

HEALTH AND SOCIAL SERVICES

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(c) *Insurance.* 1. All licensees shall carry sufficient forms and amounts of available insurance to insure the liability risks of the facility in the provision of services and to give reasonable protection to its assets.

2. All licensees shall be responsible for providing liability insurance for all situations in which children are transported by the licensee or its agents.

(d) *Corporation operated shelter facilities.* 1. Incorporation. a. Any body of persons wishing to operate a corporation operated shelter care facility or series of shelter care facilities shall be incorporated in accordance with the laws of the state of Wisconsin.

b. Any corporation which is incorporated outside of Wisconsin shall secure authorization from the secretary of state to do business in Wisconsin.

2. Board of directors. a. Each corporation shall be governed by a board of directors which is responsible for the operation of the corporation according to its defined purpose.

b. No member of this board shall be an employe of the corporation or the spouse of an employe, unless the corporation is a non-profit, non-stock corporation incorporated in Wisconsin for the sole purpose of operating one shelter care facility.

3. The board shall:

a. Establish written procedures for operation of the facility under the direction of the juvenile court judge and the superintendent of shelter care of the county in which the facility is located, or the committee of judges when 2 or more counties cooperated to provide shelter care.

b. Exercise trusteeship for property, investments, and protection from liability.

c. Approve the budget and be responsible for obtaining and disbursing funds.

d. Designate an executive and delegate to the executive responsibility for the administration of all shelter care facilities operated by the corporation.

e. Establish a plan for maintaining a continuing relationship with the community in which the facility is located for the purpose of promoting a better understanding and acceptance of the shelter care facility.

f. The board shall contain 2 seats for persons 17 years of age or younger who may vote on all issues relating to the care of children in shelter care.

4. Financial arrangements. a. The board with the executive shall be responsible for the secure and judicious use of funds for shelter care. Policies and practices shall be in accord with sound budgeting, disbursement and audit control procedures.

b. Each corporation shall have a sound written plan of financing to assure sufficient funds to enable it to carry out its defined purposes and to provide proper care.

c. The corporation shall maintain a system of business management and staffing to assure maintenance of complete and accurate accounts, books and records.

d. Upon request, the corporation shall provide the department with a confidential balance sheet and financial records or financial statements.

5. Operation of multiple facilities. a. Corporations which apply for licenses to operate more than one facility shall provide in addition to the information required for licensing individual facilities, any information specified by the department which demonstrates the ability of the corporation to operate multiple facilities.

b. The department may deny licensure for one or more facilities operated by a corporation or may sanction any one or more facilities, or, for cause, may sanction or deny licensure to the corporation as a whole.

(e) Individually operated facilities. An individual or individuals applying for a license to operate a private shelter care facility shall include with their application a proposed budget for the facility, indicating expected sources of income and projects costs.

(3) RESPONSIBILITY TO SUPERINTENDENT OF SHELTER CARE. (a) Each county with a shelter care facility shall have a superintendent.

(b) The unit supervisor of any private or public shelter care facility and the executive of any corporation operated shelter care facility shall be responsible to the superintendent of shelter care for implementing the policies established by the juvenile court judge pursuant to s. 48.22, Stats.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78; renun. from PW-CY 45.02 and am. (3) (b), Register, December, 1982, No. 324, eff. 1-1-83.

HSS 59.04 Personnel. (1) QUALIFICATIONS OF SHELTER CARE WORKERS AND RELIEF HELP. (a) *Personal qualifications.* Shelter care workers and relief help shall be responsible, mature individuals of reputable character who exercise sound judgment and display the capacity to provide good care for children.

(b) *Health.* 1. All shelter care workers, relief help, and any individuals residing in the facility shall be in physical and mental health that will not adversely affect the health of children or the quality and manner of their care.

