

5. Concrete and asphalt are prohibited under climbing equipment, swings and slides.

(c) *Exemption for off-premises play space.* 1. In this paragraph, "main thoroughfare" means a heavily traveled street or road used by vehicles as a principal route of travel.

2. If a center has no outdoor play space available on the premises of the center, the licensee may request an exemption from the requirements under subd. 3. for the center's outdoor play space.

3. A request for an exemption under subd. 2. shall be in writing and shall be accompanied by a plan for outdoor play space that does all the following:

a. Identifies and describes the location to be used, the travel distance from the center to that location and the means of transporting the children to that location.

b. Provides for adequate supervision of the children as specified in Table 45.05.

c. Provides for daily vigorous exercise in the out-of-doors for the children.

d. Describes the arrangements to meet the toileting and diapering needs of the children.

e. Affirms the center's compliance with the requirements included in subds. 4. to 7.

Note: Send the request for an exemption, including the plan for the use of that space, to the licensing representative at the appropriate regional office of the Department's Division of Children and Family Services. See Appendix A for addresses of the regional offices.

4. The off-premises outdoor play space shall be free of hazards such as bodies of water, railroad tracks, unfenced swimming pools, heavily wooded areas and nearby highways and main thoroughfares.

5. There shall be at least 75 square feet of play space for each child using the space at a given time.

6. No climbing equipment, swing or slide in the play space may have concrete or asphalt under it.

7. When the off-premises outdoor play space is reached by walking, the center shall transport children under 3 years of age in wheeled vehicles, such as strollers or wagons, with a seating capacity equal to the number of children under 3 years of age to be transported.

8. A center's plan for use of an off-premises outdoor play space is subject to approval by the department. Within 30 days after receipt of a plan and request for an exemption from the requirements under par. (b), the department shall either approve the plan and grant the exemption or not approve the plan and deny the request for exemption. The department shall notify the center in writing of its decision and if it does not grant an exemption, shall state its reasons for not granting the exemption.

9. If any circumstance described in an approved plan for use of off-premises outdoor play space changes or if any condition for plan approval is not met, the department may withdraw its approval of the plan and cancel the exemption. A center with an approved plan shall immediately

report to the department's licensing representative any significant change in any circumstance described in the plan.

(12) SWIMMING AREAS. (a) Swimming pools on the premises of the center may not be used by children in care. Swimming pools on the premises shall be surrounded by a permanent enclosure as specified under sub. (11) (b) 4. In addition, the all of the following restrictions apply:

1. If access to the pool is through a gate, the gate shall be closed and locked during the center's hours of operation.

2. If access to the pool is through a door, the door shall be closed, visibly locked and equipped with an alarm at the door that signals when someone has entered the pool area. The door may not be used as an exit.

3. Locks shall be located so that the locks cannot be opened by the children.

4. The free-standing wall of an above ground pool may not serve as an enclosure unless it is at least 4 feet in height and not climbable. If a ladder is present, the ladder shall be removed or raised up so that it is inaccessible to children.

5. The area around the pool enclosure shall be free of toys or equipment that would allow a child to climb or otherwise gain access to the pool.

(b) Wading pools may be used if the water is changed daily and the pool is disinfected daily.

(c) A swimming pool or beach that is not located on center premises may be used by children, if all of the following conditions are met:

1. The construction and operation of the pool meet the requirements of chs. Comm 90 and HFS 172 for public swimming pools and the beach complies with any applicable local ordinance.

2. Certified lifesaving personnel are on duty.

3. While children are in the water of a pool or beach, the following staff-to-child ratios for persons who can swim are met:

a. For children under 2 years of age: 1:1.

b. For children 2 and 3 years of age years of age: 1:3.

c. For children 4 and 5 years of age: 1:6.

d. For children 6 years of age and older: 1:8.

4. When a mixed age group of children are swimming, the staff-to-child ratio shall be adjusted based on to the number of children in the water and each child's age.

Note: A worksheet to help calculate the staff to child ratio for mixed aged groupings during swimming is available from the department upon request. Requests may be made to the licensing representative or regional office in Appendix A.

5. A child shall be restricted to the area of the pool or beach that is within the child's swimming ability.

HFS 45.07 Program. (1) PROGRAM PLANNING AND SCHEDULING. (a) A provider shall plan activities so that each child may be or do all of the following:

1. Be successful and feel good about himself or herself.
2. Use and develop language.
3. Use large and small muscles.
4. Use materials and take part in activities that encourage creativity.
5. Learn new ideas and skills.
6. Participate in imaginative play.
7. Be exposed to a variety of cultures.

