# WISCONSIN
# ADMINISTRATIVE CODE

# Ch. DCF 56

# Foster Home Care
# For Children

WISCONSIN DEPARTMENT OF
CHILDREN AND FAMILIES

**September 2018**

**Division of Safety and Permanence**

Licensing agencies may not grant an exception to any section bordered in the same manner in which this note is bordered.

Any exception desired of the bordered sections must be obtained via the Department Exceptions Panel as described in s. DCF 56.02(2)(b) of this chapter.

***** This symbol is used to designate any licensing requirement that falls under the "Non-safety related waivers for relatives."

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## Chapter DCF 56

## FOSTER HOME CARE FOR CHILDREN


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**Note:** Sections PW-CY 40.60 to 40.65 as they existed on March 31, 1983 were repealed and a new chapter HSS 56 was created effective April 1, 1983. Chapter HSS 56 as it existed on February 28, 2002, was repealed and a new chapter HFS 56 was created, Register February 2002 No. 554, effective March 1, 2002. Chapter HFS 56 was renumbered to chapter DCF 56 under s. 13.92 (4) (b) 1., Stats., Register November 2008 No. 635.

### DCF 56.01 Authority and purpose.

**(1)** This chapter is promulgated under the authority of ss. 48.62, 48.64 (4), and 48.67, Stats., to establish licensing requirements for foster homes and foster parents directed at protecting the health and safety and promoting the welfare of children placed in the homes; to establish a fair hearing procedure for foster parents; to establish requirements for certification of a foster home with a level of care and requirements for assessment of a child's needs and strengths; and to establish criteria for making supplemental and exceptional payments to foster parents.

**(2)** A license to operate a foster home does not entitle the holder to placements of children who need foster care since placement decisions are based on a variety of factors, including the compatibility of what a specific child needs with what a particular foster parent can offer.

**Note:** Public licensing agencies are required to provide a foster home license to any applicant who meets the requirements under this chapter. An agency is not, however, required to place children with a licensee simply by virtue of the fact that they have a foster home to license.

**History:** CR 00-020: cr. Register February 2002 No. 554, eff. 3-1-02; EmR0937: emerg. am. (1), eff. 1-1-10; CR 10-021: am. (1) Register September 2010 No. 657, eff. 10-1-10; **EmR1050: emerg. am. (1), eff. 1-1-11; CR 10-148: am. (1) Register August 2011 No. 668, eff. 9-1-11**.

### DCF 56.02 Applicability.

**(1)** TO WHOM THE RULES APPLY. This chapter applies to all persons proposing to provide or who are providing foster care for children in a foster home and to the department; county agencies under s. 46.215, 46.22, or 46.23, Stats.; and licensed private child-placing agencies.

**(2)** EXCEPTION TO A REQUIREMENT.

(a) *Licensing agency authority.*

1. A licensing agency may grant an exception to any requirement in this chapter if the licensing agency determines that the exception will not jeopardize the health, safety or welfare of the foster children, except that the licensing agency may not grant an exception to any of the following requirements: ss. DCF 56.04 (1), (2), (4) (a) 1., 2., 5., 5m., 8., or 9. or (b) 2., (6), (7) or (8), 56.05 (1) (a), (b) 1. b. or p., 2. b., d., or g., (c) 1. b., c., d., e., g., h., i. j., k., L., m., n., or 2., (d), (f), or (3) (a), 56.06, 56.07 (3) (a), (4) (b), (c), (e), (f), (g), or (h), (5) (a), (6), or (10) (a), 56.08 (1), (2), (3), (4), (5), (6) (c) 1., 2., 3. or 4. a., (7) (a) 3., (8) (a), or (c), (10), or (10m), 56.09 (1), (1g), (1m) (a) to (f), (2) (c), (2m), (3), (4) (c), (d) or (dm), (5), (9), (11), or (12) (a), (c) or (d), 56.12, 56.13 (1), (2), (3), (4) (a) 1., 2., or (b), (5) (a), (b) 1. or 2., (c), (6) (a), (b) 1. or 2., (c), (7), (8), 56.14 (1), (2), (3), (4), (5), (6), (6d), (6h), (6p), (6t), (7), (7e), (7m), (7s), (8) (a) or (b) 3., 56.15, 56.16, 56.18, 56.19, 56.21 (2), 56.22, or 56.23.

2. An applicant or licensee wanting an exception to a nonstatutory requirement in this chapter that the licensing agency has authority to grant shall submit a written request to the licensing agency stating the specific provision of this chapter for which an exception is requested, the justification for the requested exception and an explanation of any alternative provision planned to meet the intent of the requirement.

3. Any exception granted under subd. 2. or par. (b) shall be specifically cited on the license and shall be in effect only as long as the conditions under which the exception was granted remain but no longer than 2 years from the date on which the exception is granted or the date the license terminates, whichever occurs first, by which time the licensing agency shall determine if there is continued justification for the exception. In addition, the licensing agency may impose conditions to be met within a specified period of time by the licensee as an alternative to compliance with the requirement for which an exception has been granted.

(b) *Department exceptions panel.*

1. An applicant or licensee wanting an exception to a nonstatutory requirement in this chapter that the licensing agency may not grant may ask the department exceptions panel to grant the exception, with the approval of the licensing agency. A request for an exception under this paragraph shall be in writing on a form prescribed by the department.

**Note:** Copies of the Department's request form, "Application to DCF Exceptions Panel for Exception to Ch. DCF 56," can be obtained from the licensing agency or by visiting the Department's website at: https://dcf.wisconsin.gov/forms

2. Any request under subd. 1. shall include all of the following information:

a. The name of the applicant or licensee.

b. The address of the applicant or licensee.

c. The citation for the specific requirement for which an exception is requested.

d. The rationale for the request.

e. An explanation of any alternative provision planned to meet the intent of the requirement.

f. The signature of the applicant or licensee and the date on which the applicant or licensee signed the request.

3. The applicant or licensee shall submit the completed request form to the licensing agency.

4. The licensing agency's authorized representative shall, in the space provided on the request form, indicate whether he or she supports or does not support the exception request or supports some alternative to the request, shall justify that position and shall sign and date the request form.

5. If the licensing agency approves the request or some alternative to the request, the licensing agency shall submit the completed request form to the department within 10 working days after the agency's receipt of the request form from the applicant or licensee. The licensing agency shall not submit to the department any request that it does not support.

6. a. The department exceptions panel shall, in writing, indicate its approval or disapproval of the request within 10 working days after the department receives the request form from the licensing agency and has all the information required to make its decision.

b. Notwithstanding subd. 6. a., the department exceptions panel shall, in writing, indicate its approval or disapproval of an application for certification to operate a Level 5 foster home under s. DCF 56.13 (7) (a) within 45 working days after the department receives the application from the licensing agency and has all the information required to make its decision.

7. a. The department exceptions panel shall consist of at least 3 persons who collectively are knowledgeable about the foster care program, licensing practices and any special needs of children who may be served by the applicant for an exception.

b. The chairperson of the panel shall be designated by the director of the department's bureau of permanence and out-of-home care.

c. The panel chairperson shall designate the remaining members of the panel.

(c) *Non-safety-related waiver for relatives.* The licensing agency or the department exceptions panel may grant a waiver to the following non-safety-related requirements for the relative of a child without an alternative provision to meet the intent of the requirement:

1. The licensing agency may grant a waiver to any requirement in s. DCF 56.04 (4) (a) 7., 56.05 (4), 56.07 (2), (4) (a) 1. or 4., (d), (j), (k), (L), (7), or (8), or 56.09 (4) (g) 1., (6), (7), (8), or (10) (b), (c), (d), (e), or (f).

2. The department exceptions panel may grant a waiver to any requirement in s. DCF 56.04 (4) (a) 2. or 56.07 (4) (b) or (6) (b). A request for a waiver shall follow the same procedure as a request for an exception under par. (b), except an explanation of an alternative under par. (b) 2. e. is not required.

**History:** CR 00-020: cr. Register February 2002 No. 554, eff. 3-1-02; CR 03-033: am. (2) (a) 1. Register December 2003 No. 576, eff. 1-1-04; correction in (2) (a) 1. made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; EmR0937: emerg. am. (2) (a) 1., (b) 5., 6., 7. b., cr. (2) (c), eff. 1-1-10; CR 10-021: am. (2) (a) 1., (b) 5., 6., 7. b., cr. (2) (c) Register September 2010 No. 657, eff. 10-1-10; **EmR1050: emerg. am. (1), (2) (a) 1., (c) 1., eff. 1-1-11; CR 10-148: am. (1), (2) (a) 1., (c) 1., renum. (2) (b) 6. to be (2) (b) 6. a., cr. (2) (b) 6. b. Register August 2011 No. 668, eff. 9-1-11**.

**DCF 56.03 Definitions.** In this chapter:

**(1)** "Aftercare plan" means a plan for transition services for a child that identifies services that will be provided after the child's discharge from a foster home to ensure continuity in the management of the child's needs.

**(1d)** "Age or developmentally appropriate activities" means activities that are generally accepted as suitable for children of a given chronological age or level of maturity or that are determined to be developmentally appropriate for a child based on the cognitive, emotional, physical, and behavioral capacities that are typical for children of a given age or age group or, in the case of a specific child, activities that are suitable for the child based on the cognitive, emotional, physical, and behavioral capacities of that child.

**(1g)** "Algorithm" means a composite score based on items demonstrated to be relevant to decision making on a particular topic such as level of need or service provision.

**(1r)** "Applicant" means a person who applies for a license to operate a foster home, for renewal of a license to operate a foster home or for modification of a license to operate a foster home.

**(2)** "Basement" has the meaning prescribed in s. Comm 20.07 (8), namely, that level below the first or ground floor level with its entire floor below exit discharge grade.

**(3)** "Basic maintenance payment" means a payment to reimburse a foster parent for the cost of a foster child's food, clothing, housing, basic transportation, and personal items, as follows:

(a) For care and maintenance provided for a child of any age by a Level 1 foster home, $220.

**History:** Beginning on January 1, 2018, the basic maintenance payment for a child of any age in a Level 1 foster home is $238.

(b) For care and maintenance provided by a foster home that is certified to provide care at a level of care that is higher than Level 1 care, an age-related foster care payment established by s. 48.62 (4), Stats.

**(4)** "Case plan" means the service plan for the child and family, of which the permanency plan is a part.

**(5)** "Child" means a person who is under 21 years of age who is placed in a foster home under juvenile court jurisdiction, other court order, or an agreement.

**(6)** "Complete bathroom" means a bathroom with at least one toilet, one sink, and one tub or shower.

**(6m)** "Counselor" means a person licensed or certified under ch. 457, Stats., and ch. MPSW 3, 6, 11, 12, or 17.

**(7)** "County agency" means a county department of social services under s. 46.215 or 46.22, Stats., or a county department of human services under s. 46.23, Stats.

**(8)** "Dangerous weapon" means any firearm, any device designed as a weapon and capable of producing death or great bodily harm, any electric device designed to immobilize or incapacitate persons by the use of electric current, any spray device designed to immobilize or incapacitate persons by the use of chemicals or other liquids or gases or any other device or instrument that is calculated or likely to produce death or great bodily harm.

**(9)** "Department" means the Wisconsin department of children and families.

**(10)** "Department exceptions panel" or "exceptions panel" means the group authorized to grant exceptions under s. DCF 56.02 (2) to nonstatutory requirements of this chapter.

**(10m)** "Emergency care" means care provided for a foster child on the basis of 24-hour availability, including crisis intervention services and emergency placements.

**(11)** "Exit" has the meaning prescribed in s. Comm 20.07 (29).

**(11m)** "Family" means the birth parents, adoptive parents, relatives of the child, and other individuals who were permanently living with the child before the child's placement in out-of-home care.

**(11r)** "Family interaction plan" means a plan developed by a placing agency to promote a child's interaction with members of the child's family and includes interaction by face-to-face contact; telephone calls; letters; emails; and attendance at routine activities, such as counseling sessions, medical appointments, school events, and faith-related activities.

**(11s)** "Final substantiated finding" means all of the following:

(a) A final determination made after January 1, 2015, that a person has abused or neglected a child under s. 48.981 (3) (c) 5m., Stats., and s. DCF 40.04 if the final determination has not been reversed or modified on appeal.

(b) A determination made before January 1, 2015, that a person has abused or neglected a child under s. 48.981 (3) (c) 4., 2011 Stats., if the determination has not been reversed or modified on appeal.

**Note:** The date in a statutory citation means that was the last edition of the statutes in which that provision appears.

**(12)** "Foster care" means care and maintenance provided to a child in a foster home pursuant to a court order, voluntary placement agreement, or voluntary transition-to-independent-living agreement.

**(13)** "Foster child" means a child placed for care and maintenance in a foster home by the department, a county agency, a licensed private child-placing agency or a court by court order, a voluntary placement agreement, or voluntary transition-to-independent living agreement.

**(14)** "Foster home" means any facility operated by a person licensed under s. 48.62 (1), Stats.

**(15)** "Foster parent" means a person with primary responsibility for the care and supervision of one or more foster children placed in his or her foster home and in whose name the foster home is licensed under this chapter.

**(15m)** "Group home" means a facility operated by a person licensed by the department to provide 24-hour care and maintenance for 5 to 8 children under s. 48.625, Stats.

**(16)** "Guardian" means the person or agency appointed by a court to make major decisions affecting a child which may include consent to marriage, to enlistment in the armed forces and to major surgery.

**(17)** "Hazardous machinery and equipment" means any machine or other equipment generally known to be dangerous to untrained or unskilled operators or to operators who for any other reason are physically or mentally unable to operate the equipment safely, including a motor vehicle, power lawn mower, tractor or other farm machinery or equipment, snow blower, chain saw, power-driven shop tool, snowmobile, all-terrain vehicle and any other machinery or equipment determined by the licensing or supervising agency.

**(18)** "HealthCheck program" means a standardized preventive health check-up program for anyone under the age of 21 who has a valid Wisconsin medical assistance card.

**Note:** A HealthCheck includes head-to-toe physical examination, immunizations, laboratory tests, eye exam, growth and development check, hearing check, mouth exam, nutrition check, health information, special teen-age health education and teen pregnancy services.

**(19)** "Home-based private educational program" means a program of educational instruction provided to a child by the child's parent or guardian or by a person designated by the parent or guardian. An instruction program provided to more than one family unit does not constitute a home-based private educational program.

**(20)** "Household member" means any person living in a foster home, whether or not related to the licensee.

**(21)** "Legal custodian" means the person or agency to whom a court has transferred a child's legal custody and who thereby has the right and duty to protect, train and discipline the child and to provide for the child's care and needs. "Legal custody" has the meaning prescribed in s. 48.02 (12), Stats.

**(21g)** "Level of care" means the intensity of services that is best able to meet the needs of a child who has been assessed with a corresponding level of need.

**(21r)** "Level of need" means a rating of a child that is used to inform decision making on placement and service provision. The level of need is derived from an algorithm that is based on an assessment of a child's functioning.

**(22)** "Licensed private child-placing agency" means an agency licensed by the department under s. 48.60, Stats., and ch. DCF 54 to license a person to operate a foster home and to place children in foster homes and other out-of-home care facilities.

**(23)** "Licensee" means the foster parent or foster parents in whose name or names a foster home is licensed under this chapter.

**(24)** "Licensing agency" means the department, a county agency, or a licensed private child-placing agency that may issue a license to operate a foster home under this chapter.

**(25)** "Living area" means the rooms of the foster home used by household members for sleeping, preparing and eating meals, bathing, toileting and indoor leisure time activities.

**(26)** "Mechanical restraint" means any physical apparatus that interferes with the free movement of a person's limbs and body.

**(27)** "Motor vehicle" means a private automobile, motorcycle, van, bus or truck.

**(27m)** "Nonclient resident" has the same meaning as in s. DCF 12.02 (18).

**(27r)** "Normalcy" means the child's ability to easily engage in healthy and age or developmentally appropriate activities that promote his or her well-being, such as participation in social, scholastic, and enrichment activities.

**(28)** "Nurse practitioner" means a registered nurse licensed under ch. 441, Stats., who is currently certified as a nurse practitioner by a national certifying body that is recognized by the Wisconsin board of nursing.

**(29)** "Out-of-home care" means care in a foster home, a group home under s. 48.625, Stats., or a residential care center for children and youth under s. 48.60, Stats.

**(30)** "Permanency plan" means a plan required under s. 48.38 (2), Stats., that is designed to ensure that a child placed in out-of-home care is safely reunified with his or her family whenever appropriate, or that the child quickly attains a safe placement or home providing long-term stability.

**(31)** "Physical punishment" means inflicting any kind of physical pain or discomfort on a child by means that include but are not limited to hitting, slapping, spanking, punching, shaking, kicking, biting or washing out a child's mouth with soap.

**(32)** "Physician" means a person licensed to practice medicine or osteopathy under ch. 448, Stats.

**(33)** "Physician assistant" means a person certified under ch. 448, Stats., to perform patient services under the supervision and direction of a physician.

**(33m)** "Placing agency" means a licensed private child-placing agency; county department with powers and duties under ss. 48.57 and 938.57, Stats.; the department; the Wisconsin department of corrections; or a licensed child welfare agency from another state authorized to place children in foster homes.

**(34)** "Premises" means the foster home and the tract of land on which it is situated, including all other buildings and structures on that land.

**(34d)** "Program manager" means the foster parent and licensee of a Level 5 foster home.

**(34h)** "Program staff" means staff in a Level 5 foster home who are responsible for daily supervision of the children and direct care to the children to ensure their safety and well-being.

**(34m)** "Reasonable and prudent parent standard" means a standard for use in making decisions regarding a child's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities that is characterized by careful and sensible parental decisions that maintain the health, safety, best interests, and cultural, religious, and tribal values of the child while at the same time encouraging the emotional and developmental growth of the child.

**(34p)** "Residential care center for children and youth" means a residential facility licensed as a child welfare agency under s. 48.60, Stats., and Ch. DCF 52 that provides treatment and custodial services for children under 21 years of age.

**(34t)** "Respite care" means the services or emergency care provided to a foster child during a planned absence of the foster parent for more than 48 hours or when the licensing, supervising, or placing agency pays for the service or care.

**(35)** "Responsible care provider" means a person the foster parent believes has the ability and maturity to care for a foster child for the time that the foster child will be in that person's care.

**(35m)** "Severe emotional disturbance" means an emotional disability that has persisted for at least 6 months and is expected to persist for a year or longer. A severely emotionally disturbed child may experience psychotic symptoms, be a suicide risk, or may cause personal injury or significant property damage or will have functional impairment in at least 2 areas, including self-care, community participation, social relationships, family relationships, and school. A severely emotionally disturbed child will be receiving services from 2 or more social services agencies. The emotional disturbance must meet one of the AXIS I diagnostic classifications of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

**(36)** "Supervising agency" means the agency responsible for overseeing the care and maintenance of a child placed in out-of-home care, which may be a county agency, the department, or a licensed private child-placing agency.

**(37)** "Team" means the group appointed by the placing and supervising agencies to assess a child, develop and implement the case and permanency plans, and evaluate the child's progress for a child with a level of need of 1 to 2 who is placed in a foster home.

**(37e)** "Treatment" means the combination of therapies, services, and care designed to assist a child in achieving established measurable and behavioral goals and objectives based upon the information gathered through the assessment process.

**(37m)** "Treatment plan" means the comprehensive services plan developed by the treatment team for a child with a level of need of 3 to 5 who is placed in a foster home with a Level 3 to 5 certification.

**(37s)** "Treatment team" means the group appointed by the placing and supervising agencies to assess a child, develop and implement the treatment plan, and evaluate the child's progress for a child with a level of need of 3 to 5 who is placed in a foster home with a Level 3 to 5 certification.

**(38)** "Voluntary placement agreement" means a written contract between a county agency, the department, or a licensed child welfare agency, and the child's parent or guardian and the child, if the child is 12 years of age or older, for the placement of the child in a licensed foster home under s. 48.63 (1), Stats.

**(39)** "Voluntary transition-to-independent-living agreement" means a voluntary agreement under s. 48.366 (3) or 938.366 (3), Stats.

**History:** CR 00-020: cr. Register February 2002 No. 554, eff. 3-1-02; corrections in (9), (10), (24) and (37) made under s. 13.92 (4) (b) 6. and 7., Stats., Register November 2008 No. 635; EmR0937: emerg. r. and recr. (3), eff. 1-1-10; CR 10-021: r. and recr. (3) Register September 2010 No. 657, eff. 10-1-10; **EmR1050: emerg. renum. (1) to be (1r), cr. (1), (1g), (6m), (10m), (11m), (15m), (21g), (21r), (33m), (34d), (34h), (34p), (34t), (35m), (37e), (37m), (37s), am. (3) (a), (14), (15), (22), (24), (29), (36), (38), r. and recr. (37), eff. 1-1-11; CR 10-148: renum. (1) to be (1r), cr. (1), (1g), (6m), (10m), (11m), (15m), (21g), (21r), (33m), (34d), (34h), (34p), (34t), (35m), (37e), (37m), (37s), am. (3) (a), (14), (15), (22), (24), (29), (36), (38), r. and recr. (37) Register August 2011 No. 668, eff. 9-1-11**.

**DCF 56.04 Applying for a license.**

**(1)** WHO MUST APPLY.

(a) Any person proposing to provide foster care for children shall apply to a licensing agency for a foster home license.

(b) Application for a foster home license shall be made on a form provided by the licensing agency.

**(2)** LICENSE PROHIBITION. No licensing agency may issue a license to operate a foster home to an employee of the agency or to the relative of an employee of the agency if the employee works in the area of the agency that issues foster care licenses. This subsection does not apply to a foster parent who receives a payment under s. 48.64 (4), Stats., or to a volunteer for the agency.

**Note:** The intent of this requirement is to prevent possible conflicts of interest with respect to the terms of the rate paid to the foster parent, the situation that may result if an allegation of abuse or neglect is made against the foster parent, etc. The agency should consider such situations in granting a license to an employee of the agency.

**(3)** REAPPLICATION FOLLOWING DENIAL OR REVOCATION. No applicant or former licensee who, for a substantive reason, such as inappropriate discipline practices, inadequate mental health functioning or current abuse of alcohol or drugs, was denied a license or whose license was revoked may reapply for a license to any licensing agency within a period of 2 years following the effective date of license denial or revocation.

**(4)** DOCUMENTS REQUIRED PRIOR TO LICENSING.

(a) *Initial license*. Before an applicant for an initial license may be issued a license, the applicant shall submit the following to the licensing agency:

1. An application form completed and signed by the applicant. Married persons living together shall both sign the application. Any household member who will act in the role of foster parent shall sign the application.

*2. Verification of homeowner's or renter's insurance coverage required under s. DCF 56.05 (4) or a request for a waiver under s. DCF 56.05 (5), and verification of vehicle liability insurance required under s. DCF 56.05 (3) if the applicant plans to transport foster children in his or her own vehicle. Verification means that the licensing agency representative has personally seen the appropriate documentation. A licensing agency need not retain a copy of the documentation in its files.

