

Chapter PW-CY 40

CHILDREN AND YOUTH

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40.57 Records and reports

PW-CY 40.01 Definitions. (1) **DAY CARE CENTER** means a facility where a person or persons provide, for compensation and/or consideration for service, group care for 4 or more children under 7 years of age, for less than 24 hours a day.

(2) **DEPARTMENT** means the Wisconsin State Department of Public Welfare.

(3) **DIVISION** means the Wisconsin State Division for Children and Youth.

History: 1-2-56; am. Register, June, 1956, No. 6, eff. 7-1-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

PW-CY 40.02 Licensing. (1) **LICENSE REQUIREMENTS.** Day care centers providing group care for 4 or more children under 7 years of age and operating for compensation and/or consideration for services must be licensed.

(2) **LICENSE PROCEDURES.** (a) A non-transferable license shall be secured annually from the department, upon appropriate application and compliance with these rules and standards. This license shall be prominently displayed at the center.

(b) Each license shall bear the name of the center, the name of the person licensed and a description of the premises.

(c) The number of children specified on the license is the maximum number to be received or to be cared for at one time.

(d) There is no fee charged for the license.

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(3) **TYPES OF DAY CARE CENTER LICENSES.** The type of license issued indicates the professional training of the staff and the adult-child ratio. (a) Nursery school is a center which has at least one teacher certified by the department of public instruction, and has one nursery school teacher for every 25 children.

(b) Nursery center is a center which meets the rules and standards for a day care center but does not have the minimum of certified teachers per group of children.

(4) **LICENSING EXEMPTIONS.** No license is required for a person or persons who provide: (a) Care for children in the child's own home and/or in the homes of relatives or guardians.

(b) Care in centers conducted by public and parochial schools.

(c) Care given to children on church premises while their parents are attending religious services.

(5) **APPLICATION FOR LICENSE.** An application for a license, which shall be made in writing to the department, shall include: (a) A statement from the state industrial commission or local building inspector showing approval of the premises for the use intended.

(b) A statement of the purpose of the day care center.

(c) A description of the program and activities designed to carry out the purposes.

(d) A floor plan of all of the rooms and outdoor play area.

(e) A completed application form.

(6) **RENEWAL OF LICENSE.** Application for a renewal of a license shall be made:

(a) Each year in writing to the department on specified forms.

(b) Whenever there is a change in the conditions described on the last license issued.

(7) **EVALUATION.** (a) A representative of the department shall visit and study each day care center before the initial licensing and each subsequent renewal. The representative shall submit to the department a written evaluation indicating whether the required rules and standards have been met. He may visit any time to assure continued compliance.

(b) Each center shall have the continued supervision and consultation of the department and shall submit required reports.

(c) The department at its discretion shall have the authority to make exceptions to any rule or standard when it is assured that the granting of such an exception will not be detrimental to the children attending the center.

(8) **PROVISIONAL LICENSES.** A provisional license may be issued and renewed in 6 month periods up to 2 years to any center whose services are needed, but is temporarily unable to conform to all established minimum requirements.

(9) **REVOCAION OF LICENSE.** (a) The right to operate is dependent upon continued compliance with required rules and standards.

(b) The license may be revoked in accordance with subsections 48.71 (1) and (2), Wis. Stats., and with Wis. Adm. Code section PW-CY 40.02 dealing with license procedures.

**LICENSING AND OPERATION OF CHILD
WELFARE AGENCIES
(Child Caring Institutions)**

PW-CY 40.50 Organization and administration. (1) **PURPOSE.** (a) Except as provided in subsection (b) every child caring institution shall: 1. 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;

2. 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;

3. Prior to the establishment of a new institution, or the changing of the basic program of care of an existing institution, consult with the department;

4. 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 (CY 124) shall be supplied by the department;

(b) An institution whose purpose is primarily educational, if not incorporated, shall, in lieu of compliance with (a) 1 and 2, define its purpose and functions in a statement to be filed with the department.

(2) **LOCATION.** All institutions shall be located where conditions beneficial to the health, safety, and well-being of the children can be maintained.