Note: The Wisconsin Model Early Learning Standards are voluntary standards that were designed to help centers develop programs and curriculum to help ensure that children are exposed to activities and opportunities that will prepare them for success in school and into the future. The Standards are primarily intended as guidance on developmentally appropriate expectations and are not intended to be used as a checklist to gauge a child's progress. The Standards are based on scientific research. Copies of the Wisconsin Model Early Learning Standards are available on the Wisconsin Early Childhood Collaborating Partners website at <http://www.collaboratingpartners.com/> or through the Child Care Information Center at 1-800-362-7353.

(b) A provider shall plan daily activities according to the age and developmental level of the children in care and shall include a flexible balance of all of the following:

1. Daily indoor and outdoor activities when a child is in care for more than 3 hours except that outdoor activities are not required during inclement weather or when not advisable for health reasons.
2. Active and quiet play.
3. Protection from excess fatigue and over stimulation.
4. Individual and group activities.

(c) Television, including videotapes and DVDs, may be used only to supplement the daily plan for children. No child may be required to watch television.

(2) CHILD GUIDANCE. (a) Each family child care center shall provide positive guidance and redirection for the children and shall set clearly specified limits for the children. A provider shall help each child develop self-control, self-esteem and respect for the rights of others.

(b) A provider shall permit children who do not sleep after 30 minutes and children who wake up early to get up and shall help them to have a quiet time through the use of equipment or activities which do not disturb other children.

(c) Each child who has a nap or rest period shall be provided with a bed, cot, mat at least 2 inches thick, sleeping bag, crib or playpen which is placed at least 2 feet from the next sleeping child.

(d) Each child shall be provided with an individually identified sheet and blanket or sleeping bag that may be used only by that child until it is washed. Sleeping bags and bedding shall be stored in a sanitary manner and washed at least after every 5 uses or as soon as possible if wet or soiled.

(e) Infants shall sleep alone in cribs or playpens. Two related children may share a double bed. No more than one child may occupy a single size bed, cot, mat or sleeping bag.

Note: See also s. HFS 45.06 (8) (b) 3. and 4. which require that the cot, bed, mat, sleeping bag, crib or playpen be safe and washable.

(5) MEALS AND SNACKS. (a) Food shall be provided based on the amount of time children are present, as specified in Table 45.07.

TABLE 45.07
Meals and Snacks to be Served to Children
in Family Child Care Centers

Time Present	Number of Meals and Snacks
At least 2 ½ but less than 4 hours	1 snack
At least 4 but less than 8 hours	1 snack and 1 meal
At least 8 but less than 10 hours	2 snacks and 1 meal
10 or more hours	2 meals and 2 or 3 snacks

(b) Food shall be served at flexible intervals, but no child may go without nourishment for longer than 3 hours.

(c) Each meal and snack shall meet the U.S. department of agriculture child and adult care food program minimum meal requirements.

Note: See Appendices B and C for United States Department of Agriculture child and adult care food program minimum meal requirements. You may also contact the Department of Public Instruction Community Nutrition Services for information on the United States Department of Agriculture child and adult care food program at 608-267-9123.

(d) Accurate records of meals and snacks served to children shall be available for review by parents and the licensing representative.

(e) Enough food shall be prepared for each meal so second portions of vegetables, fruit, bread and milk are available to children.

(f) When food for a child is provided by the child's parent, the licensee shall give the parents information about the requirements for food groups and quantities specified by the U.S. department of agriculture child and adult care food program minimum meal requirements.

(b) If a provider uses time-out periods to deal with unacceptable behavior, time-out periods may not exceed 5 minutes or be used for children under age 3. Time-out procedures shall be included in the center's written child guidance policy.

(c) Actions that are aversive, cruel or humiliating, and actions that may be psychologically, emotionally or physically painful, discomforting, dangerous or potentially injurious are prohibited. Examples of prohibited actions include all of the following:

1. Spanking, hitting, pinching, shaking, slapping, twisting, or inflicting any other form of corporal punishment on the child.
2. Verbal abuse, threats or derogatory remarks about the child or the child's family.
3. Physical restraint, binding or tying the child to restrict the child's movement or enclosing the child in a confined space such as a closet, locked room, box or similar cubicle.
4. Withholding or forcing meals, snacks or naps.

(d) A child may not be punished for lapses in toilet training.

Note: See s. HFS 45.04 (8) for information on reporting suspected child abuse and s. HFS 45.04 (3) (i) for rules requiring that inappropriate discipline of a child be reported to the Department within 24 hours after the occurrence.

(3) EQUIPMENT (a) Safe indoor and outdoor play equipment shall be provided and shall be all of the following:

1. Scaled to the size and developmental level of the children.
2. Of sturdy construction with no sharp, rough, loose, or pointed edges, in good operating condition, and anchored when necessary.
3. Placed so as to avoid danger of accident or collision and to permit freedom of action.