**Note:** Section 344.62, Stats., requires motor vehicle liability insurance effective June 1, 2010.

3. A written statement from a physician, physician assistant, or nurse practitioner that indicates any physical or mental conditions of the applicant or any household members that would affect the ability of the family to provide care for a foster child or threaten the health or safety of a foster child. The statement shall be based upon a medical examination performed within the previous 6 months, except as provided in subd. 4.

4. If a member of the household of an applicant who is a relative of a foster child is not covered by health insurance or a medical examination would be a significant financial burden to the household member, the licensing agency may grant an exception to the requirement in subd. 3. If the licensing agency grants this exception, the household member shall submit a personally signed statement that indicates any physical or mental conditions he or she has that would affect the ability of the family to provide care for a foster child or threaten the health or safety of a foster child.

5. Documentation of fire safety inspection of the foster home, if required by the licensing agency.

5m. A drawing of the layout of the foster home.

6. A private water supply test report for the foster home, if required by the licensing agency.

*7. The employment history of the applicant. The history shall indicate the length of time the applicant was employed by each employer. The employment history shall document all employment for the 5-year period prior to submission of the application for a foster home license, unless the licensing agency has reasonable cause to request employment history for more than 5 years.

8. Notification of any previous licensure as a foster parent or any other type of caregiver for children, the name of the licensing agency and the period during which the license was held.

9. A signed statement indicating that the applicant has received the following information provided by the agency:

a. A brochure that explains the foster care reimbursement and rate structure, including the clothing allowance.

b. A brochure that explains the foster parent insurance program and information regarding how to file a claim with that program.

c. Notice that the licensing agency may contact the Wisconsin department of justice and any similar agency in another jurisdiction, any federal or local law enforcement agency, any social services agency or any other public or private agency to determine if there is any reason specified under s. 48.685, Stats., ch. DCF 12, s. DCF 56.05 (1) (a) 3. or any other part of this chapter for the applicant to not be granted a license.

10. Other documentation or authorizations required by the licensing agency for its review of the application.

(b) *License renewal.* An applicant for renewal of a license shall submit all of the following to the licensing agency at least 30 days before expiration of the current license:

1. An application form completed and signed by the applicant. Married persons living together shall both sign the application. Any household member who will act in the role of foster parent shall sign the application.

2. Verification of homeowner's or renter's insurance coverage required under s. DCF 56.05 (4) or a request for a waiver under s. DCF 56.05 (5) and verification of vehicle liability insurance required under s. DCF 56.05 (3) if the applicant plans to transport foster children in his or her own vehicle. Verification means that the licensing agency representative has personally seen the appropriate documentation. A licensing agency need not retain a copy of the documentation in its files.

3. Documentation of fire safety inspection of the foster home, if required by the licensing agency.

4. A private water supply test report for the foster home, if required by the licensing agency.

5. If required by the licensing agency, a written statement from a physician, physician assistant, or nurse practitioner that indicates any physical or mental conditions of any household member that would affect the ability of the family to provide care for a foster child or threaten the health or safety of a foster child. The statement shall be based upon a medical examination performed within the previous 6 months.

5m. If a member of the household of an applicant who is a relative of a foster child is not covered by health insurance or a medical examination would be a significant financial burden to the household member, the licensing agency may grant an exception to the requirement in subd. 3. If the licensing agency grants this exception, the household member shall submit a personally signed statement that indicates any physical or mental conditions he or she has that would affect the ability of the family to provide care for a foster child or threaten the health or safety of a foster child.

6. Other documentation or authorizations required by the licensing agency for its review of the application.

(c) *License modifications.* 1. A licensing agency may modify a foster home license. An applicant for a license may request modification of the license at the time of the initial licensure. A licensee may request modification of the license at any time during the effective period of the license.

2. An applicant for license modification shall obtain a license modification application form from the licensing agency and shall submit a completed and signed application form and other materials required by the licensing agency to that agency within the following time limits:

a. Before the date the licensee plans to change location from the location specified on the current license.

b. Before the date an applicant wishes to have one or more license conditions changed.

c. No later than 30 days before the date the marital status of the licensee changes.

d. Within 10 days after a household member leaves.

e. At least 30 days before someone enters the household when this is known that far in advance or otherwise as soon as possible before that person enters the household.

**(5)** ACTION BY THE LICENSING AGENCY.

(a) Except as provided in par. (b) or (c), within 60 days after receiving a completed application for a foster home license, for renewal of the foster home license or for a license modification, the licensing agency shall approve the application and issue the license, deny the application or approve the modification. Any delay that is the result of an act or omission on the part of the applicant shall not be considered in the 60-day time limit. If the application for a license, relicensure or license modification is denied, the licensing agency shall give the applicant reasons in writing for the denial and shall provide information on how an appeal may be requested under s. DCF 56.10.

(b) A licensing agency shall be allowed one 30-day extension of the time limit under par. (a) if the extension is needed to allow the agency to collect information necessary to make an informed decision, such as to obtain a criminal records check or responses from references. The agency shall notify the applicant or licensee if an extension is necessary.

(c) If the foster home license application is for a pre-adoptive placement, the licensing agency shall either approve the application and issue the license or deny the application within 6 calendar months after receipt of the completed application. If the application for a license is denied, the licensing agency shall give the applicant reasons, in writing, for the denial and shall provide information on how an appeal may be requested under s. DCF 56.10.

**(6)** DISCRIMINATION. A licensing agency may not discriminate against an applicant for a foster home license or a foster parent applying for renewal of a foster home license on the basis of age, sex, race, color, creed, sexual orientation, national origin or handicap.

**(7)** EFFECTIVE PERIOD OF A LICENSE. A foster home license shall be effective for a period not to exceed 2 years and may be renewed upon successful completion of relicensing requirements.

**(8)** NOTIFICATION OF APPLICATION FOR OR ISSUANCE OF ADDITIONAL LICENSES. A licensee who applies to any licensing authority for or is issued any other license in addition to the foster home license shall notify the agency that issued the foster home license. No licensee may hold any other license to operate a foster home under this chapter or a group home under ch. DCF 57.

**History:** CR 00-020: cr. Register February 2002 No. 554, eff. 3-1-02; corrections in (3) (a), (b), (4) (a) 2., 3., 9., (b) 2., (5) (a), (c) and (8) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; EmR0937: emerg.

revisions as in CR 10-021 (except for (4) (a) 5m.), eff. 1-1-10; CR 10-021: am. (4) (a) 2., (b) 2. and (c) 1., r. and recr. (4) (a) 3., 4., and (b) 5., cr. (4) (a) 5m. and (b) 5m. Register September 2010 No. 657, eff. 10-1-10; correction to numbering of (4) (a) 5m. made under s. 13.92 (4) (b) 1., Stats., Register September 2010 No. 657; **EmR1050: emerg. r. and recr. (2), (4) (a) 5m., am. (8), eff. 1-1-11; CR 10-148: r. and recr. (2), (4) (a) 5m., am. (8) Register August 2011 No. 668, eff. 9-1-11.**

**DCF 56.05 Licensee qualifications.**

**(1)** PERSONAL REQUIREMENTS AND BACKGROUND.

(a) *General*. 1. A person licensed to operate a foster home shall be a responsible, mature individual who is fit and qualified, exercises sound judgment and displays the capacity to successfully nurture foster children, does not abuse alcohol or drugs, and does not have a pending criminal charge or a finding by a governmental body of a civil or criminal violation of statutes, regulations, or ordinances that is substantially related to caring for children or the operation of a foster home. In determining whether a criminal conviction, pending criminal charge, or finding by a governmental body is substantially related to the care of children or the operation of a foster home, the licensing agency shall apply the factors in s. DCF 12.06.

2. The applicant or licensee shall give truthful and sufficient information to enable the licensing agency to verify whether or not he or she meets the requirements under subd. 1. Giving false information or withholding relevant information shall constitute grounds for denial or revocation of the license.

3. In determining whether a person is fit and qualified, the licensing agency shall consider the person's qualifications under this section and whether the person has a criminal conviction, pending criminal charge, or any finding by a governmental body of a civil or criminal violation of statutes, regulations or ordinances of the United States, this state, any other state, any local government, or any other U.S. jurisdiction that is substantially related to the care of children or the operation of a foster home.

(b) *Characteristics.* 1. 'All foster parents.' As evidenced through interviews with foster family members, the use of formalized assessment systems, communication with references, and other methods considered to be effective components of a comprehensive foster home study, a licensee shall have or exhibit all of the following characteristics to a degree that will allow the licensee to adequately provide foster care services:

a. An adequate understanding of what it means to be a foster child and a recognition of a child's strengths and needs consistent with the child's age and abilities, or a motivation to learn.

b. A history of managing or an indication of the ability to manage stress related to economic resources employment home neighborhood family size health problems or other factors and an indication of an ability to cope with an additional stress factor of the placement of a foster child.

c. A satisfactory self-concept.

d. An ability to communicate ideas, feelings, and needs.

e. An outlook regarding his or her own history that indicates that any negative aspects have been recognized and adequately addressed.

f. Parenting ability appropriate to the age, abilities, strengths, and needs of foster children to be placed in the licensee's home or a motivation to learn.

g. A history of positive parenting, if applicable.

h. An adequate knowledge of child growth and development or a motivation to learn.

i. Reasonably constructive social relationships and the ability to provide encouragement and understanding of a foster child's need for positive social relationships.

j. Effective intrafamilial communication and the existence of appropriate family roles, marital or other relationship stability, integration into the community, and organization in the home.

k. An appropriate understanding of child abuse and neglect as a social problem or a motivation to learn.

L. An appropriate understanding of the needs of children who have been abused or neglected and of parents who abuse or neglect their children or a motivation to learn.

m. Adequate preparation of all family members to become a foster family, particularly preparation for the stress that having a foster child in the family may place on each family member.

n. An appropriate motivation for applying to be a foster family and an ability to follow through on difficult endeavors.

o. A willingness to work with the supervising agency, placing agency, licensing agency, and the biological or adoptive parents in achieving a foster child's permanence goal as established in the child's permanency plan.

p. A willingness to promote normalcy for a foster child by encouraging the child to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities under s. DCF 56.09 (2m).

2. 'Level 3 to 5.' In addition to the requirements under subd. 1. a foster parent who operates a foster home with a Level 3 to 5 certification shall have the following knowledge skills and qualifications prior to placement of a child in the foster home:

a. Knowledge of the specific behavioral, emotional, or physical conditions; symptomology; and treatment and care needs of the child to be placed.

b. Knowledge of the operation of any specialized equipment and emergency back up systems for the child to be placed.

c. Recognition of escalating symptoms or side-effects of the child's condition and appropriate responses.

d. Knowledge of the medications services and treatments of the child to be placed.

e. Knowledge of the care requirements and techniques required for the child to be placed.

f. A demonstrated commitment to providing care for a child with serious treatment needs.

g. Commitment and time to receive the required pre placement, initial, and ongoing training.

h. Ability to appropriately bond with the child.

i. A demonstrated capacity to deal effectively with the dependency needs of the child.

j. Availability at all times except when respite care under s. DCF 56.21 or other arrangements for care of the child have been made with the supervising or licensing agency.

(c) *Responsibilities.*

1. ‘All foster parents.’ The licensee shall be familiar with the requirements of this chapter and do all of the following:

a. Comply with all of the requirements of this chapter.

b. Participate in the selection of and accept foster children for care only in conformity with the conditions specified on the license and with the approval of the licensing and supervising agencies.

c. Cooperate fully with the licensing agency and any other agency responsible for supervising foster children in the licensee’s care and keep the licensing agency and any other responsible agency informed of each child’s progress and problems.

d. Immediately notify the licensing agency of any change in the job or work schedule of a foster parent who works outside the home and notify the licensing agency of any impact this change will have on the licensee’s ability to provide foster care.

**Note:** See similar language related to in-home employment at s. DCF 56.09 (2) (a).

e. Cooperate and assist with efforts of the supervising agency to maintain relationships between foster children and their families and with the agency’s efforts to implement plans for care and treatment and for arranging a permanent living arrangement as required under s. 48.38 or 938.38 Stats.

f. Allow the supervising agency up to 30 days in which to make an alternate placement when the licensee asks that a foster child be removed from the home.

g. Maintain in confidence all personal information about foster children and their families.

h. Comply with serious incident reporting requirements in s. DCF 56.06.

i. Attend training sessions, permanency plan reviews, and other meetings as required by the licensing, supervising, or placing agency.

j. Provide a respite care provider with written and verbal information regarding the specific care needs of a child each time respite care is used.

k. Provide or arrange for a child’s necessary transportation, unless otherwise determined by the child’s team or treatment team.

L. Advocate for the child with the child’s school system and have primary responsibility for communication with the school, unless otherwise determined by the child’s team or treatment team.

m. Implement the child’s case plan, and if applicable treatment plan, cooperatively and consistently.

n. Participate in assessing a child’s progress.

o. Apply the reasonable and prudent parent standard when making decisions concerning a foster child’s participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities under s. DCF 56.09 (2m).

2. ‘Foster home with Level 3 to 5 certification.’ In addition to the requirements under subd. 1., a foster parent who operates a foster home with a Level 3 to 5 certification shall do all of the following, unless otherwise determined by the treatment team:

a. Participate as an active team member in the development, implementation, and evaluation of the treatment plan goals and objectives.

b. Assume primary responsibility for implementing in-home care and treatment strategies specified in the treatment plan.

c. Participate in developing a child's individualized treatment plan.

d. Notify the appropriate treatment team member of any problems or concerns related to operating a foster home with a Level 3 to 5 certification.

e. Participate on a regularly scheduled basis, but at least annually, in the evaluation of his or her performance as a foster parent operating a foster home with a Level 3 to 5 certification under s. DCF 56.20.

(d) *Age.* No person younger than 21 years of age may be licensed to operate a foster home, except that a person 18 to 20 years of age may be licensed to provide foster care for a relative.

(e) *Health.*

1. The applicant for an initial license to operate a foster home and all members of the household shall be free of physical or mental conditions that would interfere with the ability of the family to provide care for a foster child or threaten the health or safety of a foster child.

3. If, at any time, the licensing agency suspects or has reason to believe that the physical or mental health of an applicant, licensee or other household member may pose a threat to the health, safety or welfare of children in care, the licensing agency may require an alcohol or other drug abuse assessment or a physical health or mental health evaluation of the person as a condition for issuing or continuing the license.

(f) *Background.* The applicant or licensee and any nonclient residents in the applicant or licensee's home shall comply with the requirements in s. 48.685, Stats., and s. DCF 56.055.

**Note:** DCF−F−2978−E, *Background Information Disclosure*, is available in the forms section of the department website, http://dcf.wisconsin.gov, or by writing to the Division of Safety and Permanence, P.O. Box 8916, Madison WI 53708−8916.

(g) *Reporting background changes.* An applicant or licensee shall immediately notify the licensing agency if any of the following applies to the applicant, licensee, or a nonclient resident in the home:

1. The person has been convicted of any crime.

2. The person is the subject of a pending criminal charge.

3. The person has been adjudicated delinquent for committing a crime on or after his or her 12th birthday.

4. The person is the subject of a delinquency petition alleging that the person committed a crime on or after his or her 12th birthday.

5. A final substantiated finding has been made that the person abused or neglected a child.

6. A finding that is comparable to a final substantiated finding has been made in any other jurisdiction.

7. A governmental body made a finding that the person abused or neglected any client or misappropriated the property of any client.

8. The person has been or is being investigated by any governmental agency for any other act, offense, or omission, including an investigation related to the abuse or neglect, or threat of abuse or neglect, to a child or other client, or an investigation related to misappropriation of a client's property.

9. A person begins residing, or is expected to reside, in the foster home.

**(2)** FINANCES. A foster parent shall have a stable income sufficient to meet the foster family's obligations without reliance on the basic maintenance payments received for the care of foster children placed in the foster home. An applicant for a license shall provide the licensing agency with verification of compliance with this subsection.

**(3)** VEHICLE LIABILITY INSURANCE.

(a) An applicant for either initial licensing or for relicensing who plans to transport foster children in his or her vehicle shall provide the licensing agency with documentation of current vehicle liability insurance coverage and shall ensure that the insurance coverage continues in force throughout the term of licensure.

(b) If it is anticipated that a foster child will drive the applicant's motor vehicle, the applicant shall ensure that the foster child is covered by the applicant's insurance policy.

***(4)** HOMEOWNER'S OR RENTER'S LIABILITY INSURANCE.

(a) Except as provided under sub. (5), before a foster home license is issued or renewed, the applicant for an initial license or the foster parent applying for renewal of a license shall furnish proof to the licensing agency of having homeowner's or renter's liability insurance as required under s. 48.627 (2) (a), Stats.

(b) A licensing agency shall have on file verification that each foster parent licensed by that agency has insurance coverage required under par. (a) and s. 48.627 (2) (a), Stats., or shall have on file documentation that the foster parent has been granted a waiver from that requirement in accordance with sub. (5), or has been issued a license for a period not to exceed 90 days to allow the foster parent to obtain necessary documentation to request a waiver in accordance with sub. (5).

**(5)** WAIVER OF HOMEOWNER'S OR RENTER'S LIABILITY INSURANCE REQUIREMENT.

(a) In this subsection, "Wisconsin insurance plan" means the mandatory risk-sharing insurance plan established under s. 619.01, Stats., and s. Ins 4.10.

(b) A foster parent or an applicant for a foster home license may request a waiver of the requirement under sub. (4) (a) if he or she is unable to obtain the required insurance, the insurance policy that he or she had was canceled or payment of the premium for the required insurance would cause undue financial hardship.

(c) A request for a waiver shall be sent directly to the licensing agency and shall include one of the following:

1. A written denial of homeowner's liability insurance by an insurance company for a reason other than the poor condition of the property and a written denial of the same insurance coverage from the Wisconsin insurance plan.

2. A written cancellation of homeowner's liability insurance by an insurance company for reasons other than nonpayment of premiums and a written denial of the same coverage from the Wisconsin insurance plan.

3. A written denial of renter's liability insurance from 2 insurance companies.

4. A written cancellation of renter's liability insurance by an insurance company for reasons other than non-payment of premiums and, in addition, a written denial of the same insurance coverage from one other insurance company.

5. Documentation that payment of the insurance premium would cause undue financial hardship for the foster parent or applicant as evidenced by any of the following:

a. The foster family or applicant is a participant in the Wisconsin Works program under ss. 49.141 to 49.161, Stats.

b. The foster parent or applicant is receiving supplemental security income under 42 USC 1381 to 1383d.

c. The foster family's or applicant's income is at or below the minimum family budget determined by the department for purposes of administering the uniform fee system under ch. DHS 1.

**Note:** A foster parent has limited liability under s. 895.485, Stats. This does not mean that he or she has no liability. In the event that a foster parent is sued, the foster parent may be liable for any judgment and attorney's fees. As such, a waiver of the insurance requirement should be made only in rare circumstances.

(d) Within 30 days after receipt of a request that is accompanied by the documentation required under par. (c), the licensing agency shall either waive the requirement or deny the request for a waiver, and shall notify the applicant or foster parent in writing of its decision and the reasons for the decision.

**Note:** The Wisconsin Insurance Plan is property insurance of the last resort. A foster parent and an applicant for a foster home license should consider the Wisconsin Insurance Plan only if they cannot obtain conventional insurance from an insurance company. For information on the Wisconsin Insurance Plan, contact any insurance agency or the Wisconsin Insurance Plan, 700 W. Michigan Street, Milwaukee, WI 53233; phone 414-291-5353.

**History:** CR 00-020: cr. Register February 2002 No. 554, eff. 3-1-02; corrections in (1) (a) 1., (f) 2., 4. and (5) (c) 5. c. made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; EmR0937: emerg. revisions as in CR 10-021, eff. 1-1-10; CR 10-021: am. (1) (b) 2. and (c) 8., r. and recr. (1) (e) 1. and (f), r. (1) (e) 2. Register September 2010 No. 657, eff. 10-1-10; **EmR1050: emerg. renum (1) (b), (c) to be (1) (b) 1., (c) 1. and am., cr. (1) (b) 2., (c) 1. h. to n., 2., eff. 1-1-11; CR 10-148: renum (1) (b), (c) to be (1) (b) 1., (c) 1. and am., cr. (1) (b) 2., (c) 1. h. to n., 2. Register August 2011 No. 668, eff. 9-1-11**.

**DCF 56.055 Background checks.**

**(1)** PROVIDE INFORMATION.

(a) Before a foster home license is issued or renewed, the applicant and any nonclient resident in the home shall each do all of the following:

1. Complete and submit to the agency the department's background information disclosure and written authorization for the agency to make follow-up contact with the Wisconsin department of justice and any other person or organization to determine if there is any reason under sub. (4) why the applicant should not be granted a license or have an existing license renewed.

**Note:** DCF-F-2978-E, *Background Information Disclosure*, is available in the forms section of the department website, http://dcf.wisconsin.gov, or by writing to the Division of Safety and Permanence, P.O. Box 8916, Madison WI 53708−8916.

2. Provide the agency with information on each person's places of residence during the 5-year period before submission of the license application.

(b) Before an initial foster home license is issued or a license is renewed after a break in licensure, the applicant shall provide the agency or its designated agent with a set of fingerprints sufficiently clear to submit to the Wisconsin department of justice or other law enforcement agency for submission to the national crime information database as provided in s. 48.685 (2) (c) 1., Stats.

**(2)** CONDUCT BACKGROUND CHECK. The agency shall do all of the following:

(a) Obtain the information required under s. 48.685 (2) (am), Stats., regarding the applicant and any nonclient resident in the applicant's home.

**Note:** Information on how to conduct an initial search of some of the required Wisconsin records is at http://wi−recordcheck.org/. Following the search, the agency will receive a report from the Department of Justice regarding results of the criminal records search and a report from the Department of Health Services regarding results of the search of other integrated databases. Further investigation may be required.

(b) Submit the fingerprints of the applicant under sub. (1) (b) to the Wisconsin department of justice or other law enforcement agency for submission to the national crime information database as provided in s. 48.685 (2) (c) 1., Stats.

(c) Conduct a reverse search of the Wisconsin sex offender registry using the applicant's address.

**Note:** A reverse search by address can be done by entering applicant's address at https://appsdoc.wi.gov/public. The Wisconsin Sex Offender Registry does not contain information on all convicted sex offenders.

The information is limited by the effective date of the applicable law and to those offenders who have been arrested and convicted, adjudicated, or committed for a crime specified under the law and who meet registration and publication requirements.

For example, certain sex offenses by juveniles or other persons may not meet registration or publication requirements. Please consider these limitations when obtaining information from the sex offender registry.

(d) Obtain a criminal history records search from any other jurisdiction in which the person is or was a resident if the agency is informed that a nonclient resident in the applicant's home resided outside the state of Wisconsin at any time during the 3-year period before the search.

(e) Obtain information on child abuse or neglect reports or findings during the 5-year period before the search, as follows:

1. If the agency is informed that the applicant or a nonclient resident in the applicant's home resided in the state of Wisconsin at any time during the 5-year period before the search, the agency shall contact each county in Wisconsin in which the person is a resident or was a resident during those 5 years for information regarding any child abuse or neglect reports or findings.