(3) **BOARD.** Every institution, except one whose purpose is primarily educational, shall be governed by a board which is responsible for the proper conduct of the agency according to its defined purpose. In the absence of a board, the operator or operators of an educational institution shall be accountable to the department for the maintenance of standards as prescribed by these rules. The board shall: (a) Be accountable to the department for the maintenance of standards as prescribed by these rules;

(b) Meet regularly at reasonable intervals and keep minutes of each meeting which shall be made a part of the permanent records of the institution;

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

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

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

(4) **FINANCING.** Each institution 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 a new institution 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.

History: Cr. Register, October, 1957, No. 22, eff. 11-1-57.

PW-CY 40.51 Personnel and personnel practices. (1) **PERSONNEL.**

(a) *General qualifications.* All employees shall be persons of good character, good health, emotional stability and of sufficient ability and education to carry out their assigned duties. They shall have qualifications to enable them to work with children.

(b) *Administrative staff.* The administrative staff shall consist of:

1. An executive trained and successfully experienced with children in a field of social work, education, medicine, nursing, religious service, or other allied professions. The executive shall possess administrative skill and have a concept of the broad field of services to children, and of the role of the institution in meeting the needs of children in the community.

2. A qualified staff person to whom authority can be delegated in the absence of the executive.

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

(d) *Child care staff.* Child care staff shall be defined as those persons, such as houseparents, counselors, housemothers or group mothers, who are primarily responsible for the day-to-day living experiences of the children and who act as substitute parents. They shall:

1. Have sufficient training and experience to equip them for their work.

2. Be in good physical and mental health.

3. Have unquestionable moral and emotional fitness for work with children.

(e) *Other staff.* Staff such as cooks, kitchen help, housekeepers, gardeners, janitors, laundresses and seamstresses shall be employed in sufficient numbers to carry on the necessary every day housekeeping functions of the institution.

(f) *Supervision of children.* Staff for supervision of children shall include:

1. At least one houseparent or assistant houseparent, or employee properly substituting for either of these, on duty during waking hours. During this time one houseparent shall be responsible for no more than 15 children of school age.

2. A registered nurse, or a person approved by a physician, on duty at all times when children under 2 years of age are under temporary care pending placement.

3. A staff member at night within hearing or call of every 25 children.

4. Another adult who can be summoned to assist in cases of emergency so that the children are not unattended.

(g) *Social work staff.* See social services.

(2) **PERSONNEL PRACTICES.** (a) Each institution 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, apart from that of the executive or superintendent, 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 a given range shall be made in relation to quality of service. This does not apply to members of religious orders.

(d) Every staff member shall have a physical examination before he or she begins work and annually thereafter. Such examination shall include a tuberculin test, and a chest x-ray if indicated, a blood test for syphilis and any other laboratory procedures recommended by the examining physician to show freedom from communicable disease.

(e) A personnel record which is confidential shall be maintained for each employee or staff member.

History: Cr. Register, October, 1957, No. 22, eff. 11-1-57.

PW-CY 40.52 Buildings, grounds, and equipment. (1) **GENERAL REQUIREMENTS.** (a) All buildings used to house an institution and all construction or remodeling of an institution shall comply with state and local building codes.

(b) Plans for new buildings or extensive remodeling of existing buildings shall be submitted to the department for review and to the industrial commission and local authorities for approval, before contracts are let or the construction work begun.

(c) The department shall request the industrial commission, or the local building authority, to make a building inspection of each institution at intervals not to exceed 2 years. The orders of these authorities shall be mandatory.

(d) The premises of each institution shall be used exclusively for the program of child care and shall be equipped for that purpose.

(2) **GENERAL SANITATION.** The institution shall: (a) Comply with requirements and qualify for approval of the state and local departments of health.

(b) Keep all parts of the building and equipment clean and sanitary.

(3) **WATER.** The institution shall: (a) Have available at all times a safe, adequate supply of running hot and cold water.

(b) If available, have drinking water supplied from an approved public water supply.

