

## Chapter PW-CY 40

## CHILDREN AND YOUTH

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**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.

(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.

(10) **APPEAL PROCEDURE.** (a) Any person aggrieved by the department's refusal or failure to issue or renew a license, or by its revocation of a license has the right to an administrative hearing provided for contested cases in chapter 227, Wis. Stats.

(b) Judicial review of the department's decision may be had as provided in chapter 227, Wis. Stats.

(11) **ALLEGED VIOLATIONS.** (a) Whenever the department has reason to believe that any person is violating any of the provisions of sections 48.60, 48.62, or 48.65, Wis. Stats., it shall have authority to inspect the premises where the violation is alleged to occur and shall make an investigation to determine the facts and prosecute under section 48.76, Wis. Stats., if indicated.

(b) The department may either revoke the license and/or institute prosecution.

**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.

**Note:** Personnel and program standards. A day care center is of importance in the community and, therefore, program standards are established to assure parents, the child, and the community that a wholesome and proper service is provided.

Warm, understanding personnel, with knowledge and training in child development, can create an environment which will enhance the educational, physical, and social development of the individual child. Close cooperation with parents can promote unity in caring for the child and an understanding of the stresses and strains he may be undergoing because of his separation from home. Close cooperation between the day care center and other community forces (such as family and child welfare agencies, child guidance clinics, health departments, and public health nurses) will contribute to the best interests of the child.

The quality of program and equipment in every type of day care center affects the well-being of each child enrolled. The program should have a positive influence in helping to develop healthy, happy, well-adjusted children. Children learn through their play experiences—sometimes by imitating adults, sometimes through experimenting with materials. Sufficient toys and play materials are needed so that the child may have many enriching experiences at the center. Adequately furnished premises help produce pleasant surroundings.

Specific aspects of day care are described under the headings: Personnel, Educational Program, Health, Records and Reports, Equipment, Physical Plant, Sanitation, Finances and Insurance. Under these headings are the required and recommended standards which will promote wholesome growth and protect the children enrolled in day care centers.

**PW-CY 40.03 Personnel standards.** (1) **PERSON IN CHARGE.** (a) *Required standard.* An administrator or director shall be in charge of the day care center, shall be at least 21 years of age and demonstrate a supervisory and administrative ability. In the absence of this person, there shall be a qualified substitute.

(b) *Recommended standards.* The administrator or director should have:

1. Professional background and be familiar with current thinking and development in early childhood education.
2. Experience in working with young children and parents.

(2) **ALL PERSONNEL.** (a) *Required standard.* All personnel shall be emotionally and physically able to perform assigned duties.

(b) *Recommended standards.* 1. All those employed in day care centers should have a genuine interest in and a warm feeling for children. They should have a sympathetic, intelligent understanding of the needs of children and their development. They should have an even temperament and a sense of humor in order to help create an atmosphere of security and happiness in the center.

2. It is desirable there be both men and women on the staff.

(3) NUMBER OF STAFF. (a) *Required standards.* 1. There shall be at least 2 adults available at any center so that children are never left unattended.

2. The ratio of group of children to child care staff shall not exceed:
- a. Two to three year olds ----- 8 children to 1 adult
  - b. Three to four year olds ----- 10 children to 1 adult
  - c. Four to five year olds ----- 12 children to 1 adult
  - d. Five years and over ----- 16 children to 1 adult

(4) DUTIES AND QUALIFICATIONS OF STAFF. Note: Whether the center has a small or large staff, the following duties and qualifications are essential for efficient operation to safeguard the best interest of children. (a) *Child care staff.* 1. Required standards. a. Those working directly with the children shall have at least a high school education or its equivalent as determined by the extension division of the university of Wisconsin.

b. In order to be designated as nursery school teachers and kindergarten teachers, staff members shall be certified as such by the department of public instruction.

2. Recommended standards. a. Staff should be composed of mature persons trained in early childhood education and have special understanding of the needs of children.

b. Staff members should acquaint themselves with current trends and techniques in early childhood education through acceptable training courses and programs taken at least once every five years.

c. Each staff member should be able to establish wholesome adult-child relationships and possess the capacity for pleasant cooperative relationships with other adults.

(b) *Volunteers.* 1. Required standard. When volunteers are used, they shall work only under supervision of the child care staff.

2. Recommended standards. a. Volunteers should be selected on the basis of natural aptitudes as well as training.

b. Volunteers should be able to give a definite amount of time at regular periods including in-service training.

(c) *Other staff members.* 1. Recommended standards. a. Cooks. Cooks should be dependable and adaptable and capable of preparing palatable, nutritionally adequate menus for young children, using approved methods of food preparation.

b. Maintenance and housekeeping. Care should be taken to select persons who like young children.

(d) *Special personnel.* 1. Recommended standards. a. The use of specialized consultants, in addition to the regular staff members, has been found to be helpful in the operation of the day care center.

b. Nurse. A registered nurse with public health training would be helpful in assisting with the health program, but she should have experience, training, and the personality to work with young children.

c. Physician. A physician should be available for emergencies and for consultation.

(e) *Other services.* It is desirable if services can be arranged with a casework agency for work with individual parents or consultation with staff; a psychologist for counselling with the staff; a social group worker to work with school age children and a nutritionist or dietician for counselling on meal planning and food preparation.

**History:** 1-2-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61. Register, November, 1964, No. 107

**PW-CY 40.04 Educational program standards.**

*Note:* Because education includes all experiences, every day care center has an obligation to provide the best possible kind of education. The curriculum and all the experiences, both of the nursery school and nursery center, should meet the needs and interests of the children, the parents, and the community.

(1) PROGRAM. (a) *Required standard.* There shall be a planned program appropriate for the age of the children.

(b) *Recommended standards.* A day care center should contribute to the education of young children by: 1. Encouraging desirable health habits and attitudes;

2. Providing appropriate space, supplying varied and challenging equipment and plan materials, and helping children to learn to care for such equipment and materials and to use them creatively and constructively;

3. Fostering intellectual interest and abilities through opportunities to explore, investigate and experiment, to make and carry out plans, to work out solutions to problems, to develop competence and to find satisfaction in work and achievement;

4. Developing enjoyment of music, art, and literature;

5. Furthering emotional stability in an atmosphere where children feel accepted and understood; where they are helped to achieve a healthy balance between emotional expression and emotional control;

6. Creating a friendly social atmosphere in which attitudes that are essential to living in a democracy are encouraged; strengthening self-respect and self-confidence and at the same time building respect for and consideration of others;

7. Sharing with parents the aims and activities of the day care center, and planning individual conferences and group meetings with the parents; and

8. Helping the child further relationships with adults who are warm, friendly, and able to provide the security of understanding and firm discipline.

*History:* 1-2-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

**PW-CY 40.05 Health standards. (1) STATE AND LOCAL REGULATIONS.**

(a) *Required standard.* Written health policy. Every day care center shall have a written plan indicating specific policies and procedures that will insure health protection for all. This written plan shall be consistent with state and local health regulations.

(2) STAFF (Paid and volunteer workers). (a) *Required Standards.* 1. Physical examinations. a. Workers, prior to employment and annually thereafter, shall submit to the center administrator a certificate from a licensed physician indicating freedom from illness detrimental to children. The certificate shall be based on a physical examination which includes a negative PPD skin test or a chest X-Ray and if required by a local health regulation, a negative serological test. The worker shall also submit evidence of vaccination for smallpox within the last 5 years.

b. Medical certificates shall be kept on file in the center.

2. Exclusion. Staff members when ill, including such conditions as diarrhea, upper respiratory infections and skin lesions, shall be excluded from the center.

(b) *Recommended standard.* Employment of pregnant staff members and volunteers should be terminated when they are unable to perform their duties.

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(3) CHILDREN. (a) *Required standards.* 1. Physical examination. a. Before admission and annually thereafter, a report by a licensed physician shall be submitted to the administrator of the center certifying that each child is able to participate in day care activities and is free from communicable diseases, including tuberculosis and other conditions hazardous to the welfare of other children; providing dates of immunization and vaccinations and indicating any known allergies.

b. It shall be the duty of the person in charge to require another physical examination before allowing the child to continue in attendance should there be reason to suspect the later development of any condition hazardous to the child or others.

c. Reports of physical examinations shall be kept on file in the center.

(b) *Recommended standards.* 1. Each child should have a complete dental examination before admission and a repeat examination semi-annually by his family dentist. Each child should be immunized against smallpox, diphtheria, polio and tetanus and such immunizations should be started before admission to the center. Parents should be encouraged to have remedial problems, including dental care, corrected promptly.

2. The center should obtain a statement from the parents that, to their knowledge, the child has not been in contact with a contagious disease during the 2 weeks prior to admission.

(4) MORNING HEALTH INSPECTIONS. (a) *Required Standard.* Morning health inspection of each child on arrival at the center shall be made by a person capable of recognizing common signs of communicable disease or other evidence of ill health.

(b) *Recommended standard.* Health inspections should be made in the presence of the parent or his representative, whenever possible, and parents should be alerted to the importance of observing children daily for signs of illness before they leave home.

(5) TEMPORARY ISOLATION. EXCLUSION AND EMERGENCY CARE. (a) *Required standards.* 1. Temporary isolation shall be within sight and hearing of an adult and shall be provided for children with a cold, sore throat, inflammation of the eyes, fever, lice, rash, vomiting, diarrhea or other illnesses or conditions. Such temporary isolation shall be pending exclusion of the child from the center.

2. Parents or some responsible person, when parents cannot be reached, shall be contacted as soon as possible after illness is discovered. Arrangements shall be made for the exclusion of the child from the center.

3. Written permission from the parents to call the family physician or refer a child for medical care in case of an accident or emergency shall be on file in the center. This permission shall be used only when the parent or some responsible person cannot be reached within a reasonable time.

4. When a child is suspected of having a communicable disease (i.e. chicken-pox, German measles, infectious hepatitis, measles, mumps, poliomyelitis, ringworm of the scalp, scarlet fever and whooping cough, diphtheria and meningitis), the local health officer must also be notified.

5. When a positive diagnosis of a communicable disease is made, the families of exposed children shall be notified by the center and such children shall be watched for symptoms of the disease.

(b) *Recommended standard.* Staff should be continually alert for any symptoms of illness.

(6) **FIRST AID.** (a) *Required standards.* 1. Every center shall have a supply of rolled bandages, tape, and bandaids.

2. Superficial wounds shall be cleansed with soap and water and protected.

(b) *Recommended standards.* 1. First aid care should be provided by the staff nurse, when one is employed, or by a regular staff member having the equivalent of Red Cross first aid training.

2. Suggested items for an adequate first aid kit can be found on page 5, School Health Emergencies pamphlet, State Board of Health.

(7) **WEIGHING AND MEASURING.** (a) *Recommended standard.* Height and weight measurements should be entered on the physical examination form. Thereafter, children should be weighed and measured every three months and entries should be made on the child's health card. Failure to gain in weight and height for two successive periods should be an indication of a need for a medical examination.

(8) **REST PERIODS.** (a) *Required standards.* 1. When a session is more than 4 hours in length, the nap period shall be one hour or longer for all children under 5 years of age.

2. There shall be a mid-session quiet period for children who attend for less than 4 hours.

(9) **MEDICATION.** (a) *Required standard.* While at the center no prescribed medication shall be given to a child, except by a physician or registered nurse, nor shall a child be permitted to take such medication.

(10) **PROVISION OF FOOD.** (a) *Required standards.* 1. When a session is more than 4 hours, children shall be served a regular meal, which shall supply at least one-third of the daily food needs.

2. When there is a 3 to 4 hour session, a simple mid-session snack, such as fruit juice, shall be provided.

(b) *Recommended standard.* Menus should be made available to parents in order that they may adjust the child's diet at home to adequately meet the daily food needs.

**History:** 1-2-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

**PW-CY 40.06 Administration standards. (1) RECORDS AND REPORTS.**

(a) *Required standards.* 1. All published statements such as brochures, publicity, etc. shall be accurate and complete.

2. Required records shall be readily available.

(2) **CHILDREN'S RECORDS.** (a) *Required standard.* Current information shall be maintained on each child attending the center and shall include:

1. Name, birth date, full names of both parents or guardians.

2. Home address of parents, work addresses, and telephone number of parents.

3. Name, address, and telephone number of physician caring for the child.

4. Name, address, and telephone number of person to be notified in case of emergency, when parents cannot be reached.

5. Written consent of parent to contact family or center physician in case of emergency.

6. Record of all physical examinations, first aid, and any other matters relating to the child's health.

7. Date child enters and leaves the center.

8. Record of daily attendance of each child.

(3) **PERSONNEL RECORDS.** (a) *Required standards.* 1. There shall be maintained a record for each employe, which shall include: name, address, age, training, education, experience, and other qualifications.

