 years after the issuance of their initial probationary license.

Probationary and regular license

- Repeals the requirement to submit another application for a regular license 6 months after the issuance of a probationary license.

Continuation of a regular license

- Clarifies the requirements for a license renewal.

Summary of Data and Analytical Methodologies

The department received guidance from a DCF 57 Advisory Council, which included current group home licensees, representatives from Wisconsin County Human Services Association, the Wisconsin Association of Family & Children's Agencies, Department of Corrections, and the Division of Milwaukee Child Protective Services. Additional input was received at a group home provider forum and from the Division of Safety and Permanence Youth Advisory Council and focus groups made up of youth with lived experience, parents, and guardians.

One of the most significant changes was made to the process for determining whether a new group home or increased capacity in an existing group home is needed. The current process has proved inadequate at identifying actual need. Under the new process, the department will use data to identify areas of need, such as geographical areas or types of populations. A collaborative panel of relevant stakeholders, including local agencies, will review need determination applications and recommend whether to allow an applicant to submit a license application and a request for an amendment to their existing license to increase capacity. The new process will not require an applicant to have a property purchased before knowing if approval will be granted to open a new facility.

New licensees who receive their first probationary license after the rule goes into effect will be required to become certified as a qualified residential treatment program (QRTP) and to provide each resident with their own bedroom. QRTP certification allows the department to receive federal reimbursement for care provided in the group home and improves the quality of care provided. The decision to require single-occupancy bedrooms is in response to feedback from youth who felt that it is important to have space for them to sleep, study, or relax without having staff members or other residents present. The department determined that it is not economically feasible to require existing group homes to provide single-occupancy bedrooms.

Summary of Related Federal Law

As a condition of federal reimbursement of state child welfare expenses under Title IV-E of the Social Security Act, 42 USC 671 (a) (10) requires that a state plan provide that group homes are reasonably in accord with recommended *standards* of national organizations concerned with standards for these homes, including standards related to admission policies, safety, sanitation, and protection of civil rights, and which permit use of the reasonable and prudent parent standard.

42 USC 671 (a) (20) (D) requires that the state plan provide procedures for a group home to conduct *criminal records checks* on any adult working in the group home, including fingerprint-based checks of national crime information databases.

42 USC 672 (k) (1) and (2) provide that beginning with the 3rd week for which foster care maintenance payments are made on behalf of a child placed in a residential care center for children and youth or group home, no federal payments shall be made to the State for amounts expended for foster care maintenance payments on behalf of the child unless the child is placed in a *qualified residential treatment program* as specified in 42 USC 672 (k) (4) or other authorized setting.

Comparison to Adjacent States

Illinois allows staff to be age 18 if there is an onsite supervisor. The Illinois group home rule has similar education, work experience, or a combination of requirements for managers, but specifies certain degrees that meet the educational requirement. The rule requires a new resident to be examined by a physician within 30 days before placement in a group home or scheduled within five days after placement and completed within 15 days after placement. It also requires a reasonable and prudent parenting decision maker to be on site. It has a square footage requirement for bedroom floor space and does not require QRTP certification.

Iowa allows staff to be age 18 years of age. Their rule has detailed quantitative requirements and square footage space per resident, ceiling height, temperature, and more. It requires a physical assessment of a new resident within one week and dental examination within 6 months after admission. It also requires facilities to maintain a supply of standard nonprescription medications for residents, such as cough drops and cough syrups, aspirin substitutes and other pain control medication, poison antidote, and diarrhea control medication and requires a list of the standard nonprescription medications to be preapproved annually by a licensed pharmacist or an authorized prescriber. The rule allows the facility administrator to obtain permission to use medication that is not on the standard list for a specific child in consultation with a prescriber or pharmacist. The rule does not require QRTP certification.

Minnesota requires staff members to be at least 21 years of age. The Minnesota rule has many requirements that are similar to the proposed DCF 57 rule, including providing basic rights for residents, requiring an inventory of a resident's personal property, and requiring the licensee to develop an emergency plan for fire, natural disaster, serious illness, and disappearance of a resident. QRTP certification is required.

Michigan has child caring institutions that are organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the institution for that purpose, and operates throughout the year. A direct care worker is required to be a high school diploma or GED. The staff to resident ratio is 1:10 during waking hours. They allow children on or under the age of 6 to only remain at the institution for 30 days or less. Residents over 3 years of age shall have a physical exam completed within 1 year prior to admission or a new physical examination within 30 calendar days after admission. Treatment plans are required and youth 14 years of age and older need to have a plan to prepare the youth for independence. Discharge plans are to be completed within 14 days after discharge.

Effect on Small Businesses

The rule will affect small businesses as defined in s. 227.114 (1), Stats. Many, but not all, group homes in Wisconsin have fewer than 25 employees.

Analysis Used to Determine Effect on Small Businesses

The rule aims to make operating a group home more efficient while protecting the rights and safety of residents. The rule modifies reporting requirements to remove circumstances that are not actually serious incidents, revises hiring requirements that licensees have reported as burdensome, increases the time period for staff members to complete orientation training, reduces duplicative paperwork related to treatment plans, increases staffing flexibility by allowing reasonable and prudent parenting decision makers to be available offsite, and repeals overly restrictive quantitative physical plant requirements, among other revisions.

There may be increased costs to new licensees that will be required to become certified as a qualified residential treatment program within 3 years after receiving their initial license, due to the costs of the required accreditation. New licensees will also be required to provide single-resident bedrooms. The increased costs may be passed on to the department and counties that place children in a new group home.

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. The comment deadline is February 17, 2026.

Rule text

SECTION 1. Subchapter I of ch. DCF 57 is repealed and recreated to read:

Subchapter I – General Provisions

DCF 57.01 Authority and purpose. This chapter establishes minimum requirements for the issuance of licenses to, and the operation of, group homes under the authority of ss. 48.625 and 48.67, Stats., and establishes the per client rate that a group home may charge for its services under s. 49.343, Stats. The purpose of this chapter is to protect and promote the health, safety, and welfare of residents and to promote the effective provision of services.

DCF 57.02 Definitions. In this chapter:

- (1) “Advanced practice registered nurse” means a person licensed under s. 441.09, Stats., who may issue prescription orders under s. 441.09, Stats.
- (2) “Background check” means the applicable requirements in s. 48.685, Stats.
- (3) “Background information disclosure form” means the department form on which a person provides certain information concerning the person’s background.
- (4) “Child welfare professional” means an individual who is responsible for ensuring the health, safety, and well-being of a resident and is employed by a county agency, tribal child welfare agency, licensed child-placing agency or, in a county with a population of 750,000 or more, the department.
- (5) “Contractor” means a person who provides services in a group home under an express or implied contract.
- (6) “County agency” means a county department of social services under s. 46.215 or 46.22, Stats., or a county department of human services under s. 46.23, Stats.

(7) “Department” means the department of children and families.

(8) “Division of hearings and appeals” means the division of hearings and appeals in the department of administration.

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

(10) “Family interaction plan” means a plan developed by a placing agency to promote a resident’s interaction with members of the resident’s family and other identified persons and includes interaction by in-person or virtual contact, such as phone calls, texts, instant messages, letters, emails, and participation in routine activities, such as family gatherings, treatment-related appointments, medical appointments, school events, and faith-related activities.

(11) “Final substantiated finding” means all of the following:

(a) A final determination made after January 1, 2015, that a person has abused or neglected a child under s. DCF 40.04 and s. 48.981 (3) (c) 5m., Stats., if the final determination has not been reversed or modified on appeal.

(b) A determination made before January 1, 2015, that a person has abused or neglected a child under s. 48.981 (3) (c) 4., Stats., if the determination has not been reversed or modified on appeal.

(12) “Group home” has the meaning given in s. 48.02 (7), Stats.

(13) “Group home manager” means a person who is responsible for the day-to-day operations of a group home and resident admissions.

(14) “Guardian” means a person or agency appointed as provided under s. 48.023, Stats., or a substantially similar tribal law.

(15) “Indian child” has the meaning given in s. 48.02 (8g), Stats.

(16) “Indian custodian” has the meaning given in s. 48.02 (8p), Stats.

(17) “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.

(18) “Legal custodian” means the person or agency to whom a court has transferred a child’s legal custody and who thereby has the right and duty to protect, train, and discipline the child and to provide for the child’s care and needs.

(18g) “Legal custody” has the meaning given in s. 48.02 (12), Stats.

(19) “Licensee” means a person licensed by the department pursuant to s. 48.66, Stats., to operate a group home.

(20) “Medical provider” means a physician, physician assistant, or an advanced practice registered nurse.

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

(21) “Other employee or contractor” means an employee or contractor who works in a group home but is not a staff member.

(22) “Periodicity schedule” means a set of recommended screenings, procedures, and services for children at different stages of their development.

(23) “Permanency plan” means a plan required under s. 48.38 (2) or 938.38 (2), Stats., that is designed to ensure that a resident is safely reunified with their parent, guardian, or Indian custodian whenever appropriate or that the resident quickly attains a safe placement or home providing long-term stability.

(24) “Placing agency” means a private child-placing agency licensed under s. 48.66, Stats., county agency, tribal child welfare agency, the department, or an agency from another state authorized to place children in group homes.

(25) “Premises” means a group home, the tract of land on which the group home is situated, and any other building or structure on that land.

(26) “Program director” means a person responsible for overseeing program operations and group home development.

(27) “Reasonable and prudent parent standard” means a standard for use in making decisions concerning a resident’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 resident while at the same time encouraging the emotional and developmental growth of the resident.

(28) “Resident” means a person who is under 21 years of age and is under the jurisdiction of ch. 48 or 938, Stats., or other court order and who is admitted to and resides in a group home.

(29) “Resident care staff” means a person employed by a licensee to provide daily supervision and direct care to residents to ensure their safety and well-being.

(30) “Respite care” means a service provided to a youth with an emotional, behavioral, cognitive, or physical condition or other need and who is not admitted to the group home under a voluntary placement agreement or court order.

(31) “Staff member” means a program director, group home manager, or resident care staff.

(32) “Treatment plan” means a written plan of services to meet the specific treatment goals and care needs of a resident.

(33) “Universal precautions” means measures taken to prevent transmission of infection from contact with blood or other potentially infectious materials as recommended by the U.S. public health service’s centers for disease control and adopted by the U.S. occupational safety and health administration (OSHA) as 29 CFR 1910.1030.

(34) “Voluntary placement agreement” means a written agreement for the placement of the youth in a licensed group home under s. 48.63 (1), Stats, between a county agency, the department, or a licensed child welfare agency; the youth’s parent or guardian or Indian custodian; and the youth, if the youth is 12 years of age or older.

(35) “Wisconsin public purchaser” means a county agency, the department, or the department of corrections.

DCF 57.03 Compliance with applicable law and conditions of the license. A person who is licensed under this chapter shall operate the group home in compliance with this chapter; the provisions and conditions of the license; and all applicable local, state, and federal law.

DCF 57.04 Inspections, records, and requests for information. (1) INSPECTION OF PREMISES. The department may visit and inspect a group home and shall be given unrestricted access to the premises, residents, paper or electronic resident records, personnel files, and all policies and procedures required under this chapter.

(2) RECORDS. A licensee shall maintain the following records for 5 years:

(a) Schedules for staff members that verify that the applicable staff-to-resident ratio in s. DCF 57.19 (2) or 57.38 (10) were met.

(b) Staff member payroll.

(3) REQUESTS FOR INFORMATION. (a) A licensee shall respond to requests for information from the department, a placing agency, or any other governmental agency with statutory authority to see the information in a time frame specified by the requesting party.

(b) A licensee shall ensure that all information and documentation submitted to or shared with the department, a placing agency, or any other governmental agency is current, accurate, and complete.

DCF 57.05 Program statement; policies and procedures. (1) PROGRAM STATEMENT. Each licensee shall have a written program statement that includes all of the following:

- (a) A description of the group home's purpose and philosophy.
- (b) A description of the resident population served by the group home.
- (c) A description of the services available to residents.
- (d) A description of the daily activities available to residents.
- (e) A nondiscrimination statement that indicates that the licensee does not discriminate against a resident because of race or cultural identification, sex, sexual orientation, age, color, creed, ancestry, national origin, disability, political affiliations, or religious beliefs.