2. If there is reason to believe that the physical or mental health of any shelter care worker, relief help, or any other individual residing in the facility might endanger children in care, the department may require that such individual authorize the submitting of a written statement for a licensed physician and, if required, a psychiatrist or clinical psychologist. The written statement shall certify the conditions of the individual and the possible effect on the facility's environment and children.

3. At the time of first application for license or employment and not less than every 2 years thereafter, shelter care workers shall receive a health examination covering the areas included on the department prescribed form.

(c) *Education and training.* 1. Shelter care workers shall either:

- a. Have had one or more years of experience as foster parents, institutional houseparents, or other relevant child care experience, or
- b. Have successfully completed not less than 24 hours of relevant training in accordance with plan formulated by the applicant or licensee and approved by the department, or
- c. Agree to complete such training as specified in preceding subdiv. 1.

2. Shelter care workers shall participate in ongoing in-service training of at least 15 hours a year in accordance with a plan formulated by the licensee and approved by the department.

(d) *First aid training.* 1. Each shelter care worker shall either:

- a. Have successfully completed a course in first aid training acceptable to the department, or
- b. Take the next such available local course in first aid.

2. Each shelter care worker shall update his or her knowledge about first aid by successfully completing a first aid course acceptable to the department at least once in each consecutive 3 year period.

(2) **VOLUNTEERS.** (a) If volunteers are used, the licensee shall assign an appropriate staff member to:

1. Develop a plan for screening and orientation and use of volunteers and
2. Supervise and evaluate volunteers.

(b) Volunteers who are in regular contact with children in shelter care more than 10 hours per week shall meet the health requirements for shelter care workers.

(3) **UNIT SUPERVISORS.** (a) In family and small group shelter care facilities the unit supervisor shall meet the requirements for shelter care workers.

(b) In large group shelter care facilities, the unit supervisor shall meet the requirements for shelter care workers, and in addition shall:

1. Have at least 3 years experience as a foster parent, institutional houseparent, or other relevant child care experience.
2. Have at least 2 years experience in an administrative or supervisory capacity.
3. During the first year as unit supervisor demonstrate the ability to satisfactorily manage the facility.

(4) **OTHER PERSONNEL.** In addition to shelter care workers, relief help, and volunteers, unit supervisors may employ other staff such as cooks, janitors, launderers, housekeepers, etc. as needed, to carry out daily housekeeping functions.

(5) **STAFFING PATTERNS.** (a) *Family care staffing and shift staffing.* 1. The licensee shall not schedule relief help or volunteers to serve the purpose of replacing shelter care workers as the usual and primary providers

of care and supervision of the children in the shelter care facility. In small and large group shelter care facilities, at the request of the department, the licensees shall make available scheduling and time records of all shelter care workers, relief help and volunteers.

2. There shall be at least 2 shelter care workers for each shelter care facility.

3. There shall be a written and workable plan for contacting another shelter care worker, relief help individual or other responsible adult when emergencies occur at a time when only one shelter care worker or relief help individual is in the facility.

(b) *Family care staffing only.* 1. One of the shelter care workers shall not have responsibilities unrelated to the shelter care facility program in excess of 10 hours per week. The second shelter care worker may have responsibilities away from the shelter care facility for more than 10 hours per week, but shall be otherwise available and make constructive contributions to the facility program.

2. The number of children shelter care workers may receive for care plus the number of shelter care workers' own children who live in the household shall not exceed a combined total of 10.

(6) PERSONNEL POLICIES IN SMALL AND LARGE GROUP SHELTER CARE FACILITIES. (a) *Shelter care workers and relief help employed more than 10 hours per week.* 1. There shall be written statements of personnel practices and policies to be provided by the licensee to personnel employed as shelter care workers and relief help regularly employed for more than 10 hours per week. Statements of personnel practices and policies shall be made known to such employes at the time of employment and shall include but not to be limited to the following:

a. Salary provisions (beginning salary, merit increases and amount).

b. Fringe benefits (vacation, holidays, sick leave, overtime, leaves of absence, retirement plan, insurance coverage).

c. Probationary period.

d. Staffing pattern.

e. Definition of duties.

f. Evaluation standards.

g. Additional employment and voluntary activities.

h. Living arrangements.

i. Chain of command.

j. Grievance procedures.

k. Termination procedures.