2. Report of physical examination at time of employment and subsequent annual examinations.

3. Persons to be notified in the event of an emergency.

4. Personnel forms and character references on all staff members shall be made available upon request.

(4) **PERSONNEL PRACTICES.** (a) *Recommended standards.* 1. A periodic written evaluation of each employe by his supervisor is desirable.

2. There should be a written statement on file at the center of personnel practices and policies, which should include hours of work, vacation, sick leave, leave of absence, and salary schedules. In addition, there should be channels for complaints and suggestions.

(5) **STATISTICS.** (a) *Required standard.* Centers shall submit the statistical report required by the department.

**History:** 1-2-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

**PW-CY 40.07 Equipment standards.** (1) **PLAY EQUIPMENT.** (a) *Required standards.* 1. There shall be equipment to meet the varied developmental needs and interests of children of different age groups.

2. There shall be equipment outdoors and indoors to assure variety in active physical play and creative learning experience for the children attending the center.

3. There shall be equipment for climbing, swinging, sliding, riding, pushing, and pulling, and material such as sand, in which to explore and dig, large building blocks and building toys, creative materials for art, music, literature, science, woodworking and manipulative toys.

(2) **FURNISHINGS.** (a) *Required standards.* 1. Tables and chairs shall be of suitable size for children.

2. There shall be low, open shelves for the storage of play materials.

3. There shall be sufficient work space for children.

4. There shall be individual space for children's clothing. This space may be provided by such things as lockers and/or low hooks.

5. All furnishings and equipment shall be durable and safely constructed so that there are no sharp, rough, loose, or pointed edges which could injure children.

**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 40.08 Physical plant standards.** (1) **BUILDING.** (a) *Required standards.* 1. Day care centers shall be in conformity with Wis. Adm. Code, chapters Ind 50-59 (Industrial Commission Building Code).

Register, July, 1966, No. 127



2. There shall be an inspection of each building by the industrial commission or local building inspector to determine compliance with local and state regulations. The inspector will file with the department a written statement of conformity with all local regulations as regards safety and fire protection.

3. All electrical work shall conform to the Wisconsin state electrical code, of the State Industrial Commission. All electrical work shall be inspected periodically.

4. No day care center may be located in a convalescent or maternity home or in a rooming house or boarding house for adults.

5. Only floors having at least 2 exits to the ground level shall be used for children.

6. If a third floor of a non-fire resistive building is used, all stairways shall be enclosed with one-hour fire resistive partitions and doors.

7. All stairways shall be equipped with railings suitable for the use of children; stairways and corridors shall be kept clear and unobstructed at all times.

8. Basement rooms, which comply with inspection, may be used for children only for active play.

9. The heating plant shall conform with Wis. Adm. Code, chapter Ind 59, Industrial Commission Building Code.

10. Space designated for use by the children shall be available for the children only and not used for other purposes while the center is open.

(b) *Recommended standard.* First floor rooms are most desirable for all activities in day care centers.

(2) **LIGHTING.** (a) *Required standard.* There shall be a minimum of 20 foot candles of illumination throughout every room as measured on a light meter maintained on a horizontal plane 24" above the floor.

(3) **VENTILATION.** (a) *Required standard.* There shall be either a ventilating system or outside windows, which conform to Wis. Adm. Code, chapter Ind 59, Industrial Commission Building Code.

(4) **ROOM TEMPERATURES.** (a) *Required standard.* A temperature of not less than 68 degrees shall be maintained as measured 18 inches from the floor.

(5) **PROTECTIVE MEASURES.** (a) *Required standards.* 1. Fireplaces and steam radiators, shall be protected by screens or guards.

2. Dangerous items, such as drugs and firearms which are located anywhere on the premises, shall be under lock.

3. Materials harmful to children, such as cleaning materials and matches, shall be kept out of the reach of children.

4. Each floor of the day care center shall be equipped with the required number of fire extinguishers approved by the Underwriters' Laboratories. Automatic carbon tetrachloride extinguishers are prohibited.

5. Each extinguisher shall be inspected by a competent person once a year and shall bear a label indicating its present condition and the date of inspection.

6. The center shall have a telephone and an available list of emergency telephone numbers.

(6) **PLAY SPACE.** (a) *Required standards.* 1. Indoors, the space used by the children shall include 35 square feet of floor space per child, exclusive of hallways, bathrooms, lockers, laundry and furnace rooms, and that part of the kitchen occupied by stationary equipment.

2. Outdoors, there shall be at least 75 square feet per child of safe play space.

3. The outdoor play space shall be enclosed in such a manner as to prevent the children from leaving the premises without proper supervision.

4. Outdoor play areas shall be well drained.

(b) *Recommended standards.* Part of the outdoor play space should have a hard surface. Provision should be made for shade in part of the play area.

(7) **SLEEPING FACILITIES.** (a) *Required standards.* 1. There shall be at least 35 square feet of floor space per child and not less than 280 cubic feet of air space in sleeping rooms.

2. If the center is in operation more than 4 hours a day, sleeping facilities shall be provided.

3. Individual cots or beds are required for children attending more than 4 hours.

4. Individual bedding, sufficient to maintain warmth, shall be provided either by the parents or by the center. Covers shall be laundered as needed and always upon change of occupancy.

5. Children shall not use beds of members of the household.

6. Rows of cots shall be separated by at least 2 feet. If there are not partitions between cots, head to toe sleeping arrangements shall be made.

7. Children may rest on rugs in half-day programs only. Each child shall have his own rug. Rugs shall be washed frequently.

**History:** 1-2-56; r. and rec. Register, October, 1961, No. 70, eff. 11-1-61; am. (1) (a) 1., 9., and (3) (a), Register, July, 1966, No. 127, eff. 8-1-66.

**PW-CY 40.09 Sanitation standards.** (1) **INSPECTION.** (a) *Recommended standard.* There should be an initial inspection of each building by the state board of health or the local health department. Provision should be made to insure continuing conformance to all state and local regulations with regard to sanitation, water supply, garbage, and sewage disposal.

(2) **DRINKING WATER.** (a) *Required standards.* 1. A supply of safe drinking water shall be readily available at all times from a drinking fountain of the angle jet type or by use of individual cups.

2. The water supply shall be of safe, sanitary quality and shall be obtained from a water supply system the location, construction, and operation of which shall comply with the standards approved by the state board of health.

(3) **MILK.** (a) *Required standard.* All milk used for drinking shall be certified as pasteurized Grade A.

(4) **WASHROOM AND TOILET FACILITIES.** (a) *Required standards.* 1. Toilets of the water flush type shall be used and connected with a sewage system which has been approved by the state board of health.

2. Separate places for each child's individual washcloth, towel, comb, and clothing (which are to be kept clean) are to be provided.

(b) *Recommended standards.* 1. One toilet and one wash basin should be provided for every 10 children under care.

2. The toilets and wash basins should be of a height and suitable size for children.

3. The floor of the toilet rooms should conform with the Wisconsin state building code.

4. The use of paper towels is recommended.

(5) **SCREENS.** (a) *Required standard.* Window and doorway openings shall be properly screened in season.

(6) **HOUSEKEEPING.** (a) *Required standard.* The premises shall be neat and clean.

(7) **REFRIGERATION.** (a) *Required standards.* 1. All perishable food and drink shall be stored in a refrigerator, which shall have a temperature maintained at or below 50 degrees Fahrenheit.

2. Perishable foods include milk and milk products, meat, fish, poultry, shell fish, eggs, gravies, poultry stuffing, salad and other mixtures containing any of the above foods.

(8) **FOOD PREPARATION FACILITIES.** (a) *Required standards.* 1. If food is served, facilities shall be provided for preparation, storage, and serving in a sanitary condition.

2. Dishes and utensils shall have smooth, hard surfaces, which are free from cracks, chips, and roughened areas.

3. The food preparation table surface shall be smooth, nonabsorbent and easily cleaned.

4. Eating and drinking utensils and all utensils used in food preparation, storage, and service shall be promptly and properly cleaned. Dishwashing procedure and care of equipment shall comply with state, local and county sanitation laws. In the absence of such laws, dishes and utensils shall be sterilized by scalding or chemicals, or disposable dishes are used. All utensils shall be stored in clean, dust-proof and vermin-proof cabinets that are tightly enclosed on all sides.

**History:** 1-2-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

**PW-CY 40.10 Finances standards.** (1) **FINANCES.** (a) *Required standard.* Each center shall have, and be able to show, a source of funds sufficient to insure continuous operation in accordance with the standards.

**History:** 1-2-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

**PW-CY 40.11 Insurance standards.** (1) **INSURANCE.** (a) *Required standard.* Each center shall carry workmen's compensation insurance in accordance with chapter 102, Wis. Stats., and comply with provisions of the federal social security act.

(b) *Recommended standard.* Each center should carry public liability insurance.

**History:** 1-2-56; r. and recr. Register, October, 1961, No. 70, eff. 11-1-61.

**PW-CY 40.12**

**History:** 1-2-56; r. Register, July, 1966, No. 127, eff. 8-1-66.

**PW-CY 40.13**

**History:** 1-2-56; r. Register, July, 1966, No. 127, eff. 8-1-66.

**PW-CY 40.20 Revocation of licenses, permits or certifications.** (1) **DEFINITIONS.** As used in these rules, "license" means any license, permit, certification or other grant of authority issued and subject to suspension or revocation by the state department of public welfare; "department" means the state department of public welfare; "hearing" includes a joint hearing by the department and any other administrative agency; "revocation or suspension" of licenses includes refusal to renew the same.

(2) **HOW PROCEEDINGS INITIATED.** Proceedings to revoke or suspend licenses may be initiated in one of 2 ways:

(a) On a verified complaint by an individual or an officer required by law to enforce the law in question, filed in triplicate (original and 2 copies) with the department;

(b) By the department on its own motion, whenever its investigation discloses probable grounds for action. The director of the division for children and youth may act for the department in initiating proceedings under this subsection.

(3) **STYLE OF PLEADINGS.** All pleadings, notices, orders and other papers filed in such proceedings shall be captioned "Before the Wisconsin State Department of Public Welfare" and shall be entitled

"In the Matter of the Revocation or Suspension of the \_\_\_\_\_ (license, permit, or certification) of \_\_\_\_\_, Respondent." The party whose license is involved shall be known and designated as the "Respondent."

(4) **COMPLAINT ON DEPARTMENT'S INVESTIGATION.** If the complaint is founded upon an investigation made by the department, it shall be incorporated in the notice of hearing and statement of issues as prescribed by (7).

(5) **FORM OF CAUSES.** If the alleged cause is a continuing one, its general nature and the approximate time covered shall be stated in the complaint or notice of hearing; if a specific incident is relied on, it shall be alleged with such particularity as to time, place and circumstances as may be necessary to enable the respondent to prepare his defense; and in either case the cause may be alleged in the language of the statute or rule claimed to be involved, and shall conclude: "contrary to sec. \_\_\_\_\_ of the statutes" or "contrary to rule \_\_\_\_\_" of the rules and regulations of the department governing \_\_\_\_\_, or both. Separate causes shall be stated in separate paragraphs and numbered consecutively.

(6) **PROCEDURE UPON FILING OF COMPLAINT.** Upon the filing of a complaint as prescribed by (2) (a), the director of the division for children and youth shall cause an investigation to be made of the matters alleged to determine whether there is probable cause for action and if he determines that there is such probable cause he shall order a hearing as prescribed by (7) and also notify the complainant thereof. If he determines that no further action is warranted he shall notify the complainant, who may appeal in writing to the director of the state department of public welfare, who shall review the files of the director of the division for children and youth and may affirm his decision, order further investigation or order a hearing on the charges. Provided, that in any case where a hearing has been ordered, the respondent has no standing to attack the determination of the

director of the division for children and youth or the director of the state department of public welfare in ordering such hearing, but shall be required to plead to the merits.

(7) NOTICE OF HEARING AND STATEMENT OF ISSUES. Notices of hearing shall be addressed to the respondent or respondents at his last known post-office address, shall include the statement of issues and shall be in substantially the following form:

(a) If on complaint filed as provided in (2) (a), such complaint shall be attached to the following notice:

"To \_\_\_\_\_ (name)
\_\_\_\_\_ St.
\_\_\_\_\_, Wis.
Respondent

"Please take notice that a hearing will be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at room No. \_\_\_\_\_ (or other proper designation) of the \_\_\_\_\_ Building (or other proper designation, No. \_\_\_\_\_ St., in the city of \_\_\_\_\_, Wisconsin, at \_\_\_\_\_ o'clock \_\_\_M, or as soon thereafter as the matter may be reached, on the question whether the \_\_\_\_\_ (license, permit or certification) heretofore issued to the above named Respondent pursuant to sec. \_\_\_\_\_, Stats., should be suspended or revoked. The issues involved and the causes there to be considered are (as set forth in the attached complaint) to which you are required to make answer in writing at least \_\_\_\_\_ days before the time set for said hearing.