(2) POLICIES AND PROCEDURES. A licensee shall act in accordance with and ensure that staff members, other employees and contractors, and volunteers act in accordance with all applicable policies and procedures that the licensee is required to create under this chapter.

Note: DCF-F-CFS2378, Policy/Procedure Checklist – Group Homes, is available in the forms section of the department's website at <https://dcf.wisconsin.gov/forms>.

DCF 57.06 Financial records and audits. (1) A licensee shall do all of the following:

- (a) Arrange for an annual audit report prepared by a certified public accountant in accordance with department guidelines and submit it to the department.

Note: The annual audit shall be emailed to DCFAuditors@wisconsin.gov. For further information contact the Department of Children and Families, Bureau of Finance, 201 W. Washington Avenue, P.O. Box 8916, Madison WI 53708-8916 or 608-422-7000.

(b) Establish and maintain an accounting system that enables a group home to accurately report income and disbursements by the cost categories in the cost and service report in s. DCF 57.62 (1) (a).

(2) A licensee shall be responsible for the secure and judicious use of the funds of the group home. Policies and practices shall be in accord with sound budgeting, disbursement, and audit control procedures.

DCF 57.07 Department memos. A licensee shall do all of the following:

(1) Register to receive department memos on child welfare licensing and child welfare policy by email.

(2) Submit a new registration if the licensee's email address changes.

Note: Sign up for child welfare licensing memos at <https://dcf.wisconsin.gov/cwlicensing/signup>. Sign up for child welfare policy memos at <https://dcf.wisconsin.gov/cwportal/sign-up>.

DCF 57.08 Insurance. (1) A licensee shall annually provide the department with proof that the group home has general liability insurance coverage for the premises.

(2) For each motor vehicle that is used to transport a resident and owned by the licensee or the group home, the licensee shall maintain motor vehicle bodily injury and property damage liability insurance coverage in amounts that are no less than the amounts in s. 121.53 (1), Stats.

Note: See ss. DCF 57.10 (6) (c), 57.14 (2), and 57.15 (6) (d) on the insurance requirement for staff members, other employees or contractors, and volunteers driving a resident in their personal motor vehicles.

DCF 57.09 Licensee reporting requirements. (1) SERIOUS INCIDENTS. (a) A licensee shall report the following serious incidents to the department within 72 hours after the occurrence:

1. An incident of suspected or reported child abuse or child neglect by a staff member, other employee or contractor, or volunteer of the group home.

2. An incident requiring law enforcement services that occurs on the group home premises or at another location while the licensee has primary responsibility for the resident's immediate care and supervision.

3. The use of a physical restraint on a resident. The report shall include the requirements specified in s. DCF 57.26 (4) (f).

4. A serious injury or trauma to a resident or staff member for which the resident or staff member requires the services of a medical provider.

5. A medication administration error that results in an adverse reaction.

6. A suicide attempt by a resident.

7. A case or suspected case of a communicable disease specified in ch. DHS 145 Appendix A in the group home.

8. Any damage to the premises or equipment failure that would affect compliance with this chapter and endanger a resident's physical safety.

9. A fire on the premises that requires the services of a fire department.

10. An incident or condition that requires the relocation of residents from the group home or the closure of the group home.

(b) The licensee shall report the death of a resident to the department within 24 hours after the occurrence.

(c) The reports to the department under pars. (a) and (b) shall be made in a format prescribed by the department.

Note: Report a serious incident to the department using DCF-F-CFS2146, Serious Incident Report, and upload the completed form and any staff member statements to the webpage <https://dcf.wisconsin.gov/cwlicensing/sirsubmittal>.

(d) The licensee shall notify the placing agency and the resident's parent, guardian, legal custodian, or Indian custodian within 24 hours if a serious incident under par. (a) or (b) occurs that involves a resident.

(2) CHILD ABUSE OR NEGLECT. A licensee who knows or has reasonable cause to suspect that a resident has been abused or neglected shall immediately make a report using the procedures provided in s. 48.981 (2) and (3) (a), Stats.

(3) LICENSEE BACKGROUND REPORTING REQUIREMENTS. As soon as possible but no later than the department's next business day, the licensee shall report to the department if the licensee meets any of the conditions in s. DCF 57.10 (8) (a).

(4) DISCONTINUING OPERATION. A licensee shall notify the department in writing at least 30 days before discontinuing operation of a group home.

SECTION 2. Subchapter II of ch. DCF 57 is repealed and recreated to read:

Subchapter II — Personnel

DCF 57.10 Staff members. **(1) ORGANIZATIONAL CHART.** A licensee shall provide an organizational chart or a description of the supervisory structure of the group home to the department.

(2) PERSONNEL POLICIES. A licensee shall have personnel policies that describe the roles and responsibilities of staff members.

(3) REQUIRED STAFF. (a) *Program director*. 1. Each group home shall have a program director who oversees program operation and development and does all of the following:

a. Develops, reviews, and updates resident assessments and treatment plans under s. DCF 57.18.

b. Periodically reviews and updates group home policies and procedures.

2. The program director shall have either of the following qualifications:

a. A bachelor's degree or higher and 2 or more years of supervised child welfare work experience.

b. Five or more years of experience working in a licensed group care setting working with children or adults.

(b) *Group home manager*. 1. Each group home shall have a group home manager who oversees the daily operations of the group home and the admission of each resident to the group home.

2. A group home manager shall meet the qualifications of resident care staff under par. (c) and have either of the following qualifications:

a. An associate degree or higher.

b. Two or more years of experience in a licensed group care setting working with children or adults.

3. A group home manager may also function as the program director if the group home manager has the qualifications of the program director under par. (a) 2.

(c) *Resident care staff*. 1. Each group home shall have resident care staff who are responsible for the daily supervision and direct care to residents to ensure their safety and well-being.

2. Before working independently with a resident, resident care staff shall do all of the following:

a. Complete the orientation training under s. DCF 57.12 (1).

b. Work with a qualified, experienced staff member of the group home for at least the first 80 hours of employment.

(4) AGE REQUIREMENT. A staff member shall be 18 years of age or older.

(5) COMPETENCY. A staff member shall demonstrate competency in their role, including the topics covered in the orientation training in s. DCF 57.12 (1).

(6) DRIVING A RESIDENT. (a) A staff member may not drive a vehicle transporting a resident if they do not possess a valid driver's license or if their driving record indicates a reckless driving violation under s. 346.62, Stats., or an operating under the influence of an intoxicant or other drug violation under s. 346.63, Stats., within the previous 12 months.

(b) The licensee shall obtain a staff member's driving record annually if the staff member may drive a vehicle transporting a resident.

Note: A driving record is available from the Department of Transportation, DMV Online Services, "Other Online Services" website at <https://wisconsin.gov/Pages/online-srvcs/OtherServices.aspx>.

(c) The licensee shall request from a staff member proof of motor vehicle bodily injury and property damage liability insurance if the staff member uses their personal motor vehicle to transport a resident as part of their required duties.

(7) HEALTH. (a) A staff member may not have a physical or mental condition that would prevent them from safely caring for a resident or that would threaten the health or safety of a resident.

(b) 1. If at any time, a licensee has reason to believe that the physical or mental health of a staff member or a prospective staff member may pose a threat to the health, safety, or welfare of a resident, the licensee may require an evaluation of the person's physical or mental health or an assessment, such as an alcohol or other drug abuse assessment.

2. The licensee shall require that a written statement be submitted by a medical provider or licensed mental health professional that indicates their professional opinion on the condition of the staff member or prospective staff member and the possible effect of that condition on a group home resident. A copy shall be kept in the staff member's personnel file under s. DCF 57.13(2).

(8) BACKGROUND-REPORTING REQUIREMENTS. (a) A licensee shall require each staff member to notify the licensee as soon as possible, but no later than the staff member's next working day, if any of the following conditions apply:

1. The person is the subject of a pending criminal charge alleging that the person committed a serious crime as defined in s. 48.685 (1) (c), Stats.

2. The person has been convicted of any crime.

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

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

5. A unit of government or a state agency, as defined in s. 16.61 (2) (d), Stats., has made a finding that the person has abused or neglected a client or misappropriated the property of a client.

6. The person has had a credential revoked or otherwise restricted by the respective credentialing body.

Note: Publication DCF-P-5616, *Barred offenses – residential care centers, group homes, shelter care facilities, and child placing agencies*, is a list of serious crimes, as defined in s. 48.685 (1) (c), Stats. It is available on the department publications website at <https://dcf.wisconsin.gov/publications>.

(b) A licensee shall include the requirements in par. (a) in the group home personnel policies.

DCF 57.11 Hiring staff members. Before a prospective staff member begins employment, the licensee shall have documentation that the prospective staff member meets all of the following conditions required in order to be hired as a staff member:

(1) The background check requirements under s. 48.685, Stats., based on all of the following:

(a) Information obtained under s. 48.685 (2) (b) and (ba), Stats.

(b) Any follow-up required under s. 48.685 (2) (bb), Stats.

(c) The licensee's determination of whether any conviction that is not a serious crime under s. 48.685 (1) (c), Stats., is substantially related to the care of a resident under s. 48.685 (5m), Stats., with the documentation required under s. DCF 12.06 (3).

(2) Favorable written or oral references from 2 or more unrelated persons.

Note: DCF-F-5381, Reference Check – Group Home, is a voluntary form that may be used to document references. The form is available in the forms section of the department's website at <https://dcf.wisconsin.gov/forms>.

(3) A written statement from a medical provider that is dated within the previous 12 months that says the prospective staff member does not have a physical or mental condition that would interfere with the ability of the prospective staff member to work with or care for a resident.

(4) A licensee determination that the prospective staff member displays the capacity to successfully nurture and care for a resident, exercises sound judgment, does not have a history

of a civil action or criminal conviction or administrative rule violation that is substantially related to the care of a resident, and does not abuse alcohol or drugs. The licensee shall consult s. DCF 12.06 for guidance in determining whether a civil action, criminal conviction, or administrative rule violation is substantially related to the care of a resident.

(5) If the position may require driving a motor vehicle to transport a resident, a copy of the prospective staff member's driver's license and driving record.

Note: A driving record is available from Department of Transportation, DMV Online Services, "Other Online Services" website at <https://wisconsin.gov/Pages/online-srvcs/OtherServices.aspx>.

(6) The prospective staff member has not had a license for the care of children or vulnerable adults suspended, revoked, or not renewed for a substantive reason within the last 5 years.

DCF 57.12 Staff training. (1) ORIENTATION. (a) Before a staff member may work independently with a resident, the licensee shall provide an orientation training on all of the following to the staff member:

1. The personnel policies created under s. DCF 57.10 (2).
2. The communication log under s. DCF 57.20.
3. Confidentiality of resident records and personally identifiable information, including any procedure created under s. DCF 57.22.
4. Staff conduct toward residents, including the principles of nurturing care under s. DCF 57.23.
5. The house rules created under s. DCF 57.24.
6. Resident rights under s. DCF 57.25.
7. Behavior intervention, including all of the following:
 - a. Prohibited measures under s. DCF 57.26 (3).

- b. Emergency safety intervention under s. DCF 57.26 (4).
- c. Trauma-informed approaches to de-escalation of a resident as specified in the group home procedure created under s. DCF 57.26 (5) (a).
- 8. Medication storage, administration, and disposal under s. DCF 57.29 (3), (4), and (7).
- 9. The licensee's notification procedure under s. DCF 57.36 when a resident is absent from the group home without permission or past the resident's scheduled return time.
- 10. Safety precautions and plans under s. DCF 57.40.
- 11. Instructions on how to use the fire extinguishers located in the group home and the fire evacuation procedure created under s. DCF 57.41 (2) (a).
- 12. Identifying signs of child abuse or neglect and the mandatory reporting requirement under s. 48.981 (2) and (3) (a), Stats.

(b) A licensee shall create a written procedure that specifies how the licensee orients new staff members to the topics in par. (a).

(2) ANTI-HUMAN TRAFFICKING. (a) *Basic.* Each staff member shall complete a basic anti-human trafficking training prescribed by the department within 3 months after their hire date unless they have previously received a certificate of training completion.

