

and comfortable mattress with waterproof covering when necessary, and provided with suitable bedding adequate for the season.

(b) No foster child one year of age or older shall be permitted to share a bedroom with one or both foster parents.

(c) No child 6 years of age or older shall be permitted to share a bedroom with a child of the opposite sex.

(d) There shall be at least 35 square feet of floor space for each child occupying a bedroom.

(e) Foster children shall not be permitted to sleep in any building apartment or other structure which is separate from the family home; nor shall any child be permitted to sleep in an unfinished attic, in a unfinished basement, or in a hall or any other room which is normally used for other than sleeping purposes.

Note: "A basement is a story whose floorline is below grade at any entrance or exit and whose ceiling is not more than 5 feet above grade at any such entrance or exit." s. Ind 51.13 Wis. Adm. Code.

(f) Foster children under the age of 7 years shall not be permitted to sleep in finished basement bedrooms or in bedrooms above the second floor of a single family dwelling.

(g) Foster children 7 years or older shall not be permitted to sleep in finished basement bedrooms or in bedrooms above the floor of a single family dwelling unless suitable provision has been made for heating, ventilation and humidity control, and all exits from such bedrooms have been approved in writing by fire safety officials acceptable to the licensing agency.

(h) At night a responsible adult shall sleep within call of foster children.

(3) STORAGE FACILITIES. Foster parents shall provide sufficient drawer and closet space to accommodate each child's clothing, toys and other belongings.

(4) RECREATION AND PLAY SPACE. The home shall have space for indoor play and access to outdoor play space. Outdoor play space shall be fenced when, in the judgment of the licensing agency or the department, nearby street traffic, railroad tracks, lake, river or other potential hazards suggest the necessity for such protection.

History: Cr. Register, April, 1957, No. 16, eff. 5-1-57; r. and recr. Register, June, 1970, No. 174, eff. 1-1-71.

PW-CY 40.63 Care of children. (1) SUPERVISION OF CHILDREN. (a) The care of foster children is a demanding responsibility. It shall not be combined with regular part-time care of other children, with the care of non-related aged individuals, or with any other service or business conducted in the home without the written approval of the licensing agency. Such approval shall be dependent upon the presentation of satisfactory evidence that such undertaking will not be likely to interfere with the quality or manner of care provided foster children.

(b) Both foster parents shall not be regularly employed outside the home without written approval of the licensing agency. When there is only one foster parent, that parent shall not be employed outside the

home without written approval of the licensing agency. In either case, the approval shall be dependent upon presentation of satisfactory evidence that suitable plans will be made for the care of children during the absence of the foster parent or parents from the home.

(c) Children under the age of 7 years shall not be left in the home without supervision by a responsible person.

(d) Children 7 years and older shall receive responsible supervision appropriate to their age and maturity as might reasonably be provided by a prudent parent in the case of that parent's own children.

(2) **DISCIPLINE.** (a) Child training and discipline shall be handled with kindness and understanding.

(b) No child in care shall be subjected to verbal abuse, derogatory remarks about himself or members of his family, or to threats to expel the child from the foster home.

(c) No child in care shall be subjected to unusual, severe or cruel punishment.

(d) No child shall be permitted to discipline any other child in care.

(e) No child in care shall be deprived of meals, mail or family visits as a method of discipline.

(3) **WORK PERFORMED BY CHILDREN.** Children in care shall have opportunities to assume responsibility for household duties or chores appropriate to their age, sex, health, and ability. Such duties shall not be assigned as punishment, or interfere with school, sleep, recreation or study.

(4) **EDUCATION.** Foster parents shall make every reasonable effort to see that children of school age in their care attend school regularly unless otherwise excused by school officials.

(5) **MORAL AND RELIGIOUS TRAINING.** Foster parents shall provide for the moral training of children in care and shall make opportunities available to each child in care for religious education and attendance at services compatible with his religious heritage.

(6) **NUTRITION.** Food shall be provided to children in care in sufficient quantities and varieties, and shall provide for essential nutritional and dietary needs.

(7) **CLOTHING.** Foster parents shall see that funds provided by parents or agency for the purchase of clothing are used in such a way that children in their care are comfortably and appropriately clothed within the limits of funds provided, and that children's clothing is kept in a state of suitable repair and cleanliness.

(8) **INFANTS.** Foster parents shall not provide care for more than 2 foster children at one time who are under 2 years of age.

(9) **RESPONSIBILITY OF THE FOSTER PARENTS TO THE LICENSING AGENCY.**

(a) Foster parents shall be responsible for seeing that they accept children for care only in conformity with the conditions relating to number, sex, age or other limitations specified on the license.

(b) Foster parents shall notify the licensing agency within 4 days after the acceptance of a child into their home from a source other than the licensing agency.