2. If the agency is informed that the applicant or a nonclient resident in the applicant's home resided outside the state of Wisconsin at any time during the 5-year period before the search, the agency shall check any child abuse or neglect registry maintained by any other jurisdiction in which the person is a resident or was a resident during those 5 years for any child abuse reports or findings.

(f) If the agency is informed that the applicant or a nonclient resident in the applicant's home served in a branch of the U.S. armed forces, including any reserve component, the agency shall make every reasonable effort to obtain information on the discharge status of the person. This information may be obtained from the discharge papers or from the armed forces branch in which the person served. If the discharge status is other than honorable, the agency shall obtain information on the nature and circumstances of the discharge.

**Note:** The information from the armed forces may include military court findings or other information that is relevant to making a determination of whether an applicant is fit and qualified.

**(3)** FOLLOW−UP. Follow−up investigation may be required and may include any of the following:

(a) If the results of the criminal history records search under sub. (2) (a), (b), or (d) indicate a charge of a crime specified in s. 48.685 (1) (c) or (5) (bm), Stats., or comparable law in any other jurisdiction, but do not completely and clearly indicate the final disposition of the charge, the agency shall make every reasonable effort to contact the appropriate clerk of court to determine the final disposition of the charge.

(b) If the background information disclosure indicates a charge or conviction of a crime specified in s. 48.685 (1) (c) or (5) (bm), Stats., or comparable law in any other jurisdiction, but the results of the criminal history records search under sub. (2) (a), (b), or (d) do not include the charge or conviction, the agency shall make every reasonable effort to contact the appropriate clerk of court to obtain a copy of the criminal complaint and the final disposition of the complaint.

(c) If the results of the criminal history records search under sub. (2) (a), (b), or (d); the background information disclosure; or any other information indicate that the person was convicted of a violation of s. 940.19 (1), 940.195, 940.20, 941.30, 942.08, 947.01 (1), or 947.013, Stats., or comparable law in any other jurisdiction, not more than 5 years before the agency obtained the information, the agency shall make every reasonable effort to contact the appropriate clerk of court to obtain a copy of the criminal complaint and judgment of conviction relating to that violation.

**Note:** A list of Wisconsin county clerks of court is available at http://www.wicourts.gov/contact/docs/clerks.pdf. An investigation and determination regarding whether the circumstances of the convictions for the crimes specified in par. (c) are substantially related to the care of children under s. 48.685 (5m), Stats., is required. The specified crimes are misdemeanor battery, battery to an unborn child, battery−special circumstances, reckless endangerment, invasion of privacy, disorderly conduct, and harassment.

**(4)** OFFENSES THAT ARE A BAR. Unless the person has demonstrated that he or she has been rehabilitated under s. 48.685 (5) or (5c), Stats., and ch. DCF 12, an applicant or licensee is unqualified to hold a license if the applicant or a nonclient resident in the foster home meets any of the following conditions:

(a) The person has been convicted of a crime specified in s. 48.685 (1) (c) or (5) (bm), Stats., or a violation of the law of any other jurisdiction that would be a violation of s. 48.685 (1) (c) or (5) (bm), Stats., if committed in Wisconsin.

**Note:** A table that lists applicable crimes is available on the department website, http://dcf.wisconsin.gov, in the child welfare licensing/background checks section.

(b) A governmental body has made a finding that the person has abused or neglected any client or misappropriated the property of any client.

(c) A final substantiated finding has been made that the person abused or neglected a child.

(d) A finding that is comparable to a final substantiated finding has been made in any other jurisdiction.

**(5)** DENIALS OR REVOCATION. The agency shall provide the department with information about each person who is denied a license or has a license revoked for a reason specified in sub. (4).

**Note:** Agencies with direct access to eWiSACWIS, the child welfare automation system, enter the information into the system. Agencies that do not have direct access to eWiSACWIS, provide the information on Form DCF-F-CFS2191, *Negative Action Notice*, which is available in the forms section of the department's website,

dcf.wisconsin.gov. Send the completed form to Out-of-Home Care Section, DCF/DSP, P.O. Box 8916, Madison WI 53708-8916.

**History: CR 16−014: cr. Register June 2016 No. 726, eff. 7−1−16.**

**DCF 56.06 Serious incident reporting.**

**(1)** A foster parent shall immediately notify the supervising agency and, if not the same, the licensing agency of all of the following:

(a) Death of a foster child.

(b) Serious illness or injury of a foster child that requires the services of a licensed medical professional, including all of the following:

1. A broken bone.

2. A burn.

3. A concussion.

4. A wound requiring stitches.

5. The ingestion of poison or drug overdose.

6. A reportable communicable disease under ch. DHS 145, Appendix A.

**Note:** Information regarding reportable communicable diseases can be obtained from local county public health departments.

(c) The foster parent has reasonable cause to believe any of the following:

1. A foster child has been abused or neglected.

2. A foster child has been threatened with abuse or neglect and it is likely that the foster child will be abused or neglected.

(d) An error in administering medication to a foster child.

(e) A suicide attempt by a foster child.

(f) The unauthorized absence of a foster child from the home for more than 8 hours or for longer than is reasonable given the child's age, maturity, and mental and emotional capacity.

(g) An incident requiring contact with law enforcement at the foster home or that involves a foster child.

(h) A condition or situation that requires the removal of a child from a foster home.

(i) The use of a physical restraint as required under s. DCF 56.09 (1g) (e).

(j) Any other serious incident related to a foster child.

**(2)** A foster parent shall immediately notify the licensing agency of any of the following:

(a) Any physical damage to the foster home or premises that would affect compliance with this chapter, including the following:

1. Structural damage that may affect the safe shelter of a child.

2. Failure in the heating, cooling, electrical, plumbing, or smoke detection system that is not repaired or that cannot be repaired within 24 hours after the failure becomes known.

(b) A fire on the premises of the foster home that requires the services of a fire department.

(c) The displacement of a child or adverse effects due to implementation of the disaster plan required under s. DCF 56.08 (10m).

**(3)** A licensing agency shall immediately notify the department exceptions panel of any serious incident in this section that is reported by a foster parent of a Level 5 foster home.

**History:** CR 00-020: cr. Register February 2002 No. 554, eff. 3-1-02; corrections in (8) and (13) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; EmR0937: emerg. am. (12), eff. 1-1-10; CR 10-021: am. (12) Register September 2010 No. 657, eff. 10-1-10; **EmR1050: emerg. r. and recr., eff. 1-1-11; CR 10-148: r. and recr. Register August 2011 No. 668, eff. 9-1-11**.

**DCF 56.07 Physical environment.**

**(1)** GENERAL REQUIREMENTS.

(a) A foster home shall be so constructed, arranged and maintained that it is safe for all occupants, and the health of all occupants is safeguarded. The home shall be large enough and its living areas large enough for the number and ages of the foster children and other household members. The home shall have furnishings and equipment necessary to adequately accommodate the foster children and other persons living in the home. The property on which the foster home is situated, including all other buildings and structures on that property, shall be maintained in a state of good repair and in a sanitary condition so that it is safe for the occupants and their health is safeguarded.

(b) The licensing agency shall request fire, health, sanitation or safety officials to inspect the foster home or the entire premises when more expert opinion is necessary to help the agency evaluate the safety of the home.

**(1m)** EXTERIOR ACCESS. If necessary for a child to access the foster home where the child is placed, at least one entrance to the foster home shall be level or ramped in accordance with ch. Comm 62 and in a manner that provides safe access for the child.

***(2)** INTERIOR LIVING AREA.

(a) An applicant applying on or after September 1, 1990, for an initial license to operate a foster home shall provide a minimum of 200 square feet of living area for each household member, including each foster child, unless a higher minimum is deemed necessary by the licensing agency to accommodate wheelchairs or other special equipment used by a foster child.

(b) Doorways and passageways to the common rooms of the foster home, a complete bathroom, and the child's bedroom shall meet standards relating to accessibility in ch. Comm 62 if either of the following apply:

1. The child uses a wheelchair.

2. The child has significant mobility limitations and is too big to be safely carried.

**(3)** BATH AND TOILET FACILITIES.

(a) An applicant for an initial license to operate a foster home or any licensee who changes the location of the foster home on or after September 1, 1990 shall provide at least one complete bathroom for every 8 household members including foster children. Bath and toilet facilities that are accessible only through a sleeping room may be counted only for the occupants of that room.

(b) The door of each bathroom shall have a lock that may be opened from the outside in an emergency.

(c) Bathrooms shall be located within the foster home.

(d) At least one bathroom shall be constructed in conformity with ch. Comm 62 if a foster child has physical disabilities that require special equipment or clear floor space.

**(4)** SLEEPING ARRANGEMENTS.

(a) *1. Each foster child shall be provided with a separate bed, except 2 related children of the same sex over the age of one and under 12 years of age may share a double or larger bed.

1m. Each infant child, birth to 12 months of age, shall sleep alone in a crib, bassinet, or playpen.

2. Each crib shall have crib slats that are securely fastened in place and are spaced no more than 2 3/8 inches apart. The mattress shall fit snugly so that there are no more than 1½ inches between the edge of the mattress and crib side. Crib sheets shall fit snugly to the mattress. Blankets used to cover the child shall be tucked tightly under the mattress and shall be kept away from the child's mouth and nose.

3. Each bed shall be large enough to be comfortable for the child, provide adequate body support and be equipped with a clean and comfortable mattress and with a waterproof covering when necessary. The foster child shall be provided blankets that are adequate for the season.

*4. There shall be a minimum of 2 feet horizontally between beds except that between bunk beds there shall be a minimum of 5 feet.

5. For the top bed of a bunk bed, there shall be a minimum of 3 feet between the top of the mattress and the ceiling or any light or other fixture protruding from the ceiling above the bed.

6. A foster child under 4 years of age or who has a disability that limits mobility may not sleep on the top bed of a bunk bed.

7. A top bunk shall have a safety rail if occupied by a child under 8 years of age.

8. Triple-decked beds may not be used.

*(b) No foster child one year of age or older may regularly share a bedroom with an adult unless a physician determines that it is medically necessary and the licensing agency approves.

(c) No foster child 6 years of age or older may regularly share a bedroom with another child of the opposite sex.

*(d) Each bedroom occupied by a foster child shall have a minimum floor space of 40 square feet per child, unless the licensing agency determines a higher minimum is necessary to accommodate wheelchairs or other special equipment used by a foster child.

(e) No foster child may regularly sleep in any building, apartment or other structure on the premises which is separate from the foster home, nor may any foster child regularly sleep in an unfinished attic, an unfinished basement, a hallway or in any room normally used for purposes other than sleeping. No household member may regularly sleep in any of these places in order to accommodate the presence of the foster child.

(f) No foster child under the age of 7 years or a child with limited mobility or functioning may regularly sleep in a finished basement bedroom or in a bedroom above the second floor of a single family dwelling.

(g) No foster child 7 years of age or older may regularly sleep in a finished basement bedroom or in a bedroom above the second floor of a single family dwelling unless all of the following conditions are met:

1. There are 2 exits to grade from that floor level. Exits from a basement shall comply with s. Comm 21.03 (5) (b) and (6).

2. Provision has been made for adequate heating, cooling, ventilation, and humidity control.

3. Access to and exit from these locations are appropriate given the child's ambulatory level and use of mechanical devices, such as wheelchairs and walkers.

(h) A responsible care provider shall sleep within call of foster children during the night. An exception may be granted only if the child is at least 16 years of age and the supervising agency gives its approval.

(i) Each bedroom occupied by a foster child shall have a door for privacy, a window that allows natural light to enter, and adequate ventilation.

*(j) A sleeping room that someone must pass through to get to another part of the building may not be used for a foster child.

*(k) A foster child may not regularly sleep in a room to which access can be gained only through another occupied sleeping room.

*(L) No more than 4 children may regularly occupy one bedroom.

**(5)** TELEPHONE.

(a) A foster home shall have at least one operating telephone accessible to a child at all times when a child is present in the home.

(b) Emergency telephone numbers, including fire department, police, hospital, physician, poison control center and ambulance, shall be posted by each telephone in a foster home.

(c) A licensee shall notify the licensing and supervising agencies no later than the end of the next working day from the date that a foster home telephone number is changed.

**(6)** HEATING.

(a) A foster home shall have a heating system that is capable of maintaining a comfortable temperature of not less than 68° F., or 20° C., in living areas.

*(b) No foster home may be maintained at any time at a temperature of less than 68° F., or 20° C., during waking hours or 58° F., or 14° C., during sleeping hours unless written approval has been obtained from the licensing agency.

(c) Unvented gas, oil or kerosene space heaters may not be used in a foster home.

(d) 1. All wood-burning or other alternative heating source equipment in a foster home, except a fireplace, shall be inspected by a fire safety expert at least biennially and certified as properly installed and maintained as defined by the manufacturer's recommendations or specifications or other standards utilized by the fire safety expert. The licensee shall forward documentation of compliance with this paragraph to the licensing agency. If required by the licensing agency, a fireplace shall also be inspected by a fire safety expert.

2. In the event that a fire safety expert will not inspect or will not document an inspection of wood-burning equipment, the applicant or licensee shall permit the licensing agency to conduct an inspection of the equipment or shall provide the licensing agency with a statement from the homeowner's or renter's insurance provider confirming the provider's knowledge of the wood-burning equipment in the home.

(e) No heating equipment may be located so that it blocks or hinders an exit from the foster home.

***(7)** STORAGE. The licensee shall provide enough drawer and closet space to reasonably accommodate each foster child's clothing and other personal belongings.

***(8)** OUTDOOR RECREATION AND PLAY SPACE.

(a) Each foster home shall have available outdoor recreation and play space either on the premises or nearby.

(b) A licensing agency may require a licensee to erect a fence around an on-premises play area when nearby vehicle traffic, railroad tracks, a swimming pool, a lake, a pond or river or a similar hazard presents a threat to the safety of foster children.

(c) Any outdoor porch on a first floor that is more than 4 feet above grade or on or above the second floor of a foster home shall have a railing suitably designed to safeguard foster children who may be on the porch.

**(9)** MAINTENANCE AND REPAIR. The foster home, all other buildings and structures on the premises and all equipment and furnishings shall be maintained in a safe and proper state of repair. Broken, rundown, defective, inoperative or unsafe building parts, furnishings and equipment shall be promptly repaired, replaced or discarded.

**(10)** SANITATION. (a) The outside recreation and play space furnishings and equipment for a foster home shall be maintained in a clean and sanitary condition.

(b) Windows that are used for ventilation shall be screened.

**History:** CR 00-020: cr. Register February 2002 No. 554, eff. 3-1-02; correction in (4) (g) made under s. 13.93 (2m) (b) 7., Stats., Register December 2003 No. 576; EmR0937: emerg. revisions as in CR 10-021, eff. 1-1-10; CR 10-021: am. (4) (a) 1., 2., (5) (a) and (6) (d) 1., cr. (4) (a) 1m. Register September 2010 No. 657, eff. 10-1-10; **EmR1050: emerg. cr. (1m), (2) (b), (3) (d), renum. (2) to be (2) (a) and am., r. and recr. (4) (g), am. (4) (d), (i), (10) (a), eff. 1-1-11; CR 10-148: cr. (1m), (2) (b), (3) (d), renum. (2) to be (2) (a) and am., r. and recr. (4) (g), am. (4) (d), (i), (10) (a) Register August 2011 No. 668, eff. 9-1-11**.

**DCF 56.08 Safety.**

**(1)** GENERAL REQUIREMENTS.

(a) Materials and equipment that may be hazardous to children, such as power tools, flammable or combustible materials, insecticides, poisons, plastic bags, detergents, alcohol, tobacco products and medications, shall be stored in areas not readily accessible to foster children.

(b) The licensee shall make every reasonable effort to identify and immediately correct any hazard to the safety of foster children while the children are in the foster home, on the premises or being transported.

**(2)** ELECTRICITY.

(a) Electrical systems and appliances shall be in good repair and maintained in a manner designed to protect the safety of foster children.

(b) A licensee caring for a foster child who is under 7 years of age shall maintain protective covers on all electrical outlets not in use.

**(3)** HOUSEHOLD PETS.

(a) Cats, dogs and other pets vulnerable to rabies which are owned by any member of the household shall be vaccinated as required under local ordinance and documentation of the vaccinations shall be provided to the licensing agency.

(b) Household pets known to be vicious or infected with any disease transmittable to humans may not be kept in the foster home or elsewhere on the premises.

**(4)** TRANSPORTATION.

(a) Any licensee or other person acting on behalf of the licensee who transports foster children for any purpose shall possess a valid driver's license. The licensing agency may establish additional requirements in this area by written policy, provided that the additional requirements do not prevent a foster parent from using the reasonable and prudent parent standard when making decisions concerning a child's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities under s. DCF 56.09 (2m).

**Note:** For example, agencies cannot prohibit all youth from getting rides from peers or require that foster parents obtain prior agency approval for every person transporting the child.

(b) No licensee or person acting on behalf of a licensee may transport any foster child under the age of 8 years or less than 80 pounds in weight in any private motor vehicle unless the following conditions are met, as required in s. 347.48 (4), Stats.:

1. Each child who is less than one year old or who weighs less than 20 pounds being transported in a vehicle shall be properly seated and restrained in a rear-facing individual child car safety seat in the back seat of the vehicle.

2. Each child who is at least one year old but less than 4 years old or who weighs at least 20 pounds but less than 40 pounds shall be properly restrained in a forward-facing individual child car safety seat in the back seat of the vehicle.

3. Each child who is at least 4 years old but less than 8 years old, who weighs at least 40 pounds but not more than 80 pounds, or who is 4 feet 9 inches tall or less, shall be properly restrained in a shoulder-positioning child booster seat.

(c) Each child who is not required to be in an individual child car safety seat or booster seat when being transported shall be properly restrained by a seat belt, except as provided in s. 347.48 (2m), Stats., and ch. Trans 315.

**(5)** FIREARMS AND OTHER WEAPONS.

(a) Except as allowed under par. (d), no loaded firearm may be kept in a foster home.

(b) No unloaded firearm or other dangerous weapon may be kept in a foster home unless stored and locked in an area not readily accessible to foster children. Ammunition materials and firearms shall be stored in locked areas that are not readily accessible to foster children.

**Note:** A firearm need not be locked in an area not readily accessible to foster children if the firearm has been disassembled in such a manner that it is not operable. Trigger locks alone do not meet the above requirement but may be a supplemental safety measure in addition to the firearm being stored and locked in an area not readily accessible to foster children. A weapon cabinet with a glass front is not considered secure, even if it can be locked.

(c) A foster child may be permitted to use firearms or bows for hunting or target practice only if all of the following conditions are met:

1. The child is at least 10 years of age.

2. The foster parent applied the reasonable and prudent parent standard and gave permission for the child to participate in the activity.

3. The child has successfully completed an approved hunter education and firearm safety program under s. 29.304, Stats.

4. The child is under the supervision of a responsible adult at all times.

(d) If the foster parent is a sworn law enforcement officer who is required to maintain a loaded weapon at all times, the loaded weapon shall be stored and locked in an area not readily accessible to foster children.

**(6)** HAZARDOUS MACHINERY AND EQUIPMENT.

(a) No foster child under 12 years of age may, unless otherwise permitted by statute, operate any hazardous machinery or equipment.

(c) 1. No foster child may operate any machinery or equipment that is beyond his or her knowledge or mental or physical capability.

2. All hazardous machinery and equipment to be used by a foster child shall be maintained in safe and proper condition.

3. The foster child shall be under the general and appropriate supervision of a responsible adult when operating a hazardous machinery or piece of equipment.

4. a. The foster child shall be trained by the supervising adult on the safe and proper use and operation of any hazardous machinery or equipment before actually operating the hazardous machinery or equipment.

b. The agency may require attendance at specific training that is applicable to an applicant's home environment, such as farm safety and logging safety.

5. The foster child shall wear clothing and safety gear appropriate to the operation of particular hazardous machinery or equipment.

**(7)** FIRE PROTECTION.

(a) *Smoke detectors.* A foster home shall have one or more single station battery operated, electrically interconnected or radio signal emitting smoke detectors at each of the following locations in the home:

1. At the head of every open stairway.

2. On each floor of the home.

3. In each sleeping room.

**Note:** These smoke detector locations have been determined by a combination of standards found in ch. 2-2.1.1.1 of National Fire Protection Association (NFPA) standard 72, s. DHS 83.43 (4) (b), Stats., and s. Comm 21.09. The smoke detector at the head of an open stairway may also serve as the smoke detector for that floor of the home.

(b) *Smoke detector maintenance.* The licensee shall check the operating condition of each smoke detector at least once a month and shall immediately repair or replace any unit or part of a unit found to be inoperative. For a single-station battery-operated smoke detector, the battery shall be replaced at least once each year.

(c) *Fire extinguisher.* A fire extinguisher with a UL rating for A, B and C burning materials shall be available in or near the kitchen of a foster home. The foster parent shall know how to operate the fire extinguisher. Licensing agencies may also require a fire extinguisher near the sleeping areas of the home.

**(8)** FIRE SAFETY EVACUATION PLAN.

(a) The licensee shall develop a written plan for the immediate and safe evacuation of the foster home in the event of a fire. The plan shall include the following:

1. The means to be used for emergency exiting from all floor levels of the foster home.

2. The place away from the foster home at which all evacuated members of the household will meet so that it can be determined if all persons are out of danger.

3. The means by which foster children who are not ambulatory will be assisted in evacuating the home.

(b) 1. The licensee shall review the fire safety evacuation plan with all household members at least once every 3 months and immediately following placement of a new foster child in the licensee's home.

2. The fire safety evacuation plan shall be posted in the home and its location made known to all household members.

(c) At least once every 2 years the licensing agency shall review the fire safety evacuation plan with the licensee and the licensee shall revise the plan if the licensing agency determines it is necessary.

**(9)** FIRE SAFETY INSPECTION. If required by the licensing agency, a foster parent shall arrange for a fire safety inspection by fire safety experts at any time there is cause for concern for the safety of household residents because of conditions in the foster home or elsewhere on the premises.

**(9m)** CARBON MONOXIDE DETECTOR. (a) Effective February 1, 2011, a foster home in a one- or two-unit building shall have a functional carbon monoxide detector installed in the basement and on each floor level, except the attic, garage, or storage area of each unit, in accordance with the requirements of s. 101.647, Stats.

**Note:** A one-unit building is a single family residence. A two-unit building is a duplex or two-flat.

(b) A foster home in a building with at least 3 units shall have one or more functional carbon monoxide detectors installed in accordance with the requirements of s. 101.149, Stats.

**(10)** REPORTING FIRES. The licensee shall report by no later than the end of the next working day to the licensing agency any fire in the foster home or elsewhere on the premises that requires the assistance of the fire department.

**(10m)** DISASTER PLAN. Each licensed foster home shall file a disaster plan with the licensing agency that would allow the licensing agency to identify, locate, and ensure continuity of services to children under the placement and care responsibility or supervision of an agency who are displaced or adversely affected by a disaster. Disaster plans shall include all of the following information:

(a) Where a family, provider, or child would go in an evacuation, including one location in the nearby area and one location out of the area.

(b) Phone numbers, electronic mail addresses, and other contact information for the foster parent.

(c) Contact information for a relative or friend out of the area who will know where the family is located.

(d) A list of items that the licensee will take if evacuated, including any medication and medical equipment for the child.