2. Employes shall be notified promptly of any changes in personnel practices.

3. A personnel file shall be maintained by the licensee on each such employe.

- a. Each personnel file shall contain:
- i. Name and address.
 - ii. Date of birth.
 - iii. A statement of the employe's qualifications (training experience, education).
 - iv. Reference reports.
 - v. Duties, terms of employment and immediate supervisor.
 - vi. Health record.
 - vii. Training records.
 - viii. Annual and termination evaluations.

b. Reference reports shall include:

- i. Character references from at least 2 people and any references from previous employers.
- ii. Documentation of references either by letter or verifications in the record of verbal contact giving dates, individuals making contact and individuals contacted and the content.

c. Any personnel file shall be made available upon request to the department and the employe named in the file.

(b) *Relief help employed 10 or less hours per week and volunteers.* A record shall be maintained on all other relief help and volunteers and be made available upon request to the department. This record shall include:

1. Name and address.
2. Age.
3. Health record, as applicable.
4. Dates and hours employed or volunteered.
5. Training records.

(c) A written job description for each employe shall be maintained.

(d) A plan for program orientation of new employers shall be provided and implemented.

(7) **DISCRIMINATION.** The shelter care facility shall be in compliance with ss. 111.31 through 111.37, Stats., Title VI of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78; renun. from PW-CY 45.03, Register, December, 1982, No. 324, eff. 1-1-83.

HSS 59.05 Child care. (1) ADMISSION TO SHELTER CARE. Children shall not be received into shelter care unless they have been found eligible for placement by the juvenile court judge or intake worker designated by the judge.

(2) **AGE OF CHILDREN IN SHELTER CARE.** No child under 10 may be kept in a shelter care facility unless written approval is given by the department within 48 hours after admission excluding weekends and holidays. Children under age 10 shall not be kept in shelter care for more than 7 days per episode.

(3) **TIME LIMITS.** A shelter care facility shall keep children in residence no longer than 30 days per episode except:

(a) An extension for an additional 15 days may be made upon written approval of the superintendent of shelter care for the county in which the facility is located; and

(b) A second extension of 15 more days may be made upon written approval from the department.

(c) The request for each extension must be made prior to the expiration of the prior approved time, and should include an explanation for the need of extended care.

(4) **SUPERVISION OF CHILDREN IN SHELTER CARE.** (a) The unit supervisor of each facility shall prepare a written plan for staff care coverage, taking into account the needs of the children to be admitted into shelter care, and demonstrating the methods by which adequate supervision will be insured.

(b) Children in shelter care shall not be left without supervision by a shelter care worker or by relief help.

(c) The care of children in shelter care shall not be combined with any other service or business conducted in the facility without the written approval of the department.

(d) When no children are in residence for shelter care, a shelter care worker must be on call and available to come immediately to the facility when a child is admitted into care. A facility shall be able to receive children into care 24 hours a day, 7 days a week.

(e) The ratio of child care staff to children in care shall be dependent on number and the needs of the children, but there shall be at least 2 child care staff members or persons properly substituting for them on duty in the facility at any time when there are 9 or more children present during waking hours, and 3 staff members present when 17 or more children are present during waking hours.

(f) During sleeping hours there shall always be one staff person within hearing or call of all children in care. When 9 or more children in care are present, 2 staff members must be on duty and make hourly observations of the areas in which children are sleeping.

(g) When children of both sexes are present in large group shelter care facilities, there shall be both male and female staff members on duty in the facility.

(5) **DISCIPLINE.** (a) Discipline shall be for the purpose of helping the child and shall be handled with kindness and understanding.

(b) No child in care shall be subjected to corporal, unusual, or severe punishment, or to punishment by deprivation of meals.