Note: The department-prescribed training is Human Trafficking 101: Understanding Child Sex Trafficking in Wisconsin. This course is available through the Wisconsin Child Welfare Professional Development System, <https://wcwpds.wisc.edu/>.

(b) *Advanced.* The licensee of a group home that specializes in serving residents who have been sex trafficked shall provide an advanced anti-human trafficking training approved by the department to each staff member within 3 months after their hire date unless the staff member has previously received a certificate of training completion.

Note: The department has approved the following training as meeting the advanced training requirement: <https://endingthegame.com/>. A licensee may submit a request to their department licensing specialist for approval of a different training.

(3) CPR, FIRST AID, AND AUTOMATED EXTERNAL DEFIBRILLATOR CERTIFICATION. Each staff member shall have at the time of hire or shall obtain within 6 months after their date of hire certification in cardiopulmonary resuscitation, first aid, and the use of an automated external defibrillator.

(4) REASONABLE AND PRUDENT PARENT STANDARD. A licensee shall ensure that a staff member successfully completes training on the application of the reasonable and prudent parent standard prior to making a reasonable and prudent parenting decision under s. DCF 57.28.

(5) CONTINUING EDUCATION TRAINING. A licensee shall ensure that each staff member completes a minimum of 24 hours of continuing education annually on the following topics:

(a) Culturally competent care, including cultural bias and discrimination; sexuality and sexual boundaries, including the psychosocial and biological development of youth; and physical, mental, sensory, and health-related disabilities.

(b) Topics specific to caring for the resident population served by the group home.

(c) Renewal of certifications required under sub. (3) as necessary to remain current.

DCF 57.13 Personnel records. A licensee shall establish and maintain on the premises a personnel record for each staff member. A personnel record shall contain all of the following regarding the staff member:

(1) Proof of motor vehicle bodily injury and property damage liability insurance under s. DCF 57.10 (6) (c) if the staff member uses their personal vehicle to transport a resident or a child of a resident.

(2) Documentation of any health evaluation or assessment completed based on s. DCF 57.10
(7) (b).

(3) Employment application, date of hire, and the documentation required before the staff member begins employment under s. DCF 57.11.

(4) A background information disclosure form completed within the previous 4 years.

(5) Documentation that the staff member completed all training required under s. DCF 57.12. The documentation shall include all of the following for each training session:

(a) Legal name of the staff member.

(b) Date and time of the training.

(c) Name of each person that conducted the training.

(d) Length of the training session.

Note: A licensee may use the voluntary Form DCF-F-CFS2380-E, Orientation Documentation – Group Homes, for documentation of orientation training. The form is available at <https://dcf.wisconsin.gov/cwlicensing/forms>.

(6) If applicable, authorization from the program director or group home manager to administer medication under s. DCF 57.29 (4) (b).

(7) Any disciplinary actions issued to the staff member.

DCF 57.14 Other employees or contractors who are not staff members. The following provisions apply regarding an employee or contractor who works in a group home, but is not a staff member:

(1) **HIRING.** The licensee shall abide by the hiring requirements in s. DCF 57.11, except s. DCF 57.11 (4).

(2) **TRANSPORTING A RESIDENT.** If the employee or contractor drives a vehicle transporting a resident, the conditions of s. DCF 57.10 (6) apply.

(3) BACKGROUND REPORTING REQUIREMENTS. The employee or contractor shall abide by the background reporting requirements in s. DCF 57.10 (8).

(4) CHILD ABUSE AND NEGLECT REPORTING; CONFIDENTIALITY. The licensee shall provide the employee or contractor with relevant information and require them to do all of the following:

(a) Make reports of child abuse or neglect using the procedures in s. 48.981 (2) and (3) (a), Stats.

(b) Comply with requirements on the confidentiality of resident records and personally identifiable information under s. DCF 57.22 and group home procedures.

(5) PERSONNEL RECORDS. The licensee shall maintain on the premises a personnel record that contains the documentation specified in s. DCF 57.13 (1), (3), and (4) as applicable to employees and contractors under this section.

DCF 57.15 Volunteers. (1) Each licensee shall create a policy on what activities a volunteer may perform for the group home.

(2) A volunteer for a group home shall be at least 18 years old.

(3) Before a volunteer may begin performing activities, the licensee shall do all of the following:

(a) Require the volunteer to submit an application that includes the volunteer's name, address, date of birth, and a completed background information disclosure form.

(b) Conduct a background check on the volunteer following the requirements in s. DCF 57.11 (1), except a fingerprint-based check under s. 48.685 (2) (ba), Stats, is not required.

(c) Orient the volunteer to the activities that the volunteer may perform under the policy created under sub. (1).

(4) The licensee shall require each volunteer to complete a background information disclosure form every 4 years.

(5) The licensee and volunteer shall abide by the requirements in ss. DCF 57.10 (6) and (8) and 57.14 (4).

(6) The licensee shall maintain a file on the premises for each volunteer. The file shall contain all of the following information:

(a) The volunteer's application information under sub. (3) (a) and the volunteer's start date.

(b) A background information disclosure form completed by the volunteer within the past 4 years.

(c) Information obtained for the background check.

(d) Documentation that the conditions in s. DCF 57.10 (6) are met if the volunteer drives a motor vehicle to transport a resident.

SECTION 3. Subchapter III of ch. DCF 57 is repealed and recreated to read:

Subchapter III – Admission and Discharge

DCF 57.16 Admissions. (1) COURT ORDER OR VOLUNTARY PLACEMENT AGREEMENT. A resident may only be admitted for placement in a group home under a court order or a voluntary placement agreement.

(2) VOLUNTARY PLACEMENT AGREEMENT. Except for care specified in s. DCF 57.38 and s. 48.63 (5), Stats., a resident may not be placed in a group home under a voluntary placement agreement for more than 15 days from the date of removal from their home that is specified in the agreement.

(3) OUT-OF-HOMECARE AGREEMENT. The licensee shall enter into and obtain a written agreement under s. 48.64 (1m), Stats., from any placing agency that places a resident in the group home. The agreement shall include all of the following provisions:

(a) The licensee will allow the placing agency access to the resident and the group home at all times.

(b) The resident will be released to the placing agency whenever the placing agency or the department finds that the best interest of the resident requires it.

(4) ADMISSIONS DECISION. The licensee shall make an admission decision in accordance with this chapter and the group home's program statement and ability to meet the needs of the resident.

(5) INFORMATION TO RESIDENT AT INTAKE. (a) During a resident's initial intake meeting, the responsible staff member shall provide in writing and discuss with the resident all of the following:

1. Exits and evacuation routes.
2. The house rules created under s. DCF 57.24.
3. Resident rights under s. DCF 57.25.
4. Name and contact information for the group home manager.
5. Documentation of any known scheduled court hearings, family interactions, or other appointments.
6. A description of the daily activities available to the resident.

(b) The responsible staff member shall document in the resident record that the resident received all of the information specified in par. (a).

Note: DCF-F-CFS2381, Resident Orientation Documentation – Group Home, is a voluntary form that can be used to comply with this paragraph. The form is available at <https://dcf.wisconsin.gov/cwlicensing/forms>.

(c) The licensee shall also provide the information specified in par. (a) 2. to 4. to the resident's parent, guardian, legal custodian, or Indian custodian.

(6) MEDICAL CONSENT. A licensee shall obtain from the placing agency a copy of the consent for medical care and administration of medication signed by a resident's parent, guardian, legal custodian, or Indian custodian and retain a copy of the consent in the resident's record.

(7) SCHEDULE MEDICAL AND DENTAL EXAMINATIONS. (a) The licensee shall complete the act of scheduling a medical examination and a dental examination within 30 days after the resident's admission unless the resident has already had the specified exam within the recommended periodicity schedule.

(b) Documentation of par. (a) in the resident's record shall include the date that the act of scheduling the exam is completed or a statement as to when the resident's next medical and dental examination is required.

DCF 57.17 Discharge. (1) PLANNED. At least 30 days prior to a planned discharge of a resident, the licensee shall provide a copy of the resident's treatment plan to the placing agency, resident, and the resident's parent, guardian, legal custodian, or Indian custodian.

(2) UNPLANNED. If a resident's discharge from the group home is not planned, the licensee shall update the treatment plan under s. DCF 57.18 (4) within 15 days after the discharge date and shall provide a copy of the resident's treatment plan to the placing agency, resident, and the resident's parent, guardian, legal custodian, or Indian custodian.

(3) COLLABORATION. (a) The licensee and the placing agency shall collaborate to transition a resident out of a group home when the placing agency or the licensee determines that the current placement is not in the resident's best interest or that the treatment goals in s. DCF 57.18 have been achieved.

(b) The licensee shall provide the placing agency with at least 30 days to make plans for a resident's discharge, unless both parties agree to earlier removal.

(4) PERSONAL BELONGINGS. All of a resident's personal belongings shall accompany the resident upon discharge. A complete accounting of these items shall be maintained in the resident's record under s. DCF 57.21 (1) (k). Medication shall be handled as required under s. DCF 57.29 (8).

(5) DISCHARGE DUE TO CLOSURE OF A GROUP HOME. (a) Prior to the effective date of the closure of a group home the licensee shall arrange for an alternative placement for each resident in cooperation with the resident's placing agency and the resident's parent, guardian, legal custodian, or Indian custodian.

(b) The licensee shall provide the placement information to their department licensing specialist at least one week before the effective date of the closure, or, if a license revocation is effective in less than one week, as soon as practicable.

(6) QRTP DISCHARGE REQUIREMENTS. A licensee who operates a qualified residential treatment program shall provide discharge planning and family-based aftercare support as provided in s. DCF 61.03 (4).

Note: Section DCF 57.09 (4) requires that a licensee notify the department in writing at least 30 days before discontinuing operation of a group home.

SECTION 4. Subchapter IV of ch. DCF 57 is repealed and recreated to read:

Subchapter IV — Resident Care

DCF 57.18 Treatment plans. (1) DEFINITION. In this section, “treatment team” means those who evaluate the resident’s progress and provide input into and implement the resident’s treatment plan. A resident’s “treatment team” includes the placing agency; the resident; the resident’s parent, guardian, legal custodian, or Indian custodian; and the persons who will provide the required services to the resident.

(2) RESIDENT ASSESSMENT. (a) Within 30 calendar days after the date a resident is admitted to a group home, the program director shall complete a written assessment of the resident based on referral information provided by the placing agency, including the forms required under ch. DCF 37.

(b) The resident assessment shall contain information on all of the following:

1. Basic demographic details.
2. Reason for placement.
3. Strengths and needs based on the placing agency’s assessment or another assessment conducted by the program director.

Note: The placing agency is required to complete an assessment of a resident and the resident’s identified permanent resource no later than 30 days after the resident is placed in a group home. The placing agency conducts the assessment using the department’s standardized assessment tool, the Child and Adolescent Needs and Strengths tool. Information on the CANS can be found on the department website <https://dcf.wisconsin.gov/cans>.

4. Mental health history and any presenting symptoms.
5. Medical treatments, medication, special diet, or accommodations, if applicable.
6. Risk assessment for self-harm or suicidal ideation.

(3) INITIAL TREATMENT PLAN. (a) Within 30 calendar days after the date a resident is admitted to a group home, the program director shall develop an initial treatment plan in collaboration with the resident’s treatment team.

(b) Preparation for a resident's discharge shall begin at the time of admission with the outlining of treatment goals to be achieved during the resident's placement at the group home.

A resident's initial treatment plan shall be dated and include all of the following:

1. A summary of the strengths and needs of the resident and the resident's parent, guardian, legal custodian, or Indian custodian based on the assessments under sub. (2) (b) 3.

2. Measurable treatment goals, time frames, and objectives for the placement in all areas of the resident's life, including all of the following:

a. Supervision and safety.

b. Health, emotional, and behavioral stability.

c. Daily living and community integration.

d. Education.

e. Communication skills.

f. Legal status, including permanency planning issues.

3. Projected length of stay and conditions for discharge.

4. A description of behavior interventions to be used with the resident.

5. Specific services and supports, including names of persons or agencies responsible for providing services or supports to achieve the treatment goals.

6. The decision regarding room sharing under s. DCF 57.39 (11) (b).

7. If a resident is 14 years of age or over, a description of the programs and services that are or will be provided to assist the resident 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.