(e) A phone number the licensee will call to check in with the licensing agency or caseworker.

**(11)** SAFETY OF INFANTS AND CHILDREN WITH DISABILITIES.

(a) A licensing agency may impose additional safety conditions upon a licensee if the licensee cares for a child under one year of age or a child with mental or physical disabilities when the age, impaired judgment, or mobility of the child creates additional safety risks.

(b) A licensing agency may require modifications to a foster home or other accommodations necessary to meet specific requirements identified by the child's team or treatment team. These modifications may include any of the following:

1. Supplemental electrical service to the home.

2. Electrical back-up systems that will provide a reliable level of power in the event of an electrical system failure.

3. Adequate mechanisms for the safe and legal storage and disposal of medical supplies.

4. Minimum and maximum standards for heating and cooling temperatures within the home.

5. Structural or cosmetic changes to allow the child access into and throughout the home.

6. Mechanisms for ensuring that hot water temperatures from bathtub, sink, shower, and other bathroom fixtures do not exceed a maximum safe temperature of 110 degrees Fahrenheit.

7. Mechanisms for measuring and achieving established air purity standards in the home.

8. Other modifications to accommodate needs identified by the child's team or treatment team.

(c) Any additional conditions imposed under par. (a) or (b) shall be in writing and reviewed jointly by the licensing agency and licensee before taking effect.

(d) The licensing agency and licensee shall review the conditions under par. (a) or (b) for possible revision at least annually.

**Note:** A licensing agency may use an exceptional payment under s. DCF 56.23 (3) to pay for any necessary adjustments to the foster home to meet the special needs of a foster child.

**(12)** STAIRWAYS. Each stairway shall have a handrail.

**History:** CR 00-020: cr. Register February 2002 No. 554, eff. 3-1-02; EmR0937: emerg. r. and recr. (4) (b) and (c), am. (5) (b), cr. (10m), eff. 1-1-10; CR 10-021: r. and recr. (4) (b) and (c), am. (5) (b), cr. (9m) and (10m) Register September 2010 No. 657, eff. 10-1-10; **EmR1050: emerg. am. (8) (a) 2., cr. (8) (a) 3., r. and recr. (11), eff. 1-1-11; CR 10-148: am. (8) (a) 2., cr. (8) (a) 3., r. and recr. (11) Register August 2011 No. 668, eff. 9-1-11**.

**DCF 56.09 Care of foster children.**

**(1)** PRINCIPLES FOR NURTURING CARE. The foster parent shall provide nurturing care to each child placed in a foster home. Nurturing care is care that does all of the following:

(a) Ensures that the child is provided a humane physical and psychological environment.

(am) Socializes the child into family living and teaches social and community living skills, including accepting tasks and responsibilities.

(b) Is respectful of the child as a person.

(bm) Increases the child's opportunities to develop decision-making skills and to make informed choices.

(c) Gives the child room to grow and the maximum of personal and physical freedom appropriate to the child's age and maturity.

(cm) Increases the child's independence in performing tasks and activities by teaching skills that reduce dependence on caretakers.

(d) Does not deny a foster child access to confidential family planning and reproductive health services.

(dm) Educates the child regarding human sexual development, as appropriate.

(e) Does not discriminate against the child because of the child's race or cultural identification, sex, age, sexual orientation, color, creed, ancestry, national origin or disability.

(em) Promotes cultural understanding and sensitivity in the child and respects the cultural traditions of the child's family.

(f) Lets the child participate in community activities of the child's choice, including sports and activities of school, community, social and religious groups, with this participation restricted only by reasonable curfew hours, cost considerations, a court order or for a reason agreed upon by the foster parent and the licensing and supervising agencies.

(fm) Increases the child's opportunities to interact with diverse community populations.

(g) Gives the child reasonable opportunity to voluntarily participate or not participate in religious practices, activities, and services of the child's choice or the choice of the child's parents. Any discrepancy between the child's choice and the choice of the child's parents shall be resolved by the child's caseworker.

(gm) Teaches the child life skills in situations where the skills are used.

(h) Allows a foster parent to conduct a search without the foster child's consent if the foster parent believes a search is necessary to prevent harm to the foster child or another person or because the foster child is violating a law. The foster parent shall share the information about the search with the child's supervising agency caseworker.

(hm) Provides daily schedules, routines, environments, and interactions similar to those of other children of the same age and in accordance with the child's case plan, permanency plan, or treatment plan.

(i) Lets a child keep and wear his or her own clothing as appropriate to the season or setting unless the clothing is too small for the child, is prohibited by the child's case manager or is otherwise unsuitable for wear.

**Note:** An example of clothing unsuitable for wear is clothing infested with lice.

(j) Permits a child to receive mail, to make and to receive a reasonable number of telephone calls and to visit with family, friends and others unless a visit is contraindicated by the child's case plan, by a court order or by another controlling document.

(k) Does not inflict or tolerate infliction of physical or verbal abuse, physical punishment, ill treatment or harsh or humiliating discipline of the child.

(L) Does not require a child to perform labor that financially benefits the foster parent without the child's agreement, approval of the child's parent or guardian and approval of the supervising agency.

(m) Allows the child access to clothing and written and recorded materials and other items appropriate to the child's age and comprehension. None of these materials may be permanently withheld from the child without the specific consent of the child's caseworker. Any withheld material shall be given to the child's caseworker who shall determine whether the material should be returned to the child or given to the child's parent or guardian. A foster child's personal belongings may not be damaged or destroyed.

**Note:** The primary intent of par. (m) is to allow a foster child to have clothes, books, recorded music and similar items which the child enjoys. If a foster parent does not wish to have certain types of such materials in his or her home, the foster parent should communicate that in writing to the licensing agency.

(n) Does not permit a child to be mechanically restrained or locked or confined in any enclosure, room, closet or other part of the house or premises for any reason, except as provided under sub. (5) (i).

(o) Responds appropriately to disruptive behavior.

**(1g)** PHYSICAL RESTRAINT.

(a) A foster parent may not use any type of physical restraint on a foster child unless the foster child's behavior presents an imminent danger of harm to self or others and physical restraint is necessary to contain the risk and keep the foster child and others safe.

(b) A foster parent shall attempt other feasible alternatives to de-escalate a child and situation before using physical restraint.

(c) A foster parent may not use physical restraint as disciplinary action, for the convenience of the foster parent, or for therapeutic purposes.

(d) If physical restraint is necessary under par. (a), a foster parent may only use the physical restraint in the following manner:

1. With the least amount of force necessary and in the least restrictive manner to manage the imminent danger of harm to self or others.

2. That lasts only for the duration of time that there is an imminent danger of harm to self or others.

3. That does not include any of the following:

a. Any maneuver or technique that does not give adequate attention and care to protection of the child's head.

b. Any maneuver that places pressure or weight on the child's chest, lungs, sternum, diaphragm, back, or abdomen causing chest compression.

c. Any maneuver that places pressure, weight, or leverage on the neck or throat, on any artery, or on the back of the child's head or neck, or that otherwise obstructs or restricts the circulation of blood or obstructs an airway, such as straddling or sitting on the child's torso.

d. Any type of choke hold.

e. Any technique that uses pain inducement to obtain compliance or control, including punching, hitting, hyperextension of joints, or extended use of pressure points for pain compliance.

f. Any technique that involves pushing on or into a child's mouth, nose, or eyes, or covering the child's face or body with anything, including soft objects, such as pillows, washcloths, blankets, and bedding.

4. Notwithstanding subd. 3. f., if a child is biting himself or herself or other persons, a foster parent may use a finger in a vibrating motion to stimulate the child's upper lip and cause the child's mouth to open and may lean into the bite with the least amount of force necessary to open the child's jaw.

(e) A foster parent shall report the use of any physical restraint to the licensing agency as soon as possible after the imminent danger has been resolved but no later than 24 hours after the use of any physical restraint. Information shall include a description of the situation that led to the use of restraint, the nature of the restraint that was used, any follow-up actions that were taken, any injuries that may have resulted from use of the restraint, and any additional information required by the licensing agency.

**(1m)** NUMBER OF CHILDREN FOR WHOM CARE MAY BE PROVIDED.

(a) *In general.* Care and maintenance may be provided for no more than 4 children in a foster home.

(b) *Sibling connections.* Notwithstanding par. (a), for the purpose of maintaining sibling connections, a licensing agency may grant an exception to allow 7 or fewer foster children in a foster home. A licensing agency shall apply to the department exceptions panel to place 8 or more children in a foster home if necessary to keep siblings together. The licensing agency shall follow the requirements established under s. DCF 56.02 (2) when granting or requesting an exception under this paragraph and shall modify the license to reflect a reduction in the number of foster children in the home if any of the children leave.

(c) *Parental connection.* Notwithstanding par. (a), for the purpose of maintaining a parental connection for a minor parent and minor child who are placed together, a licensing agency may grant an exception to allow 7 or fewer foster children in a foster home. A licensing agency shall apply to the department exceptions panel to place 8 or more children in a foster home if necessary to keep a minor parent and minor child together. The licensing agency shall follow the requirements established under s. DCF 56.02 (2) when granting or requesting an exception under this paragraph and shall modify the license to reflect a reduction in the number of foster children in the home if any of the children leave.

**Note:** In order to exceed the limit of 4 children in a foster home, any additional child must be related to one of the initial 4 children placed in the home.

(cm) *Placement continuity exception.* Notwithstanding par. (a), for the purpose of maintaining previous existing connections, a licensing agency may grant an exception to allow 7 or fewer foster children in a foster home. A licensing agency shall apply to the department exceptions panel to place 8 or more children in a foster home if necessary to allow a child who was previously placed in the foster home and was on a trial reunification or a child who is under a voluntary transition-to-independent living agreement to return to the foster home. The licensing agency shall follow the requirements established under s. DCF 56.02 (2) when granting or requesting an exception under this paragraph and shall modify the license to reflect a reduction in the number of foster children in the home if any of the children leave.

(d) *Number of children in a foster home with Level 3 to 5 certification*. Notwithstanding par. (a), a licensing agency may limit the number of children for whom a foster home with a Level 3 to 5 certification may provide care and maintenance to fewer than 4.

(e) *More than 2 children in a foster home with a Level 3 to 5 certification*. If a licensing agency plans to place or places more than 2 foster children in a foster home with a Level 3 to 5 certification, the licensing agency

shall notify any placing agency or supervising agency with a child already placed in the home. The notice shall be in writing and sent to the placing agency or supervising agency prior to placement of the third or fourth child, if possible. If written notice prior to the additional placement is not possible, the licensing agency shall verbally notify any placing agency or supervising agency prior to the placement and subsequently provide written notice.

(f) *Total number of individuals receiving care*. The number of individuals receiving care in a foster home, including the combined total of foster children, minor children of the foster parent, other children, and adults who need care may not exceed the following:

1. In a foster home with a Level 1 to 2 certification, 8 persons.

2. In a foster home with a Level 3 to 5 certification, 6 persons.

(g) *Children under 2 years of age*. A foster parent may not regularly provide care for more than 2 children under 2 years of age, including the combined total of foster children, minor children of the foster parent, and any other children.

**(2)** SUPERVISION OF CHILDREN.

(a) The licensee may not combine the care of foster children with regular part-time care of other non-related children or adults or conduct business or provide services in the foster home without the written approval of the licensing agency. The licensing agency shall confer with any other certifying or licensing agencies involved with the additional activities before granting approval and may approve a request only if the foster parent presents satisfactory evidence that the additional activities will not interfere with the quality or manner of care provided to foster children. The licensing agency may not allow a foster parent who operates a foster home with a Level 3 to 5 certification to also operate a licensed family child care center under ch. DCF 250 or a certified child care home under ch. DCF 202 in the foster home.

(b) Both foster parents may not be employed away from the home on a full-time, part-time or seasonal basis without written approval of the licensing agency. When there is only one foster parent, that person may not be employed away from the home without written approval of the licensing agency. Approval by the licensing agency for this employment shall depend on the foster parent or parents presenting satisfactory evidence that there are suitable plans for the care of the children and for responding in emergency situations during the absence of the foster parent or parents from the home.

(c) A person who provides child care for a foster child for compensation on a regular basis in a location other than the child's foster home shall be certified under ch. DCF 202 or licensed under ch. DCF 250 251 or 252.

(d) A licensee may not leave foster children under 10 years of age without supervision by a responsible care provider.

(e) A licensee shall ensure that foster children 10 years of age or older receive responsible supervision appropriate to their age, maturity and abilities as might reasonably be provided by a prudent parent to that parent's own children. An agency may not create supervision policies that interfere with a foster parent's ability to make reasonable and prudent parenting decisions concerning the child's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities under s. DCF 56.09 (2m).

(f) A foster parent shall secure authorization from the supervising agency before taking a foster child out of state for a period longer than 48 hours.

(g) A foster parent shall secure approval of the supervising agency before making plans for the care of a foster child by any other person in or away from the foster home for any period in excess of 48 hours. Pursuant to specified information in the placement agreement for a foster child, the supervising agency may require a foster parent to secure agency authorization for periods less than 48 hours.

**(2m)** PROMOTING NORMALCY.

(a) *Family-like environment*. A foster parent shall promote normalcy and the healthy development of a child placed in his or her home with a family-like environment that supports the child's right to participate in extracurricular, enrichment, cultural, and social activities and have experiences that are similar to those of the child's peers.

(b) *Reasonable and prudent parent standard*. When a foster parent is making a decision concerning participation in an activity by a child placed in his or her home, the foster parent shall use a decision-making standard that is characterized by careful and sensible parental decisions that maintain the health, safety, best interests, and cultural, religious, and tribal values of a child while at the same time encouraging the emotional and developmental growth of the child, if the activity meet the conditions in subd. 1. and 2., as follows:

1. 'Areas covered by the standard.' The child is participating or wants to participate in extracurricular, enrichment, cultural, or social activities, including all of the following:

a. Activities related to transportation, such as obtaining a driver's license, driving, or carpooling with peers and other adults.

b. Formal or informal employment and related activities, such as opening an account in a bank or credit union.

c. Activities related to peer relationships, such as visiting with friends, staying overnight at a friend's house, or dating.

d. Activities related to personal expression, such as haircuts; hair dying; clothing choices; or sources of entertainment, including games and music.

2. 'Age or developmentally appropriate activities.' The child is participating or wants to participate in activities that are suitable based on any of the following criteria:

a. Activities that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child based on the cognitive, emotional, physical, and behavioral capacities that are typical for children of the same age or age group.

b. Activities that are suitable based on this child's cognitive, emotional, physical, and behavioral capacities.

**Note:** The reasonable and prudent parent standard does not apply to a child receiving respite care services in a foster home.

(c) *Decision-making factors*. When applying the reasonable and prudent parent standard to a decision concerning a child's participation in an extracurricular, enrichment, cultural, or social activity, the foster parent shall consider all of the following:

1. Child-specific factors, including all of the following:

a. The child's wishes, as gathered by engaging the child in an age-appropriate discussion about participation in the activity.

b. The age, maturity, and development of the child.

c. Whether participating in the activity is in the best interest of the child.

d. The child's behavioral history.

e. Court orders and other legal considerations affecting the child, including the prohibitions in par. (d).
f. Cultural, religious, and tribal values of the child and the child's family.

**Note:** If the child and child's family have different cultural, religious, or tribal values, then the placing agency, or the department if the department is the child's guardian, is ultimately responsible for decisions concerning the child's care.

2. Activity-specific factors, including all of the following:

a. Potential risk factors of the situation, including whether the child has the necessary training and safety equipment to safely participate in the activity under consideration.

b. How the activity will help the child grow.

c. Whether participating in the activity will provide an experience that is similar to the experiences of the foster parent's children and other children in the home.

3. Other information regarding the parent's or guardian's wishes and values, as obtained from the parent at team or treatment team meetings and through discussions with the child's parent or guardian. A foster parent is not required to consult with the parent or guardian about every decision affecting the child.

4. Any other concerns regarding the safety of the child, household members, or the community.

5. Information on the forms required under ch. DCF 37.

**Note:** The forms required under ch. DCF 37 are DCF−F−872A−E, *Information for Out−of−Home Care Providers, Part A* and DCF−F−872B−E, *Information for Out−of−Home Care Providers, Part B.* Both forms are available in the forms section of the department website at http://dcf.wisconsin.gov or by writing the Division of Safety and Permanence, P.O. Box 8916, Madison, WI 53708−8916.

(d) *Prohibitions*. A foster parent may not do any of the following:

1. Permit the child to participate in an activity that would violate a court order or any federal or state statute, rule, or regulation.

2. Make a decision that conflicts with the child's permanency plan or family interaction plan.

3. Consent to the child's marriage.

4. Authorize the child's enlistment in the U.S. armed forces.

5. Authorize medical, psychiatric, or surgical treatment for the child beyond the terms of the consent for medical services authorized by the child's parent or guardian.

6. Represent the child in a legal action or make a decision of substantial legal significance.

7. Determine which school the child attends or make a decision for the child regarding an educational right or requirement that is provided in federal or state law.

**Note:** For example, only a parent or guardian can make decisions about a child's individualized educational program under s. 115.787, Stats.

8. Require or prohibit a child's participation in an age or developmentally appropriate extracurricular, enrichment, cultural, or social activity solely for the foster parent's own convenience or based solely on the foster parent's own values.

(e) *Placing agency responsibilities*. When preparing the child-specific information to provide to the foster parent on the forms required under ch. DCF 37, the placing agency shall do all the following if reasonable and appropriate:

a. Consult with the child's parent or guardian and the child about the child's participation in extracurricular, enrichment, cultural, and social activities and the family's religious, cultural, and tribal beliefs and values.

**Note:** If the child is an Indian child, the placing agency should ask the parent and the family's tribe about specific tribal values.

b. Explain to the parent or guardian that the parent's values will be considered, but will not necessarily be the determining factor when decisions concerning the child's participation in activities are made.

(f) *Supervising agency*. A foster parent shall contact the supervising agency for assistance with the application of the reasonable and prudent parent standard.

**(3)** HOUSEHOLD CHORES.

(a) A foster parent may require a foster child to share in household chores appropriate to the child's age, degree of maturity, mental capability, health, and physical ability. These duties shall not interfere with a child's school attendance, family visits, sleep, studies, or religious practice and may not violate the humane and nurturing care described in sub. (1).

(b) Foster children may not be given responsibility for chores that may cause harm to themselves or others.

**(4)** HEALTH OF FOSTER CHILDREN.

(a) Within 30 days after the date that the child is placed in foster care, the foster parent shall arrange for medical and dental examinations of the child in accordance with the schedule of the HealthCheck program. An appropriate reproductive health needs and confidential family planning assessment shall be a part of the medical examination as included in the HealthCheck program.

**Note:** If the foster parent does not receive an authorization to provide medical care form signed by a parent or guardian, the foster parent may not be able to obtain the required medical services for the child. Without the consent of the parent or guardian, it becomes the responsibility of the placing agency to ensure that the HealthCheck physical for the child is completed.

(b) All foster children shall receive medical and dental care under the HealthCheck program unless they have private insurance that covers services required in this chapter. The HealthCheck program shall supplement any required services not covered by private insurance. A foster child's case record shall contain medical records utilizing the HealthCheck program forms.

(c) The foster parent shall notify the supervising agency as soon as possible if a foster child has any serious illness or any injury that requires medical treatment.

(d) The foster parent shall ensure that each foster child who needs medical attention receives appropriate and adequate medical services promptly.

(dm) The foster parent shall ensure that each foster child who needs mental health services receives appropriate services promptly.

(e) The foster parent shall ensure that each foster child receives 2 dental examinations and cleanings per year through a HealthCheck program referral.

(f) No foster parent may purchase tobacco products for a child or employ the child's use of tobacco products as part of a treatment or behavior modification program.

(g) *1. A foster parent may not smoke or allow another person to smoke in a foster home or in a vehicle when a foster child is present.

2. Nothing in this paragraph shall be interpreted to interfere with traditional or established spiritual or cultural ceremonies involving the use of tobacco.

**(5)** DISCIPLINE.

(a) Disciplinary action by a foster parent or any other person serving as a substitute caretaker in the absence of the foster parent shall be aimed at encouraging the foster child to understand what is appropriate social behavior.

(b) The type of discipline imposed shall be appropriate to the child's age and understanding.

(c) Physical punishment of foster children is prohibited.

(d) A licensee may not subject any foster child to verbal abuse, profanity, derogatory remarks about the child or his or her family or to threats to expel the child from the home.

(e) A licensee may not permit another adult or child, other than a responsible care provider, to discipline a foster child.

**Note:** If the licensee leaves the foster child in the care of another person, such as a babysitter, that other person is responsible for providing the discipline in accordance with this chapter and any licensing agency policies.

(f) No foster child may be punished by being deprived of meals, mail, or family interaction.

(g) No foster child may be punished or ridiculed for bed-wetting or other lapses in toilet training.

(h) No foster child may be mechanically restrained or locked in any enclosure, room, closet or other part of the house or elsewhere on the premises for any reason.

(i) No foster child may be punished by being restricted to an unlocked room or area of the home except as follows:

1. A foster child under 6 years of age may be restricted to an unlocked living area of the home for not longer than 10 minutes for any episode of misbehavior. The foster child shall be within hearing of a responsible caretaker and shall be permitted use of the toilet if necessary.

2. A foster child 6 to 10 years of age may be restricted to an unlocked living area of the home for not longer than 30 minutes for any episode of misbehavior. The foster child shall be within hearing of a responsible caretaker and shall be permitted use of the toilet if necessary.

3. A foster child over 10 years of age may be restricted to an unlocked living area of the home for up to 60 minutes for any episode of misbehavior. The foster child shall be within hearing of a responsible caretaker and shall be permitted use of the toilet if necessary.

***(6)** CLOTHING.

(a) The licensee shall ensure that funds allocated for the purchase of clothing for foster children are used in such a manner that children in the licensee's care are comfortably and appropriately dressed within the limits of the funds. Foster children's clothing shall be maintained in a state of good repair and cleanliness.

(b) Clothing purchased for a foster child or otherwise provided to a foster child with the understanding that the clothing belongs to the foster child shall be the property of the child and shall be given to the child to take when he or she leaves the foster home.

***(7)** PERSONAL BELONGINGS. When a foster child leaves a foster home, he or she may take all special equipment or other personal belongings that the child had when placed in the foster home, that were given to the child to keep, that the child received as gifts, or that were purchased on behalf of the child with public funds, unless the items are permanently affixed to the foster home.

***(8)** SPENDING MONEY. The foster parent shall give each foster child spending money each week. The amount of spending money given to a foster child shall be appropriate to the child's age and maturity and in accordance with the child's case plan established by the supervising agency.

**(9)** NUTRITION.

(a) The foster parent shall ensure that each foster child receives at least 3 meals a day. Meals a child receives as part of a meals program at school may be counted. A school-age foster child who does not participate in a school lunch program shall be provided a sack lunch or be provided lunch at the foster home or shall otherwise have lunch arranged for by or with the approval of the foster parent.

(b) The foster parent shall ensure that each foster child is provided a quantity and variety of foods sufficient to meet the child's nutritional needs and to maintain his or her health and growth.

