

LICENSING AND OPERATION OF CHILD WELFARE AGENCIES (CHILD PLACING)

PW-CY 40.40 Organization and administration. (1) **PURPOSE.** Each child placing agency shall: (a) Define its purpose and functions broadly in articles of incorporation or in a written constitution and by-laws. The articles of incorporation or the constitution and by-laws shall state in general terms the geographic area to be served, the types of children to be accepted for care, and the services to be provided.

(b) File a copy of the articles of incorporation, if any, or a copy of the constitution and by-laws, and amendments thereto, with the department.

(c) Prior to the establishment of a new agency, or the changing of the basic program of an existing agency, consult with the department.

(d) Submit to the department, prior to the issuance of a license, an application listing specifically the kind of children to be served and details about the services offered. The application form shall be supplied by the department.

(2) **BOARD.** Every agency shall be governed by a board which is responsible for the proper conduct of the agency according to its defined purpose. The board shall: (a) Be accountable to the department for the maintenance of standards as prescribed by these rules.

(b) Meet regularly and keep minutes of each meeting which shall be made a part of the permanent records of the agency.

(c) Select and employ an executive to whom the responsibility for administration of the agency shall be delegated and, when necessary, terminate his employment.

(d) Assume responsibility, jointly with the executive, for formulating the plans and policies of the agency; but neither the governing board, nor committees thereof, shall operate the agency directly.

(e) Keep sufficiently informed through the reports of its executive and committees and through board meetings, to see that the agency fulfills all its functions in the best interests of the children served.

(3) **FINANCING.** Each agency shall: (a) Have a sound plan of financing to assure sufficient funds to enable it to carry out its defined purposes and provide proper care for children.

(b) Have sufficient funds assured to carry it through its first year of operation and be able to furnish evidence to that effect.

(c) Maintain financial records of all receipts, disbursements, assets and liabilities.

(d) Provide for an annual audit of all accounts by an auditor who is not in the employ of the agency nor a member of the board. The report of the audit shall be made a part of the agency records.

(e) Furnish financial records or financial statements to the department upon request.

History: Cr. Register, August, 1957, No. 20, eff. 9-1-57.

Register, August, 1957, No. 20.

PW-CY 40.41 Personnel and personnel practices. (1) PERSONNEL.

(a) *Employees.* All employees shall be persons of good character, good health, emotional stability and of sufficient ability and education to carry out their assigned duties.

(b) *Executive.* There shall be an executive who shall: 1. Be competent to administer the agency according to its stated objectives and have the qualifications of a casework supervisor, if none is employed.

2. Be responsible for administering the policies established by the board.

(c) *Social work staff.* 1. Each agency shall have sufficient social work staff to provide satisfactory services.

2. Supervisors and caseworkers who are employed shall have professional training acquired through graduation and by degree from a recognized school of social work. This shall not apply to persons employed in social work positions in licensed child welfare agencies in Wisconsin at the time these standards become effective.

3. The casework supervisor, if employed, shall possess above average ability in casework practice and have knowledge of and skill in casework supervision. He or she shall have had at least 3 years of supervised experience as a caseworker in a recognized family or child welfare casework agency.

4. Caseworkers shall possess knowledge of casework principles and practices and shall have the ability to apply these in child welfare practice.

5. Persons (case aides) who have a liking for and an interest in working with people may assist the caseworkers with certain functions. Employees in this classification must have qualified supervision. They shall be college graduates. They shall not assume the full responsibilities and duties normally assigned to professionally trained caseworkers.

6. Social work students when placed in an agency shall work under qualified supervision for the purpose of training and experience, but shall not be considered or used as a substitute for employed staff.

(d) *Clerical services.* Every agency shall have adequate clerical services to keep correspondence, records, bookkeeping and files current and in good order.

(2) **PERSONNEL PRACTICES.** (a) Each agency shall have a written statement of personnel practices adopted by the board. This statement shall be available to and made known to each employee at the time of employment.

(b) There shall be for each position or type of position below the executive a salary range equivalent to prevailing rates of pay and commensurate with the duties and responsibilities of the position. This shall be reviewed annually.

(c) Increases in salary within the salary range shall be made in relation to the quality of service.

(d) A personnel record shall be maintained for each employee or staff member.

History: Cr. Register, August, 1957, No. 20, eff. 9-1-57.

PW-CY 40.42 Social services. (1) INTAKE AND SOCIAL STUDY. Each agency shall: (a) Adopt written policies in regard to acceptance of children for placement in foster care.

Register, August, 1957, No. 20.

(b) Secure and record social information to determine that placement of a child in foster care is for the best interest of the child, before making such placement. In the rare instance of emergency, provision shall be made for temporary care until the intake study can be completed and a decision made regarding continuing care.