Note: DCF-F-CFS2430, Treatment Plan – Group Home, is a voluntary form that may be used to comply with this subsection. This form is available in the forms section of the department website at <https://dcf.wisconsin.gov/forms>.

(4) TREATMENT PLAN REVIEW. At least once every 3 months, the program director shall conduct a review of the treatment plan with the treatment team members and revise the treatment plan. The review and revised treatment plan shall include all of the following:

(a) Updates to sub. (3) (b).

(b) Specific indicators of progress toward treatment goals or that the goals have been achieved.

(c) Any barrier to achieving treatment plan goals and efforts made to mitigate the barrier.

(d) Recommendations for continuing or additional services upon discharge and the name of the person or agency to receive the resident upon discharge.

Note: DCF-F-5382-E, Treatment Plan Review – Group Home, is a voluntary form that may be used to comply with this subsection. This form is available in the forms section of the department website at <https://dcf.wisconsin.gov/forms>.

(5) TREATMENT PLAN DISTRIBUTION. The program director shall ensure that a copy of a resident's initial treatment plan and any treatment plan review is placed in the resident's record under s. DCF 57.21 (1) (g) and given to each member of the treatment team.

DCF 57.19 Staffing requirements. (1) In this section, "supervision" means guidance of the behavior and activities of a resident by a staff member who is within sight or sound of a resident to ensure the safety and well-being of the resident.

(2) The staff-to-resident ratios of a group home shall be as follows:

(a) *One to four during waking hours.* A group home shall have at least one staff member awake and providing direct supervision for every 4 or fewer residents present during waking hours.

(b) *One to eight during sleeping hours.* A group home shall have at least one staff member awake and providing supervision during sleeping hours.

(3) The staff-to-resident ratios in sub. (2) and s. DCF 57.38 (10) are the minimal staffing requirements. The number of staff members on duty shall be increased as necessary to meet the needs of each resident.

Note: A licensee may submit an extraordinary payment request under s. DCF 57.64 to cover the expenses of providing more intensive supervision for the specific needs of a resident or a youth in respite care.

(4) A licensee shall ensure that supervision is provided for each resident appropriate to the resident's age, maturity, behavior, and developmental level and sufficient to ensure the safety of each resident.

(5) A licensee who operates more than one group home may not do any of the following to meet the supervision requirements in subs. (2) and (4):

(a) Consider a staff member to be providing supervision at more than one group home during a scheduled shift.

(b) Temporarily move a resident from one group home to another group home.

(6) No resident may be left intentionally in the group home without supervision by a staff member.

(7) When all residents are scheduled to be away from the group home, at least one staff member shall be on call to provide supervision if a resident needs to return to the group home before their scheduled return time. The licensee shall provide each resident with a means of contacting the staff member who is on call.

(8) The staff-to-resident ratios for off-premises activities that are sponsored by the group home shall be the same as the ratios in sub. (2).

(9) A licensee shall have written procedures that specify how the group home complies with the requirements of this section.

DCF 57.20 Communication log. (1) A licensee shall require staff members and RPPS decision-makers to use a communication log to document and communicate with each other about each resident. The communication log shall include all of the following for each shift:

- (a) The chosen name of the resident being referenced in the communication log.
- (b) The resident's location including details of where the resident was if not on premises.
- (c) A summary of the resident's behavior and any intervention used, if applicable.
- (d) A summary of the resident's participation in on-site and off-site programming, treatment, and other activities.
- (e) Any serious incidents under s. DCF 57.09 (1) involving a resident.
- (f) Any reasonable and prudent parenting requests and decisions made for a resident under s. DCF 57.28 for activities that do not take place in the group home and are not supervised by a staff member.
- (g) A search conducted under s. DCF 57.25 (2).
- (h) A transport of a resident.

(2) The communication log shall also include the name and arrival and departure time of each staff member for each shift.

Note: DCF-F-5276-E, Communication Log, is available in the forms section of the department website at <http://dcf.wisconsin.gov>. The use of this form is voluntary.

DCF 57.21 Resident records. (1) A licensee shall maintain on the premises a record for each current resident. A resident record shall include all of the following regarding the resident:

- (a) First name, last name, chosen name, date of birth, and any other relevant demographic information.
- (b) Date of admission and discharge.

(c) Recent photograph.

(d) Voluntary placement agreement or court order, or both, as appropriate.

(d) Referral information, such as court reports and assessments from the placing agency, including the forms required under ch. DCF 37.

Note: Section DCF 37.03 (2) requires that a placing agency provide an out-of-home care provider with DCF-F-CFS0872A-E and DCF-F-CFS0872B-E, Information for Out-of-Home Care Providers, Part A & Part B, within 7 days after a resident's placement.

(e) Name, address, and phone number of the placing agency; child welfare professional; and parent, guardian, legal custodian, or Indian custodian that is responsible for the resident.

(f) Name, address, and phone number of the resident's medical provider, dentist, and any other treatment provider.

(g) Resident assessment, initial treatment plan, and treatment plan reviews under s. DCF 57.18.

(h) Current medical information, including all of the following:

1. Medical consent and signed releases.

2. Dates and results of all physical health, mental health, dental, and optical examinations that occur while the resident is placed in the group home.

3. Immunizations.

4. Medications and treatments that the resident receives under s. DCF 57.29 (5).

5. Any allergies, including food, medication, or environmental.

6. Any physical limitations and required adaptive devices.

7. Any statements from a medical provider, registered dietician nutritionist, or prenatal care provider regarding a resident's diet under s. DCF 57.30 (5).

(i) Name of school and current grade.

- (j) Any religious preference.
- (k) Inventory of the resident's possessions.
- (L) Nonmedical signed releases and consents.
- (m) Reasonable and prudent parenting decision records required under s. DCF 57.28 (3) (c).
- (n) Any serious incident report involving the resident under s. DCF 57.09 (1).
- (o) A description of any resident rights that are denied or limited and the disposition of any grievances under s. DCF 57.25 (4).

Note: DCF-F-CFS2382A Intake Information – Group Home Resident, is a voluntary form that may be used to comply with this subsection. This form is available in the forms section of the department website at <https://dcf.wisconsin.gov/forms>.

(2) The resident record required in sub. (1) shall be maintained by the licensee until the resident reaches the age of 21 or 7 years after the resident is discharged from the group home, whichever is later.

DCF 57.22 Confidentiality. (1) A licensee shall ensure that each resident record and other personally identifiable information on the resident is kept confidential and protected from unauthorized examination pursuant to ss. 48.78 and 48.981 (7), Stats.; to ch. DHS 92 and s. 51.30 (4), Stats., where applicable; and to any other applicable state or federal laws.

(2) A licensee shall create written procedures on all of the following:

(a) Maintaining the confidentiality of resident records and personally identifiable information.

(b) Storage and access to electronic records.

DCF 57.23 Principles for nurturing care. A licensee shall do all the following:

(1) Provide a safe, stable, and humane environment.

(2) Encourage a resident's autonomy; respect a resident's need for privacy; and consider a resident's preferences and choices while providing care, supervision, and treatment.

(3) Provide care that is culturally responsive and respectful toward the beliefs, interpersonal styles, attitudes, and behavior of each resident and their family.

(4) Ensure a resident's access to family and other persons with whom they have an important relationship.

DCF 57.24 House rules. A licensee shall create written house rules that include a description of unacceptable resident conduct and the consequences for violation of a house rule.

DCF 57.25 Resident's rights. (1) PATIENT'S RIGHTS. A licensee shall be knowledgeable of and ensure that each staff member complies with the patient rights and grievance resolution procedures in ch. DHS 94 and s. 51.61, Stats., , for each resident who receives services for treatment of mental illness, a developmental disability, alcoholism, or drug dependency.

(2) COMPARABLE TO PATIENT'S RIGHTS; SEARCHES. A resident who is not receiving the services specified in sub. (1) shall have rights and a grievance resolution procedure that are comparable to those found in ch. DHS 94 and s. 51.61, Stats., and, except that a search may only be conducted as follows:

(a) A staff member may search a resident's sleeping area, belongings, and other storage space used by the resident without the resident's consent if the staff member believes the search is necessary to prevent harm to the resident or another person.

(b) The staff member shall inform the resident of the search if the resident did not consent in advance.

(3) POST RIGHTS. A copy of patients' rights under ch. DHS 94, the group home grievance procedure, and the rule on searches in sub. (2) shall be posted in each group home in a prominent place accessible to residents, staff members, and visitors.

Note: The DHS 94 patient's rights information and posters can be obtained at <http://dhs.wisconsin.gov/clientrights/FormsPubsPosters.htm>

(4) DOCUMENTATION. If a resident's rights are limited or denied under this section, the licensee shall document any denial or limitation of rights in the resident's record under s. DCF 57.21 (1) (o), unless otherwise required by ch. DHS 94. The documentation shall include a description of the following:

- (a) The client's right that was affected.
- (b) Any less restrictive alternatives that were considered.
- (c) Reason for the limitation or denial.
- (d) Specific individualized limitation or denial.
- (e) Conditions required for restoring or granting the limited or denied right.

Note: DHS Form F-26100, Client Rights Limitation or Denial Documentation, is available in the forms section of the Department of Health Services website <http://www.dhs.wisconsin.gov/forms> and may be used to fulfill the requirements of this subsection.

(5) PROCEDURES. A licensee shall create a written procedure that includes all of the following:

- (a) How the group home conducts a search in compliance with sub. (2).
- (b) What the licensee or a staff member will do if a dangerous item is found during a search.

57.26 Behavior intervention. (1) DISCIPLINE. When deciding on the appropriate disciplinary action for a resident, a staff member shall consider information in the resident's

treatment plan on the resident's trauma history; age; and cognitive, emotional, physical, and behavioral capacities to understand and learn age-appropriate behaviors.

(2) RESIDENT-SPECIFIC PRECAUTIONS. If a resident has a propensity or known history of harm to others or engages in self-harm or suicidal ideation, staff members shall take precautions to protect the resident and others having contact with the resident.

(3) PROHIBITED MEASURES. No licensee, staff member, other employee or contractor, or volunteer or may do any of the following:

(a) Hit, shake, pinch, push, twist, physically intimidate, threaten to physically harm, or use any other means that is known or should be known to inflict mental or physical harm or any other actions that may be psychologically, emotionally, or physically painful to a resident.

(b) Deprive a resident of their basic needs, including food, sleep, clothing, toileting access, and interactions with their family.

(c) Verbally abuse a resident, use profanity, or use any language that may ridicule or demean a resident.

(d) Lock a resident in a room or any other place.

(e) Prevent a resident from entering the group home unless the resident poses an imminent danger to a person in the group home.

(f) Use any item to cover a resident's head or face or wrap the resident's body with sheets, blankets, or any other material.

(g) Require a resident to march, stand, kneel, or assume and remain in any fixed position.

(h) Release any noxious, toxic, or otherwise unpleasant substances near the face of a resident.

(i) Authorize, direct, or ask a resident to discipline another resident.

(j) Discipline one resident for the behavior or action of another resident.

(k) Employ any measure that is aversive, cruel, or humiliating or that may be psychologically, emotionally, or physically painful, discomforting, dangerous, or potentially injurious to a resident.

(L) Use any mechanical restraint or equipment that restricts the movement of a resident or a portion of the resident's body as behavior intervention.

(4) EMERGENCY SAFETY INTERVENTION. (a) 1. A staff member may not use any type of physical restraint on a resident unless the resident's behavior presents an imminent danger and physical restraint is necessary to contain the risk and keep the resident or others safe.

2. A licensee who is not serving as a staff member and any other employee or contractor or volunteer may not use any type of physical restraint on a resident.

(b) A staff member shall attempt other feasible alternatives to de-escalate a resident and situation before using physical restraint.

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

(d) If physical restraint is necessary under par. (a), a staff member 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 resident's head.

b. Any maneuver that places pressure or weight on the resident'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 resident's head or neck or that otherwise obstructs or restricts the circulation or blood or obstructs an airway, such as straddling or sitting on the resident'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 resident's mouth, nose, or eyes or covering the resident's face or body with anything, including soft objects, such as pillows, washcloths, blankets, and bedding.

g. Any technique that results in the resident being in a prone position.