(c) No foster child may be forced to eat against his or her wishes except by order of and under the supervision of a physician.

**(10)** EDUCATION OF FOSTER CHILDREN.

(a) The foster parent shall make every reasonable effort to ensure that foster children of school age in their care attend school unless otherwise excused by school officials.

*(b) The foster parent shall make every reasonable effort to participate, as appropriate, in school activities involving foster children in their care.

*(c) The foster parent may not provide a home-based private educational program to foster children in their care. This does not apply to homebound study under s. 118.15 (1), Stats., or as defined in the child's individualized education program.

*(d) Foster children shall be given the opportunity to develop appropriate friendships with schoolmates and to visit their friends.

*(e) The foster parent shall provide suitable reading material and facilities for undisturbed reading and study for all foster children in their home who wish to read or who have homework assignments.

*(f) The foster parent shall assist the agency and any contracted agency with the transfer of independent living skills to and the preparation for independent living of a foster child whose permanency plan indicates the need for these skills and preparation.

(g) The foster parent shall assist a foster child in planning for achievement of the child's educational or vocational goals.

**(11)** CASE RECORDS.

(a) The foster parent shall maintain a record on each foster child. The record shall contain information regarding the child for the entire duration of the placement and shall contain at least the following information:

1. The child's name, nickname and any alias by which the child is known.

2. The child's birthdate.

3. The names, addresses and telephone numbers of persons to be notified in an emergency involving the foster child.

4. The date the child was placed in the foster home.

5. The name address and telephone number of the person or agency placing the child.

6. The name of the physician to be called in an emergency.

7. Medical information about the child, including known allergies and the dates of medical examinations, immunizations, illnesses and accidents since the time the child was placed in the foster home.

**Note:** This information must be included on the form required by ch. DCF 37.

8. The name and address of the child's dentist and dates the child received dental care since the child was placed in the foster home.

9. If the child attends school while in the foster home, the name of the school and the grades the child received.

10. Reasonable and prudent parenting considerations for the child and decisions the foster parent has made by applying the reasonable and prudent parent standard.

(b) The foster parent shall give the foster child's record to the child's supervising agency when the child leaves the foster home.

(c) At the request of the licensing or supervising agency, the foster parent shall make the foster child's record available for inspection by that agency. A foster child's record may also be examined by authorized representatives of the department.

**(12)** CONFIDENTIALITY. The foster parent and other persons in the household having access to confidential information about the foster child and his or her family may not discuss or otherwise disclose that information to any other person while the child is in the foster home or after the child leaves the foster home, except as follows:

(a) To the licensing agency or agency placing the child in the care of the licensee.

(b) To another foster parent or respite care provider as authorized by the agency, such as when another foster parent is being considered as a placement for the child or the person is providing respite for the child.

(c) By order of a court.

(d) As otherwise provided by law.

**Note:** Disclosure of confidential information is governed by ss. 48.78 and 48.981 (7), Stats., and other state and federal laws and regulations.

**History:** CR 00-020: cr. Register February 2002 No. 554, eff. 3-1-02; corrections in (2) (c) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; EmR0937: emerg. revisions as in CR 10-021, eff. 1-1-10; CR 10-021: am. (1) (d), (g), (m), (2) (a), (g), (3) (a), (4) (b), (5) (f), (11) (a) 4. and 8., cr. (1m), r. and recr. (7) Register September 2010 No. 657, eff. 10-1-10; **EmR1050: emerg. cr. (1) (am), (bm), (cm), (dm), (em), (fm), (gm), (hm), (o), (1g), (1m) (d) to (g), (4) (dm), (g), (10) (g), am. (1) (h), (1m) (b), (c), (2) (a), (4) (e), r. and recr. (2) (c), r. (2) (h), (i), eff. 1-1-11; CR 10-148: cr. (1) (am), (bm), (cm), (dm), (em), (fm), (gm), (hm), (o), (1g), (1m) (a) (title), (b) (title), (c) (title), (d) to (g), (4) (dm), (g), (10) (g), am. (1) (h), (1m) (b), (c), (2) (a), (4) (e), r. and recr. (2) (c), r. (2) (h), (i) Register August 2011 No. 668, eff. 9-1-11**.

**DCF 56.10 Hearing.**

**(1)** APPEAL. An applicant for a license to operate a foster home who is denied a license or a licensee whose license is revoked or whose application for renewal of the license is denied may appeal the decision by asking for a hearing in accordance with ch. 227, Stats.

**Note:** The appeal rights described in this section relate only to licensure decisions. Foster parents also have appeal rights for non-licensure decisions as provided under s. 48.64 (4), Stats., and ch. HA 3 rules. Any decision made by a circuit court regarding a placement or a placed child is not appealable by the foster parent under this section.

**(2)** REQUEST FOR A HEARING. A request for a hearing shall be in writing and shall be addressed to the department of administration's division of hearings and appeals. The date of the request for a hearing shall be the date on which the request is received by that office. Any request for a hearing shall be received no more than 15 days after the date of the notice of the agency decision to deny, revoke, or not renew the license.

**Note:** A request for a hearing may be mailed to Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875; faxed to (608) 264-9885; or delivered to 4822 Madison Yards Way, Madison, WI 53705.

**(3)** ARRANGEMENTS FOR A HEARING. In response to a request for a hearing under this section, the division of hearings and appeals shall appoint a hearing examiner, set a date for the hearing and notify the parties in writing at least 10 days before the hearing of the date, time and place of the hearing and of the procedures to be followed.

**History:** CR 00-020: cr. Register February 2002 No. 554, eff. 3-1-02; CR 10-021: am. (2) Register September 2010 No. 657, eff. 10-1-10.

**DCF 56.12 Foster parent handbook.**

A licensing agency shall provide each licensed or prospective foster parent with a copy of the agency's foster parent handbook prior to or at the time of the issuance of the license to operate a foster home. The foster parent handbook shall include information on the following topics:

**(1)** General information, including:

(a) Overview of the child welfare system.

(b) Description of the purpose of foster care.

(c) Overview of the juvenile court system.

(d) Description of the concept of and procedures for permanency planning, permanence goal options, and concurrent permanency planning.

(e) Requirements for foster parents to report child abuse or neglect under s. DCF 56.06 (1) (c).

(f) A brochure that explains the foster parent insurance program and information regarding how to file a claim under that program.

(g) A brochure that explains the foster care reimbursement and rate structure, including the clothing allowance.

(h) A brochure that explains the use and parameters of the reasonable and prudent parent standard.

Note: Form DCF-P-5105, Promoting Normalcy for Children in Out-of-Home Care, is available in the forms section of the department website at http://dcf.wisconsin.gov, or by writing the Division of Safety and Permanence, P.O. Box 8916, Madison, WI 53708−8916.

**(2)** Agency-specific information, including:

(a) Agency expectations of foster parents in working with children's families and supporting family interaction plans.

(b) Expectations for foster parents in working with the licensing and placing agencies.

(c) Confidentiality requirements.

(d) Description of agency policies and procedures in cases of allegations of child maltreatment against foster parents.

(e) Procedures in the event of emergencies affecting the foster parent or any foster child.

(f) Procedures for filing grievances and appeals and the processes used by the agency in responding to such grievances and appeals.

(g) Procedures for reimbursement for such expenditures as travel costs, clothing for foster children, and school fees.

**(3)** Information about caring for children, including:

(a) Attachment.

(b) Child development.

(c) Grief and loss.

(d) Discipline of foster children.

(e) Independent living and the transfer of independent living skills.

**(4)** Information about resources for foster families, including:

(a) A description of the support services available through the agency, including the availability of respite care services and how foster parents can access those services.

(b) Contact information for the Wisconsin Foster and Adoptive Parent Association, the National Foster Parent Association, the Wisconsin Foster Care and Adoption Resource Center, and, if available, local foster parent associations or support groups.

**History:** CR 00-020: cr. Register February 2002 No. 554, eff. 3-1-02; EmR0937: emerg. r. and recr. eff. 1-1-10; CR 10-021: r. and recr. Register September 2010 No. 657, eff. 10-1-10; correction to numbering made under s. 13.92 (4)

(b) 1., Stats., Register September 2010 No. 657; **correction in (1) (e) made under s. 13.92 (4) (b) 7., Stats., Register August 2011 No. 668.**

**DCF 56.13 Foster home level of care certification.**

**(1)** CHILD SPECIFIC LICENSE.

(a) In this section, "child-specific license" means a license to operate a foster home that is issued to a relative of a child or an individual who has a previous existing relationship with the child or the child's family.

(b) A child-specific license may remain valid with any granted waivers or exceptions for the duration of the licensing period or up to 6 months after the child returns home or is placed elsewhere, whichever occurs first.

**(2)** CERTIFICATION. A licensing agency shall certify each foster home for a level of care under subs. (3) to (7) commensurate with the foster parent's knowledge, training, skills, experience, and relationship to the child in accordance with the licensing agency's programming and capacity.

**(3)** LEVEL 1 CHILD-SPECIFIC FOSTER HOME.

(a) *Child-specific license*. A licensing agency may grant a Level 1 certification only to a foster home operated by a foster parent with a child-specific license.

(b) *Training*. Each foster parent who operates a Level 1 foster home shall complete a minimum of 6 hours of pre-placement training under s. DCF 56.14 (6) before or after the placement of a child but no later than 6 months after the date of initial licensure.

**Note:** A foster parent with a child-specific license often does not actually receive this training before placement of the child but it is still referred to as "pre-placement training."

**(4)** LEVEL 2 BASIC FOSTER HOME.

(a) *Training*. 1. a. Each foster parent who operates a Level 2 foster home shall complete a minimum of 6 hours of pre-placement training under s. DCF 56.14 (6) before or after initial licensure but prior to the placement of any child in the home.

b. Notwithstanding subd. 1. a., each foster parent with a child-specific license who operates a Level 2 foster home shall complete the pre-placement training under s. DCF 56.14 (6) before or after the placement of a child but no later than 6 months after the date of initial licensure.

**Note:** A foster parent with a child-specific license often does not actually receive this training before placement of the child but it is still referred to as "pre-placement training."

2. Each foster parent who operates a Level 2 foster home shall complete a minimum of 30 hours of initial licensing training under s. DCF 56.14 (7) during the initial licensing period.

3. Each foster parent who operates a Level 2 foster home shall complete 10 hours of ongoing training under s. DCF 56.14 (8) in each 12-month period of licensure subsequent to the initial licensing period.

(b) *References.* An applicant for certification to operate a Level 2 foster home shall submit at least 3 favorable reference letters written by persons unrelated to the applicant. A reference letter shall include a statement indicating how long the person giving the reference has known the applicant, under what circumstances he or she knows the applicant, and his or her knowledge of the applicant's characteristics under s. DCF 56.05 (1) (b).

**(5)** LEVEL 3 MODERATE TREATMENT FOSTER HOME.

(a) *Licensee experience*. 1. An applicant for certification to operate a Level 3 foster home shall have at least 3 of the following:

a. A minimum of one year of experience as a foster parent or kinship care provider with a child placed in his or her home for at least one year.

b. A minimum 5 years of experience working with or parenting children.

c. A minimum of 500 hours of experience as a respite care provider for children under the supervision of a human services agency.

d. A high school diploma or the equivalent.

e. A college, vocational, technical, or advanced degree in the area of a child's treatment needs, such as nursing, medicine, social work, or psychology.

f. A substantial relationship with the child to be placed through previous professional or personal experience.

g. Work or personal experience for which the applicant has demonstrated the knowledge, skill, ability, and motivation to meet the needs of a child with a level of need of 3.

2. If an applicant for certification to operate a Level 3 foster home relies on experience that meets the requirements in subd. 1. b. or f. as one of the 3 required criteria in this paragraph, the applicant shall also meet one of the criteria in subd. 1. a., c., e., or g.

(b) *Training*.

1. Each foster parent who operates a Level 3 foster home shall complete a minimum of 36 hours of pre-placement training under s. DCF 56.14 (6d) before or after initial licensure but prior to the placement of any child in the home.

2. Each foster parent who operates a Level 3 foster home shall complete a minimum of 24 hours of initial licensing training under s. DCF 56.14 (7e) during the initial licensing period.

3. Each foster parent who operates a Level 3 foster home shall complete 18 hours of ongoing training under s. DCF 56.14 (8) in each 12-month period of licensure subsequent to the initial licensing period.

(c) *References*. An applicant for certification to operate a Level 3 foster home shall submit at least 4 favorable reference letters, as follows:

1. 'From whom.' a. Three of the letters shall be written by persons unrelated to the applicant. At least one of these reference letters shall be regarding the applicant's qualifications under par. (a) 1., excluding par. (a) 1. d.

b. The fourth favorable reference letter shall be from a relative, preferably from an adult child if applicable.

2. 'Content.' Each reference letter shall include a statement indicating all of the following:

a. How long the person giving the reference has known the applicant.

b. Under what circumstances he or she knows the applicant.

c. His or her knowledge of the applicant's qualifications and characteristics under s. DCF 56.05 (1) (b).

**(6)** LEVEL 4 SPECIALIZED TREATMENT FOSTER HOME. (a) *Licensee experience*. 1. An applicant for certification to operate a Level 4 foster home shall have at least 4 of the following:

a. A minimum of one year of experience with children with a level of need of 3 as a foster parent or kinship care provider with a child placed in his or her home for at least one year.
b. A minimum of 5 years of experience working with or parenting children.

c. A minimum of 500 hours of experience as a respite care provider for children under the supervision of a human services agency.

d. A high school diploma or the equivalent.

e. A college, vocational, technical, or advanced degree in the area of a child's treatment needs, such as nursing, medicine, social work, or psychology.

f. A substantial relationship with the child to be placed through previous professional or personal experience.

g. Work or personal experience for which the applicant has demonstrated the knowledge, skill, ability, and motivation to meet the needs of children with a level of need of 4.

2. If an applicant for certification to operate a Level 4 foster home relies on experience that meets the requirements in subd. 1. b. or f. as one of the 4 required criteria in this paragraph, the applicant shall also meet one of the criteria in subd. 1. a., c., e., or g.

(b) *Training*. 1. Each foster parent who operates a Level 4 foster home shall complete a minimum of 40 hours of pre-placement training under s. DCF 56.14 (6h) before or after initial licensure but prior to the placement of any child in the home.

2. Each foster parent who operates a Level 4 foster home shall complete a minimum of 30 hours of initial licensing training under s. DCF 56.14 (7e) during the initial licensing period.

3. Each foster parent who operates a Level 4 foster home shall complete 24 hours of ongoing training under s. DCF 56.14 (8) in each 12-month period of licensure subsequent to the initial licensing period.

(c) *References*. An applicant for certification to operate a Level 4 foster home shall submit at least 4 favorable reference letters as follows:

1. 'From whom.' a. Three of the letters shall be written by persons unrelated to the applicant. At least one of these reference letters shall be regarding the applicant's qualifications under par. (a) 1., excluding par. (a) 1. d.

b. The fourth favorable reference letter shall be from a relative, preferably from an adult child if applicable.

2. 'Content.' Each reference letter shall include a statement indicating all of the following:

a. How long the person giving the reference has known the applicant.

b. Under what circumstances he or she knows the applicant.

c. His or her knowledge of the applicant's qualifications and characteristics under s. DCF 56.05 (1) (b).

**(7)** LEVEL 5 EXCEPTIONAL TREATMENT FOSTER HOME.

(a) *Need for Level 5*. An applicant for certification to operate a Level 5 foster home, in conjunction with a licensing agency, may apply to the department exceptions panel if all of the following circumstances exist:

1. A placement is needed for a child with the following conditions:

a. The child has behaviors or conditions that require a high degree of supervision and overnight a wake care that is provided by program staff who rotate shifts within a 24-hour period.

b. The child will benefit from a home-like environment that has fewer children than a group home or residential care center for children and youth.

c. The child is expected to need long-term care or has needs agreed to by the department.

2. All other community placement options have been investigated and determined to be unavailable or not in the best interest of the child.

**Note:** A foster home with a Level 4 or lower certification level and additional staff that provide less than 50% of a child's care should be considered as the first option when the child needs additional treatment or services.

(b) *Clarify specific and limited circumstances before submitting an application*. Prior to submitting an application to operate a Level 5 foster home, a licensing agency shall inform the department exceptions panel chairperson of the agency's intent, discuss the agency's plans, and clarify department requirements for certification of a Level 5 foster home.

(c) *Application*. An application for certification to operate a Level 5 foster home shall be on a form prescribed by the department and shall include all of the following:

1. A program description, information on personnel, and information on a specific child or the population to be served.

2. If for a specific child, letters on the appropriateness of a Level 5 foster home for the child from parents, therapists, social workers, physicians, and other professionals who are currently working with the child.

**Note:** An application for certification of a Level 5 foster home, DCF-F-2559-E-E, can be found on the department website at https://dcf.wisconsin.gov/forms .

(d) *Level 5 is the only shift-staffed foster home*. A foster parent may do any of the following only if the foster home has a Level 5 certification:

1. Live in a residence that is not the foster home.

2. Provide less than 50 percent of a child's care.

(e) *Program manager*. 1. 'Responsibilities.' A licensing agency shall ensure that each Level 5 foster home has a program manager who is the foster parent and licensee for the Level 5 foster home. In conjunction with the program manager, a licensing, placing, or supervising agency shall oversee program operation and development of a Level 5 foster home and do all of the following:

a. Review the appropriateness of admission of each child to the Level 5 foster home with the licensing agency.

b. Participate in developing, reviewing, and updating child assessments and treatment plans.

c. Provide technical assistance to program staff and the licensing, placing, and supervisory agencies, including supervision, support, consultation, coaching, staff development, and staff monitoring.

(d) *Level 5 is the only shift-staffed foster home*. A foster parent may do any of the following only if the foster home has a Level 5 certification:

1. Live in a residence that is not the foster home.

2. Provide less than 50 percent of a child's care.

(e) *Program manager*. 1. 'Responsibilities.' A licensing agency shall ensure that each Level 5 foster home has a program manager who is the foster parent and licensee for the Level 5 foster home. In conjunction with the program manager, a licensing, placing, or supervising agency shall oversee program operation and development of a Level 5 foster home and do all of the following:

a. Review the appropriateness of admission of each child to the Level 5 foster home with the licensing agency.

b. Participate in developing, reviewing, and updating child assessments and treatment plans.

c. Provide technical assistance to program staff and the licensing, placing, and supervisory agencies, including supervision, support, consultation, coaching, staff development, and staff monitoring.

d. Periodically review and update the Level 5 foster home policies and procedures.

e. Oversee the day-to-day operations of the Level 5 foster home, including hiring, training, and evaluating program staff.

f. Participate in the child treatment team as the foster parent.

g. Ensure that the program staff are promoting normalcy for each child placed in the home by applying the reasonable and prudent parent standard when making decisions concerning a child's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities under s. DCF 56.09 (2m).

h. Ensure that program staff have access to the information needed to make decisions concerning a child's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities under s. DCF 56.09 (2m).

3. 'Management skills.' An applicant to be a program manager of a Level 5 foster home shall have either of the following:

a. Previous employment as a manager or supervisor.

b. A professional development plan to develop management and supervisory skills.

4. 'Education or experience in human services.' An applicant for a program manager position for a Level 5 foster home shall have at least one of the following:

a. A 4-year college degree from an accredited college or university with a major in social work; sociology; special education; psychology; counseling and guidance; criminal justice; nursing, certified nursing assistant, or other health related field; education; or any other area in a human services field as approved by the department.

b. Two years of supervised full-time work experience in an out-of-home care program or assisted living program with adults.

c. Personal experience with a family member who has needs similar to the population to be served.

5. 'Pre-placement training.' A program manager for a Level 5 foster home shall complete a minimum of 40 hours of pre-placement training under s. DCF 56.14 (6p) before or after initial licensure but prior to the placement of any child in the home.

6. 'Initial licensing training.' A program manager for a Level 5 foster home shall complete a minimum of 30 hours of initial licensing training under s. DCF 56.14 (7s) during the initial licensing period.

7. 'Ongoing training.' A program manager for a Level 5 foster home shall complete a minimum of 24 hours of ongoing training under s. DCF 56.14 (8) in each 12-month period of licensure subsequent to the initial licensing period.

(f) *Program staff.* 1. 'Staff ratios.' A Level 5 foster home shall have program staff in sufficient numbers to meet the following staff ratios:

a. One program staff person for every 2 children during waking hours.

b. One program staff person for every 4 children during sleeping hours.

2. 'Ratios are minimum.' A licensing, placing, or supervising agency or the department may require the number of program staff on duty to be higher than the minimum requirements in subd. 1. as necessary to meet the needs of the children placed and to ensure their safety and welfare.

3. ''Responsibilities.' Program staff shall be responsible for daily supervision of the children and direct care to the children to ensure their safety and well-being, including promoting normalcy under s. DCF 56.09 (2m).

4. 'Qualifications.' An applicant for a program staff position shall have at least one of the following qualifications:

a. A bachelor or associates degree from an accredited college or university with a major in a field specified in par. (e) 4. a.

b. Current enrollment in and regularly attending an accredited college or university with a major in a field specified in par. (e) 4. a.

c. At least one year of full-time experience working in a formal program with the type of child population served by the Level 5 foster home where the applicant is applying for employment.

d. Certification as a child and youth care worker under the standards of the Wisconsin Association of Child and Youth Care Professionals or other department-recognized certifying authority.

**Note:** A copy of the standards of the Wisconsin Association of Child and Youth Care Professionals can be obtained from the www.wacycp.org or 161 W. Wisconsin Avenue, Milwaukee, WI 53202; telephone (414) 227-3130.

e. Completion of a traineeship program in which program staff work with qualified experienced program staff for at least the first 120 hours of employment before working independently with a child.

**Note:** This is an additional 40 hours to the 80 hours required under s. DCF 56.13 (7) (f) 10. b.

5. 'Age.' A program staff person who is hired or contracted for on or after January 1, 2011, shall be at least 21 years old.

6. 'Hiring and employment.' Before an applicant for a program staff position in a Level 5 foster home begins employment, the program manager shall do all of the following regarding the applicant:

a. Conduct and document a caregiver background check pursuant to s. 48.685, Stats., and ch. DHS 12.

b. Make a determination that the applicant has the capacity to successfully nurture and care for children and does not have a history of a civil action, criminal conviction, or administrative rule violation that substantially relates to the care of a child or a history of exercising unsound judgment or abuse of alcohol or drugs.

**Note:** For help in determining whether a civil action, criminal conviction, or administrative rule violation substantially relates to the care of children consult s. DHS 12.06.

c. Make a determination that the applicant has not had a license to operate a foster home, group home, or residential care center for children and youth revoked or denied within the last 2 years.

d. Obtain favorable references from at least 3 non-relatives, with documentation by letter or by notes of a verbal contact. Documentation shall include how long the person giving the reference has known the applicant, under what circumstances he or she knows the applicant, and his or her knowledge of the applicant's qualifications.

7. 'Health exam.' Upon hire and before working with residents, a program manager shall require each program staff person to have a tuberculosis test and provide a statement from a physician, physician assistant, or a HealthCheck provider that the program staff person meets the minimum physical requirements of the position, is in general good health, and does not have a communicable disease. The statement shall be based on a medical examination performed within the previous 6 months.