(b) Various types of play equipment shall be provided to allow for large and small muscle activity, dramatic play, creative expression and intellectual stimulation.

(c) Indoor play equipment shall be provided to allow each child a choice of at least 3 activities involving equipment when all children are involved in using equipment.

(d) Outdoor play equipment shall be provided to allow each child at least one activity when all children are using equipment at the same time.

(e) Trampolines shall not be in areas accessible to children and may not be used by the children in care.

Note: Lists suggesting kinds and numbers of equipment for centers are available from the Child Care Information Center by calling 1-800-362-7353.

(4) REST PERIODS. (a) Children under 5 years of age in care for more than 4 consecutive hours shall have a nap or rest period.

1. The space for the care of a mildly ill child is a self-contained room that is separate from children who are well.

2. The parent consents in writing.

3. The written health policy of the center allows a mildly ill child to remain at the center.

4. The center follows and implements procedures in a written plan for the provision of care to mildly ill children that has been approved and signed by a licensed physician, a family nurse practitioner or a pediatric nurse practitioner, and which covers all of the following:

a. Admissions and exclusions.

b. Staffing.

c. Staff training.

d. Monitoring and evaluation.

e. Programming.

f. Infectious disease control.

g. Emergency procedures.

5. Medical consultation is available from a physician or local health department in establishing policy for the management of mildly ill children.

(e) *Communicable disease*. 1. When it is determined that a child attending the center or a provider's own child has a reportable communicable disease under ch. HFS 145 transmitted through normal contact, such as chicken pox, German measles, infectious hepatitis, measles, mumps, scarlet fever or meningitis, the local public health officer and parents of all the enrolled children shall be notified.

2. A child may be readmitted to the family child care center if the child's parents provide a statement from a physician that the child's condition is no longer contagious or if the child has been absent for a period of time equal to the longest usual incubation period for the disease as specified by the department.

Note: The Wisconsin Division of Public Health has developed materials that identify those communicable diseases that are required to be reported to the local public health officer. These materials also provide additional guidance on the symptoms of each disease and information on how long an infected child shall be excluded from the center. The materials include a communicable disease chart and exclusion guidelines for child care centers. Copies of the communicable disease chart or the exclusion guidelines for child care centers are available from the Child Care Information Center 800-362-7353.

(f) *Medications*. 1. A provider may give prescription or non-prescription medications to a child only under the following conditions:

(g) A child enrolled in school who is in attendance at the center when a meal or snack is served shall be offered the meal or snack.

(h) A special diet based on a medical condition, excluding food allergies, but including nutrient concentrates and supplements, may be served only upon written authorization of a child's physician and upon the request of the parent.

(i) A special diet based on a food allergy may be served upon the written request of the parent.

(6) HEALTH. (a) *Contact with others who are ill.* 1. A licensee, provider, household member, employee, volunteer, visitor or parent who has symptoms of illness or of a communicable disease that may be transmitted through normal contact may not be in contact with the children in care.

2. a. A licensee, provider, household member, employee, volunteer, visitor or parent whose behavior with respect to any child, adult, animal or property, on or off the center's premises, raises reasonable concern for the safety of the children, may not be in contact with the children in care.

b. The department may require a licensee, provider, household member or other adult in contact with the children whose behavior gives reasonable concern for the safety of children to submit to an examination by a licensed mental health professional as a condition of licensure or employment.

Note: See also s. HFS 45.11 (2) (e) which requires a written statement from a physician or licensed mental health professional when there is reason to believe that the physical and mental health of a person may endanger children in care.

3. No person with a health history of typhoid, paratyphoid, dysentery or other diarrheal disease may work in a center until it is determined by appropriate medical tests that the person is not a carrier of the disease.

(b) *Observation of children.* 1. Each child upon arrival at the center shall be observed for symptoms of illness. For a child who appears to be ill, the licensee shall follow the procedure under par. (c).

2. A provider shall note in a medical log book any injury or evidence of unusual bruises, contusions, lacerations or burns received by a child in or out of the center and any incidents requiring the services of medical personnel.

Note: See s. HFS 45.04 (6) (c) for information on maintaining a medical log book.

(c) *Ill child.* Unless a center has been previously authorized to care for mildly ill children under sub. (d), any child who appears to be ill shall be moved to a separate room or area and shall be provided with a bed, crib or cot and a sheet and blanket or sleeping bag. The licensee shall notify the parent or emergency contact and arrange to remove the child from the center as soon as possible.

(d) *Care of a mildly ill child.* A child who is mildly ill may be cared for at the center when all of the following conditions are met:

(i) *Prohibition against sharing utensils.* Cups, eating utensils, or toothbrushes may not be shared.