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

(e) After an episode of physical restraint, a debriefing shall take place with the resident and each staff member involved in the physical restraint.

(f) Each staff member who uses a physical restraint or who witnesses the use of a physical restraint shall within 24 hours of each incident give the program director or group home

manager a written description of the incident. The program director or group home manager shall document each incident, including date, time, and a description of the circumstances of the incident, and report the incident to the department as required under s. DCF 57.09 (1) (a) 3. The description shall include all of the following:

1. The name and age of each resident involved.
2. The date, time, and location of the incident.
3. The legal name and job title of each staff member involved in the restraint and the name of any other person who witnessed the use of the restraint with a description of their role in the group home.
4. Circumstances leading up to the use of restraint, the behavior that prompted the restraint, efforts made to de-escalate the situation, and the alternatives to restraint that were attempted.
5. A description of the administration of the restraint, including the holds used and the reasons the holds were necessary.
6. The beginning and ending time of the restraint and how the restraint ended.
7. Behavior of the resident during and after the use of the restraint.
8. Any injuries sustained by a resident, staff member, or other person and any medical care provided, including the name and title of the person providing the care.
9. Any follow-up debriefing provided to residents, staff members, and others.

(5) PROCEDURES. A licensee shall create written procedures on all of the following:

- (a) Trauma-informed methods for staff members to follow to de-escalate a resident.
- (b) The use of a physical restraint under sub. (4).

DCF 57.27 Resident activities. (1) SCHEDULING. A licensee shall establish and implement a daily schedule for all residents.

(2) ACTIVITIES. A resident shall have access to activities based on their interests, including all of the following:

- (a) Leisure-time activities.
- (b) Opportunities to engage in social and recreational activities in the community.
- (c) Cultural and ethnic activities.
- (d) Vocational or volunteer activities.
- (e) Educational activities.
- (f) Religious training and practice.

DCF 57.28 Promoting normalcy. (1) DEFINITIONS. In this section:

(a) “Age or developmentally appropriate” means to be 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 resident, activities that are suitable for the resident based on the cognitive, emotional, physical, and behavioral capacities of that resident.

(b) “Normalcy” means a resident’s ability to easily engage in healthy and age or developmentally appropriate activities that promote their well-being, such as participation in social, scholastic, and enrichment activities.

(c) “RPPS decision-maker” means a staff member who has successfully completed training on the application of the reasonable and prudent parent standard and makes reasonable and prudent parenting decisions under this section.

(2) SIMILAR TO PEERS. A licensee shall promote normalcy and the healthy development of a resident by supporting the resident’s right to participate in extracurricular, enrichment, cultural,

religious, and social activities and to have experiences that are similar to those of the resident's peers of the same age, maturity, or development.

(3) RPPS DECISION-MAKER. (a) A staff member shall have access at all times to at least one RPPS decision-maker who is employed at the group home.

(b) An RPPS decision-maker shall have knowledge of a resident and access to the resident's treatment plan and other resident records under s. DCF 57.21 related to the decision-making factors in sub. (4) (b).

(c) An RPPS decision-maker shall document on a form prescribed by the department any decision made under this section that requires written permission from the group home in lieu of the resident's parent, guardian, legal custodian, or Indian custodian. The completed form shall be placed in the resident's record under s. DCF 57.21 (1) (m).

Note: DCF-F-5124-E, Reasonable and Prudent Parent Decision Record, is available in the forms section of the department website at <https://dcf.wisconsin.gov/forms>.

(4) REASONABLE AND PRUDENT PARENT STANDARD. (a) *Promote normalcy.* An RPPS decision-maker shall promote normalcy for a resident by using the reasonable and prudent parent standard when making a decision about a resident's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities.

(b) *Decision-making factors.* When applying the reasonable and prudent parent standard, the RPPS decision-maker shall consider all of the following:

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

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

6. Court orders and other legal considerations affecting the resident, including the prohibitions in par. (f).

7. Potential risks of the activity under consideration.

8. Whether the resident has the necessary training and safety equipment to safely participate in the activity under consideration.

9. Whether participating in the activity will provide experiences that are similar to the experiences of other residents in the group home.

10. Developmental activities of peers.

11. 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.

(c) *Indian child.* If the resident is an Indian child, the supervising agency shall ask the resident's parent, guardian, legal custodian, or Indian custodian and the Indian child's tribe

about specific tribal values and customs and provide this information to the RPPS decision-maker.

(d) *Conflicting appointments.* If an activity that promotes normalcy conflicts with a scheduled family interaction, therapy, or other appointment, the RPPS decision-maker shall consult with the resident's child welfare professional about whether the activity may be accommodated.

(e) *Resident's hair.* 1. If a resident is under 12 years of age, the following provisions apply regarding the resident's hair:

a. The RPPS decision-maker may not provide hair care or authorize any hair care services that would significantly change the style, cut, or color of the resident's hair without permission from the resident's parent, guardian, legal custodian, or Indian custodian.

b. The RPPS decision-maker may provide hair care or authorize hair care services needed to maintain the style, cut, and color of the resident's hair.

2. A resident who is 12 years of age or older may make their own hair care decisions without authorization from the RPPS decision-maker or the resident's parent, guardian, legal custodian, or Indian custodian.

(f) *Prohibitions.* A RPPS decision-maker may not do any of the following:

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

2. Make decisions that conflict with the resident's permanency plan or family interaction plan.

3. Consent to the resident's marriage.

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

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

6. Represent the resident in legal actions or make other decisions of substantial legal significance.

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

8. Require or prohibit a resident's participation in an age or developmentally appropriate activity solely for convenience or based solely on the RPPS decision-maker's own values.

(g) *Procedure.* A licensee shall develop a written procedure that specifies how staff members are to comply with the requirements in this section.

DCF 57.29 Health. (1) CONSENT. Any medical examination or service provided to a resident shall be provided only by an individual licensed to perform the examination or service being provided. Before an examination or service is provided, written consent to perform the examination or service shall be obtained pursuant to the applicable law relating to the type of service and the age of the resident.

Note: DCF-F-CFS2379-E, Medical Services Consent – Child Welfare Facilities, is available in the forms section of the department website at <https://dcf.wisconsin.gov/forms>.

(2) HEALTH CARE. (a) A licensee shall provide each resident with necessary and preventative medical, dental, and optical care consistent with the resident's age-based periodicity schedule and whenever additional care is needed.

(b) A licensee shall provide each resident with mental health care as needed based on the resident's treatment plan and the recommendation of the resident's mental health provider.

(c) A licensee may not deny a resident access to confidential family planning and reproductive health services.

(3) MEDICATION STORAGE. The licensee shall comply with all of the following requirements for storing medication:

(a) Medication, including over-the-counter medication, shall be kept in the container in which it was purchased or prescribed.

(b) Medication shall be kept in a locked storage device in a location that is inaccessible to persons who do not have permission to access the medication.

(c) Medication shall be stored according to the requirements of each medication.

(4) MEDICATION ADMINISTRATION. (a) *Procedure.* A licensee shall create a procedure that specifies how a staff member is to do all of the following:

1. Administer a resident's medication.
2. Observe the resident taking the medication.
3. Monitor the resident for side effects to the administered medication.
4. Monitor for reactions due to refusal of medication.
5. Abide by clinically acceptable standards for good medical practice.

(b) *Authorization.* 1. The licensee may not allow a staff member to administer medication unless the staff member has received and reviewed the procedure under par. (a) and has been authorized in writing by the program director or group home manager to administer medication.

2. Prescription medication may be administered if there is a written order from the resident's medical provider in the resident's record authorizing the use of the medication.

3. Over-the-counter medication that is approved by the federal food and drug administration may be administered to a resident if it is not contraindicated with any other medication prescribed to the resident.

4. A licensee shall obtain approval from a medical provider before administering a dietary supplement, natural supplement, or vitamin that is not approved by the federal food and drug administration to a resident and shall follow the same procedure as specified in sub. (c).

5. A licensee shall document the administration of the dietary supplement, natural supplement or vitamin as specified in sub. (5).

(c) *Medication instructions.* A staff member shall review all of the following prior to administering a specific prescribed or over-the counter medication:

1. The condition for which the medication is being administered and the instructions for administering the prescribed medication as indicated on the label and any other instructions that came with the medication.

2. The instructions for administering an over-the-counter medication as indicated on the label, unless there are instructions in writing or verbally from a medical provider with alternative instructions on the dosage or how the medication should be administered.

3. Any other information that may be relevant to administration of the medication.

(5) **MEDICATION ADMINISTRATION RECORD.** (a) The staff member administering the medication shall document all of the following:

1. Full name of the resident to whom the medication was administered.

2. Date and time the medication was administered and the method of administration.

3. Name and dosage of the administered medication or medical treatment received.

4. Refusal, adverse reaction, or error in medication administration.

5. Name of the staff member administering the medication.

(b) The medication administration record shall be on a form prescribed by the department or a licensee's electronic version that includes all of the information specified in par. (a).

Note: Form DCF-F-CFS2338, Medication Administration Record - Group Homes, is a voluntary form that may be used to comply with this subsection. The form is available at <https://dcf.wisconsin.gov/cwlicensing/forms>.

(6) PSYCHOTROPIC MEDICATION. (a) *Definition.* In this subsection, "psychotropic medication" means any drug that affects the mind and is used to manage a resident's behavior or psychiatric symptoms and may include an antipsychotic, antidepressant, lithium carbonate, or tranquilizer.

(b) *Rights of residents.* A licensee shall comply with the provisions of s. 51.61 (1) (g) and (h), Stats., for each resident who is prescribed psychotropic medication.

(c) *Procedural requirements.* A licensee serving a resident for whom psychotropic medication is newly prescribed shall ensure that all of the following requirements are met:

1. The licensee shall collaborate with the placing agency to ensure that the resident attends all medical evaluations and that the evaluation detailing the reason for the type of psychotropic medication prescribed is documented in the resident's record within 7 days after the resident has been prescribed a new psychotropic medication.

2. Unless the medication is administered under a court order, written consent shall be obtained from the resident if the resident is 14 years of age or older and from the parent or guardian as required under s. DHS 94.03.

3. All staff members that administer psychotropic medication are informed of the medication's potential benefits, side effects, and contraindicated medications.

(d) *Revocation of consent or refusal to take.* 1. Unless the medication is administered under court order, a resident's parent or guardian or a resident 14 years of age or older may revoke consent for nonemergency use of psychotropic medications to the extent permitted by law at any time, as provided under s. DHS 94.03.

2. When consent is revoked, the licensee shall inform the prescribing medical provider and the placing agency of the consent revocation and document the revocation in the resident's record.

3. When a resident refuses to take a prescribed psychotropic medication, the licensee shall do all of the following:

- a. Document the reasons for refusal in the resident's record.
- b. Notify the resident's medical provider; the parent, guardian, legal custodian, or Indian custodian; and the placing agency. Notification shall be immediate if the resident's refusal threatens the resident's well-being and safety.

(7) **MEDICATION DISPOSAL.** (a) The licensee shall dispose of medication at an authorized department of health services or law enforcement pharmaceutical drop-off site within one week after the medication's expiration date or the date the medication is no longer in use by the resident for whom the medication was prescribed or purchased.

Note: The Department of Health Services' authorized pharmaceutical drop-off sites are listed at <https://www.dhs.wisconsin.gov/opioids/permanent-drug-drop-boxes.htm>.

(b) The licensee shall maintain a log of medication that has been disposed of that includes all of the following:

1. Name of the resident to whom the medication belongs.
2. Name of the medication.
3. Amount of medication that was disposed.

4. Date and location where the medication was disposed.

5. Name of the staff member who disposed of the medication.

(8) RELEASE OF MEDICATION. At the time of a resident's discharge, the licensee shall release medication to a resident's parent, guardian, legal custodian, or Indian custodian and document the medication release on the log of medication as specified in sub. (7) (b) 1. to 5.

DCF 57.30 Food and nutrition. (1) A licensee shall ensure each resident is offered enough food to meet their daily nutritional needs.

(2) A licensee must allow youth access to food and beverages in a manner that is most home-like and least restrictive.

(3) A licensee may not lock or restrict a resident's access to any food unless the food is being stored for future meals or snacks.