**Note:** A HealthCheck form may be obtained by contacting the local public health department.

8. 'Health concerns.' If a licensing agency or the department has reason to believe that the physical or mental health of a program staff person for a Level 5 foster home may pose a threat of harm to children or to the quality and manner of their care or that the program staff person is not able to provide responsible care for children, the licensing agency or the department may require that the program staff person submit a written statement from a physician or, if appropriate, a licensed mental health professional on the physical or mental condition of the program staff person and the possible effect of that condition on the foster home or the children in care.

9. 'Background check.' A program manager of a Level 5 foster home shall require each program staff person to complete a background information disclosure form designated by the department and shall conduct a caregiver background check under s. 48.685, Stats., and ch. DHS 12 every 4 years or at any time within that period.

10. 'Training and orientation.' Each program staff person who provides care for a child in a Level 5 foster home shall do all of the following before working independently with a child:

a. Complete a minimum 40 hours of pre-placement training under s. DCF 56.14 (6t).

b. Work with qualified, experienced program staff or similar professionals for at least the first 80 hours of employment.

11. 'Ongoing training.' Each program staff person who provides care for a child in a Level 5 foster home shall complete a minimum of 24 hours of ongoing training under s. DCF 56.14 (8) in each year of employment subsequent to the initial year of employment.

(g) *Volunteers*. Each volunteer used by a Level 5 foster home shall be supervised by a program staff person and may not work independently with a child. Before a volunteer may begin performing activities, the program manager shall do all of the following:

1. Notify the licensing agency.

2. Orient the volunteer to the activities that the volunteer may perform as specified in the foster home's personnel policies and procedures.

3. Get permission from the child's parent or guardian to allow the volunteer to perform the activities.

4. Require each volunteer to maintain in confidence all information about the foster child and the child's family.

(h) *Placements into a Level 5 foster home*. 1. 'Last community option.' A licensing agency and program manger shall only consider placing a child into a Level 5 foster home as the last community placement option when all other community placement options have been investigated and deemed to be unavailable or not in the best interest of the child and the child benefits from a more home-like environment with fewer children than that provided in a group home or residential care center for children and youth.

2. 'Compatibility with other children.' Before a new child is placed in a Level 5 foster home, a licensing agency and the program manager shall evaluate the compatibility of this child with the children currently placed in the home. The placement of a child in a Level 5 foster home may not displace or endanger the health, safety, or well-being of any child currently placed in the foster home.

3. 'Coordinate transitions.' A licensing agency and the program manager of a Level 5 foster home shall carefully plan and coordinate transitions into and out of a Level 5 foster home with special consideration to the school the child will attend, medical and mental health providers, community-based services, and disabled adult long-term support program services.

4. 'Medically-fragile child.' A licensing agency and the program manager shall ensure that the treatment plan for a medically-fragile child who is placed in a Level 5 foster home includes emergency medical protocols.
5. 'Waiver funding.' A licensing agency and the program manager shall notify the department of health services if there is or will be an application submitted to support a child's placement in a Level 5 foster home with funding under the disabled children's long-term support program as defined in s. 46.011 (1g), Stats.

**Note:** Under s. 46.011 (1g), Stats., the "disabled children's long-term support program" means the programs described under 2001 Wisconsin Act 16, section 9123 (16rs) or 2003 Wisconsin Act 33, section 9124 (8c).

(m) *Respite care*. A Level 5 foster home may only provide respite care to a child who was previously placed in the home, a child specifically identified and approved by the department on a planned basis, or a child who has needs agreed to by the department.

(n) *Interagency memorandum of understanding*. I f a requirement in this chapter is not designated as the responsibility of a licensing agency, placing agency, or supervising agency, all agencies involved in providing care and maintenance, supervision, or services for a child placed in a Level 5 foster home shall enter a memorandum of understanding to determine responsibility for all requirements for which responsibility is not designated.

**(8)** LEVEL 3 TO 5 FOSTER CARE. The foster care provided for a child with a level of need of 3 or higher in a foster home with a certification of Level 3 to 5 shall do all of the following:

(a) Use a family-based and community-based approach to treatment for a child with physical, mental, medical, substance abuse, cognitive, intellectual, behavioral, developmental, or similar problems.

(b) Make efforts to change the behavior or ameliorate the condition that, in whole or in part, resulted in the child's separation from his or her family.

(c) Use specially selected and specifically trained foster parents who are the primary change agents in the treatment process and who have shared responsibility for implementing the child's treatment plan with other treatment team members.

**History:** EmR0937: emerg. cr. eff. 1-1-10; CR 10-021: cr. Register September 2010 No. 657, eff. 10-1-10; **EmR 1050: emerg. renum. (1) to be (1) (a), (b) and am., cr. (1) (c), (5) to (8), am. (title), (1) (title), (2), (3), (4) (title), (a) 1., 2., 3., (b), eff. 1-1-11; CR 10-148: renum. (1) to be (1) (a), (b) and am., cr. (1) (c), (5) to (8), am. (title), (1) (title), (2), (3), (4) (title), (a) 1., 2., 3., (b) Register August 2011 No. 668, eff. 9-1-11; correction in (7) (h) 4., 5. made under s. 13.92 (4) (b) 1., Stats., Register August 2011 No. 668**.

**DCF 56.14 Foster parent training.**

**(1)** PURPOSES. This section implements s. 48.67 (4), Stats., which requires all foster parents to successfully complete training in the care and support needs of children who are placed in foster care that has been approved by the department. The purposes of foster parent training are to:

(a) Improve the quality of care provided to children who live in foster or adoptive homes.

(b) Prepare foster and adoptive families to care for and provide stability for foster children in their homes.

(c) Promote communication, respect, and understanding among all involved parties, with a focus on working for the best interests of the foster child.

(d) Provide opportunities to foster parents to mutually explore their values, strengths, limitations, and needs as they relate to compatibility with foster and adoptive children.

(e) Develop an understanding of the child welfare system and the importance of permanency for children.

(f) Encourage foster and adoptive parent networking and the use of resources.

**(2)** ADVISORY COMMITTEE. A statewide advisory committee appointed by the department and representing county agencies, private child-placing agencies, tribal agencies, foster parents, vocational-technical education, the university system, and the department shall study needs and resources and advise the department on specific training needs and quality of materials.

**(3)** QUALIFICATIONS OF TRAINERS. Persons preparing or presenting materials for foster parent training shall have expertise in the subject matter as evidenced by prior experience or education, an ability to communicate their knowledge, and cultural competence.

**(4)** TRAINING EXPENSES. (a) The department shall provide funds to county agencies and, in a county with a population of more than 500,000, the department, to enable foster parents to attend training. The funds may be used for materials, fees, transportation, and child care expenses incurred to attend training that is required or approved under this section or s. DCF 56.13.

(b) No licensing agency of a foster home with a Level 3 to 5 certification or licensed private child-placing agency may require a foster parent to pay to attend training under this section.

**(5)** TRAINING REQUIREMENTS. (a) *Level of care certification*. Each foster parent shall complete any pre-placement, initial licensing, or ongoing training required for the foster home's level of care certification under s. DCF 56.13, except as provided in par. (c) and subs. (6) (b) and (7) (c) and (d).

(b) *Each foster parent*. The foster parent training requirements in this section and s. DCF 56.13 apply to each foster parent identified on the license to operate the foster home.

(c) *Proposed adoptive parent*. A foster parent who is licensed solely for the purpose of adoption of a domestic infant under s. 48.837, Stats., or a foreign child under s. 48.839 or 48.97, Stats., will not be required to complete the training in this section if the foster parent completes the pre-adoption preparation training required under ch. DCF 51.

**(6)** PRE-PLACEMENT TRAINING FOR LEVELS 1 AND 2. (a) The department shall approve a standardized curriculum for pre-placement training for a foster parent who operates a foster home with a Level 1 or 2 certification that includes information on all of the following:

1. Foster care overview.

2. Expectations of foster parents.

3. Caring for children in foster care, including promoting normalcy.

4. Developing and maintaining family connections.

5. Foster family self care.

(b) A foster parent who obtains a license to operate a foster home with Level 1 or 2 certification before January 1, 2011, is not required to complete the pre-placement training under this subsection, unless otherwise required by the licensing agency.

**(6d)** PRE-PLACEMENT TRAINING FOR LEVEL 3. (a) 1. The pre-placement training for a foster parent who operates a Level 3 foster home shall include the standardized curricula provided under subs. (6) (a) and (7) (a).

2. Notwithstanding subd. 1., a licensing agency may submit to the department for approval a proposed pre-placement training curriculum that is designed to meet the needs of foster parents licensed by that agency. The pre-placement training for a foster parent who operates a Level 3 foster home may be a curriculum that has been approved by the department.

(b) 1. Trainers for the portion of the Level 3 pre-placement training standardized curriculum that is provided under sub. (7) (a) shall be an agency staff person or contractor and a foster or adoptive parent.

2. Notwithstanding subd. 1., a foster parent may attend a pre-placement training for which no foster or adoptive parent is a trainer if the licensing agency approves and provides opportunities for the foster parent attending the training to participate in activities or programs that promote networking among foster parents and provide an opportunity for an experienced foster parent to answer questions from the new foster parent.

**(6h)** PRE-PLACEMENT TRAINING FOR LEVEL 4. (a) 1. The pre-placement training for a foster parent who operates a Level 4 foster home shall include all of the following:

a. The standardized curricula provided under subs. (6) (a) and (7) (a).

b. Four hours of training on child-specific or population-specific information.

2. Notwithstanding subd. 1. a., a licensing agency may submit to the department for approval a proposed pre-placement training curriculum that is designed to meet the needs of foster parents licensed by that agency. The pre-placement training for a foster parent who operates a Level 4 foster home may be a curriculum that has been approved by the department.

(b) 1. Trainers for the portion of the Level 4 pre-placement training standardized curriculum that is provided under sub. (7) (a) shall be an agency staff person or contractor and a foster or adoptive parent.

2. Notwithstanding subd. 1., a foster parent may attend a pre-placement training for which no foster or adoptive parent is a trainer if the licensing agency approves and provides opportunities for the foster parent attending the training to participate in activities or programs that promote networking among foster parents and provide an opportunity for an experienced foster parent to answer questions from the new foster parent.

**(6p)** PRE-PLACEMENT TRAINING FOR LEVEL 5 PROGRAM MANAGERS. The pre-placement training for a foster parent who is a program manager of a Level 5 foster home shall include information on all of the following:

(a) The standardized curriculum provided under sub. (6) (a).

(b) School advocacy.

(c) Cardiopulmonary resuscitation.

(d) First aid.

(e) Blood-borne pathogens.

(f) Medication management.

(g) Patients rights.

(h) Positive behavioral supports.

(i) Individual service plans.

(j) Emergency plans.

(k) Four hours of child-specific or population-specific training, orientation, or observation.

**(6t)** PRE-PLACEMENT TRAINING FOR LEVEL 5 PROGRAM STAFF. The pre-placement training for program staff for a Level 5 foster home shall include information on all of the following:

(a) The standardized curriculum provided under sub. (6) (a).

(b) The topics listed in sub. (6p) (b) to (j).

(c) Fifteen hours of child-specific or population-specific training, orientation, or observation.

**(7)** INITIAL LICENSING TRAINING FOR LEVEL 2. (a) The department shall approve a standardized curriculum for initial licensing training for a foster parent who operates a Level 2 foster home that includes information on all of the following:

1. Permanency.

2. Cultural dynamics in placement.

3. Child abuse and neglect.

4. The impact of maltreatment on child development.

5. Attachment.

6. Separation and placement.

7. The importance of maintaining a foster child's family connections.

8. Guidance and positive discipline.

9. Access to resources.

**Note:** The standardized curriculum for initial licensing training is the *Wisconsin Foundation Training for Foster Parents*.

(b) 1. Trainers for the Level 2 initial licensing training shall be an agency staff person or contractor and a foster or adoptive parent.

2. Notwithstanding subd. 1., a foster parent may attend an initial licensing training for which no foster or adoptive parent is a trainer if the licensing agency approves and provides opportunities for the foster parent attending the training to participate in activities or programs that promote networking among foster parents and provide an opportunity for an experienced foster parent to answer questions from the new foster parent.

(c) A foster parent who operates a Level 2 foster home that is licensed before January 1, 2011, shall complete the initial licensing training before January 1, 2015, except as provided under par. (d).

(d) A foster parent who operates a Level 2 foster home that is licensed before January 1, 2011, and who provides verification to the licensing agency that he or she successfully completed a competency-based, pre-service foster parent training as described in the department's DCFS Memo Series 2002-12 is not required to comply with par. (c).

**Note:** DCFS Memo Series 2002-12 was issued on September 18, 2002. It is available at https://dcf.wisconsin.gov/files/cwportal/policy/pdf/memos/2012-02.pdf. Acceptable competency-based, pre-service foster parent training includes the *Partners in Alternative Care Education* (PACE) curriculum.

**(7e)** INITIAL LICENSING TRAINING FOR LEVEL 3. The initial licensing training for a foster parent who operates a Level 3 foster home shall include information on all of the following:

(a) Crisis management.

(b) Sexuality and sexual boundaries.

(c) Sexual abuse.

(d) Effects of maltreatment and trauma on child development.

(e) Building life skills.

(f) Building birth family and cultural connections.

(g) Other topics required by the licensing agency.

**(7m)** INITIAL LICENSING TRAINING FOR LEVEL 4. The initial licensing training for a foster parent who operates a Level 4 foster home shall include information on all of the following:

(a) The topics listed in sub. (7e).

(b) Six hours of child-specific or population-specific training.

**(7s)** INITIAL LICENSING TRAINING FOR LEVEL 5 PROGRAM MANAGERS. The initial licensing training for a foster parent who is a program manager for a Level 5 foster home shall include information on all of the following:

(a) The topics listed in sub. (7e).

(b) Six hours of child-specific or population-specific training.

**(8)** ONGOING TRAINING. (a) *Individualized training plan*. At the time of renewal of a license to operate a foster home, the licensing agency and the foster parent shall evaluate the foster parent's overall performance and develop an individualized training plan for the foster parent based on his or her demonstrated need for training in particular topics or in managing specific case situations.

(b) *Licensing agency approval*. The licensing agency shall approve a foster parent's ongoing training based on the following:

1. The content of the training shall meet at least one of the purposes of foster parent training under sub. (1) and conform with the foster parent's individualized training plan, unless a greater training need is demonstrated after the plan was developed.

1g. In addition to subd. 1., the content of ongoing training for a foster parent who operates a Level 4 foster home shall include 8 hours of child-specific or population-specific training.

1r. In addition to subd. 1., the content of ongoing training for program managers and program staff for a Level 5 foster home shall include all of the following:

a. Child maltreatment and reporting requirements.

b. Prompt and adequate treatment.

c. Any required reauthorizations for first aid, blood-borne pathogens, and cardiopulmonary resuscitation.

d. Eight hours of child-specific or population-specific training.

2. The format of the training may include any of the following:

a. Face-to-face consultation with professionals with expertise in specific identified areas.

b. Video, audio, and web-based presentations.

c. Support groups.

d. Adult education courses.

e. Books, periodicals, and web-based resources.

f. Television and radio presentations.

g. Mentor family consultations.

h. Conferences, workshops, seminars, and webinars.

3. The total credit given for training using books, periodicals, and web based resources under subd. 2. e. and television and radio presentations under subd. 2. f. may not exceed 20 percent of the required hours.

4. The cost of a particular training option and the usefulness of the skills or knowledge that is expected to be gained shall be considered.

(c) *Department as training resource*. The department shall maintain an inventory of resources for foster parent training and shall coordinate statewide, regional, and local training programs to prevent duplication of effort.

**History:** EmR0937: emerg. cr. eff. 1-1-10; CR 10-021: cr. Register September 2010 No. 657, eff. 10-1-10; corrections in (1), (5) (a), (6) (b) and (7) (b) to (d) made under s. 13.92 (4) (b) 1. and 7., Stats., Register September 2010 No. 657; **EmR1050: emerg. renum. (4), (7) (b) to be (4) (a), (7) (b) 1. and am., cr. (4) (b), (6d), (6h), (6p), (6t), (7e), (7m), (7s), (8) (b) 1g., 1r., am. (6) (title), (a) (intro.), (b), (7) (title), (a) (intro.), (c), (d), (8) (b) 3., eff. 1-1-11; CR 10-148: renum. (4), (7) (b) to be (4) (a), (7) (b) 1. and am., cr. (4) (b), (6d), (6h), (6p), (6t), (7) (b) 2., (7e), (7m), (7s), (8) (b) 1g., 1r., am. (6) (title), (a) (intro.), (b), (7) (title), (a) (intro.), (c), (d), (8) (b) 3. Register August 2011 No. 668, eff. 9-1-11**.

**DCF 56.15 Supervising agency.**

**(1)** AGENCY RESPONSIBILITIES. (a) A supervising agency shall do, or contract for, all of the following for each child in the agency's care:

1. Ensure that every child is assigned a supervising agency caseworker, in coordination with the placing agency, if different.

2. Provide the foster parent with the telephone number of a social worker or supervising agency caseworker who will provide crisis intervention, emergency counseling, and related services on a 24-hour per day, 7-day per week basis for the foster parent.

3. Support and assist the foster parent to effectively fulfill responsibilities in this chapter and to the child's team or treatment team.

4. Notify the clerk of the school district in which a foster home is located when a school-age child is placed in that foster home, as required under s. 48.64 (1r), Stats. The notification shall include all of the following:

a. The name, address, and phone number of the foster parent.

b. The name of the foster child.

c. Information about the child required by the school, as allowed under any applicable confidentiality laws.

5. Advocate for the child with the child's school, medical facility, or any other program in which the child is involved to ensure that services provided to the child are consistent with the case plan; permanency plan; and treatment plan, if applicable.

6. Assist the foster parents with any necessary arrangements in an emergency situation.

7. Arrange for care of a foster child in the event that the foster parent is unavailable to provide care on a temporary basis, in conjunction with the foster parent.

8. Prior to or at the time of placement of a child with a foster parent, the supervising agency shall explain to the foster parent the child-specific considerations that the foster parent is required to take into account when applying the reasonable and prudent parent standard, as documented on the forms required under ch. DCF 37, and provide the foster parent with the brochure required under s. DCF 56.12 (1) (h).

9. Provide updated information to the foster parent about child-specific considerations for reasonable and prudent parenting decisions throughout the child's placement through team or treatment team meetings and when there is a significant change in circumstances.

10. Notify the placing agency of any updates to information about the child that were not included in the forms provided to the foster parent at the time of placement under ch. DCF 37, if the supervising agency and placing agency are not the same agency.

**Note:** The forms provided under ch. DCF 37 are DCF−F−872A−E, *Information for Out−of−Home Care Providers, Part A.* and DCF−F−872B−E, *Information for Out−of−Home Care Providers, Part B.* Both forms are available in the forms section of the department website at http://dcf.wisconsin.gov or by writing the Division of Safety and Permanence, P.O. Box 8916, Madison, WI 53708−8916.

11. Assist the foster parent and child with overcoming barriers to the child's participation in extracurricular, enrichment, cultural, and social activities that promote normalcy in an age and developmentally appropriate manner.

12. Assist with resolving a conflict among members of the child's team or treatment team on the application of the reasonable and prudent parent standard.

(b) In addition to the requirements under par. (a), a licensing or supervising agency shall do all of the following for each child with a level of need of 3 or higher in the agency's care who is placed in a foster home with a Level 3 to 5 certification:

1. Provide the foster parent with the telephone number of a supervising agency caseworker, counselor, clinical consultant, or clinical staff member who will provide crisis intervention, emergency counseling, and related services to the foster parent on a 24-hour per day, 7-day per week basis.

2. Respond to a request from a foster parent for crisis intervention emergency counseling and related services within one hour.

3. Provide or arrange for additional child care personnel during stressful or critical periods, as determined by the treatment team.

**Note:** An example of a stressful or critical period might be the time from the end of the school day until bedtime.

4. Assist and support the foster parent in obtaining any medical supplies and services required for the child. If required medical supplies and services are not included in the treatment plan, the supervising agency and placing agency shall revise the treatment plan to include the required medical supplies and services and to determine financial responsibility.

5. Ensure that a child with a severe emotional disturbance has a clinical consultant assigned to the case. A social worker, caseworker, or other professional involved with the case may also serve as the clinical consultant. The clinical consultant shall have all of the following qualifications:

a. A master's degree in social work, psychology, child development, or counseling.

b. A license or certification under ch. 457, Stats., and ch. MPSW 3, 6, 11, 12, or 17.

c. A minimum of 2 years of experience working with seriously disturbed adolescents.

d. Knowledge of the neurological, biological, and psychiatric components of emotional disturbances.

6. Evaluate the child's progress and provide services identified in the aftercare plan following termination of a placement. The child's treatment team shall determine how long these services shall be provided. The aftercare plan shall identify follow-up support services for the child, the child's parent, or other care providers, including any of the following:

a. Phone contact.

b. Consultations by professionals in the child's home to assist the child's family implement the permanency plan, provide skill training for specific problems, and provide support for the child's family.

c. Participation in parent groups.

d. Crisis intervention.

e. For youth who will live independently, follow-up support services may include housing assistance, job location, and individual support.

**(1m)** MULTIPLE AGENCIES. If more than one agency is performing supervising responsibilities under subs. (1) and (3), the agencies shall specify in writing which agency is responsible for each requirement.

**(2)** QUALIFICATIONS FOR SUPERVISING AGENCY CASEWORKER FOR LEVEL 3 TO 5. A supervising agency caseworker shall have all of the following qualifications to perform the responsibilities under sub. (3) for a child with a level of need of 3 or higher in the agency's care who is placed in a foster home with a Level 3 to 5 certification:

(a) One of the following:

1. A master's degree or higher in a social work or related field.

2. A bachelor's degree and a minimum of 2 years of post degree experience in a social work related field.

(b) Licensed or certified under ch. 457, Stats., and ch. MPSW 3, 6, 11, 12, or 17.

**(3)** RESPONSIBILITIES OF SUPERVISING AGENCY CASEWORKER FOR LEVELS 3 TO 5. A caseworker employed by or under contract to the supervising agency shall do all of the following regarding a child with a level of need of 3 or higher in the agency's care who is placed in a foster home with a Level 3 to 5 certification:

(a) Coordinate assessments of the child.

(b) Select the appropriate foster home for a child after careful consideration of how well a prospective foster family will do all of the following:

1. Meet the child's specific needs.

2. Address concerns of the child's birth or adoptive parents.

3. Accomplish the goals of the child's permanency plan.

(c) Form the child's treatment team and serve as the team coordinator.

(d) Provide foster parents with information about the child under ch. DCF 37.

(e) Educate a child's treatment team members on services and procedures for a child's specific needs.

(f) Develop appropriate interventions and services for the child with the child's treatment team.

(g) Be available or have a designee who is available for the foster parents to consult on a 24-hour per day basis.

(h) Assist in the training of foster parents.

(i) Comply with agency contact requirements with the foster parent and foster child in ss. DCF 56.18 and 56.19.

(j) Supervise a child's case plan, permanency plan, and treatment plan.

(k) Keep written progress notes.