(j) *Clothing and diaper changing.* 1. Wet or soiled clothing or diapers shall be changed promptly from an available supply of clean clothing or diapers.

2. Section HFS 45.09 (4) shall apply when a child 2 years of age or older needs attention for diapering or toileting.

(k) *Injuries.* 1. Written permission from the parent to call the child's physician or refer the child for medical care in case of injury shall be on file at the center. A provider shall contact a parent of the injured child as soon as possible after an emergency has occurred or, if the injury is minor, when the child is picked up.

2. Superficial wounds shall be cleaned with soap and water only and protected with a bandaid or bandage.

3. Suspected poisoning shall be treated only after consultation with a poison control center.

4. The licensee shall designate a planned source of emergency medical care, such as a hospital emergency room, clinic or other constantly staffed facility and shall advise parents about that designation.

5. A daily record of injuries including the child's name, date and time of injury and a brief description of the facts surrounding the injury shall be kept in the center medical log book.

Note: See s. HFS 45.04 (6) (c) about maintaining a medical log book.

(L) *Health examination and history.* 1. Each child under 2 years of age, including each provider's child in care, shall have an initial health examination not more than 6 months prior to nor later than 3 months after being admitted to the center, and a follow-up health examination at least once every 6 months after admission.

2. Except for a school-aged child, each child 2 years of age or older, including a provider's children in care, shall have an initial health examination not more than one year prior to nor later than 3 months after being admitted to a center, and a follow-up health examination at least once every 2 years after admission.

3. The health examination report shall be on a form provided by the department and shall be signed and dated by a licensed physician, physician assistant or a HealthCheck provider.

Note: The Department's form CFS-0060 or CFS-0060A, Child Health Report, is used to record health examination information. Information on how to obtain the form is in Appendix E.

4. The health examination requirement under subd. 2. does not apply if the parents of a child request in writing that the department grant an exemption based upon the parents' adherence to religious belief in exclusive use of prayer or spiritual means for healing in accordance with the teachings of a bona fide religious sect or denomination.

5. A health history for each child, including school age children and a provider's own children, completed by the parent shall be on file at the center by the child's first day of attendance. Information relating to a child's special health care needs shall be shared with any person caring

a. A completed written authorization on a form provided by the department, dated and signed by the parent is on file. Authorizations that exceed the period of time specified on the label are prohibited.

Note: The Department's form CFS-0059 or CFS-0059A, Authorization to Administer Medication, is used to obtain the parent's authorization to provide medications. Information on how to obtain the form is in Appendix E.

b. The medication is in the original container and labeled with the child's name and with dosage and administration directions.

c. A written record, including the name of the child, type of medication given, dosage, time, date and the initials or signature of the person administering the medication shall be made in the medical log on the same day that the medication is administered.

Note: See s. HFS 45.04 (6) (c) about maintaining a medical log book.

2. Sunscreen and insect repellent may only be applied upon the written authorization of the parent. The authorization shall include the brand and ingredient strength of the sunscreen or repellent. Authorizations shall be reviewed periodically and updated as necessary. The recording of the application of sunscreen or insect repellent is not required.

3. Medications shall be stored so that they are not accessible to children.

4. Medications requiring refrigeration shall be kept in the refrigerator in a separate, covered container clearly labeled "medications."

(g) *Personal cleanliness.* 1. A child's hands shall be washed with soap and warm running water before meals or snacks and after toileting or diapering. A child's hands and face shall be washed after meals. Persons working with children shall wash their hands with soap and warm running water before handling food and after assisting with toileting. Towels and washcloths shall be individual to each person and used only once.

2. Bodily secretions from a child shall be wiped with a disposable tissue. Whoever does the wiping shall wash his or her hands immediately.

3. All providers shall use universal precautions when exposed to blood or bodily fluids or discharges containing blood.

4. All persons exposed to blood or bodily fluids containing blood or other types of bodily discharges shall wash their hands immediately with soap and warm running water.

5. Single use disposable gloves shall be worn if there is contact with blood-containing body fluids or tissue discharges. Hands shall be washed with soap and warm water after removal of gloves. Gloves shall be discarded in plastic bags.

(h) *Disinfecting surfaces.* Surfaces containing bodily secretions shall be washed with soap and water and disinfected with a solution of one tablespoon bleach to one quart of water, made fresh daily, or a quaternary ammonia-based disinfectant prepared according to the label instructions, or a commercially prepared disinfectant containing bleach or a quaternary ammonia product. Hands shall be washed immediately.

for children including emergency back-up providers and substitutes. The health history shall be recorded on a form provided by the department.

Note: The Department's form CFS-0062 or CFS-0062A, Child Enrollment and Health History form, is used to record each child's health history. Information on how to obtain the form is in Appendix E.