(4) A resident shall be given food choices that are in accordance with their cultural practices or dietary preferences.

(5) A licensee shall provide a resident with a diet that is prescribed or recommended by the resident's medical provider, registered dietician nutritionist, or prenatal care provider to meet the needs of the resident, including a modification to the requirements in sub. (2) or (3). A statement outlining the prescribed or recommended diet shall be in the resident's record.

(6) A licensee shall retain a written menu for at least 30 days after a meal has been served.

DCF 57.31 Hygiene. (1) A licensee shall provide residents with their own soap, clean towels, toothpaste, shampoo, conditioner, deodorant, and other personal hygiene products, such as menstrual products, that are reasonably responsive to the requests of the residents and culturally appropriate for each resident.

(2) A licensee shall provide hair care products that meet the individual needs of a resident to protect, maintain, and style their hair.

DCF 57.32 Clothing. (1) The licensee shall provide clothing for each resident that is individually selected and fitted, appropriate to the season, and comparable to that of peers in the community.

(2) Each resident's clothing shall be regularly laundered and in good repair.

DCF 57.33 Education. (1) A licensee shall ensure that each resident complies with the school attendance requirements under chs. 115 and 118, Stats., unless otherwise excused by school officials.

(2) The licensee shall provide internet access in the group home for residents to complete school assignments.

(3) The licensee may not provide a home-based private educational program to residents unless the program is approved by the department of public instruction as a private school under s. 118.165, Stats.

DCF 57.34 Household duties. (1) Each resident shall have opportunities to share in responsibility for household duties or chores appropriate to the resident's age, developmental level, health, and ability.

(2) A resident's household duties may not interfere with school attendance, family visits, sleep, study, or religious practice and may not violate the principles of nurturing care in s. DCF 57.23.

(3) A licensee may not rely solely on the household duties of residents to ensure compliance with s. DCF 57.39 (1) (b).

DCF 57.35 Money. (1) Each resident shall be given a regular base amount of spending money appropriate to their age and developmental level.

(2) A resident's base amount of spending money may not be withheld as a disciplinary action.

(3) A resident shall have access to any monies from employment, gifts, or allowance upon discharge.

DCF 57.36 Resident absence. (1) A licensee shall notify law enforcement; the placing agency; and the resident's parent, guardian, legal custodian or Indian custodian within 8 hours if a resident has been absent from the group home without permission or past the resident's scheduled return time.

(2) A licensee shall notify law enforcement; the placing agency; and the resident's parent, guardian, legal custodian or Indian custodian if the resident's age, maturity, or emotional capacity indicate that the resident's absence may place the resident in danger or result in serious bodily harm or death.

(3) A licensee shall create a procedure on how the licensee and staff members comply with the requirements of this section.

DCF 57.37 Additional requirements for group homes providing respite care. (1) APPLICABILITY. A licensee who is licensed to provide respite care for youth shall comply with the additional requirements in this section.

(2) ADMISSION. A licensee may provide respite care to a youth whose needs coincide with the resident population served by the licensee, as indicated on their license. Prior to admitting a

youth for respite care, a program director shall request the following information to ensure that the youth's needs can be met:

(a) A description of the youth's current care needs, including mental health and medical needs that may require the administration of medication or therapy, and a list of known allergies.

(b) Current activities.

(c) Educational status.

(d) Current and recent substance abuse use.

(e) Personal strengths.

(f) Family or sibling visitation scheduled to occur while the youth is receiving respite care service.

(g) Phone numbers for emergency contacts, including the youth's medical provider and mental health professional, if applicable.

(3) EXCEPTIONS. The provisions of this chapter that are applicable to residents are also applicable to youth receiving respite care, except for the following:

(a) The reasonable and prudent parent standard under s. DCF 57.28.

(b) Scheduling a medical and dental examination under s. DCF 57.16 (7).

(c) Treatment plans under s. DCF 57.18.

(4) RESPITE CARE LIMIT. A youth may not be in respite care for more than 28 consecutive days.

DCF 57.38 Additional requirements for group homes providing care for expectant and custodial parents and the resident's child. (1) APPLICABILITY. A licensee who is licensed to

provide care to an expectant parent or a resident who is the custodial parent of a child who is residing in the group home shall meet the additional requirements of this section.

(2) DEFINITIONS. In this section, “custodial parent” means a resident whose child resides in the group home with the resident.

(3) ADMISSION. An expectant or custodial parent under a voluntary placement agreement may not be admitted for longer than 180 days from the date on which the resident was removed from their home under the agreement. A voluntary placement agreement under this subsection may be extended if an independent reviewing agency, such as an agency licensed under s. 48.61 (3), Stats., or a county agency, determines that the extension would be in the best interests of the resident and if the resident and the resident’s parent, guardian, legal custodian, or Indian custodian consents to the extension, as specified in s. 48.63 (5) (d), Stats..

(4) STAFF TRAINING. (a) Each staff member who works in a group home under this section shall successfully complete training in all of the following within 6 months after their date of hire or have documentation that training was completed prior their hire date:

1. Sudden infant death syndrome.
2. Shaken baby syndrome and abusive head trauma.
3. Certification in cardiopulmonary resuscitation and first aid training for children under 3 years of age.
4. Fifty hours of training on infant and toddler care with a curriculum approved by the department.

Note: The department-approved training is the Child Care Foundational Training: Fundamentals of Infant and Toddler Care course. See Wisconsin Registry at <https://go.wiregistry.org/v7/trainings/search> for further information. A licensee may request departmental approval for another course with a comparable curriculum.

(b) Each staff member shall complete trainings necessary to keep the certifications under par. (a) 3. current.

(5) TREATMENT PLAN. (a) The treatment plan for a resident under this section shall also include all of the following parenting skills:

1. Prenatal and other health care services.
2. Child development.
3. Bathing and hygiene.
4. Child safety.
5. Child guidance and behavior management.
6. Prevention of sudden infant death syndrome and abusive head trauma.
7. Nutrition and meal preparation.
8. Child care and supervision.
9. Accessing parenting resources in the community.
10. Budgeting.

(b) A treatment plan is not required for a resident's child.

(6) MEDICAL CARE FOR EXPECTANT PARENT. (a) An expectant parent shall be provided prenatal care from a medical provider or a nurse-midwife licensed under s. 440.982, Stats.

(b) The licensee shall ensure that the expectant parent gives birth in a medical facility.

(7) HEALTH SAFETY AND WELFARE OF A RESIDENT'S CHILD. A licensee shall assist a resident who is a custodial parent in doing all of the following:

(a) Ensuring the health, safety, and welfare of the resident's child and providing care and supervision in compliance with this chapter.

(b) Providing furnishings and equipment appropriate for the age, size, and developmental level of the resident's child.

(c) Making modifications as necessary to ensure the premises are safe based on the developmental age of the resident's child.

(d) Providing diapers, food, formula, and hygiene products as needed for the resident's child.

(8) FURNISHINGS AND BEDDING. In addition to the requirements in s. DCF 57.39 (10) the following provisions apply regarding a resident's child:

(a) Each infant shall sleep alone in a crib, bassinet, bedside sleeper, play yard, or a sleeping device determined by tribal custom, if applicable. Any sleeping device used by an infant shall be in safe working condition and may not have been recalled by the manufacturer.

(b) The sleeping space shall be safe for an infant with appropriately sized bedding and free of blankets and other items, such as pillows and stuffed animals.

(c) A resident may share a bedroom with their child.

(9) TRANSPORTATION. (a) The conditions of ss. DCF 57.08, 57.10 (6), 57.14 (2) and 57.15 (6) (d) apply to a vehicle transporting a resident's child.

(b) The conditions of s. DCF 57.43 apply to a resident's child when the child is being transported.

(10) CARING FOR A RESIDENT'S CHILD. If a resident is not on the premises or is otherwise unable to care for their child, a staff member may care for the resident's child only as follows:

(a) The staff member caring for a resident's child may not be included in the staff-to-resident ratio under s. DCF 57.19 (2).

(b) The staff-to-child ratio under this section may not be less than the ratios specified in Table DCF 251.055.

(c) A staff member may be included in the ratio under par. (b) only if they have completed the training required under sub. (4).

(11) VISITS WITH NONCUSTODIAL PARENT. A licensee shall have a policy on visitation between a child and their noncustodial parent.

DCF 57.385 Additional requirements for residents 6 years of age or younger. (1)
APPLICABILITY. A licensee who is licensed to provide care to residents under 6 years of age shall meet the additional requirements of this section.

(2) ADMISSION. Prior to or at the time of admission, the licensee shall obtain written information from the placing agency and whenever possible verbal or written information from a resident's parent, guardian, legal custodian, or Indian custodian to individualize the program of care for the resident. Information shall include all of the following:

- (a) The schedule of meals and feeding.
- (b) Toileting and diapering procedures.
- (c) Sleep and nap schedule.
- (d) The resident's way of communicating and being comforted.

(3) TREATMENT PLAN. In addition to the requirements under s. DCF 57.18, the resident's treatment plan shall include any updates under sub. (2).

(4) STAFF TRAINING. Each staff member who provides care to a resident under this section shall successfully complete the training required under s. DCF 57.38 (4).

(5) FURNISHINGS. A licensee shall provide furnishings and equipment appropriate for the age, size, and developmental level of the residents.

(6) SAFETY MODIFICATIONS. The licensee shall make modifications as necessary to ensure the premises are safe based on the developmental age of the residents.

SECTION 5. Subchapter V of ch. DCF 57 is repealed and recreated to read:

Subchapter V — Physical Environment and Safety

DCF 57.39 Physical plant and environment. (1) GENERAL REQUIREMENTS. (a) A licensee shall ensure that the premises are in compliance with state and local building, fire, health, and zoning codes.

(b) The premises and all furnishings and equipment on the premises shall be kept in a state of good repair and in a safe, operable, and sanitary condition.

(c) The department may require a licensee to obtain an inspection of the premises and of the heating, electrical, plumbing, water, or sewage system to determine if any safety or health problem exists.

(2) WATER. A group home shall have all of the following:

(a) An adequate and safe water supply.

(b) An operable water heater sufficient to meet the needs of all residents.

(3) SEWER. A group home shall have an adequate sewage disposal system.

(4) HEATING. (a) A group home shall be equipped with a heating system that is maintained in a safe and operable condition.

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

(5) LIGHTING. All habitable rooms shall have electric lighting sufficient to meet the needs of persons in the group home.

(6) PHONE. A group home shall have at least one operating phone or other communication device capable of completing a phone call that is available to staff members and residents at all times.

(7) FIRST AID SUPPLIES. Each group home shall have sufficient first aid supplies to provide care to the maximum number of residents allowed under the group home license.

(8) SEATING. A group home shall have enough seating to allow all residents and staff members to dine and recreate together.

(9) BATHROOM. (a) A group home shall have at least one bathroom that contains a toilet, a sink, a tub or shower with hot and cold water, and a window that opens or an exhaust fan that ventilates to the outside.

(b) A bathroom that can be accessed only through a room used as a bedroom may not be counted as being available for use by a resident who does not occupy that bedroom.

(10) BEDROOM. (a) Each bedroom shall have a door and a window that can be opened and closed.

(b) The licensee shall ensure that each resident has clean sleeping supplies, including a bed, mattress, pillow, and linens, as appropriate for the needs and age of the resident.

(c) There shall be space for a resident or staff member to pass between beds.

(d) A room that others must pass through to get to another part of the group home may not be used as a bedroom for a resident.

(e) Regular sleeping provisions for residents may not be in a structure that is separate from the group home or in an unfinished attic, an unfinished basement, a hall, or any other room that is not typically used for sleeping purposes.

(11) SLEEPING ARRANGEMENTS. (a) 1. No more than 2 residents may share a bedroom.

2. Notwithstanding subd. 1., a licensee that is issued an initial probationary license under s. 48.69, Stats., on or after the effective date of this subdivision [LRB inserts date] shall provide each resident with their own bedroom.

(b) In determining whether residents will share a bedroom, the program director or group home manager shall consider all of the following for each resident:

1. Physical safety.
2. Developmental status.
3. Treatment needs, including trauma history and behavioral needs.
4. Preferences of the resident.