(c) When water is obtained from a private well, see that the water supply is in compliance with the requirements of the state board of health, and that its safety is assured by monthly testing of samples submitted to the State Laboratory of Hygiene, Madison, Wisconsin, or to a laboratory certified by the state board of health.

(d) Prohibit the use of common drinking utensils.

(4) SEWAGE. Sewage shall be disposed of through a municipal sewage system when available. When an independent or private system is necessary the installation shall comply with the requirements of the state board of health.

(5) BATH AND TOILET FACILITIES. The institution shall: (a) Maintain bathrooms, toilets and lavatories, which shall be convenient to the sleeping rooms, in a sanitary condition. Where there is a toilet there shall also be a lavatory.

(b) Provide separate toilets and bathrooms for boys and girls 6 years of age and over and separate bath and toilet facilities for staff.

(c) Prohibit the use of common towels.

(d) Provide privacy and toilet room equipment of the appropriate height for the children using it.

(e) Provide one toilet for every 8 children, one tub or shower for every 8 children, one lavatory for every 4 children.

(6) SLEEPING FACILITIES. The institution shall: (a) Provide sleeping rooms of an area not less than 50 square feet with a maximum of a 9 foot ceiling and not less than an average of 500 cubic feet per child. A room designed and used for one child shall contain at least 600 cubic feet with a minimum floor dimension of 7 feet.

(b) Provide each child with his own bed which shall be not less than 30 inches wide nor shorter than his height.

(c) Provide separate sleeping rooms for boys and girls 6 years and over.

(d) Have beds at least 3 feet apart at the head, foot and sides. Double-decker beds, if used, shall be 3 feet apart at the head and foot and at least 5 feet apart at the sides.

(e) Provide each bed with level, substantial springs, a comfortable mattress, a pillow, 2 sheets and sufficient covering for comfort.

(f) Provide a complete change of clean bed linen once a week. For the enuretic child, clean bed linen shall be provided after wetting of the bed. Rubber sheeting shall be provided for all children under 6 years of age and for all enuretics.

(7) HEAT, LIGHT, VENTILATION AND SCREENING. The institution shall: (a) Provide heating facilities that will keep the temperature in living and sleeping quarters within the range of 70-74 degrees fahrenheit during the day and 55-65 degrees fahrenheit during the night.

(b) Provide for heating bathrooms above the minimum temperatures.

(c) See that natural light and ventilation are available in every room used by children and staff. Window areas shall not be less than one-tenth of the floor area of each room and not less than 12 square feet per room.

(d) Provide artificial light when needed. Classrooms and study rooms shall follow lighting standards as prescribed by the industrial commission.

(e) Provide proper screening throughout the building where and when needed.

(8) **SAFETY AND PROTECTION FROM FIRE.** The institution shall: (a) Comply with state and local building codes and ordinances relating to fire protection and safety.

(b) Have a definite plan of evacuation of buildings in case of fire, using fire drills as indicated.

(c) Train staff and children in properly reporting a fire and train staff in extinguishing a small fire.

(d) Provide one fire extinguisher for every 2000 square feet of floor area, and at least one extinguisher on each floor, including the basement.

(e) Keep fire extinguishers charged and filled at all times and have them inspected annually.

(f) Have all exits, doors, halls and stairs well lighted and kept clear and ready for instant use. Exit signs and lights shall be provided when required by the building code.

(g) Provide more than one exit leading to the outside of the building from each floor, such exit doors to open outward and not to be locked from the inside.

(h) Report any major fire on the premises to the department within 48 hours.

(i) Instruct the children in fire prevention by seeing that care is exercised by the staff in allowing children to use matches, to tend fires, to play around unprotected areas, to smoke or to handle inflammable or combustible materials.

History: Cr. Register, October, 1957, No. 22, eff. 11-1-57.

PW-CY 40.53 Child care and development. (1) **GENERAL REQUIREMENTS.** Each institution shall: (a) Establish a well rounded and flexible program of child care to provide desirable living experiences as aids to individual development and growth, constantly evaluate this program, which involves spiritual, mental, social and emotional adjustment and character building, and adapt it to the needs of children currently under care.