(m) *Immunization.* The center shall maintain a record of immunizations for each child to document compliance with s. 252.04, Stats., and ch. HFS 144.

Note: The Department's form DPH-4192 or DPH-4192S, Day Care Immunization Record, is used to record immunization information. An electronic printout from the Wisconsin Immunization Registry, or other registry maintained by a health care provider may be used in place of DPH-4192 or DPH 4192S. Information on how to obtain the form is in Appendix E.

(7) PETS AND ANIMALS. (a) Animals shall be maintained in good health and appropriately immunized against rabies. Rabies vaccinations shall be documented with a current certificate from a veterinarian.

(b) Animals that pose any risk to the children shall be restricted from the indoor and outdoor areas used by children.

(c) Licensees shall ensure that parents are aware of the presence of pets and animals in the center. If pets and animals are allowed to roam in areas of the center occupied by children, written acknowledgement from the parents shall be obtained. If pets are added after a child is enrolled, parents shall be notified in writing prior to the pets' addition to the center.

(d) Reptiles, amphibians, ferrets, poisonous animals, psittacine birds, exotic and wild animals may not be accessible to children.

Note: Psittacine birds are hooked bill birds of the parrot family that have 2 toes forward and 2 toes backward, including maccaws, grays, cockatoos and lovebirds.

(e) All contact between pets or animals and children shall be under the sight and sound supervision of a provider who is close enough to remove the child immediately if the pet or animal shows signs of distress or aggression or the child shows signs of treating the animal inappropriately.

^{Permitted} (f) Pets, pet feeding dishes, cages and litter boxes are prohibited in any food preparation, storage or serving areas. Animal feeding dishes and litter boxes may not be placed in areas accessible to children.

(g) Indoor and outdoor areas accessible to children shall be free of pet and animal excrement.

^{Permitted} (h) A current certificate of liability insurance issued by an insurance carrier specifically covering the presence of dogs and cats shall be on file with the pertinent regional licensing office in appendix A if dogs or cats are allowed in areas of the center accessible to children.

(i) Licensees shall ensure that the center is in compliance with all applicable local ordinances regarding the number, types and health status of pets and animals.

HFS 45.08 Transportation. (1) APPLICABILITY. This subsection applies to all center-provided transportation of children in care, including both regularly scheduled transportation to and from the center and field trip transportation.

Note: The Department's form CFS-0056 Child Care Transportation Permission may be used to obtain parental consent for transportation when regularly scheduled transportation between the center and the child's residence or another location is provided. See Appendix E for information on how to obtain copies of Department forms.

(2) **EMERGENCY INFORMATION.** All of the following emergency information shall be carried in the vehicle for each child transported:

(a) An address and telephone number where a parent or other adult can be reached in an emergency.

(b) The name, address and telephone number of the child's health care provider.

(c) Written consent from the child's parent for emergency medical treatment.

Note: The licensee must use the Department's form CFS-0062 or CFS-62A, Child Enrollment and Health History form to obtain consent of the child's parent for emergency medical treatment. Information on how to obtain the Department's form is in Appendix E.

(3) **DRIVER.** The driver of the vehicle shall be at least 18 years of age and shall hold a valid Wisconsin operator's license for the type of vehicle driven.

(4) **VEHICLE.** (a) All vehicles used to transport children shall be registered by the state of Wisconsin.

(b) Center-owned or provider-owned vehicles used to transport children shall be in safe operating condition. At 12-month intervals the licensee shall provide the department with evidence of a vehicle's safe operating condition on a form provided by the department.

Note: The Department's form CFS-0052, Vehicle Safety Inspection, is used to record evidence of the vehicle's safe operating condition. Information on how to obtain a copy of the Department's form is in Appendix E.

(5) **SEAT BELTS.** Each child under 4 years of age or 40 pounds being transported in a vehicle shall be properly seated and restrained in an individual child car safety seat. Each child not required to be transported in an individual child care safety seat and accompanying adult shall be restrained by a seat belt. Seat belts may not be shared.

(6) **VEHICLE CAPACITY AND SUPERVISION.** (a) Children may not be left unattended in a vehicle.

(b) Children under age 13 years may not ride in the front seat of a vehicle. If a vehicle has a front passenger side air bag, the air bag shall be deactivated and inoperable during the time a child is a passenger in the front seat.

(c) When children are transported in a vehicle, there shall be at least one adult supervisor in addition to the driver whenever there are more than 3 children who are either under 2 years of age or who have a handicap which limits their ability to respond to an emergency.

(d) After transporting a child to his or her destination, an adult shall ensure the child is in the custody of a provider, a parent, or other adult designated by the parent. A parent of a school age child may authorize a child to enter a building unescorted.