(L) Coordinate provided or purchased services for the child and the child's family.

(m) Arrange for the assistance of appropriate specialists.

(n) Perform necessary court responsibilities as appropriate.

(o) Perform liaison activities with other agencies.

(p) Coordinate educational and community services.

(q) Advocate for the best interests and rights of the child.

(r) Organize treatment team meetings under s. DCF 56.17 (2) (g).

**(4)** SUBSTITUTE FOR CASEWORKER RESPONSIBILITIES. Notwithstanding sub. (3) (intro.), the supervisory agency may assign specific duties in sub. (3) to another person who meets the same qualifications as the supervisory agency caseworker or to a person who is an intern or in a field placement for a higher education program and is supervised by a person meeting the same qualifications as a supervisory agency caseworker.

**History:** EmR0937: emerg. cr. eff. 1-1-10; CR 10-021: cr. Register September 2010 No. 657, eff. 10-1-10; **EmR1050: emerg. r. and recr., eff. 1-1-11; CR 10-148: r. and recr. Register August 2011 No. 668, eff. 9-1-11**.

**DCF 56.16 Licensing agency responsibilities.**

**(1)** A licensing agency shall do all of the following:

(a) Recruit a pool of foster parents who are interested in and capable of working with the types of children who are commonly placed by that agency.

(c) Assess and screen families who are interested in becoming foster parents.

(c) Develop foster homes to meet the needs of a specifically identified child in need of placement.

(d) Provide, arrange, and approve required pre-placement, initial, and ongoing training for foster parents under s. DCF 56.14.

(e) Consult with supervising agency caseworkers and social workers to match a child's specific needs with available foster parents.

(f) Provide each licensed or prospective foster parent with a copy of the agency's foster parent handbook under s. DCF 56.12.

(g) Comply with agency responsibilities regarding respite care under s. DCF 56.21 (2).

(h) Provide general support to foster parents.

(i) Review the foster parent's fire safety evacuation plan under s. DCF 56.08 (8) and disaster plan under s. DCF 56.08 (10m) with the foster parent to ensure that the plans provide for adequate safety and communication with the agency.

(j) Encourage peer support among foster parents and inform foster parents of available supports, especially among foster parents who are caring for children with similar conditions.

(k) Notify the placing agency of any serious incident reported by a foster parent under s. DCF 56.06.

(L) Notify the clerk of the school district in which a foster home is located when a license to operate a foster home is issued in that school district, pursuant to s. 48.62 (3), Stats. The notification shall include all of the following:

1. The name of the foster parent.

2. The address and phone number of the foster parent.

3. The type of children expected to be placed in the foster home.

4. The name, address, and phone number of a contact person from the licensing agency.

(m) Ensure that the foster parent is promoting normalcy for the child by providing opportunities for the child to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities under s. DCF 56.09 (2m).

(n) Use all components of a standardized assessment tool prescribed by the department to conduct the home study required for approval of a placement for adoption, recognition of a foreign adoption, and issuance of a license to operate a foster home.

**Note:** The standardized assessment tool prescribed by the department is the *Structured Analysis Family Evaluation* (SAFE) tool. Contact the department's Division of Safety and Permanence for further information at P.O. Box 8916, Madison, WI 53708−8916.

**(2)** In addition to sub. (1), a licensing agency shall do all of the following regarding foster homes with a Level 3 to 5 certification:

(a) Identify foster homes with similar qualifications as existing foster homes to be used as emergency or alternative options.

(b) Develop and facilitate peer support among foster parents, especially among foster parents who are caring for children with similar conditions.

(c) Participate in the determination of supplemental payments under s. DCF 56.23 (2) and exceptional payments under s. DCF 56.23 (3) as follows:

1. Review the payment amount that a placing agency is proposing for a child's placement and discuss the child's needs with the placing agency.

2. Inform a prospective foster parent of the placing agency's proposed payment amount.

3. Recommend any modifications to the payment amount that the placing agency has proposed.

4. Participate with the placing agency, foster parent, and treatment team members in the redetermination of the payment amount following a reassessment under s. DCF 56.22 (5) (b).

5. At a foster parent's request, assist a foster parent in resolving a disagreement between the foster parent and the placing agency regarding a payment amount before the foster parent requests a hearing under s. DCF 56.10.

**History: EmR1050: emerg. cr., eff. 1-1-11; CR 10-148: cr. Register August 2011 No. 668, eff. 9-1-11.**

**DCF 56.17 Child's treatment team for Levels 3 to 5.**

**(1)** MEMBERSHIP. (a) A child with a level of need of 3 or higher who is placed in a foster home with a Level 3 to 5 certification shall have a treatment team that consists of the child, the child's parent or legal guardian, the foster parent, and at least one representative each from the supervising and placing agencies. At least one member of the team shall have clinical training in a field related to the primary needs of the child. In addition, the treatment team may include other social workers, caseworkers, clinical consultants, physicians, nurses, psychologists, therapists, school personnel, home health agency staff, or other significant individuals in the child's life.

(b) A parent or child may be excluded from the treatment team by the child's supervising agency caseworker only when their inclusion would be inappropriate due to age, condition, or unwillingness to cooperate. Any justification for exclusion shall be documented in the child's case record and anyone excluded shall be informed of the reason for the decision, as appropriate.

**(2)** RESPONSIBILITIES. The treatment team for a foster child shall do all of the following:

(a) Using specialists when necessary, arrange for additional appropriate assessments based on the needs and strengths of the child, child's family, and foster parent as identified in the assessment under s. DCF 56.22. If the child may have a serious emotional disturbance, arrange for a bio-psycho-social assessment that includes all of the following:

1. An assessment of the child's disability.

2. Measurement of the behavioral and cognitive correlates of the disability.

3. An assessment of how psycho-social and environmental factors influence how the child copes with the disability.

4. A review of biological factors that affect the disability.

5. Identification of possible treatments for the disability.

(b) Develop the child's written treatment plan within 30 days after the child's placement in a foster home. The treatment plan shall do all of the following:

1. Specify the treatment and services to be provided to the child and the child's family.

2. Identify who is responsible for providing each treatment and service.

3. Establish measurable goals and objectives for the placement in all areas of the child's life, including all of the following:

a. Supervision and safety.

b. Health, emotional, and behavioral stability.

c. Daily living and community integration.

d. Education.

e. Communication skills.

f. Legal status, including permanency planning issues.

g. Regular, ongoing opportunities to engage in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities under s. DCF 56.09 (2m).

4. If a child is 15 years of age or over, include a description of the programs and services that are or will be provided to assist the child in preparing for the transition from out-of-home care to independent living as required under s. 48.38 (4) (h) or 938.38 (4) (h), Stats.

(c) Establish an appropriate level of nursing, other medical care, and other types of care for the child based upon the child's needs and the abilities of the foster parent.

(d) Determine the need for and arrange appropriate and qualified psychiatric and psychological services for the child.

(e) Provide copies of the treatment plan to all treatment team members, including the child if the child is more than 12 years old, as allowed by law.

(f) Implement and support the treatment plan, including ensuring that all available resources and treatments are known or explored and developing new resources if appropriate.

(g) Meet to formally review the treatment plan, share information, exchange ideas and opinions, and discuss issues at least every 3 months from the date of distribution of the treatment plan. The supervising agency caseworker shall determine if more frequent treatment team meetings are necessary. Other treatment team members may request a meeting.

(h) Share knowledge regarding the child and the treatment plan with other treatment team members as allowed by law and encourage support for the treatment plan.

(i) Ensure that family counseling is provided to the child's family and the foster family as needed.

(j) Ensure that 24-hour per day, 7-day per week crisis intervention is provided for the foster child and the foster parent as needed.

(k) Monitor and evaluate the progress of the treatment plan and the continued appropriateness and effectiveness of the provided services and supports and placement of the child on an ongoing basis.

(L) Make treatment plan revisions and adjustments as necessary. Ensure revisions and adjustments to the treatment plan are in writing and are based on all of the following:

1. Observations from the supervising agency caseworker's direct contact with the child.

2. Discussions that include the child, child's parent, guardian at litem, service providers, and collateral contacts.

3. Other relevant data or information.

(m) Design and implement new treatment strategies as needed.

(n) Consult with the foster parent or supervising agency caseworker about events in the foster home if requested.

(o) Arrange for interaction between the child and the child's family as provided in the child's permanency plan or treatment plan.

(p) Resolve any disagreements between the foster parent and the supervising agency. Efforts by the treatment team to resolve disagreements may not replace any internal grievance procedures established by the supervising agency or the foster parent's fair hearing rights under s. 48.64 (4) (a), Stats.

(q) Develop an aftercare plan for a child that ensures continuity in managing a child's needs after the child's placement ends.

**History: EmR1050: emerg. cr., eff. 1-1-11; CR 10-148: cr. Register August 2011 No. 668, eff. 9-1-11.**

**DCF 56.18 Agency contact with foster parent.**

**(1)** CONTACT REQUIREMENTS. (a) *Level of care 1 or 2*. A licensing agency, supervising agency, or placing agency shall have at least one contact per month with a foster parent who operates a foster home with a Level 1 or 2 certification if a child is placed in the foster home. The contact may be in person, by phone, or by an interactive electronic format.

(b) *Level of care 3 to 5*.

1. A licensing agency, supervising agency, or placing agency shall have at least 2 in-person contacts per month with a foster parent who operates a foster home with a Level 3 to 5 certification if a child is placed in the foster home. At least one of these contacts shall be in the foster home.

2. Notwithstanding subd. 1., if a child with a level of need below 3 is placed in a foster home with a Level 3 or 4 certification, the licensing agency, placing agency, or supervising agency shall have at least one in-person contact per month with the foster parent each full calendar month that the child is in the foster home.

3. If a foster home with a Level 3 to 5 certification has not had placement of a child for 3 or more months and the licensing agency, supervising agency, or placing agency has not seen the foster parent in the foster home during that time, the licensing agency, supervising agency, or placing agency shall have an in-person contact with the foster parent in the foster home before a child is placed in the foster home or within 24 hours of the child's placement in the foster home.

(c) *Multiple foster parents*. If there is more than one foster parent on the license to operate the foster home, the agency may have contact with only one of the foster parents.

**(2)** MULTIPLE AGENCIES. If the licensing agency, supervising agency, and the placing agency under sub. (1) are different agencies, those agencies shall determine a contact plan.

**(3)** PURPOSES OF CONTACT. The agency contact with the foster parent shall focus on the safety, permanence, and well-being of the child to evaluate the compatibility of the child with the foster parent and other household members and the ability of the foster parent to meet the needs of the child in a safe manner. The contacts shall include discussion of any additional support needed by the foster parent to safely maintain any child in foster care living in the foster home.

**History: EmR1050: emerg. cr., eff. 1-1-11; CR 10-148: cr. Register August 2011 No. 668, eff. 9-1-11.**

**DCF 56.19 Agency contact with foster child.**

**(1)** CONTACT REQUIREMENTS.

(a) *Level of care 1 or 2*. A licensing agency, placing agency, or supervising agency shall have at least one in-person contact with a child each full calendar month that the child is placed in a foster home with a Level 1 or 2 certification.

(b) *Level of care 3 or 4*.

1. A licensing agency, placing agency, supervisory agency shall have an in-person contact with a child placed in a foster home with a Level 3 or 4 certification at least every other week. At least one contact per month shall be in the child's foster home.

2. Notwithstanding subd. 1., if a child with a level of need below 3 is placed in a foster home with a Level 3 or 4 certification, the licensing agency, placing agency, or supervising agency shall have at least one in-person contact with the child each full calendar month that the child is in the foster home.

(c) *Level of care 5*. 1. A licensing agency, placing agency, supervisory agency representative other than a program manager shall have an in-person contact with a child at least every other week that the child is placed in a Level 5 foster home.

2. A program manager shall have an in-person contact with a child who is placed in a Level 5 foster home at least every week that the child is placed in the foster home.

**(2)** MULTIPLE AGENCIES. If the licensing agency, placing agency, and supervisory agency under sub. (1) are different agencies, those agencies shall determine a contact plan.

**(3)** IN FOSTER HOME. More than 50 percent of the agency in-person contacts with a child between October 1 of one year and September 30 of the following year shall be in the child's foster home.

**(4)** COMBINE WITH FOSTER PARENT CONTACT. One agency contact with a child per month may be combined with an agency contact with a foster parent under s. DCF 56.18.

**(5)** PURPOSE OF CONTACT. An agency contact with a child shall do all of the following:

(a) Focus on the safety, permanence, and well-being of the child.

(b) Be of sufficient duration and substance to address the goals of the child's case plan; permanency plan; or treatment plan, if applicable.

(c) Provide an opportunity for the child to speak privately with the agency representative.

**History: EmR1050: emerg. cr., eff. 1-1-11; CR 10-148: cr. Register August 2011 No. 668, eff. 9-1-11.**

**DCF 56.20 Evaluation of Level 3 to 5.**

At least annually, a foster parent who operates a foster home with a Level 3 to 5 certification and the licensing, placing, and supervising agencies shall develop written evaluations of the care and supervision provided to a child and the overall performance of all individuals involved in the child's care. The evaluations shall be used to improve the quality of the child's care and the foster care program. Copies of any evaluations shall be maintained at the licensing agency and at the foster home.

**History: EmR1050: emerg. cr., eff. 1-1-11; CR 10-148: cr. Register August 2011 No. 668, eff. 9-1-11.**

**DCF 56.21 Respite care for foster parents.**

**(1)** APPLICABILITY. This section applies to care provided in either of the following circumstances:

(a) Services or emergency care provided to a foster child during a planned absence of the foster parent for more than 48 hours.

(b) Care for a foster child during the foster parent's absence that is paid for by a licensing, supervising, or placing agency.

**(2)** LICENSING AGENCY RESPONSIBILITIES. A licensing agency shall do all of the following:

(a) Develop policies and procedures to govern the agency's respite care program.

(b) Inform a foster parent of the process to be used to fund respite care prior to the first placement of a child in a foster home.

(c) Assist and intervene when issues arise between a foster parent and the respite care provider if the parties are not able to resolve those issues.

(d) Keep documentation of a respite care provider's qualifications in the foster parent's file at the licensing agency.

(e) For respite care in foster homes with a Level 3 or 4 certification, the licensing agency shall do all of the following:

1. Develop, in consultation with foster parents, a pool of respite care providers that will be used when respite care is provided. If the respite care is to be provided in a foster home, the foster parent may approve the use of a particular respite care provider.

2. Provide training and support to respite care providers.

3. Consult with a foster parent and the child's social worker or supervising agency caseworker to develop a respite care schedule for a specific child and provide the schedule to the respite care providers.

**(3)** RESPITE CARE PROVIDER QUALIFICATIONS. A respite care provider shall have the following qualifications:

(a) Be at least 18 years of age and at least 5 years older than any foster child being cared for by the respite provider, except if the respite care provider is a relative of the child, be at least 3 years older than the child.

(b) Have direct care experience or training in working with children with conditions similar to those of the foster child for whom he or she will be caring.

(c) Be physically able to provide the care needed.

(d) Be flexible and willing to work varied, atypical hours.

(e) Be able to reliably get to and from respite care assignments.

(f) Have the ability to do all of the following:

1. Accept responsibility.

2. Work independently.

3. Exercise good judgment.

4. Maintain confidentiality.

5. Manage the varied medical, behavioral, and other care needs of the foster children for whom the respite care provider will be caring.

(g) Reside in a home that meets the physical, safety, and environmental needs of the foster child for whom care is to be provided if the respite care is to be provided in the respite care provider's residence.

(h) Authorize the licensing or supervising agency to conduct a criminal records check as described in s. DCF 56.05 (1) (f).

(i) Agree to provide quality, reliable, and temporary care for the child in foster care that is consistent with the child's treatment, case, or service plan.

(j) Obtain from the foster parent appropriate information about the specific care procedures and interaction strategies relevant for the child's care.

(k) Agree to perform household and emergency tasks directly related to the general health and well-being of the foster child.

(L) Possess a valid driver's license and automobile insurance if transporting a foster child.

(m) Agree to abide by s. DCF 56.09 (1g), (2) (d) and (e), and (5).

(n) May not be an employee of the licensing agency or a relative of an employee of the licensing agency if the employee works in the area of the agency that issues foster care licenses.

**(4)** ELIGIBILITY FOR SUBSIDIZED RESPITE CARE. (a) *Level 1 or 2*. A licensing agency may establish policies and procedures to fund respite care for a foster parent who operates a foster home with a Level 1 or 2 certification.

(b) *Level 3 or 4*.

1. A licensing agency shall fund and arrange for a foster parent who operates a foster home with a Level 3 or 4 certification to have 8 to 24 consecutive hours of respite care per month of care provided. Respite care shall be provided in a combination of days to be determined by the foster parent and the licensing agency. The licensing agency may require that any respite care include an overnight stay.

2. Notwithstanding subd. 1., a licensing agency is not required to fund and arrange respite care of a child with a level of need below 3 who is placed in a foster home with a Level 3 or 4 certification.

**History: EmR1050: emerg. cr., eff. 1-1-11; CR 10-148: cr. Register August 2011 No. 668, eff. 9-1-11.**

**DCF 56.22 Assessment of needs and strengths.**

**(1)** RESPONSIBILITY FOR ASSESSMENT. (a) A placing agency shall use a standardized assessment tool prescribed by the department to assess the needs and strengths of a child placed or to be placed into a foster home and the needs of the child's foster parent. A placing agency may subcontract this responsibility.

**Note:** The assessment tool is available in the forms section of the department's website at http://dcf.wisconsin.gov.

(b) Notwithstanding par. (a), this section does not apply to a child placed or to be placed into a foster home that is licensed solely for the purpose of adoption of a domestic infant under s. 48.837, Stats., or a foreign child under s. 48.839 or 48.97, Stats.

**(2)** QUALIFICATION TO ASSESS. An individual performing the assessment shall be trained and certified in the use of the department's standardized assessment tool.

**(3)** TIMES OF ASSESSMENT. (a) *Assessment within 30 days after placement*. A placing agency shall assess each foster child before placement in a foster home or within 30 days after the child's placement. A placing agency shall assess each foster parent within 30 days after the child's placement in the foster home.

(b) *Reassessment every 6 months*. A placing agency shall reassess each foster child and the child's foster parent within 6 months after the child's last assessment or reassessment. The placing agency, licensing agency, or foster parent may request a reassessment more frequently.

**(4)** STANDARDIZED ASSESSMENT TOOL. (a) *Basics of the tool*. The standardized assessment tool shall include a list of items that may have a direct impact on service planning for the child and the child's foster parent. The list of items included in the standardized assessment tool shall assist with evaluation of all of the following:

1. The child's functioning, including all of the following:

a. The impact of trauma on the child.

b. Life functioning, including physical, mental, and dental health; relationships with family members; and social skills.

c. Functioning in a child care or school setting.

d. Behavioral and emotional needs.

e. Risk behaviors.

f. Strengths.

g. The effect of the culture of the child and the child's family on service provision.

2. The foster parent's functioning in relation to the identified foster child, including all of the following:

a. Supervision.

b. Problem solving.

c. Involvement with care.

d. Knowledge.

e. Empathy with the child.

f. Organization.

g. Social resources.

h. Physical health.

i. Mental health.

j. Substance use.

k. Developmental.

L. Family stress.

m. Cultural congruence.

(b) *Gather information*. Before administering the standardized assessment tool, the person who will administer the tool shall first do all of the following:

1. Review the child's case record.

2. Interview or collect information from an individual who has interviewed the child, child's family, foster parent or other out-of-home care provider, the child's team or treatment team, and the licensing agency.

**Note:** See s. DCF 56.17 (1) on treatment team membership.

(c) *Rating a child.* The person administering the standardized assessment tool shall rate the child on each item in the tool on a 4-point scale relative to what is developmentally appropriate for a child of a similar age, as follows:

1. 'Needs.' The following ratings shall apply to items representing needs of a child or the child's family:

a. A rating of 0 means there is no evidence of the existence of a special need.

b. A rating of 1 means there is a history or concern that a basic special need may exist.

c. A rating of 2 means there is a presence of a moderate special need.

d. A rating of a 3 means there is a presence of an intensive special need.

2. 'Strengths.' The following ratings shall apply to items representing strengths of a child or the child's family:

a. A rating of 0 indicates a centerpiece strength.

b. A rating of 1 indicates a useful strength

c. A rating of 2 indicates an identified strength.

d. A rating of 3 indicates no strength has been identified.

(d) *Rating a foster parent.* The person administering the standardized assessment tool shall rate a foster parent's needs on each item in the tool on a 4-point scale in relation to a specific identified child, as follows:

1. A rating of 0 means there is no reason to believe a need exists.

2. A rating of 1 means there is a history or concern that needs to be monitored.

3. A rating of 2 means there is a presence of a need that must be acted upon.

4. A rating of 3 means there is a presence of a need that requires immediate or intensive action.

**(5)** USE OF ASSESSMENT INFORMATION. (a) The placing agency shall use information from the assessment of the child, the child's family, the child's foster parent, the supervising agency, and the licensing agency for all of the following:

1. To communicate information about the needs and strengths of the child and child's family.

2. To assist with determining the child's service needs and developing the child's plan of care.

3. To determine a level of need of 1/2, 3, 4, 5, or 6 for the child.

4. To inform decisions regarding a placement at a level of care that is appropriate to meet the child's level of need.

5. To evaluate the match between the knowledge, skills, and abilities of a foster parent and the needs and strengths of the child.

6. To assist in the development of services and supports needed for a specific child and foster parent to promote the stability of the placement.

7. To provide a mental health screen to all children entering foster care.

8. To determine any supplemental payments under s. DCF 56.23 (2).

9. To determine any supplemental payments for purposes of an adoption assistance agreement under s. 48.975, Stats., and ch. DCF 50.

(b) A placing agency shall re-evaluate the appropriateness of a child's placement, services provided to the child, and supplemental payments made to the foster parent following a reassessment of the child under sub. (3) (b).

**(6)** MATCHING AND PREPLACEMENT VISITS. (a) *Matching the child and foster family.* A placing agency may place a child in a foster home only after careful consideration is made on how well the prospective foster family will do all of the following:

1. Meet the child's identified specific needs.

2. Address any concerns of the birth or adoptive parents.

3. Accomplish the goals of the child's permanency plan.

(b) *Pre-placement interactions for placements in foster homes with a Level 3 to 5 certification.* Before placing a child in a foster home with a Level 3 to 5 certification, the placing agency, supervising agency, and, if different, the licensing agency shall arrange for pre-placement, face-to-face interactions among the child, foster parent, and, if appropriate, the child's family, unless the placement is an emergency under s. 48.205, 48.63, or 938.205, Stats.

**(7)** PLACEMENT IN A FOSTER HOME. (a) A placing agency, in accordance with a licensing agency, may place a child in a foster home that is certified to provide a given level of care if the child's level of need is at or below the level of care that the foster home is certified to provide.

(b) Notwithstanding par. (a), a placing agency may place a child with a level of need that is higher than the level of care that a foster home is certified to provide if the placing agency grants an exception and documents in the child's electronic case record what services and supports will be provided to meet the child's needs as identified in the assessment tool.