(b) Integrate the institution program with community activities so that children have normal community contacts and opportunities to participate in outside activities wherever possible.

(2) **PERSONAL HYGIENE.** Appropriate means shall be provided so that every child will have an opportunity to develop proper and socially accepted habits, including personal care and hygiene.

(3) **CLOTHING.** Each institution shall: (a) Furnish each child with adequate clothing, individually selected and properly fitted, which shall be appropriate to the season and comparable to that worn by other children in the community. It shall be marked with the child's name.

(b) See that all shoes are fitted to the individual child and that they are kept in repair.

(c) Provide an adequate supply of coats, shoes, gloves, rubbers, galoshes and rain equipment.

(4) **WORK EXPERIENCE.** Each institution shall: (a) See that all work done by the children in the institution is appropriate to the age, health and abilities of the child, that it is assigned with the view

to training, as much as possible, and that it does not interfere with the child's time for school, study periods, play, sleep, normal community contacts or visits with his family.

(b) Not require children to be solely responsible for any major phase of the institutional operation or maintenance such as cooking, laundering, housekeeping, farming or repairing.

(c) Not consider or use children as substitutes for employed staff or as a source of cheap labor.

(d) Observe the rules of the industrial commission regarding child labor and not permit a child under 14 years of age to operate a tractor except in the immediate presence of an adult.

(5) **EXPLOITATION.** No child shall be used for the purpose of soliciting funds for the agency in any way which would be harmful or cause embarrassment to the child or his family.

(6) **DISCIPLINE AND CONTROL.** Each institution shall: (a) Regard discipline, when necessary, as an educational process aimed to change attitudes as well as conduct, and to help the child understand and conform to established standards of behavior by the exercise of inner control, rather than by external pressure.

(b) Prohibit physical abuse and ill treatment as well as harsh and humiliating discipline.

(3) Determine the kind of discipline needed on an individual basis and discourage the use of group discipline for an offense by an individual. Care shall be taken not to create a distaste for work by using it as an inappropriate discipline.

(d) Prohibit the deprivation of meals as a method of discipline.

(e) Not permit a child to punish another child or a group of children.

(7) **HEALTH CARE.** (a) *General health program:* Each institution shall: 1. Take steps so that every child, after a complete and total health appraisal, shall be rehabilitated, as indicated, to the fullest extent possible.

2. Follow all state and local health regulations.

3. Have a definitely planned program of health supervision and medical care.

4. 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.

5. Provide for the health care of the children, taking into consideration the religious affiliations or the expressed wishes of the parents and the child.

(b) *Admission examination.* A complete physical examination covering items included on form (CY 120) entitled "Health Examinations by Physicians" shall be made within 48 hours prior to the admission of a child. In case of emergency a child may be admitted with a preliminary examination and health history adequate for the determination of communicable disease and infestation with vermin within 48 hours of admission, but a thorough examination shall then be given within 72 hours after admission. The initial admission examination shall include: 1. Health history of the child. a. Developmental history,