Note: Form CFS-0056 Child Care Center Transportation Permission form may be used to designate an adult to receive a child being transported. See Appendix E for information on how to obtain a copy of this form.

(7) SMOKING. Smoking is prohibited in the vehicle while children are being transported.

HFS 45.09 Additional requirements for infant and toddler care. (1) APPLICABILITY, QUALIFICATIONS AND GENERAL REQUIREMENTS. (a) *Applicability.* Family child care centers providing care and supervision to infants and toddlers shall comply with the additional requirements of this section.

(b) *Qualifications.* 1. Prior to becoming licensed to care for children under age 2 or prior to working in a center licensed to care for children under age 2, a provider shall have at least 40 hours or 3 credits of entry level training required under s. HFS 45.05 (1) (b) or at least 10 hours of department-approved training in the care of infants and toddlers. If the training was taken prior to September 1, 2001, a provider shall document successful completion of training in SIDS risk reduction procedures.

Note: Non-credit courses entitled *Introduction to the Child Care Profession and Fundamentals of Family Child Care* together meet the requirement for 40 hours of department approved training. The non-credit course entitled *Fundamentals of Infant and Toddler Care* meets the requirement for 10 hours of department-approved training in the care of infants and toddlers.

2. Within 6 months of becoming licensed or working in a center licensed to care for children under age 2, a provider shall have completed both the entry level training specified under s. HFS 45.05 (1) (b) and 10 hours of department-approved training in the care of infants and toddlers.

(c) *General requirements.* 1. A provider shall use information obtained on a department-provided form for children under 2 years of age to individualize the program of care for each child. A provider and the child's parents shall periodically discuss the child's development and routines.

Note: The Department's form CFS-0061, Day Care Intake for Child Under 2 Years, is used to record information for individualizing the program of care for each child. Information on how to obtain the form is in Appendix E.

2. Cribs and playpens shall contain a tight fitting mattress and any mattress covering shall fit snugly over the mattress. Waterbeds may not be used by children under age 2.

3. Sheets or 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.

4. Children under one year of age may not sleep in a crib or playpen that contains soft materials such as sheepskins, pillows, fluffy blankets, bumper pads or stuffed animals.

5. Safety gates shall be provided at open stairways.

(2) DAILY PROGRAM. (a) Child care providers shall respond promptly to a crying child's needs.

(b) Each infant and toddler shall be allowed to form and follow his or her own patterns of sleeping and waking.

(c) Each child under one year of age shall be placed to sleep on his or her back in a crib unless otherwise specified in writing by the child's physician. The child shall be allowed to assume the position most comfortable to him or her when able to roll over unassisted.

(d) Emphasis in activities shall be given to play as a learning and growth experience.

(e) Throughout the day, each infant and toddler shall receive physical contact and attention such as being held, rocked, talked to, sung to and taken on walks inside and outside the center.

(f) Routines related to activities such as taking a nap, eating, diapering and toileting shall be used as occasions for language development and other learning experiences.

(g) When a non-mobile child is awake, a provider shall change the child's body position and location in the room periodically. Non-mobile awake children shall be placed on their stomach occasionally throughout the day.

(h) Each non-walking child who can creep or crawl shall be given opportunities each day to move freely in a safe, clean, open, warm and uncluttered area.

(i) A provider shall encourage infants and toddlers to play with a wide variety of safe toys and objects.

(j) Infants and toddlers shall be taken outdoors for part of each day except during inclement weather or when this is not advisable for health reasons.

(3) FEEDING. A provider shall do all of the following:

(a) Feed each infant and toddler on the child's own feeding schedule.

(b) Ensure that food and formula brought from home is labeled with the child's name and dated, and is refrigerated if required.

(c) Ensure that formula provided by the center is of the commercial, iron-fortified type and mixed according to the manufacturer's directions.

(d) Provide formula or breast milk to all children under 12 months of age.

(e) Provide another type of milk or milk substitute only on the written direction of the child's physician.

(f) Discard leftover milk or formula after each feeding, and rinse bottles after use.

(g) Refrain from heating breast milk in a microwave oven.

(h) Offer drinking water to infants over 6 months of age and toddlers several times daily.

(i) Hold a child unable to hold a bottle whenever a bottle is given. Bottles may not be propped.

(j) Hold or place a child too young to sit in a highchair or feeding table in an infant seat during feeding. Wide-based highchairs with safety straps or feeding tables with safety straps shall be provided for children who are not developmentally able to sit at tables and chairs.

(k) Ensure that eating utensils and cups are scaled to the size and developmental level of the children.

(4) DIAPERING AND TOILETING. A provider shall do all of the following:

(a) Change wet or soiled diapers and clothing promptly.