(c) A child whose level of need is lower than 5 may not be placed in a Level 5 foster home, except for continuation of an existing placement during planning for the child's transition to a less restrictive setting following a reassessment under sub. (3) (b).

**Note:** See Appendix A for the placement complexity chart that shows placement options based on a child's level of need and a provider's level of care.

**History: EmR1050: emerg. cr., eff. 1-1-11; CR 10-148: cr. Register August 2011 No. 668, eff. 9-1-11.**

**DCF 56.23 Supplemental payments, exceptional payments, initial clothing allowance, and retainer fee.**

**(1)** COVERAGE. (a) A placing agency shall determine the amount of any payment made directly to a foster parent for the care and maintenance of a foster child under one or more of the following:

1. Basic maintenance payments established under s. 48.62 (4), Stats.

2. Supplemental payments under sub. (2).

3. Exceptional payments under sub. (3).

4. Initial clothing allowance under sub. (4).

(b) The total monthly payment amount to a foster parent under par. (a) 1., 2., and 3. is subject to a maximum determined by the department.

(c) A placing agency may not make a supplemental or exceptional payment or pay an initial clothing allowance for a child placed in a Level 1 foster home.

**Note:** See s. DCF 56.16 (2) (c) on licensing agency participation in rate determination.

**(2)** SUPPLEMENTAL PAYMENTS. A placing agency shall make a supplemental payment to a foster parent for a child's special needs. The placing agency shall determine the amount of a supplemental payment based on the total under the following:

(a) *Identified needs and strengths.* 1. On a form prescribed by the department, the placing agency shall use information obtained using the standardized assessment tool to rate the child under s. DCF 56.22 (4) (c) relative to what is developmentally appropriate for a child of a similar age in the following areas:

a. Adjustment to trauma.

b. Life functioning, including physical, mental, and dental health; relationships with family members; and social skills.

c. Functioning in a child care or school setting.

d. Behavioral and emotional needs.

e. Risk behaviors.

f. Child's language.

g. Strengths.

2. For points that have been assigned in the areas under subd. 1., the placing agency shall add the total points that represent all of the following:

a. A child's need that has a rating of 2 indicating there is a presence of a moderate special need.

b. A child's need that has a rating of a 3 indicating there is a presence of an intensive special need.

c. A child's strength that has a rating of 2 that indicates an identified strength.

d. A child's strength that has a rating of 3 that indicates no strength has been identified.

3. A placing agency shall make a supplemental payment under this paragraph that is a dollar amount determined by the department multiplied by the total points determined under subd. 2.

(b) *Level of care higher than level of need.* A placing agency shall make a supplemental payment under this paragraph that is an amount determined by the department if a foster home's level of care certification is higher than the level of need of a child placed in the foster home and the foster home has a Level 3 or 4 certification.

**(3)** EXCEPTIONAL PAYMENT. (a) A placing agency may make an exceptional payment to a foster parent to accomplish any of the following:

1. Enable the child to be placed or remain in a foster home instead of being placed or remaining in a more restrictive setting.

2. Enable the placement of siblings or minor parent and minor children together.

3. Assist with transportation costs to the school the child was attending prior to placement in out-of-home care.

4. Replace a child's basic wardrobe that has been lost or destroyed in a manner other than normal wear and tear.

5. For a child placed in a foster home before February 21, 2011, and who remains placed in that foster home, equalize the total payment amount lost by the child's foster parent due to implementation of the method of determining supplemental payments in sub. (2).

(b) A placing agency may determine the frequency and amount of an exceptional payment necessary to meet one or more purposes in par. (a), provided no total monthly payment to the foster parent exceeds the maximum amount determined by the department under sub. (1) (b).

**(4)** INITIAL CLOTHING ALLOWANCE. (a) A placing agency may pay an initial clothing allowance to a foster parent when a child is initially placed in foster care.

(b) The amount of the initial clothing allowance shall be the actual cost of the clothing not to exceed a maximum determined by the department.

(c) If a child is placed in foster care 120 days or more after a previous out-of-home care placement was terminated, the placement shall be considered an initial placement for the purpose of par. (a).

**Note:** See the department's uniform foster care rate-setting policy and forms related to rates on the department's website www.dcf.gov in the section on foster care program and services. The policy includes current information for all of the following:

1. Total monthly maximum payment to a foster parent.
2. Dollar amount that is multiplied by the total points of a child's identified needs and strengths to determine the portion of a supplemental payment under sub. (2) (a).
3. Dollar amount of the portion of a supplemental payment under sub. (2) (b) if a foster home's level of care is higher than a child's level of need.
4. Maximum initial clothing allowance.

**(5)** RETAINER FEE. A placing agency may provide a monthly retainer fee to a foster parent to maintain openings in a foster home for emergency placements under ss. 48.205 and 938.205 Stats. This fee may not be considered part of the foster care payment for a specific child.
**History: EmR1050: emerg. cr., eff. 1-1-11; CR 10-148: cr. Register August 2011 No. 668, eff. 9-1-11.**

**Appendix A**

**Placement Complexity Chart Options**

| | | **Placement Options** | | |
|---|---|---|---|---|
| **Child's Level of Need** | **Provider's Level of Care** | **Foster Home** | **Group Home** | **Residential Care Center** |
| 1/2 | 1 | Child-Specific | | |
| | 2 | Basic | | |
| 3 | 3 | Moderate Treatment | Group Home | |
| 4 | 4 | Specialized Treatment | | |
| 5 | 5 | Exceptional Treatment | | Residential Care Center |
| 6 | 6 | | | |

| | |
|---|---|
| | Step-down level to be used for transition planning to a less restrictive placement setting. |
| | Placement of children at this level is not appropriate. |

**Note:** A child in foster care can be served by a foster home with a certification lower than the child's level of need if an exception has been granted and documented in the child's electronic case record by the placing agency and the agency shows what services and supports will be provided to meet the child's needs.

**History: EmR1050: emerg. cr., eff. 1-1-11; CR 10-148: cr. Register August 2011 No. 668, eff. 9-1-11.**

**Appendix B**

## Home Configurations

**Definitions**

"Attic" means a space under the roof and above the ceiling of the topmost part of a dwelling.
[s. Comm 20.07(6)]

"Balcony" means a landing or porch projecting from the wall of a building.
[s. Comm 20.07(7)]

"Basement" means that portion of a dwelling below the first floor or groundfloor with its entire floor below grade.
[s. Comm 20.07(8)]

"First floor" means the first floor level above any groundfloor or basement or, in the absence of a groundfloor or basement, mans the lowest floor level in the dwelling.
[s. Comm 20.07(34e)]

"Grade" means the level of the ground outside of the house.

"Groundfloor" means that level of a dwelling, below the first floor, located on a site with a sloping or multilevel grade and which has a portion of its floor line at grade.
[s. Comm 20.07(36m)]

"Second floor" means the floor level with its floor at least 5' above the floor level of the first floor, except if the floor above the first floor is an attic.

**Discussion**

Every home has a first floor. All other levels are defined in reference to the first floor. If there are no other levels in the home, then the only level is the first floor, even if that level is below grade on all 4 sides.

In a split-level home, if the floor of one level is within 5' of the floor of the other level, both of those levels may be considered one level.

**Appendix C**

# Exits

## Definitions

"Balcony" means a landing or porch projecting from the wall of a building. [s. Comm 20.07(7)]

"Basement" means that portion of a dwelling below the first floor or groundfloor with its entire floor below grade. [s. Comm 20.07(8)]

"Exit" means a continuous and unobstructed means of egress to a street, alley or open court and includes intervening doors, doorways, corridors, halls, balconies, ramps, fire escapes, stairways and windows. [s. Comm 20.07(29)]

"Stairway" means one or more flights of steps, and the necessary platforms or landings connecting them, to form a continuous passage from one elevation to another. [s. Comm 20.07(66)]

"Window" means a glazed opening in an exterior wall, including glazed portions of doors, within a conditioned space. [s. Comm 20.07(78)]

## Discussion

Exits from 1st Floor

Every house must have 2 exits from the first floor. One of the exits must discharge to grade and may include an interior or exterior stairway. The second exit may be either one of the following:

- An exit to an outside balcony if the balcony has a guardrail no higher than 46" above the floor of the balcony, if the floor of the balcony is no more than 15' above the grade below the balcony, and if the floor of the balcony is at least 3' by 3' (the guardrail may infringe on this area).
- An exit into an attached garage if the garage has a door that discharges to grade. An overhead garage door does not count as the door that discharges to grade.

Exits from 2nd Floor

There must be at least 2 exits from the 2nd floor. One of these exits must be a stairway (or ramp that leads to the 1st floor or discharges to grade). The second exit may be either one of the following:

- A stairway (or ramp) which discharges to grade or to a balcony.
- A window, except that if the house is an up-and-down duplex, a window may not be used as an exit from the "up" half of the duplex. See Appendix D regarding the requirements for a window that is to be used as an exit.

Exits above the 2nd Floor

There must be 2 exits from every habitable floor above the 2nd floor. The exits must be stairways (or rams) that lead to the 2nd floor or discharge to grade.

Exits from Basements or Ground Floors Used for Sleeping

There must be 2 exits from any basement or ground floor used for sleeping. The exits must be as far away from each other as practical and may not be accessed from the same stairway (or ramp). The first exit must be either:

- A door leading to the exterior of the building; or
- A stairway (or ramp) that leads to the floor above the basement.

The second exit may be any of the following:

- A door leading to the exterior of the building
- A stairway (or ramp) that leads to the floor above the basement

- A stairway that leads to a garage as long as the garage has an exit door other than an overhead garage door
- A window that meets the requirements described in Appendix D

**Appendix D**

## Windows and Doors Used for Exits

**Definitions**

"Window" means a glazed opening in an exterior wall, including glazed portions of doors, within a conditioned space.

**Discussion**

Windows As noted in Ch. DCF 56 and Appendix C of this document, windows may be used as exits in certain situations and on certain levels of a home. In order for a window to qualify as an exit window, it must meet all of the following characteristics.

- The window must be openable from the inside without the use of tools or the removal of a sash. If the window has a screen or storm window, the screen or storm window must also be openable from the inside.
- The open part of the window must be no smaller than 20" by 24" (either can be height or width). Fractions ½" or greater shall be rounded up and fractions less than ½" shall be rounded down.
- No part of the window (including stops, stools, meeting rails and operating arms) can infringe on the required open space.
- The lowest part of the opening shall not be more than 60" (5') above the floor.
- If the lowest part of the opening is more than 46" above the floor, there must be a permanent platform or fixture installed so that a flat surface at least 20" wide and 9" deep is located no more than 46" directly below the bottom of the opening.
    - The top surface of the platform or fixture cannot be more than 24" above the floor.
    - The platform or fixture must be able to support at least 200 pounds.

If the exit window leads to a space below grade (e.g., a window well) there must be an areaway that meets the following requirements:

- The width of the areaway must be at least the same width as the opening of the window
- The areaway must extend at least 36" away from the outside wall of the house
- If the bottom of the areaway (e.g., window well) is more than 46" below the level of the grade or the top of the areaway, the areaway must be provided with a ladder or at least one additional step to facilitate exit from the areaway.
    - Any ladder or additional step may infringe by no more than 6" on the 36" required measurement of the areaway away from the outside wall of the house
- The areaway must be constructed in such a way that water entering the areaway does not enter the house or remain in the areaway

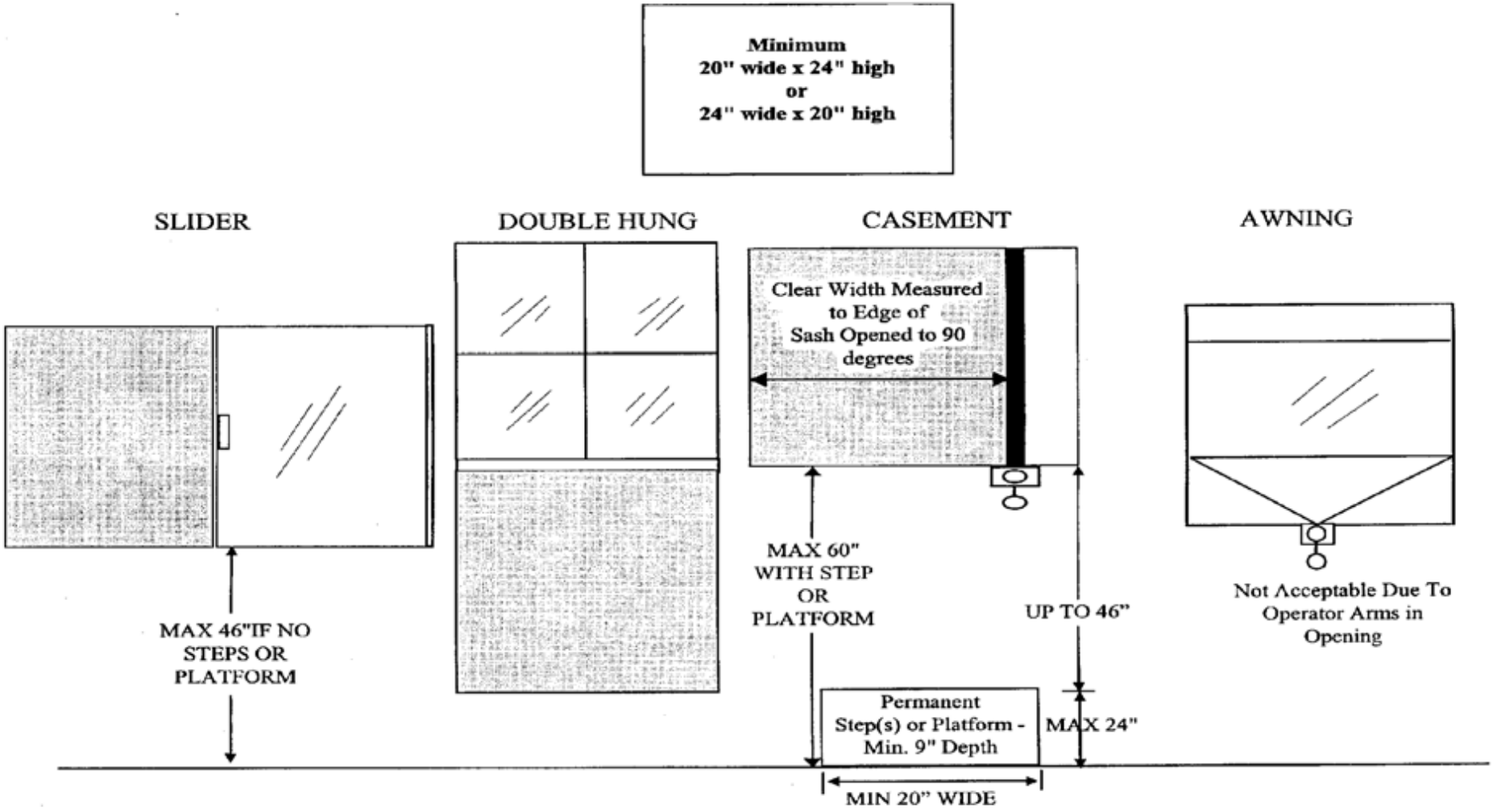
Doors

Doors used as exits must meet the following requirements:

- At least one of the exit doors must be a swing type door at least 36" wide by 80" high.
- Other required doors must be at least 32" wide and 76" high
    - If one of the secondary doors is a sliding patio door, it must have a clear opening of at least 30" If double doors are used as a required exit, each door leaf must be at least 30" wide and there cannot be a mullion between the doors.
    - All exit doors must be openable from the inside without the use of a key.

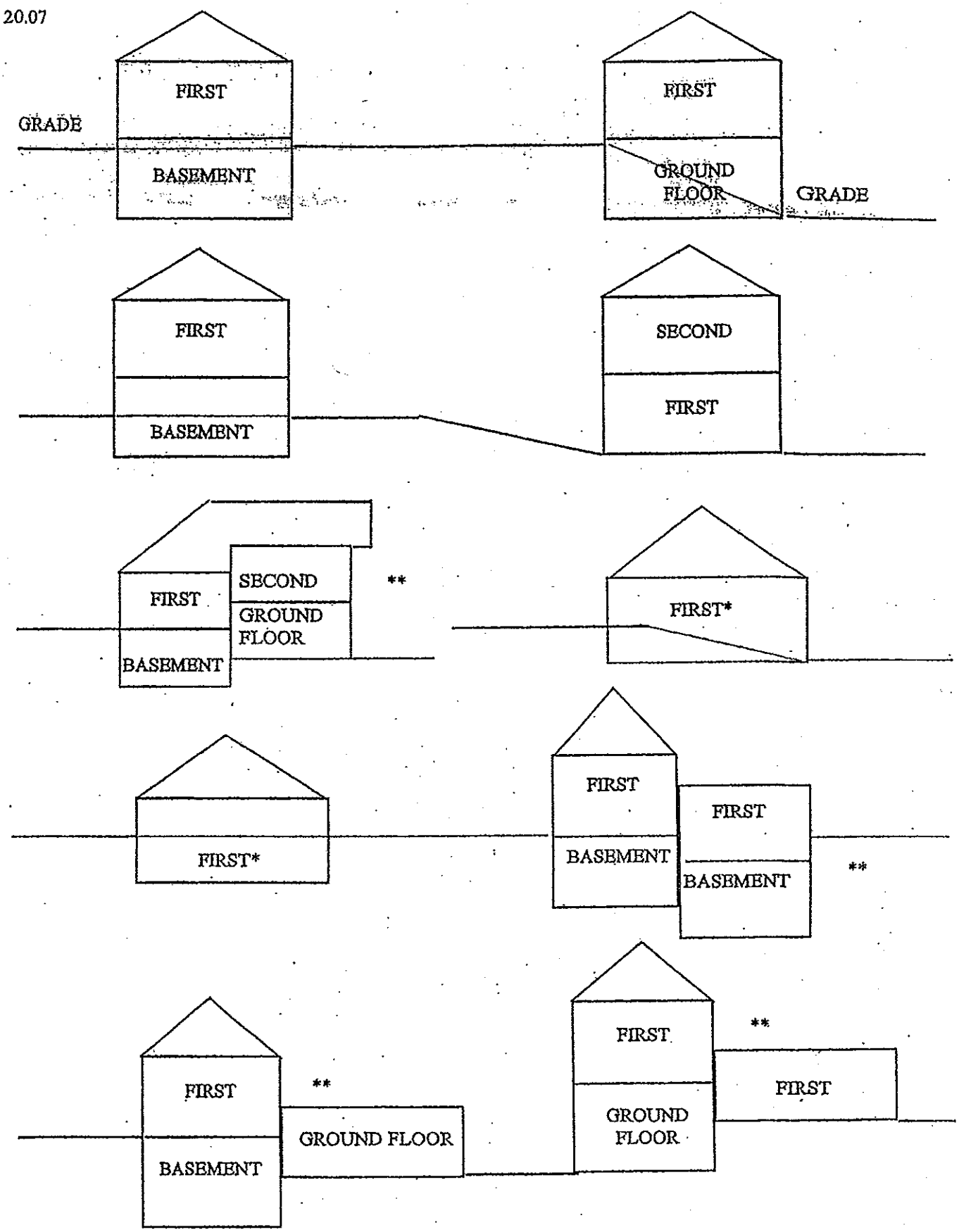
Note: All of the measurements for the doors described above are determined by measuring the door, not the opening between the jambs.

# Comm 21.03 (6)
## Egress Window Dimensions




*The above diagram details the requirements for egress windows located in habitable rooms on the second floor of a dwelling. These are also the requirements for egress windows located in basement bedrooms*

20.07




*There is always a first floor in a dwelling **See s. Comm 21.03(11)

s. Comm 20.07 (8), (34k), 36m)

BASEMENT, FIRST FLOOR AND GROUND FLOOR DEFINITIONS

**Appendix E**

## Farm Safety Licensing Checklist

- ☐ First Aid kits are located in farm vehicles, the house and other farm buildings
- ☐ A member of the foster family is trained in first aid and CPR
- ☐ Gasoline and other flammable liquids are stored in appropriate and clearly marked containers
- ☐ All agri-chemicals are safely stored in their original containers and in locked buildings, rooms or cabinets
- ☐ Danger signs are posed by chemical storage areas
- ☐ Spare or extra tires that have been removed from equipment are lying down or fastened securely and are not propped against a building, tree, etc.
- ☐ All power tools are safely and properly stored
- ☐ All family members and foster children of appropriate age know the locations of fire extinguishers and have been trained in using them
- ☐ Play areas are fenced in and clearly marked and away from livestock, traffic and machinery and farm equipment
- ☐ Play equipment is free of broken pieces, sharp edges, protrusions and tripping hazards
- ☐ When mowing, protective gear is worn (e.g., eye protection, appropriate footwear)
- ☐ Hard-toed shoes are worn around livestock
- ☐ Foster children have been trained how to behave around livestock (e.g., being calm and quiet, keeping an eye on animals, avoiding entering animal pens without adult supervision, not approaching animals from behind)
- ☐ Livestock are always fed from the outside of fences
- ☐ Keys are removed from farm machinery which is not in operation
- ☐ Riders are not permitted on tractors, farm machinery and wagons
- ☐ Slow moving vehicles are identified with reflective Slow Moving Vehicle (SMV) signs
- ☐ Shields on Power Take Offs (PTOs), augers and other farm machinery are in place and are secured
- ☐ Children are not permitted to play in grain or grain loading or storing equipment
- ☐ Danger decals are prominently displayed on all dangerous farm machinery and equipment, including grain handling equipment

**Appendix F**

## Age at Which Child May Be Left Alone

**Background**

One of the most common questions the Department receives from parents generally is what is the law regarding leaving one's children at home alone. This question is certainly applicable to foster children and foster parents as well.

There is no state law directly related to this issue. It is up to parental discretion except, in the case of foster care, the foster parent should discuss the issue with the agency, which placed the child.

The Department has outlined some relevant considerations that should be weighed when deciding to leave a child home alone. These are not concrete regulations or qualifications for leaving a child home alone; the ultimate decision is left up to a parent or caregiver and any placing agency.

**Factors for Consideration**

The Division of Safety and Permanence has not established an age for a child to be left home alone since the child's age is only one of many factors that can determine how responsible and comfortable a child is being at home without adult supervision. Some of the other factors include:

- The age of the child
- The maturity of the child
- The role of the child in supervising younger children
- The length of time a parent or caregiver will be away
- The availability of or access to another adult in emergencies
- The accessibility of a caregiver or parent, especially in case of emergencies
- The time of the year (issues with respect to cold in the winter and heat in the summer)
- The location and accessibility of the home (in the city or the country)
- The safety of the environment and neighborhood
- The comfort level of the child being home without supervision
- The responsibility of the child, especially in urgent or emergency situations
- Access to "adult" cable TV and Internet
- Access to the child by persons who may represent a threat to the child

In addition, the ultimate decision is made by the adults and children involved in the situation. The Division cannot guarantee criteria that will describe or cover all children and families deciding to leave a child home alone.

Policy Recommendation

The Division of Safety and Permanence does not establish a specific minimum age for children being left home alone. We recommend that parents or caregivers discuss the situation with their children to evaluation the situation and determine whether or not both the child and parent or caregiver are comfortable with a child being home alone.