"Dated at Madison, Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

"WISCONSIN STATE DEPARTMENT OF PUBLIC WELFARE
By \_\_\_\_\_
Director, Division for Children and Youth

(b) If on only part of the causes set forth in such complaint, the form set forth in subsec. (a) shall be altered by inserting in lieu of the matter enclosed in brackets: "as set forth in paragraphs \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ of the attached complaint."

(c) If initiated on the department's own motion, the form set forth in subsec. (a) shall be altered by inserting in lieu of the matter enclosed in brackets:

"the following:
"1. \_\_\_\_\_
"2. \_\_\_\_\_
"3. \_\_\_\_\_"

(d) If in part on complaint and in part on causes initiated by the department on its own motion, the form set forth in (a) shall be altered by inserting in lieu of the matter enclosed in brackets:

"as set forth in the attached complaint, (or paragraphs \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ of the attached complaint), together with the following additional issues and causes:

"1. \_\_\_\_\_
"2. \_\_\_\_\_
"3. \_\_\_\_\_"

(8) ANSWER. The answer of the respondent shall be verified, unless an admission of the allegations might subject the party to prosecution for a felony, and shall be filed with the director of the division for children and youth in triplicate (original and 2 copies) within at least one-half the time intervening between the notice of hearing and the time set for said hearing, and such time for answer shall be stated in said notice as required by (7). The answer must contain:

(a) A specific denial of each material allegation of the causes controverted by the respondent.

(b) A statement of any new matter constituting a defense or mitigating circumstances charged, which the respondent wishes to have considered.

(9) ADMISSION BY NOT DENYING. Every material allegation of the causes not controverted as prescribed shall be taken as true, but new matter in the answer shall be deemed controverted without any reply being served or filed.

(10) DEFAULT; RELIEF THEREFROM. In case the respondent fails to submit an answer as required by (8), or fails to appear at the hearing at the time fixed therefor, the causes specified may be taken as true and the department may make findings and enter its order on the basis of the facts revealed by the preliminary investigation. But the director of the division for children and youth officer or the department may, for good cause shown, relieve the respondent from the effect of such default and permit him to answer and defend the proceeding, at any time before the department enters its order or within 60 days thereafter.

(11) SERVICE AND FILING OF PAPERS. Notice of hearing shall be given by personal service, but all other notices, orders and other papers may be served by the director of the division for children and youth or the department by first class or registered mail addressed to the party at his last known post office address, or to his attorney of record. Papers required to be filed with the department or the director of the division for children and youth may be mailed to the following address:

311 State Street  
Madison (3), Wisconsin

(12) CONDUCT OF HEARINGS; CONTINUANCES; APPEARANCES; EXAMINATION OF WITNESSES. Unless otherwise ordered by the department, all hearings shall be conducted on behalf of the department by the director of the division for children and youth or some other member of the division designated by him. Continuances and adjournments may be granted by such presiding officer for cause shown. The respondent may appear in person or by any officer, regular employe or attorney. The complainant may likewise so appear. Witnesses competent to take an oath shall be sworn by the presiding officer and may be examined on behalf of the department by the presiding officer or by a representative of the attorney-general acting as counsel for the department, or, with the permission of the presiding officer, by any employe of the department or by any complainant or his attorney. The respondent or any of his agents, officers or employes may be examined adversely as prescribed by section 325.14, Wis. Stats.

(13) **SUBPOENAS.** The director of the division for children and youth may sign and issue subpoenas, whether he is to conduct the hearing or not.

(14) **PREHEARING CONFERENCES.** Prehearing conferences may be held at the convenience of the parties and shall be conducted by the director of the division for children and youth or other member or employe of the division designated by him, who shall keep and preserve a record of any agreement as to the issues or stipulation or admission of fact which may be made at such conference. Such record shall be attached to the file and constitute a part of the official record of the case.

(15) **ARGUMENTS.** Except as provided in section 227.12, Wis. Stats., arguments shall be submitted to the department in writing, unless otherwise ordered. Five copies of such written arguments shall be filed with the director of the division for children and youth. The time for filing arguments shall be fixed by the officer presiding at the hearing.

(16) **VARIANCES.** The provisions of section 263.28, Wis. Stats., with reference to variances between the allegations and the proof, shall apply to proceedings under these rules.

**PW-CY 40.30 Adoptions. (1) SERVICES OF ADOPTION AGENCIES TO THE ADOPTIVE CHILD AND ITS NATURAL PARENTS SHALL INCLUDE:**

(a) The agency shall provide opportunity for discussion of the situation to help the family and the agency determine whether the services of the agency are suitable.

(b) An agency accepting responsibility for the natural family and child shall offer casework services to natural parents.

(c) In considering plans for their child, parents shall be told about the alternatives of keeping or releasing the child: They shall be informed about the appropriate resources and shall be helped to an understanding of the implications of the choice they make.

(d) If the decision is to give up the child, the agency shall help the parent and the child throughout the process of separation.

(e) In making the investigations required by section 48.88 (2) (a), Wis. Stats., and in exercising its authority under sections 48.61 (3), (5) and 48.64, Wis. Stats., the agency shall obtain pertinent information about the family, its religious, cultural, social and economic background and the health, personalities and capacities of individual members.

(f) In accord with sections 48.61 (3), (5), and 48.64, Wis. Stats., a careful study shall be made of the child's individual characteristics and his capacities and potentialities for growth.

(g) A general physical examination (and special tests and examinations as indicated) by a licensed physician shall be given the child.

(h) Before the child is placed for adoption, the agency shall be certain that all rights of the parent or parents have been permanently terminated pursuant to section 48.40, Wis. Stats., or that the child has no parents.

(i) At the time of the termination of parental rights, the agency shall make certain that guardianship is established pursuant to section 48.43, Wis. Stats.

(2) SERVICES OF ADOPTION AGENCIES TO ADOPTIVE APPLICANTS SHALL INCLUDE: (a) Written or personal inquiries about adoption shall be handled expeditiously and an appointment for an initial interview with a social worker made as soon as possible.

(b) The agency shall make known and explain the content, meaning and purpose of its policies and practices.

(c) Agencies serving children who need adoptive homes shall interpret to adoptive applicants the needs of such children for normal home life.

(d) The agency shall give the couple information about adoption as it relates to them.

(e) The agency shall seek to understand the couple's motivation for adopting children.

(f) If the couple is childless, the agency shall seek to ascertain the reason for their childlessness and its significance for them.

(g) Through this study, the agency shall determine the couple's maturity; their health; their capacity for loving the child and insuring his acceptance by the community, for providing moral and spiritual guidance, a happy and stable home, reasonable financial security; and shall secure information concerning the couple's relatives and friends.

(h) The agency shall determine through their study the sort of child whose needs the family can best meet.

(i) The caseworker shall give information regarding agency procedures and discuss with the applicants how they will work together during the study, placement, and supervisory period.

(k) Appropriate medical opinions shall be secured regarding the health of adoptive applicants.

(l) There shall be sufficient interviews with the husband and wife together and separately to achieve the purposes of the home study.

(3) THE PLACEMENT PROCESS FOR ADOPTIVE CHILDREN SHALL INCLUDE: (a) When a child is ready for adoptive placement, the evaluation of his potentialities and needs shall be considered in relation to the evaluations of the homes studied. The home best suited to the particular child shall be chosen.

(b) The child, his personality, potentialities and needs shall be discussed with the selected adoptive parents.

(c) If these discussions result in agreement to continue the placement process, arrangements shall then be made for the selected adoptive parents to see the child and become acquainted with him.

(d) Time shall be allowed for the selected adoptive parents to consider and discuss their reactions to the child.

(e) If the agency concludes that the reactions of the selected adoptive applicants and the child are satisfactory, arrangements for placement may be made.

(f) The agency which places the child in an adoptive home shall secure the signatures of the applicants to an agreement in conformity with section 48.64, Wis. Stats., which shall insure the right of the agency to visit the child, give directions for his care, evaluate his adjustment, and, if necessary, remove the child at the discretion of the agency. The worker shall explain the significance of this agreement.



(g) The worker shall prepare the family for the supervisory period by giving further information regarding procedure and their relationship to the agency.

(4) SUPERVISION BY THE ADOPTION AGENCY AFTER PLACEMENT OF AN ADOPTIVE CHILD UNTIL ITS ADOPTION SHALL INCLUDE: (a) The agency shall provide casework service after the child is in the home in order to evaluate the placement and to assist in the adjustment between the child and the family.

(b) The agency shall remove the child from his adoptive home when his best interests demand such removal.

(c) The agency shall see to it that the adoptive parents are informed of the nature of the court hearing, and of the responsibility of the parents and the agency in completing the legal adoption.

**History:** 1-2-56; am. (1) (e), (f), (h), (i) and (3) (f) and r. (2) (j). Register, July, 1966, No. 127, eff. 8-1-66.

## 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.

**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, November, 1964, No. 107

(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.

## LICENSING CHILD WELFARE INSTITUTIONS

**PW-CY 40.50 Introduction.** (1) (a) *Statement of intent.* The intent of these rules is to protect and promote the health, safety and welfare of children in care in child welfare institutions in Wisconsin.

(b) *Effect of rules.* The following rules for licensing 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 licensing. Persons using these rules should be aware of and familiar with the statutory sections containing laws pertinent to child welfare institutions.

(c) *To whom the rules apply.* These rules apply to all child welfare institutions making application for a license under section 48.60, Wis. Stats.

(d) *Exceptions to rules.* The department may make exceptions to any of the rules for licensing child welfare institutions when it is assured that granting such exceptions is not detrimental to the health, safety and welfare of children.

(e) *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. Division. Unless qualified, the division of family services.

4. Division of health. The division of health of the Department of Health and Social Services.

5. Division of industrial safety & buildings. The division of industrial safety and buildings of the Department of Industry, Labor & Human Relations.

6. Child welfare agency. Any facility required to be licensed under section 48.60, Wis. Stats.

7. Child welfare institution. A child welfare agency which regularly provides care and maintenance for children within the confines of its building.<sup>(1)</sup>

<sup>(1)</sup> An agency whose primary purpose is education is deemed to be a child welfare institution when its pupils, in the ordinary course of events, do not return annually to the homes of their parents or guardians for at least 2 months of summer vacation. Exceptions to these rules may be considered for such agencies when these exceptions, in the department's opinion, do not jeopardize the health, safety and welfare of children.

8. Board of directors. The policy making body which governs a child welfare institution and is responsible for compliance with these rules.

9. Legal custodian. The person or agency 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. Legal custody is taken from a parent only by court action.

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

11. Child. Is legally defined as a person under 18 years of age. In addition these rules use the word to include those persons under



continuing juvenile court jurisdiction who have not yet attained age 21. (See section PW-CY 40.55 (4), Footnote).

**History:** Cr. Register, October, 1957, No. 22, eff. 11-1-57; r. and recr. Register, July, 1970, No. 175, eff. 2-1-71.

**PW-CY 40.51 Organization and administration.** (1) **INCORPORATION.** Every child welfare agency shall be incorporated. Any agency incorporated outside of Wisconsin shall secure authorization from the secretary of state to do business in Wisconsin.

(2) **BOARD OF DIRECTORS.** (a) Every agency shall be governed by a board of directors which is responsible for the operation of the agency according to its defined purposes.

(b) If the agency is incorporated in another state, the board of directors shall:

1. Meet in Wisconsin at least once during the period for which the license is issued, or

2. Have a subcommittee of at least 3 Wisconsin residents one of whom shall be a member of the board. This subcommittee shall be responsible to the board of directors to see that board policies are carried out and that there is adherence to licensing rules.

(c) When requested, the board, or its subcommittee if it is in the category covered by (2) (b) above, shall meet with the licensing representative.

(d) The board shall:

1. Define its responsibilities. These responsibilities shall include:

a. The establishment of policies to be followed by the institution and regular planned review of its policies and purposes to determine that the interests of children are being served.

b. Surveillance that the institution does not discriminate in its personnel practices, intake and services on the basis of race, color and national origin.

c. The exercise of trusteeship for property, investment and protection from liability.

d. Approval of the budget and responsibility for obtaining and disbursing of funds.

e. Employment of a qualified executive and delegation to that executive the responsibility for the administration of the institution and the employment of other staff members.