(c) A resident who is 18 years of age or older may not share a bedroom with a resident who is under 18 years of age, unless the resident who is 18 years of age or older is any of the following:

1. Related to the other resident.
2. Continuing to share a bedroom with a resident with whom they had already been sharing the bedroom with prior to turning 18 years of age.

(12) STORAGE SPACE. A group home shall have enough storage space to accommodate each resident's clothing and personal items.

(13) KITCHEN AND DINING. (a) The kitchen and dining facilities shall be clean and equipped for sanitary preparation, service, and proper preservation and storage of food.

(b) Spoiled or expired food shall be disposed of immediately.

(c) Food in bulging or leaking cans, or in cans without labels, may not be used.

(d) Dry food shall be stored in a covered container or food storage bag and labeled with the contents and expiration date.

(e) Leftover food shall be marked with the date of preparation and stored at temperatures that protect against spoilage.

(14) LAUNDRY. Laundry facilities and supplies shall be available to meet the needs of each resident.

(15) EXITS. (a) Access to exits shall be unobstructed at all times.

(b) Habitable rooms on or above the second floor or in a basement shall comply with s. SPS 321.03 (2) and (5).

(c) Access to and exit from a habitable room shall be appropriate given the resident's age; level of functioning; mobility level; and use of assistive equipment, such as a wheelchair, scooter, or walker.

(16) STAIRWAYS. Each stairway shall have adequate lighting, be unobstructed, and have a nonslip surface and a handrail.

(17) SMOKING. A licensee shall prohibit smoking, vaping, or any activity that produces secondhand smoke on the group home premises and in vehicles used to transport a resident. This prohibition does not apply to traditional or established spiritual or cultural ceremonies that involve the use of tobacco.

DCF 57.40 Safety precautions and plans. (1) HAZARDOUS EQUIPMENT AND DANGEROUS MATERIALS. (a) Equipment that may be hazardous to a resident shall be stored in an area not readily accessible to the resident.

(b) A licensee shall prevent residents' access to poisonous materials, cleaning supplies, and other dangerous materials and objects as appropriate for the age and developmental, emotional, and behavioral needs of the residents placed in the group home.

(2) DISASTER PLAN. (a) Each licensee shall file a disaster plan with the department and any placing agency with a resident placed in the group home that would allow the department and placing agency to identify, locate, and ensure continuity of services to residents under the placement and care responsibility or supervision of the placing agency who are displaced or adversely affected by a disaster. The disaster plan shall be on a form prescribed by the department and shall include all of the following information:

1. A primary and secondary location where a staff member and resident would go in an evacuation.
2. Contact information under sub. (4) (c).
3. A list of items that the staff member will take if evacuated, including any medication and medical equipment for each resident.

(b) The licensee shall review the disaster plan with all staff members on a quarterly basis and provide updates to the department and placing agency when any change is made.

Note: Form DCF-F-5129-E, Disaster Plan, is available in the forms section of the department website <https://dcf.wisconsin.gov/forms>.

(3) TORNADO PREPAREDNESS. (a) A licensee shall have a written tornado preparedness plan posted at a prominent location in the group home.

(b) A staff member shall do all of the following:

1. Orient each resident to the tornado preparedness plan upon their arrival.
2. Practice the plan with residents in the spring and fall each year.
3. Keep a written record of the date and time of each tornado drill.

Note: A voluntary form is available. See the note following s. DCF 57.41.

(4) PROCEDURES. A licensee shall create the following procedures:

(a) How staff members will prevent access to the premises by any person whose behavior causes reasonable concern for the safety of a resident.

(b) How staff members and volunteers will use universal precautions when exposed to blood, body fluids, and tissue discharges.

(c) How staff members will contact the following if a resident is displaced or adversely affected by a disaster:

1. A resident's placing agency; parent, guardian, legal custodian, or Indian custodian; medical provider; and mental health professional.

2. The licensee, group home manager, and program director.

DCF 57.41 Fire safety. (1) SMOKE DETECTORS. (a) Each group home shall have interconnected smoke detectors which, when activated, can be heard throughout the group home.

(b) The smoke detectors shall be all of the following:

1. Installed and in accordance with chs. SPS 361 to 366, applicable local ordinances, and this section.

2. Tested quarterly with the test results, date, and time documented and kept on file at the group home.

(2) FIRE EVACUATION. (a) The licensee shall have procedures for the following:

1. Conducting a monthly evacuation drill.

2. Conducting an evacuation drill that simulates sleeping hours every 6 months.

3. A staff member assisting any resident with limited mobility, limited understanding of evacuation procedures, or a hearing or vision impairment during a fire evacuation.

4. A staff member documenting the date and time of the drill, the amount of time it took to complete the evacuation, and any problems encountered during the drill.

(b) The licensee shall post a diagram on each floor of the group home indicating the direction of each exit for emergency evacuation.

(3) FIRE EXTINGUISHERS. Each group home shall have at least one operational and accessible fire extinguisher located in the kitchen and on each floor of the group home.

(4) FIRE SAFETY INSPECTION. The licensee shall have an annual fire safety inspection, including inspection of each fire extinguisher, to be conducted by a fire inspector appointed by the fire chief of the municipality in which the group home is located or by a person certified to complete an inspection under s. SPS 305.627 (1). The licensee shall report the inspection results to the department on a form prescribed by the department or a form provided to the licensee by the person conducting the fire safety inspection.

Note: DCF-F-CFS2384, Fire Safety and Emergency Response Documentation - Group Homes, can be used to document fire inspections, heating system inspections, smoke detector tests, fire evacuation drills, fire extinguisher inspections, and tornado drills. Use of the form is voluntary. The form is available at <https://dcf.wisconsin.gov/forms>.

DCF 57.42 Carbon monoxide detector. (1) A group home shall have a functional carbon monoxide detector installed in the basement and on each floor level, except the attic, garage, or storage area of each unit, in accordance with the requirements of s. 101.647, Stats.

(2) A group home in a building with at least 3 units shall have one or more functional carbon monoxide detectors installed in accordance with the requirements of s. 101.149, Stats.

DCF 57.43 Transportation. (1) A licensee shall provide a resident transportation or ensure the resident's access to other private transportation, public transportation, taxis, or rideshares, so

the resident can attend medical appointments; visit family; get to and from school; and engage in social, religious, and cultural activities.

(2) The number of persons transported in a vehicle at any one time may not exceed the passenger limit specified by the vehicle's manufacturer.

(3) (a) Any vehicle operated by a staff member, other employee or contractor, or volunteer that is used to transport a resident shall be in safe operating condition and free of any items that could pose a safety risk to passengers.

(b) At 12-month intervals, the licensee shall have any vehicle owned by the licensee that is used to transport a resident inspected by a qualified auto repair specialist and shall provide the department with evidence of a vehicle's safe operating condition on a form prescribed by the department.

Note: DCF-F-4148-E, *Child Welfare Vehicle Safety Inspection*, is available in the forms section of the department website at <https://dcf.wisconsin.gov/forms>.

(4) (a) A resident may be transported in a private motor vehicle only if the conditions in s. 347.48 (4), Stats., are met.

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

(c) Seat belts may not be shared.

(5) The conditions of this section apply to a resident's child when the resident's child is being transported by a staff member, other employee or contractor, or volunteer.

DCF 57.44 Weapons. No firearms, ammunition, or any other weapons may be on the premises.

DCF 57.45 Pets. (1) Any animal kept on the premises as a pet shall be tolerant of residents and vaccinated in accordance with any state or local law.

(2) If a pet is suspected of being ill or infected, a staff member shall ensure that either of the following is done:

(a) The pet is evaluated by a veterinarian and treated if necessary to ensure the safety of the residents.

(b) The pet is removed from the group home until it is no longer ill or infected.

(3) Pens, cages, litter boxes, and outside areas used by pets shall be kept clean.

(4) Each pet shall be kept and handled in a manner that protects the safety and well-being of each resident and the pet.

SECTION 6. Subchapter VI of ch. DCF 57 is repealed and recreated to read:

Subchapter VI — Licensing and Enforcement

DCF 57.452 Group home location. (1) A person who operates a group home shall be licensed by the department, as required by s. 48.625, Stats., pursuant to this chapter and s. 48.66, Stats.

(2) Each group home location requires a separate license. Only one group home license may be issued for any one location.

DCF 57.454 Other licenses and uses. Upon licensure, a licensee may not do any of the following without written approval by the department:

(1) Perform a service or conduct a business on the premises.

(2) Combine group home activities with any service or business owned or operated by the licensee.

DCF 57.457 Group home capacity limits. The number of residents placed in a group home plus the number of youths receiving respite care in the group home may not exceed 8.

DCF 57.46 Determination of need. (1) NEED DETERMINATION PRIOR TO LICENSE APPLICATION. No person may apply for a license to operate a new group home or for a license amendment that would increase the bed capacity of an existing group home until the department has reviewed the need for the additional placement resources that would be made available by the issuance of a new license or amendment of the current license and has certified in writing that a need exists for the proposed additional placement resources.

(2) **CAPACITY ASSESSMENT.** At least every 2 years, the department shall evaluate group home capacity and issue a statement on whether increased capacity is needed. If additional capacity is needed, the statement shall specify all of the following:

(a) Areas of need, such as certain geographical areas or types of populations.

(b) A deadline for an applicant to submit a request for a determination of need under sub. (3) to the department.

(3) **REQUEST FOR DETERMINATION OF NEED.** An applicant shall submit to the department a request for a determination of need on a form prescribed by the department for the applicant's proposed group home or proposed amendment to increase bed capacity by the deadline specified in sub. (2) (b).

Note: DCF-F-5925, Statement of Interest Application, is available on the department's website, <https://dcf.wisconsin.gov/forms>.

(4) DEPARTMENT DETERMINATION. (a) The administrator of the division of safety and permanence shall appoint a need determination panel to review requests for determination of need received by the department and to make recommendations to the administrator.

(b) The need determination panel may request that an applicant submit additional information that the panel considers necessary to make a recommendation to the administrator and may specify a deadline for receipt of the information. If the additional information is not received by the specified deadline, the need determination panel may consider the request for a need determination to be withdrawn.

(c) Within 45 days after the deadline for requests to be submitted and receipt of any additional information needed to make a decision, the need determination panel shall provide their recommendations to the administrator of the division of safety and permanence.

(d) Within 45 days after receiving the need determination panel's recommendations, the administrator, or their designee, shall send each applicant a written notice stating whether the department has determined there is a need for the applicant's proposed group home or increase in bed capacity. The notice shall state the specific reasons for the determination.

(e) If the department determines that the proposed group home is needed, the notice shall be accompanied by the department's certification of need and an initial licensing application.

(f) If the department determines that the proposed increase in bed capacity is needed in an existing group home, the licensee may submit a request for a license amendment under s. DCF 57.51.

Note: A certification of need does not guarantee that the department will issue a license or that any youth will be placed in a group home.

(5) CONFLICT OF INTEREST. No person who is a current member of the need determination panel may request a determination of need.

(6) APPEAL. (a) An applicant or a party adversely affected by a determination issued under sub. (4) may request an administrative hearing under s. 227.42, Stats., from the division of hearings and appeals by submitting a written request for hearing to that office so that it arrives within 30 days after the date of the notice under sub. (4).

(b) The standard of review for the hearing shall be whether the record contains the quantity and quality of evidence that a reasonable person could accept as adequate to support the decision.

Note: A request for a hearing may be mailed to Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875 or faxed to (608) 264-9885. A copy of the request should be sent to Department of Children and Families, Division of Safety and Permanence, P.O. Box 8916, Madison, WI 53703-8916

DCF 57.465 Corporate licensure. (1) Prior to submitting an application for a license to operate a group home, a corporation shall either be incorporated under the laws of this state or shall have a certificate of authority from the department of financial institutions to do business in the state.

(2) A corporation shall designate an authorized representative who shall have responsibility for the administration of the group home and notify the department in writing of a change in the authorized representative at least 10 days prior to the change.

DCF 57.47 License application. The department may not consider an application complete until all of the following have been completed and submitted to the department:

(1) A completed application form prescribed by the department that is signed by each individual applicant or, if the applicant is an agency or corporation, by an authorized representative.

Note: Form DCF-F-CFS0375- E, Licensing Application – Group Homes, and DCF-F-CFS0358- E, Licensing Application Checklist – Group Homes, are available in the forms section of the department's website at <https://dcf.wisconsin.gov/forms>.