b. Previous illnesses, injuries and operations,

c. Previous immunizations,

- d. Results of any clinical tests,
 - e. Social, emotional and environmental history.
2. Health history of the child's family covering social, mental or emotional problems.
 3. A thorough physical examination covering items included on form (CY 120) 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.
 4. The following tests unless the results of similar tests performed within six months prior to acceptance for care can be obtained:
 - a. Blood tests for syphilis,
 - b. When reasonably practical, stool examination for parasites and cultures for bacteria,
 - c. Tuberculin test, and chest x-ray if indicated.
- (c) *Physician's report.* The physician making the examination shall report his results in writing and in enough detail to show:
1. The child's physical condition and state of development.
 2. Freedom from or presence of communicable disease.
 3. The child's ability to take part in group activities or a schedule of permitted activities when these need to be limited.
 4. Recommendations and orders for future care and examinations.
- (d) *Immunization.* 1. Each child taken under care shall be or shall have been: a. Vaccinated for smallpox, b. Immunized against diphtheria, c. Protected against polio, d. If under 5 years of age, immunized against whooping cough, e. Immunized for tetanus.
2. Initial immunizations and booster injections shall be carried out as recommended by the state board of health.
- (e) *Medical examinations.* Each institution shall provide for each child, annually, a complete health examination covering items included on form (CY 120) entitled "Health Examinations by Physicians".
- (f) *Medical care.* Each institution shall:
1. Provide for prompt treatment in case of illness and for carrying out corrective measures and treatment of remedial defects and deformities.
 2. Make every effort to provide and secure funds to pay for medical, nursing and hospital care, and for the correction and treatment of remedial defects and deformities. However, it shall not be held financially responsible for expensive medical and dental care if parents or referring agencies or courts refuse to pay.
 3. Provide psychiatric treatment of emotional disturbances when resources are available.
- (g) *Dental care.* Each institution shall:
1. Provide for adequate dental examination and re-examinations and treatment, including necessary prophylaxis, repair and extraction.
 2. See that each child under care has a thorough dental examination as soon as practical after admission and at least once a year thereafter.
 3. At the time of discharge make available to the parents, or to the agency responsible for planning for the future dental care of the child, the child's current dental record.

(h) *Hospitalization.* Each institution shall: 1. Make provisions and establish procedures for hospitalization of the children under care.

2. At the time of admission to care secure a blanket authorization for the provision of medical and surgical care, for immunizations and for hospitalization, if indicated, from the parents or guardian.

(i) *Special care.* 1. Special care and close adult supervision, as needed, shall be provided for sick children. Food supplies, utensils, lavatory facilities and bedding used by sick children shall not be used by well children.

2. Opportunity for 8 to 10 hours of uninterrupted sleep shall be provided according to the age and other individual needs of the child.

(j) *First aid.* 1. At least one member of the child care staff shall be able to administer first aid which shall be the equivalent of Red Cross First Aid Training.

2. Each institution shall have available for instant use a first aid kit including a supply of rolled bandages, tape, band-aids and a safe germicide.

(k) *Nursing care.* The institution shall: 1. When nursing care is prescribed for a child by the attending physician, provide a registered nurse, or a person approved by a physician.

2. See that a registered nurse, or a person approved by a physician, is on duty at all times when children under two years of age are under temporary care pending placement outside the institution.

3. Have available a sterile clinical thermometer.

4. Take special precautions in the handling of medicines and prescriptions and give treatment and medication only upon the order of a physician, except for first aid treatment in case of an emergency.

5. Keep medicine cabinets locked when not in immediate use, and the keys removed.

(l) *Medical records.* A separate health record shall be maintained for each child covering items included on suggested form (CY 120) entitled "Health Examinations by Physicians". The child's health record shall include: 1. Signed authorization for emergency medical and surgical care, 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 examination and treatment showing dates and by whom given.

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

(8) **FOOD AND NUTRITION.** (a) *Nutritional requirements.* Each institution shall: 1. Provide the children under care with wholesome appetizing food adequate to meet their daily nutritional requirements. Differences in the amounts of food served, dependent upon physical development, shall be observed.

2. Provide supplementary food or modify diets as ordered by the physician for those children who have special needs.

3. Keep menus on file for a period of a year and submit them for review upon request of the department for evaluation by qualified nutritionists or dietitians.

4. Recognize variations in appetites and encourage but not force children to eat.

(b) *Food.* Each institution shall: 1. See that all fresh fluid milk used or served is pasteurized from Grade A sources.

2. Provide each child daily with at least 1½ pints of milk.

3. See that all food, canned or frozen by the institution, is processed in accordance with safe and approved methods.

4. See that home canned vegetables, meat, fowl and fish are boiled for at least 15 minutes after removal from the container before being tasted or eaten, because of the danger of botulism.

(c) *Meal planning and service.* Each institution shall: 1. Serve meals at recognized meal times and at least three times a day except when children obtain their noon meal at school.

2. When planning meals, give consideration to the religious practices of the children.

3. See that staff members, who do not have special dietary needs and who eat with the children or are served by them, do not receive food different from that served to the children (except tea and coffee).