2. Meet at least semiannually and keep minutes of each meeting which shall be made a part of the permanent records of the institution.

3. Keep informed to insure that the institution fulfills its functions.

4. Consult with the department prior to the establishment of a new institution or the changing of a basic program of care of an existing institution.

5. Notify the department when there is a change in the executive of the institution and/or the board chairman.

6. Notify the department of any major changes pending or occurring in the corporate structure, organization or administration of the agency.

(3) **APPLICATION.** (a) All applications shall be on forms prescribed by the department, shall be signed by the chief officer of the board and the institution executive and shall be submitted to the department.

(b) If the board is applying for a license for the first time a

written notification indicating intent to operate shall be submitted at least 60 days prior to the date on which it proposes to begin operation.

(c) The formal application for the initial license shall be submitted before a first license is issued. The institution shall not begin operation as an institution until it receives such a license.

(d) The following material shall accompany the first application for a license:

1. A copy of the articles of incorporation and if existent, a copy of the constitution and by-laws.
2. Evidence of the availability of funds to carry the institution through the first year of operation.
3. A statement of purpose which includes a description of the geographic area to be served, the types of children to be accepted for care, the services to be provided and the program objectives.
4. A description of the job responsibilities for each type of position proposed for the institution.
5. A proposed organization chart insuring that there will be staff in number and qualifications for the scope of the agency services.
6. A list of the board members.

(e) Subsequent applications shall be submitted to the department:

1. At least 3 weeks prior to the expiration of the current licensing.
2. When an additional facility or new program which is subject to licensing is to be opened.
3. When the address of the facility is to be changed.
4. When ownership of the institution is changed.

(f) The following material shall accompany subsequent applications for a license:

1. Copies of the annual reports published since the last license was issued.
2. The budget for the current fiscal year and the financial audit of the past year.
3. A list of the current members of the board of directors and its committees.
4. The number, names, qualifications and classifications of current staff.
5. A copy of the current staff organization chart.
6. A description of any program review and evaluation and changes in program content and purpose which have occurred since the last license was issued.
7. If the expiring license is provisional, a statement showing whether the requirements on which a provisional license was based have been met, or if not, plans for meeting them.
8. A copy of any revisions of personnel practices that have been made since the last license was issued.

(g) A written amendment to the license shall be secured from the department by the board of directors prior to any changes in the conditions of the current license.

(h) When a license is issued, the board shall display the certificate of license in a prominent place in the institution.

(4) FINANCING. (a) The board, with the executive, shall be responsible for the safety and judicious use of the funds of the institution. Policies and practices shall be in accord with sound budgeting, disbursement and audit control procedures.

(b) Each institution shall:

1. Have sufficient funds assured to carry a new institution through its first year of operation and be able to furnish evidence to that effect.
2. Have a sound plan of financing to assure sufficient funds to enable it to carry out its defined purposes and to provide proper care for children, as required by the administrative rules relating to licensing child welfare agencies.
3. Provide for annual audit of all accounts by a certified public accountant who is not in the employ of the agency nor a member of the board.
4. On request, provide the department with financial records or financial statements.

(c) The financial operation of the institution shall be based on an annual budget approved by the board. This budget shall reflect anticipated expenditures and sources of income.

**History:** Cr. Register, October, 1957, No. 22, eff. 11-1-57; r. and recr. Register, July, 1970, No. 175, eff. 2-1-71.

**PW-CY 40.52 Personnel administration. (1) PERSONNEL POLICIES.**

(a) Each institution shall have a written statement of personnel practices adopted by the board. The board shall review personnel practices at least every 2 years.

1. The following items shall be included in personnel practices and shall be submitted to the department for approval with the original application:

a. Job responsibilities. There shall be written descriptions of job responsibilities for all positions of 6 months or longer duration in the institution.

b. Staff pattern. There shall be staff sufficient in number and qualifications for the scope of the institution's services.

2. Within one year from original licensure and every 2 years thereafter, the institution shall submit to the department for approval, written material concerning the process and content of orientation, staff development and in-service training programs for all institution employees. These programs shall include provision for the development of a working knowledge of these rules as they pertain to individual responsibilities.

(b) There shall be written policy statements available to all employees and made known to each employee at the time of employment including:

1. The method of wage adjustments.
2. Retirement program.
3. Health and other insurance programs.
4. Vacation, sick leave, holidays and leaves of absences.
5. Probationary status.
6. Termination procedures.
7. Agency chain of command.
8. Grievance procedures.
9. Employment outside the agency.
10. For the job classification for which application is being made:
  - a. Compensation.
  - b. Hours of work.
  - c. Description of job responsibilities.
  - d. Performance evaluation.

(c) A personnel record shall be maintained for each staff member and be available to the authorized licensing staff. The record shall include:

1. Employment application showing qualifications and experience.
2. Statement from previous employers and personal references.
3. Reports of job performance.
4. Medical reports.
5. Dates of employment, separation and reasons for separation.

(d) Resident staff shall have at least 2 hours free of all agency responsibility during each 24 hour day, and at least one consecutive 24 hour period of free time per week.

(2) PERSONNEL. (a) *General qualifications.* 1. All employees shall have the ability and emotional stability to carry out their assigned duties.

a. Character references from at least 2 people and references from previous employers within the last 5 years must be obtained for prospective employees.

b. References may be documented either by letter or verifications in the record of verbal contact giving dates, person making the contact and persons contacted and the contact content.

c. The institution shall review and investigate application information carefully to determine whether employment of the individual is in the best interests of children under its care.

2. Every staff member who has contact with children shall have a comprehensive physical examination, including chest X-ray and seriological test for syphilis within one year before he begins work. The examination shall be repeated annually within one year of the previous examination.

3. All persons shall be excluded from the institution when ill, including such conditions as serious upper respiratory infections and infectious lesions. Persons with contagious diseases such as, but not limited to mononucleosis, streptococcal and staphylococcal infections shall have a physician's release before returning to work.

4. No person with a health history of typhoid, paratyphoid, dysentery, or other diarrheal disease shall be employed in an agency until it is determined by appropriate tests that such person is not a carrier of these diseases.

(b) *Administrative staff.* 1. An administrator shall be employed who shall:

a. Possess a knowledge of child welfare services and a demonstrated actual or potential administrative skill and leadership.

b. Be a graduate of an accredited college or university with a minimum of 15 credits in the social sciences.

c. Have at least 2 years experience in an administrative or supervisory capacity.

2. The administrator's responsibilities to the board for administering the institution shall include:

a. Satisfactory management.

b. Keeping them informed of the program of the institution.

c. Preparing the annual budget for discussion and approval.

d. Responsibility for the operation of the program of child welfare in employment, supervision and discharge of staff.

3. If the executive also functions as casework or child care super-

visor he shall meet the additional requirements for those classifications.

4. There shall be a qualified staff person to whom authority is delegated in the absence of the executive. The executive or a person to whom he has delegated responsibility, shall be available at all times.

(c) *Child care staff.*<sup>(1)</sup> 1. Child care staff shall participate on an ongoing basis in either:

a. A department approved in-service training program conducted by the institution, or

b. College or university credit or non-credit courses related to child care.

2. The ratio of child care staff to children in care shall be dependent on the needs of the children, but the ratio of such staff to children shall not be less than the following schedule:

<i>Age of child</i>	<i>Minimum ratio of staff to children during waking hours</i>
Infant to one year	1 to 3 children
One year to 2½ years	1 to 4 children
2½ to 3 years	1 to 6 children
3 to 4 years	1 to 10 children
4 years and over	1 to 12 children

<sup>(1)</sup> Child care staff are defined as those persons who are primarily responsible for the day to day living experience of children in care.

3. There shall be at least 2 child care staff members or persons properly substituting for them on duty in the institution at any time when there are 9 or more children present during waking hours.

4. When there are 8 or less children in care a second person who meets the qualifications for child care staff shall be available within 5 minutes.

5. At night there shall be a staff member within hearing or call of every 25 children or a fraction thereof, when they are asleep. In addition there shall be another adult who can be summoned in case of emergency.

a. If children under 6 are in care, the night time ratio of staff to children shall be no less than 1 to 15.

b. When infants under one year of age are in care, the night time ratio of staff to children shall be no less than 1 to 5.

c. When children are under 6 years of age, the staff members on duty shall be awake and remain in the immediate vicinity of the children.

6. The primary responsibility of child care staff shall be care of children. The institution shall not assign other responsibilities which interfere with this responsibility.

7. Responsibility for the supervision of child care staff shall be delegated to a person who is qualified for this position. This shall be a full time position if eight or more child care staff are employed. Qualifications for this position shall include either:

a. The status of advanced social worker (See section (2) (d) 4 below), or

b. A master's degree in a social science, or

c. Three years of experience in institutional child care plus 250 hours of documented in-service training.

(d) *Social service staff.* 1. The ratio of social service staff to children shall be dependent on the needs of the children, but, there shall be at least one social worker for every 25 children in the institution.

2. Institutions which provide care exclusively for mentally retarded children shall employ at least one social worker for every 50 children.

3. Director of social service or social work supervisor. a. Each institution shall employ as the director of social service or social work supervisor, one social worker with a master's degree from a recognized school of social work. In addition this person shall have knowledge of and skill in supervision and at least 2 years of supervised experience in a recognized child or family welfare agency.

b. The supervisory responsibility shall be handled by a full time agency employee if the institution employs 4 or more social workers. Such an employee could be carrying other functions on a limited basis if he is supervising between 4 and 8 social workers. Such a staff position shall not exceed supervision of more than 8 staff.

c. In a large program in which a director of social service is responsible for the supervision of one or more social worker supervisors, the director of social service shall have at least 2 years of supervisory experience in a recognized family or child welfare agency.

4. Advanced social worker. In agencies employing more than one social worker, at least 50% of the social work staff shall be advanced social workers. An advanced social worker shall have:

a. A master's degree from an accredited school of social work, or

b. Completed one year of graduate work in an accredited school of social work and have at least 2 years of supervised experience in child or family welfare, or

c. Graduated from an accredited college or university, completed at least 3 years of supervised experience in the field of child or family welfare, acquired 12 graduate credits in social work, and completed 250 hours of documented in-service training.

5. Social worker. Social workers shall have at least a bachelor's degree with a minimum of 15 credits in the social sciences and within 2 years of employment shall participate in at least 180 hours of documented in-service training.

6. Consultant services. The agency shall provide consultant services as required to meet the needs of the children. Consultants shall meet the standards of their professional groups. (See also, section PW-CY 40.55 (2) (d) 2.)

(e) *Education staff.* 1. The administrator shall designate a qualified staff person to be responsible for determining that the education needs of each child in residence are met.

2. If the institution operates a school program it shall maintain a classroom ratio of at least one teacher for each 15 students.

3. Teachers employed in an institution shall:

a. Hold a bachelor's degree from an accredited college or

b. Be a graduate of an approved 2 year professional teacher education course and have 2 years experience in a full time paid teaching position.

4. If teachers' aides are employed they shall meet the requirements for child care staff.

5. Education staff shall participate on an agency basis in either:

a. The institution in-service training program approved by the department, or

b. College or university credit or non-credit courses related to education.

(f) *Recreation and activity staff.* 1. The institution shall designate a staff person to be responsible for the development and coordination of the institution's recreation and activity programs.

2. The agency shall select recreation staff on the basis of experience in working with groups of children whose recreational needs and interests vary.

3. The agency may use child care staff as recreation or activity staff only if they possess skills ordinarily expected of recreation staff.

4. Recreation and activity staff shall participate on an ongoing basis in a department approved in-service training program.

(g) *Clerical staff.* The institution shall have clerical services to maintain correspondence, records, bookkeeping and files.

(h) *Other staff.* 1. The institution shall employ staff such as cooks, kitchen help, housekeepers, gardeners, janitors, laundresses, and seamstresses to carry on the daily housekeeping functions.

2. There shall be one person on the premises awake and on duty during the night in any institution having a population of over 25 children on the premises. (See also section PW-CY 40.52 (2) (c) 5.)

(i) *Volunteers.* 1. If volunteers are used, the agency shall assign an appropriate staff member to evaluate and supervise them and to develop a plan for their orientation, training and use.

2. All volunteers having regular contact with children for more than 2 hours per week shall have annual chest X-rays or negative tuberculin tests. Volunteers who are in contact with children more than 20 hours in a week shall meet the health requirements for paid staff.

**History:** Cr. Register, October, 1957, No. 22, eff. 11-1-57; r. and recr. Register, July, 1970, No. 175, eff. 2-1-71.

**PW-CY 40.53 Building, grounds and equipment.** (1) **GENERAL REQUIREMENTS.** (a) All buildings of the child welfare institution shall comply with the state building code.