(c) Accept a child for placement only from a parent or parents, guardian, or a court of competent jurisdiction or, upon a specific written authorization by one of these to place the child, as only these have the right under the law to contract for a child's placement. An exception may be made only in the case of an emergency when the parents or guardian cannot be located. Every effort shall be made to locate promptly the child's natural protectors. If they cannot be located the agency shall not continue to care for a child without legal authority but shall inform the appropriate court immediately.

(d) In cases of joint custody, accept a child from both parents, but not from one parent or guardian alone.

(e) Except for children who are physically or mentally handicapped or emotionally disturbed, place no child under 3 years of age in a child caring institution, unless there is an established plan in operation which assures replacement of the child out of the institution within 30 days.

(f) Except for children who are physically or mentally handicapped or emotionally disturbed, place no child over 3 but under 6 years of age in a child caring institution, unless there is an established plan in operation which assures replacement of the child out of the institution within 3 months.

(g) Prior to the acceptance of a child for placement from his parents or guardian, obtain written authorization and agreement for

1. Care of the child by the agency,
2. Routine and emergency medical and surgical care,
3. Payment for care.

(2) SUPERVISION AND SERVICES TO CHILDREN. The agency shall make provision for continuing social services to the child, to his parents and to the foster parents while the child is in placement.

(3) FOSTER HOME CARE. Each agency shall: (a) Use only those foster homes and child caring institutions which are licensed under the laws of the state of Wisconsin or under the laws of the state in which such foster homes or child caring institutions are located.

(b) After giving due consideration to the emotional and physical needs and religious background of the child and his parents select a foster home or child caring institution wherein the care given will be for the child's best interests.

(c) Place a child in a home which meets the foster home standards as prescribed by the department.

(4) ADOPTIONS. Each agency licensed to make adoptive placements shall follow the standards prescribed by the department in the regulations relating to adoptions.

(5) DISCHARGE FROM CARE. Each agency shall: (a) When care is terminated release a child only to the child's parents or guardians, or to a court of competent jurisdiction, or upon the written authorization of one of these. If a child has been received for care upon court order the child shall not be released to other persons except upon court order.

(b) Provide service to the family and child prior to the return of the child to his parents or relatives. Arrangements shall be made for adequate follow-up service and supervision according to their needs.

(c) Provide the parents or agency receiving the child with pertinent health information and, when indicated, with the name of the physician who has been providing medical care.

History: Cr. Register, August, 1957, No. 20, eff. 9-1-57.

PW-CY 40.43 Program of child care. (1) **EDUCATION.** Full time school attendance is required of all children as specified in the laws of Wisconsin.

(2) **RELIGION.** Each agency shall: (a) Provide children with opportunity for moral and religious education and experience according to the religious belief of the child or his parents.

(b) Have defined policies concerning religious training for the information of those wishing to place children with it.

(c) Except for grave reasons place children in foster homes on the basis of their major religious groupings as, for example, Catholic, Protestant, Jewish.

(3) **HEALTH CARE.** (a) *General health program.* Each agency shall: 1. Take steps so that every child, after a thorough health appraisal, shall be rehabilitated, if indicated, to the fullest extent possible.

2. Follow all state and local health regulations.

3. Obtain from the parent or guardian of every child accepted for care a written authorization for emergency surgical or medical care, for necessary vaccinations and immunizations, for routine medical examinations and for hospitalization, if indicated.

4. Provide for the health care of children accepted for placement taking into consideration the religious affiliations or the expressed wishes of the parents and the child.

(b) *Admission examination.* 1. A complete physical examination covering the items included on form entitled "Health Examinations by Physicians", shall be done within 48 hours prior to the acceptance of a child for placement. In case of an emergency, a child may be accepted for placement with a preliminary examination and health history adequate for the determination of communicable disease or infestation with vermin within 48 hours of placement, but a thorough examination shall then be given within 72 hours after placement.

2. The initial admission examination shall include: a. health history of the child: developmental history; previous illnesses, injuries and operations; previous immunizations; social, emotional and environmental history.

b. Health history of the child's family including social, mental or emotional problems.

c. A thorough physical examination covering items included on form entitled "Health Examinations by Physicians". Tests for visual and auditory acuity shall be made when the age and development of the child permits. Psychological and psychiatric evaluation shall be made, if indicated.

d. The following tests unless the results of similar tests performed within 6 months prior to acceptance for placement can be obtained: blood tests for syphilis; when reasonably practical stool examination

for parasites and cultures for bacteria; tuberculin test, and chest x-ray if indicated.