(d) *Personnel.* All employees who handle food or work in the kitchen shall: 1. Have a physical examination just prior to, or at the time of, employment and annually thereafter. This examination shall include a blood test for syphilis and a chest x-ray. The report of the results of the examination shall be made a part of the employee's confidential personnel record.

2. Persons with a health history of typhoid, paratyphoid, dysentery, or other diarrheal diseases shall not be employed for work in the kitchen until it has been definitely determined by appropriate tests that such persons are not carriers of these diseases.

3. Be temporarily relieved of their duties when they show symptoms of illness (colds, elevated temperatures, rash or when they have open lesions) until such conditions are no longer present.

4. Refrain from the use of tobacco in the food preparation and storage areas.

5. Wear clean apparel and give special attention to the cleanliness of hands and fingernails. Hairnets, caps or other suitable covering shall be used to confine the hair.

(e) *Sanitation.* Each institution shall: 1. Observe and apply the regulations of the state board of health in relation to the proper facilities for sanitation throughout the kitchen, food preparation, serving and dining areas for the purpose of insuring cleanliness and protection from disease.

2. With respect to the kitchen, kitchen equipment and dishwashing procedures, meet the requirements of the state board of health for eating establishments.

3. Maintain multi-use utensils (cutlery, glassware, silver, dishes and kitchenware) in a clean and sanitary condition. Such utensils shall be cleaned and effectively sanitized after each use and they shall be discarded when chipped, cracked, pitted or when the outer surface is worn. Dishes shall be stored after each meal in a clean, dry place which is protected from flies, dust and other contamination. All foods, dishes and utensils and all cooking and storage areas shall be protected from insects and rodents.

4. See that the kitchen is clean, properly ventilated and adequately lighted.

5. Provide proper facilities for the storage and preservation of food.

6. See that the food preparation and service area is provided with adequate toilet and handwashing facilities which shall conform to state and local regulations. Soap and single service towels shall be provided near the handwashing facilities.

7. Provide tables and surfaces, with which food and drink may come in contact, of smooth, nonabsorbent, easily cleaned material.

8. Keep garbage in tightly covered containers, unless another method of disposal is provided, and trash in suitable containers so as not to become a nuisance or a fire hazard.

(9) RELIGIOUS TRAINING. Each institution shall: (a) Have defined policies regarding religious training for the information of those wishing to place children in the institution.

(b) In the religious education and experience provided, take into consideration the religious affiliations or the expressed wishes of the parents and of the child.

(10) EDUCATION. Each institution shall: (a) Be responsible for providing opportunity for academic and vocational training in accordance with the statutory requirements (Section 40.77, Wis. Stats.) and with the abilities and needs of the children. Compulsory school attendance is applicable to both public and private schools.

(b) Provide for specialized training for children unable to benefit from a regular school program because of physical, mental or emotional reasons. If these facilities are unavailable, efforts should be made to provide them.

(11) RECREATION AND LEISURE TIME. Each institution shall provide for a varied recreation program under competent leadership. In order to bring the children closer to the community, community recreational facilities shall be used when available and suitable. The institution itself will need to provide some facilities of its own.

(12) CONTACTS WITH PARENTS AND RELATIVES. (a) Appropriate and sufficient opportunity, determined on a casework basis, shall be made for children to visit with their families and relatives. Visits shall be allowed unless it is indicated that such visits are harmful to the child.

(b) An educational institution shall make provision for appropriate and sufficient opportunity for the children to visit with their families and relatives.

History: Cr. Register, October, 1957, No. 22, eff. 11-1-57.

PW-CY 40.54 Social services. (1) GENERAL REQUIREMENTS. (a) Each institution shall provide social services, including casework services, for children under care. Such services shall be provided by qualified caseworkers on the staff of the institution or by arrangement with a cooperating casework agency or agencies.

(b) An exception to the provision of social services and sufficient social work staff to provide satisfactory services shall be considered by the department in the case of an educational institution.

(2) SOCIAL WORK STAFF. (a) With the exception allowed in PW-CY 40.54 (1) (b) each agency shall have sufficient social work staff to provide satisfactory services.