(b) Plans for new buildings, or alterations which affect the structural strength, safety, or sanitary conditions of existing buildings, shall be submitted to the division of industrial safety and buildings, and to the department for approval. The agency shall have in writing the approval of both the department and the division of industrial safety and buildings before contracts are let.

(c) The institution shall comply with requirements established through the building inspections which the division of industrial safety and buildings will make at intervals not to exceed 2 years.

(d) The premises of an institution shall be used only for purposes which are compatible with the program of child care.

(e) Living and indoor recreation space to enhance physical and emotional health shall be provided. Buildings constructed or other facilities converted to child care after the effective date of these rules shall contain living and recreational space at least equal to the minimum amount of sleeping space required for licensing. This space shall be exclusive of hallways less than 7 feet in width, bathrooms, lockers, offices, storage rooms, isolation rooms, staff rooms, furnace rooms and that part of the kitchen occupied by stationary equipment.

(f) Safety glass which is resistant to shattering or screening approved by the department shall be installed in high risk areas where children are active such as recreation rooms and stair wells.

(g) There shall be telephone service in all buildings housing children.

(h) Any institution operating or using camping facilities shall comply with requirements for recreational camps established by the division of health. (See chapter H75, Recreation Camps, State Division of Health). Agencies shall comply with requirements established through annual inspections of the division of health.

(i) Institutions using or operating camp facilities between October and April shall comply with requirements of the building code and the heating, ventilation and air conditioning code issued by the division of industrial safety and buildings. Compliance with these requirements shall be determined through inspections of the division of industrial safety and buildings made at intervals not to exceed 2 years.

(2) **LOCATION.** The location of the institution shall be beneficial to health, safety and well-being of the children.

(3) **GENERAL SANITATION.** The institution shall comply with departmental sanitation requirements and with the recommendations of the division of health when used as a consultant by the licensing agent.

(4) **WATER.** (a) The institution shall at all times have a safe adequate supply of running hot and cold water.

(b) Drinking water shall be supplied from an approved public water supply, if available.

(c) When water is obtained from a private well, the water supply shall meet the requirements of the division of health, and its safety shall be determined by monthly testing of samples submitted to the state laboratory of hygiene, Madison Wisconsin, or to a laboratory certified by the division of health.

(d) The use of common drinking utensils shall be prohibited. Sanitary drinking fountains shall be installed or individual drinking cups provided.

(5) **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 division of health.

(6) **BATH AND TOILET FACILITIES.** (a) The institution shall:

1. Maintain bathrooms, toilets and wash basins in a sanitary condition. At least one-half of the facilities shall be on the same floor as the sleeping rooms.

2. Provide at least one wash basin in every toilet room.

3. Provide separate toilets and bathrooms for boys and girls 6 years of age and over.

4. Provide privacy and bath and toilet equipment of the appropriate height for the children using it.

5. Provide at least one tub and one shower, either separate or in combination with each other, in each living unit.

(b) An institution with 8 or less occupants shall meet the requirements with one complete bathroom, provided that all children under



care are of the same sex. The term "complete bathroom" is intended to include a toilet stool, wash basin, and a bathtub or shower.

(c) An agency with 9 or more occupants shall:

1. Provide separate bath and toilet facilities for staff.
2. Provide one toilet for every 8 children, one tub or shower for every 8 children, and one wash basin for every 4 children.
3. Provide at least one toilet and wash basin near living rooms and recreation areas.

(d) All hot water pipes leading to bathing and washing facilities used for child care purposes shall be fitted with an approved temperature control device so that the water delivered does not exceed 105 degrees F. The temperature control device shall be tamper proof and controlled only by authorized persons.

(7) SLEEPING FACILITIES. (a) The institution with 9 or more children shall:

1. Provide an area of at least 80 square feet within sleeping areas for one child.
2. Provide at least 60 square feet of floor space per child in sleeping areas that accommodate more than one child.

(b) The institution with 8 or less children shall:

1. Meet the requirements for space within sleeping areas with at least 35 square feet of floor space for each child occupying a bedroom if it also provides an average of 200 square feet or more of living space for each occupant of the institution including the children in care, staff and any members of the families of staff housed in the institution. The term "living space" is intended to include all areas of the house except an unfinished basement, attic or similar areas not usually occupied by the family in their daily living.

(c) Each institution shall:

1. Provide each child with his own bed which shall be at least 30 inches wide and adequate in length for his height.
2. Provide separate sleeping rooms for boys and girls 6 years and over.
3. House no more than 4 children in a sleeping area. In a remodeled setting, provide for permanent full or partial partitions at least 6 feet in height between at least every 4 beds.
4. Have beds at least 3 feet apart at the head, foot and sides. Have double decker beds, if used, at least 3 feet apart at the head and foot and at least 5 feet apart at the sides.
5. Provide each bed with level, substantial springs, a comfortable mattress, a pillow, 2 sheets and sufficient covering for comfort.
6. Provide a complete change of clean bed linen at least once a week. In addition, provide clean bed linen whenever soiled, and, provide rubber sheeting for all children under 6 years of age and for all enuretic children.

(d) Each child shall have a closet, locker or bureau for clothing and personal belongings which shall be reserved for him alone.

(8) HEAT, LIGHT, VENTILATION AND SCREENING. (a) The institution shall:

1. Meet heat, light and ventilation requirements established for institution facilities by the division of industrial safety and buildings.
2. Provide a heating system that will maintain the temperature

in living and sleeping quarters between 70-74 degrees F. during the day and 67-70 degrees F. during the night.

3. Provide appropriate coverings for windows through which sunlight enters.

4. Provide screens for open doorways and windows.

(9) **SAFETY AND PROTECTION FROM FIRE.** (a) The institution shall:

1. Comply with the state building code relating to fire protection and safety.

2. Develop a detailed plan of evacuation of buildings for use in case of fire and train staff in the use of this plan.

3. Post printed procedures for evacuation in conspicuous places in buildings used by children and staff.

4. Have fire drills at least once every 2 months and maintain an ongoing written record of fire drills for the past year.

5. Train staff and children in the correct reporting of fires and in fire prevention. Train staff in how to extinguish small fires.

6. Provide one fire extinguisher per 2000 square feet of floor area, and at least one extinguisher on each floor, including basements.

7. Keep fire extinguishers charged and filled and have them inspected annually.

8. Have all exits, doors, halls, and stairs well lighted and kept clear and ready for instant use. Provide exit signs and lights when required by the building code.

9. Provide more than one exit leading to the outside of the building from each floor. Exit doors shall open outward and be equipped with panic hardware.

10. Report to the department within 48 hours any fire on the premises which requires the services of a fire department.

11. Provide a fire alarm system in compliance with building code requirements in all buildings used for sleeping by 20 or more persons.

12. In buildings for more than 30 children, provide an emergency generator or other approved separate electrical supply system as required by the Wisconsin state electrical code.

**History:** Cr. Register, October, 1957, No. 22, eff. 11-1-57; r. and rec. Register, July, 1970, No. 175, eff. 2-1-71.

**PW-CY 40.54 Child care and development.** (1) **GENERAL REQUIREMENTS.** (a) *Program requirements.* The institution shall:

1. Develop programs which encourage the development of independence through avoiding regimentation of scheduling.

2. Integrate the agency program with community activities so that children have opportunities to participate in normal community living patterns.

3. Provide for the development and maintenance of constructive relationships with parents, brothers and sisters, relatives, staff and friends.

4. Incorporate in its program a balance of spiritual and moral training, work, recreation and education.

5. Make maximum use of small groups as an aid in individualizing the child and helping him to attain a sense of personal identity.

(b) Buildings shall be so structured or arranged that groups of children can be housed under supervision of their own child care staff, without gross intrusion from other similar groups.

(c) In institutions licensed to house 9 or more children in a build-

ing, children of staff shall not be housed in the living quarters of children under care.

(2) **PERSONAL HYGIENE.** The institution shall:

(a) Provide every child the opportunity to develop socially acceptable habits.

(b) Establish a climate in which each child learns the values of personal hygiene.

(c) Provide each child with his own toilet articles, including a toothbrush and comb, and with clean towels and washcloths not less than twice a week. Prohibit the use of a common towel.

(d) Provide space for individual storage of toilet articles. Allot space to permit quick drying of towels and washcloths and separation from those of other children.

(e) Provide mirrors in bathrooms and living areas at appropriate levels and numbers to be easily accessible to all children.

(3) **CLOTHING.** Each institution shall:

(a) Develop a list of clothing required for children and maintain the child's wardrobe at or above this level. This list shall be subject to the department's approval.

(b) Furnish each child with clothing which is individually selected and fitted, appropriate to the season and comparable to that of other children in the community. Each child's clothing shall be identified as his own.

(c) Have shoes fitted to the individual child and kept in good repair. Shoes already worn by one child shall not be given to another child.

(d) Arrange for children to participate in the selection and purchase of their clothing to the maximum extent feasible.

(e) Use donated clothing only if it is suitable and in good condition.

(4) **WORK EXPERIENCE.** Each institution shall:

(a) Provide work experience for children that is appropriate to the age, health and abilities of the individual child. Work shall be assigned and supervision provided with the view to training and contributing to his growth. Work shall not interfere with the child's time for school, study periods, play, sleep, normal community contacts or visits with his family.

(b) Not use the children as substitutes for staff.

(c) Comply with the rules of the department of industry, labor and human relations on child labor, especially the use of dangerous machinery and hazardous employment. Operation of such machinery shall be in the immediate presence of an adult.

(d) Differentiate between chores which children are expected to perform as their share in the business of living together, specific work assignments available to children as a means of earning money, and jobs performed in or out of the institution to gain vocational training.

(e) Give children some choice in their chores and change routine duties often to provide a variety of experience.

(f) Provide every child of school age with an allowance either by gift or by earnings which he is permitted to spend at his own discretion.

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

(b) The written consent of the parent or legal guardian shall be obtained prior to the agency using a child's picture or name in any form of written, visual or verbal communication system.

(6) DISCIPLINE AND CONTROL. (a) Each institution shall:

1. Maintain current discipline policies in writing. They shall be aimed at changing attitudes and conduct and at helping the child understand and conform to established standards of behavior through inner control rather than by external pressure.

2. Prohibit physical and verbal abuse, corporal punishment, ill treatment and harsh and humiliating punishment. (See sections 49.981 and 940.27, Wis. Stats.)

3. Determine discipline on an individual basis and prohibit punishment of a group for an individual's offense.

4. Not create a negative attitude for work by using it as an inappropriate disciplinary measure.

5. Prohibit the withholding of meals, mail, or family visits as methods of discipline.

6. Not permit a child to punish another child or group of children.

7. Not use confinement except as a therapeutic measure when the child is in danger of harming himself or the group, or is undergoing an emotional crisis.

If confinement is used:

a. Rooms used for confinement shall be constructed and equipped so that therapeutic use is maximized and risk of injury to children is minimized:

1) Windows shall be covered with psychiatric screening.

2) Steam or hot water radiators shall be covered.

3) Because confinement rooms are considered to be places of detention, the buildings in which they are located must be of fire resistant construction.

4) Doors shall be equipped with a window through which the occupant of the room can be observed.

b. Written policies for the use of confinement shall be prepared, and included in in-service training.

c. The agency shall maintain a log or record book on the use of confinement. This record shall include information on the circumstances leading to confinement, the period of time any child was confined and specific reasons for periods of confinement extending beyond one hour.

d. Periods of time during which children are confined shall be kept at a minimum. While a child is confined, periodic checks at intervals not to exceed 15 minutes shall be made on the emotional state of the child and a decision made on whether or not he can be released from confinement.

e. The agency administrator shall designate appropriate members of the staff who may authorize confinement of a child. The administrator or his designate must approve if confinement extends beyond one hour.

(7) HEALTH CARE. (a) *General health program.* 1. Each institution shall:

a. Provide for the necessary remedial and corrective measures for every child as soon as possible after initial and periodic physical examinations.

b. Have a written planned program of health supervision and medical and dental care.

c. Prior to admission obtain from the parent or guardian of every child accepted for care a written authorization for emergency surgical and medical care, for necessary vaccinations and immunizations, for routine medical examinations and care.

1) The authorization for emergency surgery is for use only in the event the parent or guardian cannot be reached in an emergency. Whenever non-emergency surgery is necessary, written permission for the specific surgery shall be obtained from the parent or guardian.

d. Report any serious illness or hospitalization of a child to his parent or guardian and legal custodian.

(b) *Health procedures on admission.* 1. A complete physical examination shall be given to each child within 90 days prior to or within 48 hours after admission. If a child has not been examined prior to admission he shall be isolated from other children until the examination is completed. The examination shall cover items included on a department prescribed form.