(b) Change the child on an easily cleanable surface which is cleaned with soap and water and a disinfectant solution after each use with a chlorine bleach solution of one quart water to one tablespoon bleach, made fresh daily or a product containing quaternary ammonia prepared according to the label directions or a commercially prepared disinfectant that contains bleach or quaternary ammonia.

(c) If the diapering surface is above floor level, provide a barrier or restraint to prevent falling. A child may not be left unattended on the diapering surface.

(d) Place soiled cloth diapers in a plastic bag labeled with the name of the child and send them home daily.

(e) Place soiled disposable diapers in a plastic-lined, covered container and dispose of them daily.

(f) Wash his or her hands with soap and warm running water before and after each diapering or assistance with toileting routines.

(g) Apply lotions, powders or salves to the child during diapering only at the specific direction of a parent or the child's physician.

(h) Wash the child during diapering with a disposable towel used only once.

(i) Wash the child's hands with soap and warm running water after diapering. The hands of children under one year of age may be washed with soap and a wet fabric or paper washcloth, used once and discarded.

HFS 45.10 Additional requirements for night care. (1) APPLICABILITY. Family child care centers which operate during any period of time between 9:00 p.m. and 5:00 a.m. shall comply with the requirements of this section.

(2) GENERAL REQUIREMENTS. (a) When the same premises are used for the operation of both day care and night care, the number of children during any overlapping of the day care and night care periods may not exceed the maximum licensed capacity of the center.

(b) Minimum staff-child ratios and group sizes as specified in table HFS 45.05 shall be maintained during night care.

(c) The parent or center shall provide each child in night care with an individually labeled sleeping garment and a toothbrush.

(3) PROGRAM. (a) Child care staff shall ascertain from a child's parent a child's typical family activities during the period the child is at the center for night care and strive to replicate those activities with the child.

(b) A center offering night care shall provide a self-contained room away from sleeping children where an awake child may engage in activities.

(c) An evening and morning schedule of program activities shall be planned for the hours that children in night care are awake.

(d) School-age children shall have an opportunity to read or do school work.

(4) PREVENTIVE MEASURES. (a) A provider shall develop, submit to the department for approval and implement a plan to evacuate sleeping children in an emergency. Review of the plan shall be part of orientation under s. HFS 45.05 (2).

(b) Centers operating during hours of darkness shall have emergency lighting, such as an operable flashlight, readily available to a provider.

(c) Providers shall be awake, available, within call and able to respond to the needs of the children whenever children are in care.

(5) FEEDING. (a) Breakfast shall be served to all children in care for the night, unless the parent specifies otherwise.

(b) A nighttime snack shall be available to all children in care.

(c) A child present at the time the evening meal is served shall be served the evening meal.

(6) SLEEP. (a) Children who attend the center for the evening hours but not the whole night shall have an opportunity to sleep, as needed.

(b) Sleep routines for individual children shall be based on information provided by the parents.

(c) A bed, crib or cot with sheets and blankets individual to each child shall be provided for children spending the night.

(d) The center shall maintain a supply of extra sleeping garments and bedding for emergencies and accidents.

(e) Children under 2 years of age in night care shall sleep in cribs.

HFS 45.11 Licensing administration. (1) LICENSING REQUIREMENT. If a person provides care on a regular basis to 4 or more children under the age of 7 years, that person shall be deemed to be providing care for compensation and shall be licensed.

(2) GENERAL CONDITIONS FOR APPROVAL OF LICENSE. (a) Prior to receiving or continuing a license, an applicant for a license under this chapter shall complete all application forms truthfully and accurately and pay all fees and forfeitures that are due to the department.

(b) The department may refuse to issue or continue a license if another center operated by the licensee is in substantial non-compliance with the licensing rules or has any outstanding fines or forfeitures.

(c) Persons licensed to operate a family child care center shall be responsible, mature individuals who are fit and qualified. In determining whether an applicant is fit and qualified, the department shall consider any history of civil or criminal violations or other offenses substantially related to the care of children by the applicant, owner, manager, representative, employee, center resident or other individual directly or indirectly participating in the operation of the family child care center. A determination that a person is unfit and unqualified includes substantiated findings of child abuse or neglect under ch. 48, Stats., or substantiated abuse under ch. 50, Stats., or under similar statutes in another state or territory whether or not the abuse or neglect results in a criminal charge or conviction.

(d) The department shall issue a family child care license to an applicant within 60 working days after receipt and department approval of a properly completed application, satisfactory department investigation and determination that the applicant is fit and qualified. Continued licensure requires a licensee to remain fit and qualified.