(b) 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.

(c) 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 in a recognized family or child welfare casework agency.

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

(e) 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.

(f) Social work students when placed in an institution 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.

(3) SOCIAL CASEWORK. (a) *Intake and admission.* Each institution shall: 1. Clearly define its intake policies in writing.

2. Limit admission to children for whom the institution is qualified by staff, equipment, capacity and program to give adequate care.

3. Accept no child for care without the written consent of parents or guardian or without a court order. There shall also be a written financial agreement and authorizations for medical and surgical care and hospitalization, when indicated.

4. When another agency has legal custody or guardianship, or is primarily responsible for planning for a child, have available copies of the original consents, orders, agreements and authorizations retained by the referring agency.

5. Except for the physically or mentally handicapped or emotionally disturbed, accept in the institution for care no child under 3 years of age unless there is an established plan in operation which assures replacement of this child out of the institution within 30 days.

6. Except for the physically or mentally handicapped or emotionally disturbed, accept for care in the institution no child over 3 but under 6 years of age unless there is an established plan in operation which assures replacement out of the institution within 3 months. Any existing institution which has children under 6 years of age under care when these standards take effect shall take steps so that all such children, with the exceptions outlined in paragraphs 5 and 6, are discharged from care before or by July 1, 1960.

7. Before acceptance for care, secure social information to determine that placement of the child in the institution is for the best

interest of the child. 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.

(b) *Services to the child under care.* With the exception allowed in PW-CY 40.54 (1) (b), each institution shall: 1. Be responsible for providing for continuing social services to the child and to his family while the child is in the institution.

2. Evaluate the progress of the child in the institution. This evaluation shall be made at least every 6 months by the casework staff in conjunction with other members of the institutional staff whose contact with the child is significant. In the evaluation attention shall be given to the child's changing needs, the use he is making of placement, his readiness to return to his family, the ability of his family to accept him, and the long range plan for the child based upon the progress and the development of the situation.

(c) *Discharge from care.* 1. With the exception allowed in PW-CY 40.54 (1) (b), discharge shall be a part of a well planned program worked out individually with the child and through staff participation. Time shall be allowed to prepare the child for the situation into which he is going. Follow-up casework and supervision shall be provided directly by the institution or by another cooperating casework agency.

2. The parents or agency receiving the child shall be provided pertinent health information and, when indicated, the name of the physician who has been providing medical care.

History: Cr. Register, October, 1957, No. 22, eff. 11-1-57.

PW-CY 40.55 Records and reports. (1) **GENERAL REQUIREMENTS.** Each institution 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 each institution shall maintain are: 1. A permanent register of all children accepted for care. Included in the register shall be brief identifying information about each child including the following: name, sex, birthdate and birthplace; names, addresses and marital status of parents or guardians; date of admission and discharge; name of person or agency to whom the child was discharged.

2. Individual case records for all children accepted for care. Case records shall be confidential and shall be protected from unauthorized examination. The keeping of the case record shall be the responsibility of a properly designated person.

3. Health records of children.

4. Personnel records.

5. Financial reports and audits.

6. Record of meals served.

(3) **REPORTS.** Reports which each institution shall submit to the department are: 1. Quarterly statistical report (Form CY 16).

2. Social Data Card for each child accepted for care (Form CY 22).

3. Social Data Change Sheet for each child when need is indicated (Form CY 22 A).
4. Financial records or financial statements upon request.
5. Record of meals served upon request.
6. Special reports. Each institution shall report to the department within 48 hours after the occurrence of an unusual incident, such as a major fire or the death or serious injury of any child or his alleged abuse or exploitation.

History: Cr. Register, October, 1957, No. 22, eff. 11-1-57.

PW-CY 40.60 Licensing foster homes. (1) **INTRODUCTION.** (a) *Statement of intent.* The intent of these rules is to protect and promote the health, safety, and welfare of children in care in foster homes in Wisconsin.