2. An observation shall be made of each child on arrival for admission by a person capable of recognizing common signs of communicable diseases or other evidence of ill health. The child's temperature shall be taken and evaluated. If the child shows overt signs of communicable disease or other evidence of ill health, the institution shall make arrangements for immediate examination by a licensed physician.

(c) *Immunization.* 1. Any child who has not received primary immunization prior to admission against any of the following diseases shall be so immunized within 30 days after admission.

- a. Smallpox
- b. Poliomyelitis
- c. Diphtheria
- d. Tetanus
- e. Whooping cough (to age 6)
- f. Measles (rubeola)
- g. German measles (rubella)
- h. Mumps

2. Necessary booster shots shall be administered to children on admission and while in care at time intervals recommended by the American Academy of Pediatrics or the division of health.

(d) *Health examinations.* 1. The institution shall provide for each child an annual health examination covering the areas included on a department prescribed form.

2. An institution with children under 6 years of age in care shall provide for them health examinations according to a schedule established by a responsible physician but not less than annually.

3. Each child shall be given a complete health examination within a week prior to discharge unless a health examination has been given within the preceding 6 months.

(e) *Medical care.* Each institution shall:

1. Arrange with a physician licensed in the state of Wisconsin or with a clinic employing such physicians to serve as the agency

medical director or consultant and to be responsible for a program of medical care within the institution, including visits to the institution and office visits.

2. Establish written policies and procedures for hospitalization, first aid procedures and dispensing of medication.

3. Provide for prompt treatment of acute illness.

4. At the time of discharge, make available to the parents or to the agency responsible for planning for the future medical care of the child, a copy or summary of the child's health record.

(f) *Nursing care.* The institution shall:

1. Provide hospitalization for the ill child when need is determined by the attending physician.

2. Provide nursing care within the institution when such is prescribed by the attending physician.

3. Provide members of the child care staff with sufficient training to enable them to recognize the common symptoms of illnesses of children, to note any marked physical defects, and to administer simple remedial measures.

4. Give treatment and medication only upon the order of a physician, except for first aid treatment in case of emergency.

5. Keep all medication in locked cabinets.

(g) *Dental care.* Each institution shall:

1. Provide for adequate dental examinations and re-examinations and treatment, including necessary prophylaxis, repair and extraction.

2. Provide each child with a thorough dental examination either:

a. Within one month of admission if there has been no examination within the preceding 6 months, or

b. Within 6 months after his last examination prior to admission.

3. Arrange for re-examinations at intervals not exceeding 6 months after the last examination or completion of treatment.

4. Assure that X-rays recommended by the dentist working with the child are obtained.

5. Attempt to secure orthodontic and more extensive restorative dentistry when necessary to the health and well-being of the child.

6. Make available, at the time of discharge, to the parents or to the agency responsible for planning for the future dental care of the child, a copy or summary of the child's dental record.

(h) *First aid.* 1. At least one member of the child care staff who is qualified to administer first aid shall be available within the institution at all times.

2. The first aid training of staff shall be equivalent to that offered by American Red Cross.

3. Each institution shall have available for instant use in each living unit a first aid kit with contents to be determined by the medical director.

(i) *Health records.* 1. The institution shall maintain on its premises a separate health record or a health section in the case record for each child which shall include:

a. The signed consent of parent or guardian. (See section PW-CY 40.54 (7) (a) 1. c.).

b. Reports of all required and additional examinations and the recommendations resulting from such examinations.

c. Previous and continuing health history of the child.

d. Record of illness, treatment and medication, and hospitalization.

e. Information concerning the following medical procedures, including dates of occurrences, results, and person administering;

- 1) Immunizations and laboratory tests.
- 2) Corrective treatments.
- 3) Dental examinations and treatment.

(j) *Reports.* The institution shall report any injury to a child which required hospitalization or the death of any child to the division and to the parent or guardian and the legal custodian within 48 hours.

(k) *Rest.* The institution shall provide opportunity for 8 to 10 hours of uninterrupted sleep for each child according to his individual needs.

(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.
2. Recognize variations in appetite and encourage, but not force children to eat.
3. Provide supplementary food or modify diets as ordered by the physician for those children who have special needs.
4. Provide a dining area of at least 15 square feet per child.
5. Keep menus on file for one year and submit them on request of the department for review and evaluation by qualified nutritionists or dietitians. Menus shall specify the actual foods served. Any between meal snacks provided shall be included in the daily menu plan.

(b) *Food supply.* Each institution shall observe and apply the rules of the division of health as they apply to food supply for restaurants.

(c) *Meal service.* 1. Each institution shall:

- a. Serve meals at recognized meal times and at least 3 times a day except when children obtain their noon meal at school.
- b. Give consideration in planning meals to the religious practices and, whenever possible, the cultural pattern of the children.
- c. Serve staff members who eat with the children the same food as that served to the children.
- d. Help children develop good eating habits.

(d) *Personnel.* All employees who handle food or work in the food service area shall observe and follow the rules of the division of health for restaurants as they apply to personnel employed in food service areas.

(e) *Sanitation.* Each institution shall observe and apply the rules of the division of health for restaurants in relation to proper sanitation throughout the kitchen, food preparation, serving and dining areas.

(9) **RELIGIOUS TRAINING.** Each institution shall:

- (a) Have written policies on religious training.
- (b) Obtain parental consent for church attendance and religious instruction when the agency practice varies from that of the child or his family.

(c) Whenever possible or appropriate, arrange for children to participate in religious exercises in the community.

(10) EDUCATION<sup>(1)</sup>. (a) The institution shall evaluate and consider each child's education status in determining whether or not the agency is appropriate for caring for him.

(b) Each institution shall:

1. Be responsible for providing opportunity for academic and vocational training as required in section 118.15, Wis. Stats. and in accordance with abilities and needs of the children. Wisconsin statutes make compulsory school attendance applicable to both public and private schools.

2. Provide opportunity for specialized training of children who are unable to benefit from a community school program because of physical, mental, or emotional reasons.

3. When the agency's educational program is conducted on campus, design such program and facilities to meet the specific needs of the children and provide competent instruction.

4. Evaluate the educational progress of the individual child at least once a semester, to be part of his overall progress evaluation.

5. Arrange for children to attend school in the community whenever possible or appropriate to enable them to have normal contacts with other children and with the general life of the community. Children shall be given the opportunity to develop friendships with schoolmates living in the community and to visit with them on and off the premises.

6. When approved use available community facilities for vocational counseling and training.

7. Provide suitable reading material and facilities for undisturbed reading and study for all children wishing to read or having homework assignments.

8. Provide sex education by understanding persons who are knowledgeable and skilled in presenting the subject.

<sup>(1)</sup> See also section PW-CY 40.52 (2) (e).

(11) RECREATION AND ACTIVITY PROGRAMS AND LEISURE TIME<sup>(1)</sup>. Each institution shall:

(a) Plan its recreation and activity programs as an integral part of its total program in order to help children learn to use leisure time constructively and to develop new personal skills.

(b) Define recreation and activity objectives correlating them with overall program goals, indicate how these objectives are to be achieved and assign specific responsibility for implementing the recreation and activity programs.

(c) Provide for a varied recreation program under competent leadership. To bring children closer to the community, community recreational facilities shall be used when available and suitable.

(d) Consider participation for children in community youth serving groups, coeducational and camping activities.

(e) Provide indoor and outdoor recreation facilities.

(f) Provide a planned physical education program for those children who do not attend a community school.

(g) Provide that every child shall have some time to be alone if he wishes, places to go where he will not be disturbed, and an opportunity to exercise free choice of activities.

<sup>(1)</sup> See also section PW-CY 40.52 (2) (f).

**History:** Cr. Register, October, 1957, No. 22, eff. 11-1-57; r. and recr. Register, July, 1970, No. 175, eff. 2-1-71.



**PW-CY 40.55 Social services. (1) INTAKE AND ADMISSION. (a)**  
Each institution shall:

1. Develop intake policies in writing which clearly state types of services and specific programs offered by the agency, and procedures and information essential for application for admission.

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

3. Have on record, copies of the original consents, orders, agreements and authorizations retained by the referring agency, when another agency has legal custody, or guardianship, or is primarily responsible for planning for a child.

4. In other than emergency situations arrange for one or more pre-placement visits by the child, and when indicated and possible, by the parents if they retain guardianship. This requirement may be waived if the child lives more than 200 miles from the institution.

5. Obtain or develop a complete social study of the child before admission. In emergency placements, children shall be retained no longer than 60 days unless the study has been completed.

(b) The agency shall process each referral as quickly as possible. The referral agency or agent shall be informed of the decision on admission no more than one month after all required referral information has been obtained.

(c) When an institution accepts a child from another agency on a purchase of care basis, a written agreement shall be prepared outlining the respective responsibilities of each party as they concern the child and his parents.

(d) An institution providing temporary shelter care shall plan to keep the children in residence no longer than 60 days. No child shall remain in residence for more than 90 days. When a child's stay is expected to exceed 60 days, the agency shall report this in writing to the department, detailing plans for insuring replacement prior to the 90 day maximum.

1. This requirement shall also pertain to all children age 5 and under unless it has been determined by competent authority that the child's mental or emotional status requires residential care. Recommendation regarding acceptance of children under this condition shall be submitted to the department for approval.

(2) **SERVICES TO THE CHILD IN CARE. (a)** Each child in care shall receive regular social services provided by qualified social workers on the staff of the institution or by arrangement with another social service agency or agencies. When social service is provided by another agency, the institution shall be responsible for the adequacy of such service. (See also section PW-CY 40.52 (2) (d)).

(b) The social service program shall be a continuing service to children. It shall begin prior to the admission of the child, continue through his residence, and after discharge when appropriate.

(c) The social service program shall be directed toward helping the child adjust to life in the institution, making the experience a period of continuing physical, mental and emotional growth, and assisting the child to understand and accept his family relationships.

(d) The institution shall:

1. Evaluate the progress of the child at least every 6 months. The evaluations shall be made by social service staff together with

other staff members having significant contact with the child. The evaluations in summarized form shall be included in the child's record and shall be shared with the legal custodian

2. Make provision for psychological testing, psychiatric examination and treatment, and vocational counseling according to the child's needs.

(3) RESPONSIBILITY TO THE LEGAL CUSTODIAN. (a) The institution shall involve the legal custodian in planning for contacts with parents.

(b) The institution shall encourage contacts between parents and child except when these would be detrimental to the child's welfare or when permanent separation is planned.

(c) When visits are held at the institution, reasonable privacy shall be made available.

(4) DISCHARGE FROM CARE.<sup>W</sup> (a) The institution shall give advance notice to the legal custodian before discharging a child from care.

<sup>W</sup>Minors in need of continuing care and who are under the jurisdiction of a juvenile court may remain in the institution setting until age 21.

(b) Discharge shall be part of a planned program worked out individually with the child, the parents and/or the legal custodian, and through staff participation.

(c) The institution shall provide pertinent health information to the parents or the agency receiving the child. (See section PW-CY 40.54 (7) (e) 4 and (g) 6).

(5) CASE RECORDS. (a) Each institution shall maintain individual case records for children accepted for care. Case records shall be confidential and shall be protected from unauthorized examination. The maintenance of the case records shall be the responsibility of a properly designated staff person.

(b) Case records shall contain the following:

1. Pertinent information such as: child's full name, birthplace and birthdate; religion of parents and child; parents' full names including the mother's maiden name; date and place of parents' marriage; if parents are deceased, date, place and cause of death; if parents are divorced or separated, date and place of same; names, addresses and birthdates of other children in the family; names and addresses of near relatives; source of referral for care; date and reason for placement; financial terms.

2. Report of the original social study and investigation. This report shall include information concerning the religious, educational, economic and cultural background of the family. It shall also contain information about the child such as developmental and health history, personality, school placement and adjustment, previous placements, attitude toward separations, and family relationships.

3. Documents pertinent to current legal custody and guardianship status.

4. Written agreements with parents, guardians or legal custodians (other than medical care authorizations which are to be kept in the health records).

5. School reports, including grades, progress and adjustment.

6. Case recording or summarized reports of the child's progress and development while under care, of the work done with the family,

of plans for discharge and after care and supervision. When case-work service is being provided by another agency, the institution shall see that it is provided with periodical summary reports of the casework service given and plans for continuing service, staffings and case conferences.

7. Reports of child care staff concerning the child's adjustment.

**History:** Cr. Register, October, 1957, No. 22, eff. 11-1-57; r. and recr. Register, July, 1970, No. 175, eff. 2-1-71

**PW-CY 40.56 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 reports pertinent to licensing.

(2) **RECORDS.** (a) Each institution shall maintain:

1. A register of all children currently receiving care. Included in the register shall be information concerning the name, sex, birth-date and legal custodian.