(10) RESPONSIBILITY OF FOSTER PARENTS TO CHILD'S LEGAL CUSTODIAN.

(a) Foster parents shall keep the legal custodian informed of the child's progress while in their care. They shall consult with the legal custodian regarding care, training and plans for the child whenever more than the day-to-day routine is involved.

(b) Foster parents shall consult with the legal custodian before taking or allowing the child to go on vacation trips or visits to the child's relatives.

(c) Foster parents shall notify the legal custodian as soon as possible of emergencies involving the foster child. This includes serious illness or injury requiring medical treatment, unauthorized absence from the home, or other situations of which prudence suggests the legal custodian be notified. This requirement in no way relieves foster parents from first taking action such as obtaining emergency medical treatment for the child before notifying his legal custodian.

(d) Foster parents shall allow the legal custodian a minimum of 30 days in which to make suitable plans for the child when the foster parents have requested the child's removal from their home.

(e) Foster parents shall secure the approval of the child's legal custodian before making plans for the care of the child by other persons for any period in excess of 48 hours.

(f) No child in care shall be permitted to use or be known by the foster parents' surname unless the child's parents or guardian give their consent in writing, or the child's name is changed under s. 296.36, Stats.

(g) Foster parents shall cooperate with the child's legal custodian in seeing that an appropriate relationship is maintained between the child and his relatives.

(h) Foster parents shall maintain in confidence all information detrimental to children in their care.

(11) RECORDS TO BE MAINTAINED BY FOSTER PARENTS. (a) Foster parents shall maintain during the time a child is in their care, a record on forms provided by the department. Such records shall contain the following information:

1. Child's name, or alias by which he is known.
2. Child's birthdate.
3. Name of the person or agency to be notified in an emergency.
4. Date child received for care.
5. Person or agency placing the child.
6. Name of physician to be called in an emergency.

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7. Medical information about the child while in their care such as medical examinations and immunizations, illnesses and accidents, including dates of each.

8. Name of dentist and dates child seen.

9. Name of school and grades attended.

b. At the request of the licensing agency or the department, foster parents shall make available for inspection such records of children received by them for care.

History: Cr. Register, April, 1957, No. 16, eff. 5-1-57; r. and recr. Register, June, 1970, No. 174, eff. 1-1-71; am. (1) (b) and (d), Register, September, 1981, No. 309, eff. 10-1-81.

PW-CY 40.64 Supplemental payments for special needs and initial clothing allowances for children in foster homes. (1) PURPOSE. The purpose of this rule is to implement payment for special needs and initial clothing allowances for children in foster care in accordance with s. 49.19 (12), Stats.

(2) **DEFINITIONS.** (a) "Department" means the department of health and social services.

(b) "County agency" means a county department of social services or public welfare providing services under s. 48.56, Stats.

(c) "Foster home means" 1. a facility that is licensed under s. 48.62 (1), Stats. and has one or more foster children in care who are the responsibility of the department pursuant to s. 48.48, Stats. or a county agency under s. 48.56, Stats. 2. a facility licensed under s. 48.62 (2), Stats.

(3) **COVERAGE.** All foster home payments made directly to a foster home by a county department of social services or the department for the care and maintenance of a foster child shall be subject to the basic maintenance rates established by s. 49.19 (12), Stats. and supplemental payment and initial clothing allowance schedules established by the department.

(4) **SUPPLEMENTAL PAYMENTS.** (a) Supplemental payments may be made in addition to the age related rates specified in s. 49.19 (12), Stats. in an amount to be determined by the department for a foster child who requires more than the usual amount of care and supervision for the child's age because of special emotional, behavioral, or physical-personal needs.

(b) An assessment of each foster child shall be made within 30 days of placement in a foster home and not less often than 6 months intervals thereafter while the child remains in foster care to determine if the child has special needs which require a supplemental payment. The assessment of the foster child's special emotional, behavioral or physical-personal needs shall be made by comparing the child's characteristics to the schedule of difficulty of care levels described in sub. (5).

(c) If the foster child does not exhibit characteristics commensurate with levels B, C, and D of emotional, behavioral or physical-personal, no supplemental payment may be made. If the foster child exhibits characteristics commensurate with level B, C, or D in one or more of the emo-

tional, behavioral or physical-personal special need categories, a supplemental payment in an amount to be determined by the department shall be paid.

(d) Documentation of the characteristics of any selected level of care shall be contained in the child's case record.

(5) SCHEDULE OF DIFFICULTY OF CARE LEVELS. (a) *Emotional*. 1. Level A, Not Applicable. These children do not exhibit unusual emotional characteristics for foster children in their age group.

2. Level B, Minimal. (Child must exhibit at least 2 characteristics which include or correspond in extent or degree with the following): These children demand excessive attention from others, they are nervous, high strung, impulsive, and they display temper tantrums. They