(2) A description of the target population that the group home intends to serve on a form prescribed by the department.

Note: DCF-F-5207-E, Target Groups, is available in the forms section of the department's website at <https://dcf.wisconsin.gov/forms>.

(3) The license fee required under s. 48.625 (2) (a), Stats.

(4) A background information disclosure form and written authorization for the department to make follow-up contact with the Wisconsin department of justice and any other person or organization to determine if there is any reason why the applicant should not be granted a license. A background information disclosure and authorization shall be completed and signed as follows:

(a) If the applicant is one or more individuals, by each individual applicant.

(b) If the applicant is a corporation or agency, by an authorized representative.

(5) Each applicant or authorized representative shall provide documentation that electronic fingerprints were submitted to a background check agency authorized by the department for submission to the national crime information database as required in s. 48.685 (2), Stats.

(6) Inspection reports verifying that the proposed group home's physical structure and electrical, heating, and plumbing systems have been inspected and are in safe operating condition according to applicable industry standards.

(7) Documentation of a good faith effort to establish a community advisory committee as required under s. 48.68 (4), Stats.

Note: DCF-F-CFS0367-E, Community Advisory Committee Documentation, is available in the forms section of the department's website at <https://dcf.wisconsin.gov/forms>.

(8) Proof of insurance required under s. DCF 57.08.

(9) A copy of the group home's policies and procedures required under this chapter.

Note: DCF-F-CFS2378, Policy/Procedure Checklist – Group Homes, is available in the forms section of the department's website at <https://dcf.wisconsin.gov/forms>.

(10) If the applicant for licensure is a corporation, proof of incorporation or authorization to do business in the state, as required under s. DCF 57.465 (1).

(11) A proposed per client rate that each group home will charge for services provided in the current year and a proposed budget with the same cost categories as the department's cost and service report under s. DCF 57.62 (1) (a).

(12) Any other information requested by the department.

57.48 Qualified residential treatment program. (1) APPLICABILITY. This section applies to a person who is issued an initial probationary license under s. 48.69, Stats., on or after the effective date of this subsection [LRB inserts date]

(2) QRTP CERTIFICATION. (a) A licensee shall become certified as a qualified residential treatment program under ch. DCF 61 and s. 48.675, Stats., within 3 years after the issuance of their initial probationary license.

(b) The licensee shall provide status reports to the department quarterly, or as requested by the department, on their progress in obtaining accreditation as specified in s. DCF 61.03 (5).

DCF 57.49 Licensure determination. (1) The department shall deny or refuse to renew a license if the conditions of s. 48.715 (6) or (7), Stats., are met.

(2) Prior to approving a license, a child welfare licensing specialist shall conduct an on-site visit to inspect the facility and premises.

(3) The department may deny a license if any of the following circumstances exists:

(a) The conditions of s. 48.715 (5), Stats., are met.

(b) The applicant failed to submit a complete application or other information requested by the department by the deadline specified by the department.

(c) The applicant failed to pay any fee, forfeiture, or assessment due to a government agency; provided false information to a government agency; or withheld relevant information from a governmental agency.

(d) The applicant, a proposed staff member, or proposed other employee or contractor does not meet the requirements of ch. DCF 12 and s. 48.685, Stats..

(e) The applicant does not meet the minimum requirements for a license established under this chapter.

(f) The applicant has behavior or a mental or physical condition that is a cause for reasonable concern for the safety of the residents.

(g) The applicant does not display the capacity to successfully nurture and care for a resident, has a history of a civil action or criminal conviction or administrative rule violation that is substantially related to the care of a child, exercises unsound judgment, or abuses alcohol or drugs.

(h) Another facility operated by the applicant and licensed by the department or the department of health services is in substantial noncompliance with applicable statutes and rules.

(i) The applicant has had a license for the care of children or vulnerable adults suspended, revoked, or not renewed for a substantive reason within the last 5 years.

(j) The applicant or staff member has engaged in any action that constitutes a substantial failure to protect and promote the health, safety, and welfare of a child.

DCF 57.50 Probationary and regular license. (1) PROBATIONARY LICENSE. The initial license granted to an applicant for a group home license shall be a probationary license valid for a period of 6 months from the date of issuance.

(2) INITIAL REGULAR LICENSE. (a) The department shall conduct an inspection of the premises under s. DCF 57.04 at least 30 days before the date a probationary license expires.

(b) After completion of the inspection of the premises the department may do any of the following:

1. Issue a regular license that is valid and continued for a period of 2 years, unless revoked or suspended sooner.

2. Issue one 6-month extension of the probationary license.

3. Deny issuance of a regular license when the applicant does not satisfy the minimum requirements for licensure under s. 48.67, Stats., or when any ground for revocation under s. DCF 57.55 applies.

(3) CONTINUATION OF A REGULAR LICENSE. (a) If the licensee wishes to continue a regular license, the licensee shall submit to the department the following materials at least 30 days before the end of the 2-year licensure period:

1. A completed application form prescribed by the department that is signed by each individual applicant or, if the applicant is an agency or corporation, by an authorized representative.

Note: Form DCF-F-5013, License Continuation Application – Group Homes, and Form DCF-F-5313-E, Group Home Continuation Application Document Checklist, are available in the forms section of the department website, <https://dcf.wisconsin.gov>.

2. The license fee required under s. 48.625 (2) (a), Stats.
3. A background information disclosure form and authorization that has been completed and signed as follows:
 - a. If the applicant is one or more individuals, by each individual applicant.
 - b. If the applicant is a corporation or agency, by an authorized representative.
4. Proof of insurance required under s. DCF 57.08.
5. A copy of policies and procedures required under this chapter that have been updated or changed.
6. Any other information requested by the department.
 - (b) If the department does not receive a complete application to continue a regular license at least 30 days before the end of each 2-year period, the department shall issue a written warning to the licensee. If the licensee fails to apply for a continuation of the license within 30 days after receipt of the warning, the department may revoke the license under s. DCF 57.55 or take any other action appropriate to protect the health, safety, and welfare of the residents.
 - (c) Prior to continuing the license of the group home, the department shall do all of the following:
 1. Consider all formal complaints filed under s. DCF 57.58 and the disposition of each during the previous 2-year period.
 2. Consider all sanctions and penalties issued under s. 48.715, Stats.
 3. Conduct an on-site visit to inspect the facility and premises.

(d) The department may continue a regular license for an additional 2 years or deny or fail to process the continuation application for a reason specified in s. DCF 57.49 or 57.55.

DCF 57.51 License amendment. (1) A licensee shall submit to the department a request to amend the provisions of a license on a form prescribed by the department. The licensee shall identify the provision that the licensee wants to amend and the reason the provision should be amended.

(2) Prior to submitting an amendment request, a licensee shall make a good faith effort to reconvene its community advisory committee to discuss potential issues or concerns the community may have about the proposed change.

Note: DCF-F-5300-E, Amendment Request, is available in the forms section of the department website, <https://dcf.wisconsin.gov>. Requests for an amendment shall be sent to the licensee's assigned licensing specialist.

DCF 57.52 Nontransferability of license. A license to operate a group home may not be transferred.

DCF 57.53 Posting of license and noncompliance citations. The licensee shall post their current license, including any amendments or exceptions, and any enforcement actions or noncompliance statements, if applicable, in a place in the group home where it can be easily viewed by staff members, residents, and visitors.

DCF 57.54 Sanctions and penalties. (1) The department may impose a sanction or penalty as provided in s. 48.715, Stats.

(2) If requested by the department, a licensee that is cited for noncompliance with this chapter or ch. 48, Stats., shall submit a plan of correction on the form prescribed by the department by the specified date.

Note: Form DCF-F-CFS2544-E, Noncompliance Statement and Correction Plan, is available in the forms section of the department website, <https://dcf.wisconsin.gov>.

DCF 57.55 License revocation. (1) In addition to the reasons for revocation specified under ss. 48.66 (5) and 48.715 (4) and (4m), Stats., the department may revoke a regular or probationary license if any of the following conditions is met:

(a) The licensee, a staff member, or other employee or contractor is not in compliance with the requirements of ch. DCF 12 and s. 48.685, Stats..

(b) The licensee has given false information to, or withheld relevant information from, the department or a placing agency.

(c) The licensee failed to comply with the rate methodology requirements in s. DCF 57.62 (1) and (3).

(d) A licensee who was issued their initial probationary license under s. 48.69, Stats., on or after the effective date of this paragraph [LRB inserts date] is not certified as a qualified residential treatment program as required under s. DCF 57.48 (2) (a).

(e) The licensee failed to operate the group home in accordance with the certification of need issued under s. DCF 57.46, including the identified areas of need established through the capacity assessment.

(2) (a) If the department revokes a license, the department shall notify the licensee in writing of its decision and the reasons for that decision.

(b) The department may use either of the following procedures when revoking a license under this section:

1. The department may issue a written notice to the licensee identifying the grounds for revocation and specifying that the revocation will take effect not less than 30 days after the date

of the written notice. The revocation shall take effect at the end of the notice period only if the violation on which the revocation is based remains substantially uncorrected.

2. The department may revoke a license or probationary license immediately upon providing the licensee written notice of the revocation and the grounds for revocation.

(3) Upon receipt of a notice of revocation, and during any appeal proceedings that may result, the licensee may not admit any resident to the group home or provide respite care without written approval from the department.

Note: See s. DCF 57.17 (5) on discharge of residents.

DCF 57.56 Summary suspension of a license. (1) (a) The department may close a group home by summarily suspending a regular or probationary license if the department believes the action is required to protect the health, safety, and welfare of a resident.

(b) Notice of summary suspension of a license may be written or verbal and shall specify the reason for the department action and the date the action becomes effective.

(2) Within 72 hours after the order in sub. (1), the department shall either permit the reopening of the group home or proceed to revoke the group home's license.

(3) The division of hearings and appeals shall hold a preliminary hearing within 10 working days after the effective date of the order in sub. (1) to determine if the license should remain suspended during revocation proceedings. The division of hearings and appeals shall give written notice of the hearing to the licensee and the department.

DCF 57.57 Appeal procedure. (1) A department decision to deny, refuse to renew, or revoke a license or to issue an order or decision affecting the licensee under s. 48.64 or 48.715, Stats., may be reviewed under ch. 227, Stats.

(2) A request for a hearing shall be in writing and shall be addressed to the 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 department's refusal or failure to issue, renew, or continue a license or the department's action taken under s. 48.715, Stats.

(3) If a revocation is overturned by the division of hearing and appeals and the license to operate a group home did not expire while the appeal was pending, the department shall reinstate the licensee's prior license with the original expiration date.

DCF 57.58 Complaints. Any person having a complaint about a licensed group home or a group home operating without a license may submit a complaint to the department. The department shall investigate each complaint and shall send a written summary of the findings of that investigation to the licensee or illegal operator and to the complainant upon request.

DCF 57.59 Exceptions to rules. (1) The department may grant an exception to a requirement of this chapter if the requirement is not also in statute and the department determines that the exception will not jeopardize the health, safety, or welfare of any resident, child of a resident, or youth receiving respite served by the group home.

(2) A request for an exception shall be made to the department on a form prescribed by the department and shall include a justification for the exception.

Note: Form DCF-F-5023-E, Child Welfare Request for Exception, is available in the forms section of the department website, <https://dcf.wisconsin.gov>. Requests for an exception should be submitted to the licensing specialist.

Note: Form DCF-F-5085, Child Welfare Request for Exception – Age, is a required form when a group home is considering admission of child whose age is not within the parameters of the license. This form is available in the forms section of the department website, <https://dcf.wisconsin.gov>.

SECTION 7. DCF 57.62 (1) (b) and (6) are amended to read:

DCF 57.62 (1) (b) The group home's most recent audit report under s. DCF ~~57.07(1)~~ 57.06
(1) (a).

(6) NONCOMPLIANCE. If a licensee does not submit all information as required under subs. (1) and (3), the department may impose sanctions and penalties under s. DCF ~~57.56~~ 57.54 and s. 48.715, Stats., including license revocation.

SECTION 8. DCF 57 Appendices A to D are repealed.

SECTION 9. 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.