2. Individual case records for all children accepted for care. These records shall be maintained for at least 5 years after a child is discharged from care. (See section PW-CY 40.55 (5) (b)).

3. Health records of children. (See section PW-CY 40.54 (7) (i)).

4. Personnel records. (See section PW-CY 40.52 (1) (c)).

5. Financial reports and audits. (See section PW 40.51 (4) (b) 3.)

6. Copies of menus of all meals served. (See section PW-CY 40.54 (8) (a) 5.)

7. Records of fire drills held. (See section PW-CY 40.53 (9) (a) 4.)

8. Log on the use of isolation rooms. (See section PW-CY 40.54 (6) (a) 7.c. Child care and development).

(b) All records shall be protected against fire damage, theft, and unauthorized inspection.

(3) **REPORTS.** Each institution shall submit to the department:

(a) Reports as required under section 48.67 (3), Wis. Stats.

(b) A special report within 48 hours after the occurrence of an unusual incident such as a major fire or the death or serious injury of any child.<sup>(1)</sup> (See sections PW-CY 40.53, (9) (a) 10. and PW-CY 40.54 (7) (j)).

<sup>(1)</sup>Major fire is defined as one requiring the services of a fire department. Serious injury is defined as one requiring hospitalization.

**History:** Cr. Register, July, 1970, No. 175, eff. 2-1-71

**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.)

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.

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agency or the department may require that the foster parents (for themselves or in behalf of their own children), or the adult family members in question, shall authorize the submitting of a statement from a qualified physician and if required, a psychiatrist, certifying the condition of the person.

**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 40.62 Foster homes.** (1) **GENERAL REQUIREMENTS.** (a) The home shall be so constructed, arranged and maintained as to provide adequately for the health and safety of all occupants. It shall be of size and space, and shall have furnishings and equipment to accommodate comfortably both the family and foster children in their care. The licensing agency or the department may require inspection of the home by fire, health, sanitation or safety officials when in its judgment such expert opinion is needed to assist the agency in making a decision about the safety of the home for the care of foster children.

(b) Potentially dangerous items such as, but not limited to household poisons, medicines, plastic bags, matches, knives and firearms shall not be kept where they are easily accessible to children.

(2) **SLEEPING ARRANGEMENTS.** (a) Each foster child shall be provided with a separate bed except that 2 brothers or 2 sisters may share a double bed. Each bed shall be of such size as to insure comfort of the child, shall have suitable springs in good condition, a clean 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 an unfinished basement,\* or in a hall or any other room which is normally used for other than sleeping purposes.

(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.

\* 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." Wis. Adm. Code section Ind 51.13.

(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) The foster mother shall not be regularly employed outside the home without written approval of the licensing agency. Such approval shall be dependent upon the presentation of satisfactory evidence that suitable plans will be made for the care of children during the foster mother's absence 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 her 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 section 296.36, Wis. 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.
  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.

**PW-CY 40.64 Additional exceptions to the legal limit of 4 unrelated children.** In no instance will the department make an exception for the placement of more than 8 unrelated children in one foster home.

**NOTE: LIMITS FOR EXCEPTIONS.** As provided in section 48.64 (3), Wis. Stats., the number of children who may be placed in a foster home is limited to 4 or less unless all children placed "are in the relationship to each other of brother or sister, or unless the department in accordance with its rules, adopted under s. 48.67 makes an exception."

(1) **ADDITIONAL REQUIREMENTS FOR FOSTER PARENTS.** Before an exception is granted for the first time, foster parents shall meet the following requirements in addition to those required for licensing for the care of 4 or less children:

(a) Foster parents shall either:

1. Have had 2 or more years of experience as foster parents, institutional houseparents, or other relevant child care experience, or,
2. Have successfully completed not less than 24 class hours of foster parent training, or,
3. Agree to take such foster parent training within a period not to exceed one year.

(b) At least one foster parent shall either:

1. Have successfully completed a course in first aid training acceptable to the licensing agency, or,
2. Agree to take such course in first aid within a period not to exceed one year.

(2) **ADDITIONAL SPACE REQUIREMENTS.** For an exception to be granted, the home shall initially meet, and shall continue to meet the following requirements:

(a) There shall be an average of 200 square feet or more of indoor living space\* for each occupant of the household including foster children.

(b) The home shall have a room for indoor recreation.

(c) The home shall have a quiet area suitable for study.

\* **NOTE:** The term "living space" is intended to include all areas of the house except an unfinished basement, attic or similar areas not usually occupied by the family in their daily living.

(d) The home shall contain one complete bathroom\* for each 8 persons occupying the household including foster children. If children of both sexes 6 years of age or older live in the household, there shall be 2 complete bathrooms.

(e) Dining facilities shall be such as to permit all members of the household to sit down to meals together.

(f) The home shall be inspected annually and certified in writing as being free from fire safety hazards by fire safety officials acceptable to the licensing agency.

(3) OTHER ADDITIONAL REQUIREMENTS. For an exception to be granted, the foster parents shall initially meet, and shall continue to meet the following requirements:

(a) Foster parents shall contract in writing for the exclusive placement of children in their home by or through one agency.

(b) The number of children foster parents may receive for care plus the number of their own children who live in the household shall not exceed a combined total of 10.

(c) At those times when the number of foster children and children of the foster parents younger than 16 years exceeds 8, there shall be another person in the home to assist the foster parent at those times when more than 8 children are present. An assistant is not required when 2 foster parents are at home. The person selected to serve as assistant to the foster parents shall meet the requirements for licensing related to personal qualifications, health, and shall be no younger than 18 years of age.

(d) The foster mother shall not be employed away from the home.

**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 40.70 Definitions.** (1) DAY CAMPING means an experience in group living in a natural environment. It is a creative, educational experience in cooperative group living in the out-of-doors; carried on during the day time under the supervision of trained leaders. It utilizes resources of the natural surroundings to contribute significantly to mental, physical, social and spiritual growth.

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

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

**History:** Cr. Register, October, 1961, No. 70, eff. 11-1-61.

**PW-CY 40.71 License.** (1) LICENSE REQUIREMENTS. Day Camps 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 the rules and standards.

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

\* **NOTE:** Complete bathroom is intended to include stool, washbowl, and a tub or shower.

(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.

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

(b) Camping experience conducted by public and parochial schools.

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

(4) 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 laboratory of hygiene or certified laboratory indicating that the water source has been tested and found to be safe.

(b) A statement of the purpose of the day camp.

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

(d) A general description of the camp area and its general geographical location.

(e) A completed application form.

(5) RENEWAL OF LICENSE. Application for a renewal of 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.

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

(b) Each camp 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 camp.

(7) PROVISIONAL LICENSES. A provisional license may be issued and renewed in periods up to two years to any camp whose services are needed, but is temporarily unable to conform to all established minimum requirements.

(8) REVOCATION OF LICENSE. (a) The right to operate is dependent upon continued compliance with the required rules and standards.

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

(9) APPEAL PROCEDURE. (a) Any person aggrieved by the department's refusal or failure to issue or renew a license, or by its revocation of a license, has the right to an administrative hearing provided for contested cases in chapter 227, Wis. Stats.

(b) Judicial review of the department's decision may be had as provided in chapter 227, Wis. Stats.

(10) **ALLEGED VIOLATIONS.** (a) Whenever the department has reason to believe that any person is violating any of the provisions of sections 48.60, 48.62, or 48.65 Wis. Stats., it shall make an investigation to determine the facts and prosecute under section 48.76, Wis. Stats. if indicated.

(b) The department may either revoke the license and/or institute prosecution.

**History:** Cr. Register, October, 1961, No. 70, eff. 11-1-61.

**PW-CY 40.72 Personnel standards.** (1) **ALL PERSONNEL.** (a) *Required standards.* 1. The camp staff shall be adequate for the maintenance of the camp, for the care, protection, and education of the campers, and for business administration. There shall be a ratio of at least one counselor to every 8 children younger than 7 years of age. (This ratio is exclusive of administrative staff, junior counselors, or counselors-in-training. Administrative staff is defined as those staff members whose main responsibility involves other than direct program relationships with campers, i.e. directors, office staff, maintenance staff, cooks, dietitian, nurse.)

2. All members of the program staff shall possess the following minimum qualifications: Emotional maturity; good health and vitality; enjoyment of outdoor living; liking for children and the ability to understand the needs of campers; placing the needs of the campers and the camp ahead of personal desires; ability to work as a member of a group; interest in contributing to the achievement of the objectives in the camp; good moral character and integrity; particular skills and abilities for the specific responsibilities they are to carry; must be a high school graduate or a mature person qualified by camping experience.

(b) *Recommended standards.* 1. The camp should have carefully prepared written job descriptions for all types of positions, to be used in hiring and supervising staff.

2. The camp should utilize the best known techniques for the selection of staff members, such as application blanks, personal interviews and references.

3. The camp should have written personnel policies covering such matters as remuneration, time off, illness, job descriptions, relationships, evaluations, conditions for re-employment, personal conduct, etc.

4. All staff members who receive salaries or wages should receive a letter or written contract stating specifically the conditions of their employment.

5. There should be sufficient continuity in the total staff from year to year to give stability and cohesion to the program.

6. There should be procedures through which staff members may readily express themselves on matters of camp policies and regulations, including those that affect themselves.

7. Two years of college or the equivalent in experience significant for camping is desirable for the program staff member and especially for the camp director.

(2) **CAMP DIRECTOR.** (a) *Required standards.* The camp director shall have, in addition to the qualification under "2, All Personnel," the following:

1. Education and experience. At least 2 years staff leadership experience in organized camping as well as background in administration and working with groups.

2. Personal qualifications. The director must be at least 21 years of age, possess maturity of judgment, show initiative and resourcefulness, and demonstrate supervisory and administrative ability. In the absence of this person, there shall be a qualified substitute.

(3) **STAFF TRAINING.** (a) *Required standards.* 1. There shall be a pre-camp training program for a minimum of 3 days or 15 hours.

2. There shall be in-service training throughout the season, such as staff meetings, conferences, etc.

(b) *Recommended standard.* Two days or 10 hours of pre-camp training should be spent on the camp site.

**History:** Cr. Register, October, 1961, No. 70, eff. 11-1-61.

**PW-CY 40.73 Program standards.** (1) **PROGRAM.** (a) *Required standards.* 1. The program shall be appropriate for the ages, abilities, and interests of the children attending the camp.

2. There shall be planned rest periods during the camp day for all children, and such shall be appropriate to the age of the child.

The rest period shall be one hour or longer for all children under 5 years of age, if camp is in session for more than 4 hours.

(b) *Recommended standards.* 1. The camp program should afford an opportunity for the campers to participate in a creative outdoor group experience in a democratic setting, and should provide for the development of each individual.

2. The camp should develop objectives in the following areas:
  - a. Outdoor living.
  - b. Fun and adventure.
  - c. Social adjustment—for example: The development of independence and reliability, ability to get along with others, and values in group living.
  - d. An understanding of individuals and groups of varied backgrounds.
  - e. Improvement of health.
  - f. Skills and appreciation, particularly as related to the out-of-doors.
  - g. Spiritual values.

3. The program should be so planned, administered and supervised as to lead to the achievement of the general objectives of camping and the special objectives of the particular camp. These objectives should be stated in writing. Essentially the program should be related to the central theme of living together in a natural environment and learning to enjoy the out-of-doors.

4. Within the general framework of the program, there should be opportunity for cooperative planning for activities by campers and camp staff and an opportunity for some choice of activities by individual campers.

5. The program should include occasional parent participation activities and other techniques to strengthen family relationships and parent understanding of the children's needs.

6. Camps designed to offer a general program in camping should include a variety of situations in which the camper will have an opportunity:

- a. To acquire a feeling of competence and to enjoy himself in the natural outdoor setting through camp skills and other activities common to camp life.
- b. To participate in group projects, special events and ceremonies, and social activities.
- c. To share in the care of and improvement of the camp.
- d. To increase his knowledge and appreciation of the world in which he lives.
- e. To learn his relationship to his environment through such media as nature crafts, using native materials, etc.
- f. To participate in minor preparation of meals whenever and wherever conditions permit.
- g. For spiritual responses to camping experiences.

7. There should be continuity in this camp experience over a period of not less than 2 weeks. Camp should be operated at least 3 days per week, preferably 5, during the camp period.

**History:** Cr. Register, October, 1961, No. 70, eff. 11-1-61.

**PW-CY 40.74 Site, facilities and equipment standards. (1) CAMP.**  
(a) *Required standards.* 1. The camp shall have on file, from the

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proper authorities, current written verification of the safety of water, sanitation, and buildings.

