

Filed July 25, 1957  
10 am

CY 40.40

ORDER OF THE STATE DEPARTMENT OF PUBLIC WELFARE  
ADOPTING, AMENDING OR REPEALING RULES

Pursuant to authority vested in the Director of the State Department of Public Welfare by Sec. 46.014 (3), Wis. Stats., the Director hereby repeals, amends and adopts rules as follows:

Sections FW-CY 40.40 through FW-CY 40.44 of the Wisconsin Administrative Code are adopted to read:

I hereby certify that the foregoing rules are a full, true and correct copy of the rules adopted.

The rules, amendments, and repeals contained herein shall take effect on September 1, 1957, pursuant to authority granted by Sec. 227.026 (1).

STATE DEPARTMENT OF PUBLIC WELFARE

  
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Director

Dated: JUL 25 1957

(Seal)

M E M O R A N D U M

TO: Miss Dorothy Heil  
Office of Revisor of Statutes

FROM: Miss Margaret McDowell  
Division for Children and Youth

RE: Licensing and Operation of Child  
Welfare Agencies (child placing)

DATE: 8-8-57

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Please see pp. 96d and 96e, FW-CY 40.43 (3) (b) 2d

I would suggest that d be punctuated as follows:

" The following tests unless the results of similar tests performed within six 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. "

MM:mjt

ADMINISTRATIVE RULES  
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

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.

FW-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.

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 SEC. 48.78, 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) SPECIAL REPORTS. 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.