3. The physician making the examination shall report his results in writing and in enough detail to show: a. The child's physical condition and state of development.

b. Freedom from or presence of communicable disease.

c. The child's ability to take part in group activities or a schedule of permitted activities when these need to be limited.

d. Recommendations and orders for future care and examinations.

(c) *Immunizations.* Each child taken under care shall be or shall have been vaccinated for smallpox and immunized against diphtheria and tetanus. Each child under 5 years of age shall be or shall have been immunized against whooping cough. Each child under care shall be or shall have been protected against polio. Initial immunizations and booster injections shall be carried out as recommended by the state board of health.

(d) *Medical examinations.* Each agency shall provide for each child, annually, a complete health examination covering items included on form entitled "Health Examinations by Physicians".

(e) *Medical care.* Each agency, or others responsible, shall make provisions for prompt treatment in case of illness and for carrying out corrective measures and treatment of remediable defects or deformities. Agencies shall make every effort to provide and secure funds and services to pay for medical, nursing and hospital care, for the correction and treatment of remedial defects or deformities. They shall not, however, be held financially responsible for expensive medical and dental care if parents or courts refuse to pay. Psychiatric treatment of emotional disturbances shall be provided when resources are available.

(f) *Dental care.* 1. Each agency shall make provision for adequate dental examinations and re-examinations and treatment, including necessary prophylaxis, repair and extractions.

2. Each child under care shall have a thorough dental examination as soon as practical after acceptance for placement and at least once a year thereafter.

3. At the time of discharge the child's current dental record shall be made available to the parent or the agency responsible for planning for the future dental care of the child.

(g) *Hospitalization.* 1. Each agency shall make provision and establish procedures for hospitalization of the children under care.

2. At the time of acceptance for placement a blanket authorization for the provision of medical and surgical care and hospitalization, and for immunizations, shall be secured from the parents or guardian.

(h) *Special care.* The agency shall inform foster parents of the expected precautions to be taken by them in the handling of medicines and prescriptions so that treatment or medication shall be given only upon the order of a physician, except for first aid treatment in case of an accident.

(i) *Medical records.* A separate health record shall be maintained for each child which includes the items on form entitled "Health Examinations by Physicians". The following items shall be included in the child's health record:

1. Signed authorization for regular and emergency medical and surgical care or for immunizations or hospitalization, if indicated.

2. Report of admission physical examination and recommendations, including the previous and continuing health and medical history of the child.

3. Reports of periodic re-examinations and recommendations.

4. Record of dental examinations showing dates and by whom given.

(j) *Clothing.* 1. The agency shall furnish adequate clothing for each child under care. Shoes shall be fitted to the individual child. Children shall be treated as individuals in the selection of clothing.

2. Clothing shall be suited to the existing climatic and seasonal conditions, be of proper size, of the character usually worn by children in the area, and adequate in amount to permit cleaning and repair.

(k) *Reports.* The death or serious injury of any child under care shall be reported to the department within 48 hours.

History: Cr. Register, August, 1957, No. 20, eff. 9-1-57.

PW-CY 40.44 Records and reports. (1) **GENERAL REQUIREMENTS.** Each agency shall maintain records and submit reports prescribed by the department. Authorized representatives of the department shall have access to all records and shall respect their confidential nature in accordance with section 48.78, Wis. Stats.

(2) **RECORDS.** Records which every agency shall maintain are:

(a) A permanent register of all children accepted for service or placement.

(b) Individual case records for each child served and his family.

(c) Individual foster home records for each foster home used by the agency.

(d) Health records of children.

(e) Personnel records.

(f) Financial reports and audits.

(3) **REPORTS.** Reports which each agency shall submit to the department are:

(a) Quarterly statistical report (form CY16).

(b) Social data card for each child accepted for care (form CY22).

(c) Social data change sheet for each child when need for this is indicated (form CY22a).

(d) Stubs of foster home licenses when issued by the agency.

(e) Reports of offer of service to unmarried mothers, if indicated (form CY17a).

(f) Each agency shall make a report to the department within 48 hours after the occurrence of an unusual incident, such as the death or serious injury of a child, or his alleged abuse or exploitation.

(g) Financial records or financial statements upon request.

History: Cr. Register, August, 1957, No. 20, eff. 9-1-57.

Next page is numbered 96m

PW-CY 40.60 Services to the child and his own family. The agency shall: (1) Offer casework service to the family in order to understand its problems, determine strengths of family ties, and evaluate its needs.