2. The site shall provide natural resources that will make possible an outdoor living experience.

3. Adequate provision shall be made for shelter of campers during inclement weather.

(b) *Recommended standards.* 1. The camp site should provide a maximum degree of privacy and wherever possible be isolated from densely populated and undersirable areas. It should be free from unnecessary hazards and be properly drained. It should be located within a reasonable distance from the campers' homes depending upon the transportation available.

2. There should be sufficient equipment and facilities, kept in safe operating condition, to carry out stated objectives and program.

**History:** Cr. Register, October, 1961, No. 70, eff. 11-1-61.

**PW-CY 40.75 Administration standards.** (1) **RECORDS AND REPORTS.**

(a) *Required standards.* 1. All published statements such as brochures, publicity, etc. shall be accurate and complete.

2. The camp shall have the following records readily available: a. Budget, financial statement, and menus (if food is served).

b. All permits required by local and state authorities.

c. Written consent of parents for campers' attendance and participation in activities.

d. Statement of insurance coverage. Provision shall be made for all legally required insurance.

(b) *Recommended standard.* The camp license should be displayed or readily available at all times.

(2) **CHILDREN'S RECORDS.** (a) *Required standards.* Current information shall be maintained on each child attending the camp and shall include: 1. Name, birth date, full names of both parents or guardian.

2. Home address of parents, work addresses, and telephone number of parents.

3. Name, address and telephone number of person to be notified in case of emergency, when parents cannot be reached.

4. Name, address, and telephone number of physician caring for the child.

5. Written consent of parent to contact family or camp physician in case of emergency.

6. Record of all physical examinations, first aid, and any other matters relating to the child's health.

7. Date child enters and leaves the camp.

8. Record of daily attendance of each child.

(b) *Recommended standard.* Other records of the individual camper, as deemed desirable by the camp administration, may be maintained during the camp period or season.

(3) **PERSONNEL RECORDS.** (a) *Required standards.* 1. There shall be maintained a record for each employee, which shall include name and address, age, training, education, experience, and other qualifications.

2. Report of physical examination at time of employment and subsequent annual examinations.

3. Persons to be notified in the event of an emergency.

4. Personnel forms and character references on all staff members shall be made available upon request.

(4) **PERSONNEL PRACTICES.** (a) *Recommended standards.* 1. A periodic written evaluation of each employee by his supervisor is desirable.

2. There should be a written statement on file at the camp of personnel practices and policies, which should include hours of work, vacation, sick leave, leave of absence, and salary schedules. In addition, there should be channels for complaints and suggestions.

(5) **STATISTICS.** (a) *Required standard.* Camps shall submit the statistical report required by the department.

**History:** Cr. Register, October, 1961, No. 70, eff. 11-1-61.

**PW-CY 40.76 Health standards.** (1) **STATE AND LOCAL REGULATIONS.** (a) *Required standard.* Written health policy. Every day camp shall have a written plan indicating specific policies and procedures that will insure health protection for all. This written plan shall be consistent with state and local health regulations.

(2) **CHILDREN.** (a) *Required standard.* A recent medical statement shall be required from a family physician (or clinic) to show that the child is in good health and physically able to participate in the camp activities.

(b) *Recommended standards.* 1. Preventive inoculations recommended by public health authorities should be similarly recommended by the camp before opening.

2. There should be a written statement from the parent as to the camper's health since his camp physical examination and assurance that the camper has not since been exposed to contagious diseases.

3. There should be a quiet resting place.

(3) **STAFF.** (a) *Required standards.* 1. All paid and volunteer members upon beginning work, and annually thereafter, shall submit evidence of: a. A physician's statement based on examination stating they are free from illness which might be detrimental to the child's welfare.

b. A chest X-ray or a negative PPD showing freedom from active tuberculosis.

c. Evidence of small pox vaccination within the last 5 years.

2. Food service staff shall have certificates required to comply with local and state public health requirements.

(b) *Recommended standard.* All staff members should have fundamental knowledge of health and emergency procedures.

(4) **INSPECTIONS AND FIRST AID.** (a) *Required standards.* 1. There shall be a definite system of daily health supervision of the campers, including such times when campers are away from camp on out-of-camp activities. Health inspections shall be made by a person capable of recognizing common signs of communicable disease or other evidences of ill health.

2. A registered nurse, licensed physician, or a person holding a current American Red Cross Certificate in advanced first aid shall be available to this group. Arrangements shall be made with a nearby licensed physician to serve the camp if one is not in residence.



3. There shall be first aid equipment, as recommended by the American Red Cross, readily available and a designated first aid area, including a quiet resting place, in all units.

4. Transportation shall be immediately available at all times for use in case of emergency.

5. There shall be ready access to a telephone and a list of emergency telephone numbers posted.

**History:** Cr. Register, October, 1961, No. 70, eff. 11-1-61.

**PW-CY 40.77 Food standards.** (1) **NUTRITION.** (a) *Required standards.* 1. In menu planning, proper nutrition standards shall be observed. Children shall have the type and amount of food suited to their growth needs and activity. If the camp day includes both a morning and afternoon program, a mid-morning and mid-afternoon snack shall be available to supplement the noon meal.

2. Milk used for drinking shall be pasteurized Grade A according to state regulations and provided by an accredited source. Perishable foods including milk and milk products, meat, fish, poultry, shell fish, eggs, gravies, poultry stuffing, salad and other mixtures containing any of the above foods shall be kept at a temperature of not over 50 degrees Fahrenheit.

3. All food storage, preparation and service space and equipment shall be maintained clean and free from dirt and insects.

(b) *Recommended standard.* The noon meal, whether provided by camp or parents, should include a serving of protein food, vegetables, whole grain or enriched bread, and a simple dessert. The camp should furnish parents with suggestions and check for adequacy and safety measures if children bring lunches from home.

**History:** Cr. Register, October, 1961, No. 70, eff. 11-1-61.

**PW-CY 40.78 Sanitation standards.** (1) **STATE AND LOCAL REGULATIONS.** (a) *Required standards.* 1. All camps shall comply with state, county, and local sanitation laws.

2. If the camp does not operate under a permit which includes approval of the water supply, a special written approval of the water supply shall be obtained each year. The water supply shall be of adequate volume and safe, sanitary quality, and should be tested regularly during the camp season.

3. Swimming pools and waterfront areas shall be located, constructed, equipped and operated in compliance with applicable laws.

4. Dishwashing procedures and care of equipment shall comply with state, local, and county sanitation laws. In the absence of such laws, dishes and utensils shall be sterilized by scalding or chemicals, or disposable dishes used.

5. Liquid wastes shall be disposed of by facilities constructed and operated as required by and at locations approved by supervising health authorities.

6. Garbage and rubbish cans shall be watertight, fly-proof, emptied and cleaned at least every 2 days. Garbage and rubbish shall be hauled away from the camp for disposal. If disposal is within the camp (site), it shall be by burial under six inches of well tamped dirt. The surroundings of stored garbage and rubbish containers will be maintained clean and dry.

(b) *Recommended standard.* There should be a plan for control of insects, rodents, and poisonous weeds.

(2) **HYGIENE.** (a) *Required standard.* Adequate handwashing facilities shall be provided in proximity to toilets, privies, and urinals.

**History:** Cr. Register, October, 1961, No. 70, eff. 11-1-61.

**PW-CY 40.79 Safety standards.**

*Note:* Safety factors are fundamental considerations in the conduct of any camp and should be considered in all preceding topics. Natural hazards to safety, such as cliffs, swamps, mine shafts, dead trees, etc. should be structurally eliminated or reduced to a minimum before the camp is occupied. Every day camp should carry on a continuous program of safety education for its campers and staff.

(1) **WATERFRONT SAFETY.** (a) *Required standards.* 1. The person actively in charge of the waterfront shall be at least 21 years of age and shall have a current water safety instructor's certificate from the American Red Cross or an organization having equivalent standards. (If public facilities are used, the camp shall have written verification from proper authorities of the adequacy of personnel practices and equipment used.)

2. Practices and equipment for waterfront areas shall comply with applicable state laws and shall comply with Wis. Adm. Code, chapter H 75.05 (6). (a) A system of checking persons in and out of the water must be used.

(b) The buddy plan, which provides for the division of the group of persons into pairs so that every person has a partner while in the water, must be enforced.

(c) Life saving equipment that is adequate for the type of swimming, boating, and canoeing areas used must be provided, must be kept in perfect order at all times, and must be so placed as to be immediately available. One good life saving boat with proper equipment must be on hand at all times.

(d) A first aid kit must be on hand at the waterfront, and must be equipped and ready for immediate use.

(e) Swimming regulations must be posted on the waterfront, and must be obeyed by all, including guests.

*Note:* It is recommended that the following regulations be included: 1. Swim during swimming periods only.

2. Do not enter the water until the signal is given by the waterfront director.

3. Always swim with another person.

4. Stay in assigned swimming area.

5. Dive only in water of known and approved depth.

6. Remain out of the water when chilled or tired.

7. No guest shall be allowed in swimming until he has presented a health certificate.

Swimming pools shall be protected by a fence, and its entrance gate kept locked except during periods when the swimming director is on duty.

3. Practices and equipment for boating, canoeing, sailing and other watercraft shall comply with applicable laws. In the absence of such laws, the Standards of American Red Cross are acceptable.

(2) **SAFETY PRECAUTIONS.** (a) *Required standards.* 1. Riflery and archery are not to be included in the camp program. If included for older children added precaution for protection of children under 7 shall be provided.

2. Two or more counselors shall accompany groups leaving the immediate camp site.

3. Safety rules governing the use of tools and power tools shall be studied and observed, and such tools shall be used only under qualified supervision.

(3) **FIRE PROTECTION.** (a) *Required standards.* The director of the camp shall be responsible for the regular inspection of all fire protection facilities and equipment, such as: 1. Containers for gasoline, kerosene, explosives, and flammable materials shall be plainly marked and stored in a locked building not occupied by campers or staff and at a safe distance from the program buildings.

2. All camps shall provide adequate lengths of hose for fire fighting, if water under pressure is available.

3. Fire extinguishers and other suitable fire fighting equipment shall be placed at strategic and easily accessible points.

4. Fireplaces and chimneys shall be properly built and inspected annually, prior to the opening of camp.

5. Before camp opens, arrangements shall be made with the nearest public officials for protection in case of fire. Any permits required for operation of incinerators or for open fires shall be secured.

(b) *Recommended standard.* Emergency procedures for fire drills, civil defense drills or any natural disaster should be planned and practiced.

**History:** Cr. Register, October, 1961, No. 70, eff. 11-1-61.

**PW-CY 40.80 Transportation standards.** (Where transportation is used in connection with a day camp, the following standards shall be observed.) (1) **EQUIPMENT AND SAFETY.** (a) *Required standards.* 1. All transportation equipment is maintained in safe operating condition and meets all safety tests required by the laws of the state and the ordinances of the municipality in which the day camp operates.

2. Every day camp shall carry on a continuous program of transportation safety education for its staff and campers. (Day camp operators should realize that they carry a responsibility to their campers over and above the technical requirements of the state laws or municipal ordinances.)

(2) **DRIVERS.** (a) *Required standards.* 1. Each driver of a camp vehicle shall meet the driving requirements of the state concerning the specific vehicle which he operates.

2. Each driver shall be selected for dependability, good habits, and unquestionable good character.

3. Each driver shall be free from communicable disease, strong enough to handle the transportation unit he drives, have normal use of his body, both hands, both feet, both eyes, and both ears.

4. Each driver shall be at least 21 years of age and have at least one-year's experience as a driver.

(b) *Recommended standard.* Every day camp should train its own drivers in all needed safety procedures.

(3) **INSURANCE.** (a) *Required standards.* A day camp operating its own transportation unit shall carry liability insurance as follows: 1. For a unit carrying not more than 18 campers: Minimum limits of \$50,000 for injury to any one person; \$100,000 in any one accident.

2. For a unit carrying more than 18 campers: Minimum limits of \$100,000 for injury to any one person; \$300,000 in any one accident.

(4) **SAFETY.** (a) *Required standards.* 1. The number of campers in transportation units shall not exceed the seating capacity of such units.

2. Each transportation unit shall carry adequate first aid equipment.
3. The camp shall provide supervision in transportation units. In a vehicle which carries more than 10 campers, there should be at least one adult in addition to the driver.
4. Where a day camp charters transportation units, the owners of such vehicles shall be required to produce evidence that they meet the transportation standards herein required of day camps.

**History:** Cr. Register, October, 1961, No. 70, eff. 11-1-61.