(b) *Effect of rules.* The following rules for licensing foster homes have the full effect and force of law as provided in section 227.01 (3), Wis. Stats. These rules do not repeat the laws related to child care and licensing. Persons using these rules should be aware of and familiar with the statutory section containing laws pertinent to foster care.

(c) *Exceptions to rules.* The department may make, or may delegate to an agency the authority to make, exceptions to any of the rules for licensing foster homes when the department is assured that granting such exceptions, or the authority to make exceptions, is not detrimental to the health, safety or welfare of children.

(d) *Definitions.* 1. Department. The state of Wisconsin department of Health and Social Services.

2. Rule. A regulation, standard, statement of policy or general order (including the amendment or repeal of any of the foregoing), of general application and having the effect of law.

3. Licensing agency. The agency responsible for evaluating the applicant, issuing a license if the applicant qualifies, and supervising the licensee to insure his continued compliance with rules.

4. Foster home. Any facility operated by a person required to be licensed under section 48.62, Wis. Stats.

5. Child. A person under 18 years of age.

6. Relative. A parent, grandparent, brother, sister, uncle, aunt, first cousin, nephew, niece, stepparent, stepbrother, or stepsister.

7. Foster child. A child who lives in a home required to be licensed under section 48.62, Wis. Stats.

8. Foster parent(s). A person or persons who operate a facility required to be licensed under section 48.62, Wis. Stats.

9. Legal custodian. The person having the right to the care, custody and control of a child and the duty to provide food, clothing, shelter, ordinary medical care, education and discipline for a child.

10. Guardian. The person having the right to make major decisions affecting the child including the right to consent to marriage, to enlistment in the armed forces, to major surgery and to adoption or to make recommendations as to adoption.

(e) *Statutory rights of applicants and licensees.* (1) The right to make application for a license (sections 48.68 and 47.75 (2), Wis. Stats.)

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2. The right to be evaluated objectively on the basis of written rules (sections 48.68 and 48.75 (1), Wis. Stats.)

3. The right to receive a license if applicant fully satisfies all requirements (section 48.68, Wis. Stats.)

4. The right to written notice and specification of grounds for revocation of license (sections 48.71 and 48.75 (2), Wis. Stats.)

5. The right to appeal when refused a license or when license has been revoked (sections 48.72 and 48.75 (2), Wis. Stats.)

6. The right to accept children for care if licensed (section 48.62, Wis. Stats.)

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 40.61 Foster parents and their families. (1) **APPLICATION FOR LICENSE.** (a) The person or persons seeking a license shall make application on forms prescribed by the department.* Married couples shall both be parties to the application.

(b) Foster parents wishing to continue to be licensed shall file a new application when:

1. Their present license will expire within 30-60 days.

2. They plan to move from the address specified on their present license within 30 days or less.

3. Their legal status has changed within the last 30 days.

4. They wish to have the conditions changed that are specified on their present license.

(2) **AGE OF FOSTER PARENTS.** (a) No applicant or applicants may receive a license for the first time when one or both are younger than 21 or older than 64 years.

(b) No foster parent who reaches the age of 70 years may continue to be licensed except when his or her spouse is younger than 70.

(3) **PERSONAL QUALIFICATIONS REQUIRED OF FOSTER PARENTS.** Foster parents shall be responsible, mature individuals of reputable character who exercise sound judgment and display the capacity to provide good care for children. They shall give sufficient information to enable the licensing agency to verify whether or not they meet these requirements.

(4) **HEALTH OF FOSTER FAMILY.** (a) All members of the foster family household shall be in physical and mental health that will not adversely affect the health of children received for care, or the quality and manner of their care.

(b) At the time of the first application for a license and not less often than annually thereafter, foster parents shall authorize their physician to submit a statement to the licensing agency certifying that a physical examination, including TB test and/or X-ray was completed within the past year and that the foster parents were essentially free from medical conditions which might endanger foster children.

(c) If the licensing agency or the department has reason to believe that the physical or mental health of any child or adult member of the foster family household might endanger children in care, the

* NOTE: A licensing agency may use the department prescribed form printed under their own agency name instead of the departmental identification.