- (2) Identify and weigh plans alternative to foster home placement.
- (3) Refer the family to appropriate resources if this is indicated.
- (4) Help parents and child understand and accept the separation if this becomes necessary.
- (5) Through knowledge of the child, his personality, behavior, capacities, likes and dislikes, select a foster home appropriate to the child's needs.
- (6) Place no more than 2 children under 2 years of age in one foster home.
- (7) Obtain authorization to place children through court order or through contract with the parents or guardian (section 48.61 (1) and (2), Wis. Stats.). All such contracts shall be written.
- (8) See to it that the child has a physical examination upon placement.
- (9) Plan for continuing casework service with the child's own family during the period of separation.

History: Cr. Register, April, 1957, No. 16, Eff. 5-1-57.

PW-CY 40.61 Services to foster family; casework service. The agency shall: (1) Help all the members of the foster family to understand the nature of foster care and their relationship to a child.

- (2) Examine and explore the reasons for the foster family's interest in providing care.
- (3) Determine whether the family can accept the temporary nature of foster boarding care if placement is temporary.
- (4) Help the foster family recognize its capacities and limitations in meeting the needs of particular children.
- (5) Provide information to the foster family in order to enable the family and agency to work together in the interest of the child's adjustment.

History: Cr. Register, April, 1957, No. 16, Eff. 5-1-57.

PW-CY 40.62 Requirements for licensing. (1) THE FOSTER FAMILY. The foster family shall: (a) Closely resemble a normal family group.

- (b) Have maturity, good health, a capacity to love children and accept them as members of the family, and help effect their acceptance in the community.
- (c) Have ability to accept children for what they are and provide for their growth and development as individuals.
- (d) Provide moral and spiritual guidance, a happy and stable home.
- (e) Provide a nutritious and well balanced diet of sufficient quantity.
- (f) Have income adequate to meet its needs.
- (g) Agree to report to the agency immediately illness and injuries of the child, changes of address, disappearance or planned absence of the child, behavior problems of the child in home, school, and community.

Register, April, 1957, No. 16

- (h) Have a competent person in charge of the child at all times.
- (i) Agree to take into care no other children without permission of the licensing agency.
- (j) Agree to the removal of the foster child upon the request of the agency.

(2) **THE FOSTER HOME.** The foster home shall: (a) Be located in a community conducive to the emotional and physical wellbeing of children.

- (b) Have adequate space for indoor and outdoor play.
- (c) Comply with applicable state and local fire, sanitary, and safety regulations and meet approved standards for housekeeping.
- (d) Provide an individual bed for each child in an adequately heated and ventilated room. (Exception may be made for siblings.)
- (e) Provide a sleeping room so located that the child is assured of an adequate number of uninterrupted hours for sleep.
- (f) Arrange that a responsible adult sleep within call.

History: Cr. Register, April, 1957, No. 16, Eff. 5-1-57.

PW-CY 40.63 Services to the child and the foster family. The agency shall: (1) See to it that the foster parents' ability and interest in providing care are compatible with the child's needs.

- (2) Help the foster family understand the child and meet his needs.
- (3) Interpret the reason for separation of the child from his own family and help the foster family understand and accept the realities of the child's own family situation.
- (4) Periodically evaluate to see how adequately the foster parents are meeting the needs of the child during the period of placement.
- (5) Give casework service to the child in order to help in his adjustment and to help modify attitudes and behavior when indicated.
- (6) Make certain that the child's educational needs are met in compliance with the laws of the state.
- (7) Enlist the cooperation of community resources in order to further the child's total adjustment.
- (8) Help the foster family understand the child and his individual needs and help modify the handling of the child when indicated.
- (9) In the best interests of the child, continue to give casework services to the child's own family during the period of placement (unless there has been a termination of parental rights).
- (10) See to it that the child has an annual medical and dental examination, necessary follow-up consistent with accepted pediatric standards, and adequate medical care including hospitalization.
- (11) Help the foster parents and the child understand the reason for removal of the child if re-placement becomes necessary.
- (12) Help the foster parents, own parents, and child in preparing the child for return to his own home (unless there has been a termination of parental rights).

History: Cr. Register, April, 1957, No. 16, Eff. 5-1-57.

PW-CY 40.64 Family group and family receiving homes. (1) **THE FOSTER FAMILY.** The foster family shall: (a) Have special qualities and capacities for meeting the needs of children in a group setting.

Register, April, 1957, No. 16

(b) Together with other adults working with the children, have a physical examination prior to licensing and annually thereafter or more frequently if indicated, with the objective of determining their capacity to provide satisfactory care.

(c) Comply with the applicable state and local fire, safety, and sanitary regulations and meet approved standards of housekeeping.

(d) Have adequate room for indoor recreation and outdoor play space.

(2) THE AGENCY. The agency shall assign to the group and receiving home a worker whose responsibility it shall be to coordinate all home-agency relations, both counselling and administrative.

History: Cr. Register, April, 1957, No. 16, Eff. 5-1-57.

Next page is numbered 97