(e) If the department has reason to believe that the physical or mental health of any person associated with the care of children at the center or any household resident of the center may endanger children in care, the department may require that a written statement be submitted by a physician or, if appropriate, by a licensed mental health professional that certifies the condition of the individual and the possible effect of that condition on the family child care center or the children in care.

(f) The department may deny or revoke the license if the examination specified under par. (e) gives the department reasonable concern for the care of children.

(g) The department may not process an application for a license if the applicant has had a license or certification to operate a child care center revoked or denied within the last 2 years prior to the date of the application. An applicant is deemed ineligible to submit an application for a license and a person may not hire an employee within 2 years from the date an applicant employee had a child care license revoked or denied.

(3) INITIAL APPLICATION FOR A PROBATIONARY LICENSE. (a) An applicant for a license shall have obtained pre-licensing technical assistance that results in a completed initial licensing study checklist from a representative of the department prior to submitting an application for a license.

Note: 1. Information on how to obtain pre-licensing technical assistance is available from the appropriate regional office in Appendix A. The Department will provide the application form to an applicant upon completion of the pre-licensing technical assistance.
2. An initial licensing study checklist includes a list of those rules that must be met before a license can be issued. A copy of the checklist is available from a representative of the Department or the appropriate regional office in Appendix A.

HFS-0064 Background Information Disclosure
DMT-25 Forms Requisition Request

YES
YES

This rule shall take effect on January 1, 2005, as provided in s. 227.22 (2), Stats.

Wisconsin Department of Health and
Family Services

Dated:

By: _____

Helene Nelson
Secretary

SEAL:

Appendix E

INSTRUCTIONS FOR OBTAINING DEPARTMENT FORMS FOR GROUP CHILD CARE CENTERS Revised [Revisor to insert effective date]

The Department forms listed below are arranged in two categories: 1) those that the Department requires group child care centers to use are designated as "REQUIRED"; and 2) those that the group child care center may choose to use, at their option, if they do not wish to use another form that records the same information. Forms designated as "REQUIRED" shall be used by licensees.

Applicants and licensees may use Adobe Acrobat pdf forms on the following list for which the Department has available at its website: http://www.dhfs.state.wi.us/rl_dhfs/INDEX.HTM.

Applicants and licensees may complete the form online at the Department's website, save the file to their hard drive and print a copy for their records. Licensees without Internet access, or those wanting to request a form from the Department may do so by writing to the address provided below. **The Department will send only one copy of each form to each applicant or licensee.** Applicants and licensees may reproduce as many paper and electronic forms as they need.

Department of Health and Family Services
Division of Children and Family Services
Forms Manager
P.O. Box 8916
Madison, WI 53708-8916

<u>FORM #</u>	<u>FORM TITLE</u>	<u>REQUIRED?</u>
CFS-0052	Vehicle Safety Inspection	YES
CFS-0053	Child Care Staff Record	
CFS-0053A	Child Care Staff Continuing Education Record	YES
CFS-0054	Child Care Provider Staff Health Report	YES
CFS-0055	Child Care Accident Report	
CFS-0056	Child Care Center Transportation Permission	
CFS-0057	Child Care Informed Consent for Observation or Testing by an Outside Agency	
CFS-0058	Child Care Field Trip or Other Activity Notification / Permission	
CFS-0058A	Notificación / Permiso Para Excursiones O Otra Actividad De Guardería De Niños	
CFS-0059	Authorization to Administer Medication	
CFS-0059A	Autorización Para Administrar Medicamentos	
CFS-0060	Child Health Report - In-Home, Family Child Care, Child Care Centers	YES
CFS-0060A	Reporte de Salud del Niño en el Hogar, Guardería Familiares, Guardería Grupal	
CFS-0061	Child Care Intake for Child Under 2 Years	
CFS-0062	Child Care Child Enrollment and Health History	Health History Required
CFS-0062A	Matriculación de Niños en Guarderías e Historia de Salud	
CFS-0078	Child Care Staff-Child Ratio Worksheet – Group Child Care Centers	
CFS-0104	Child Care School-Age Agreement (Reverse side of CFS-56)	
CFS-0543	Group Child Care Center Fire and Safety Checklist	
CFS-0865	Child Care Center Safety Checklist	
CFS-1675	Child Care Child Record Checklist	
CFS-1675A	Group Child Care Staff Record Checklist	
CFS-2026	Group Child Care Staff Orientation Checklist	
CFS-2027	Group Child Care Volunteer Training Confirmation	
CFS-2048	Group Child Care Policy Checklist	YES
DPH-4192	Child Care Immunization Record	
DPH-4192S	Registro De Immunizacion Para Guardería de Niños	

Appendix D

CONSUMER PRODUCTS SAFETY COMMISSION (www.cpsc.gov)

Your Used Crib Could Be DEADLY CPSC Document # 5020

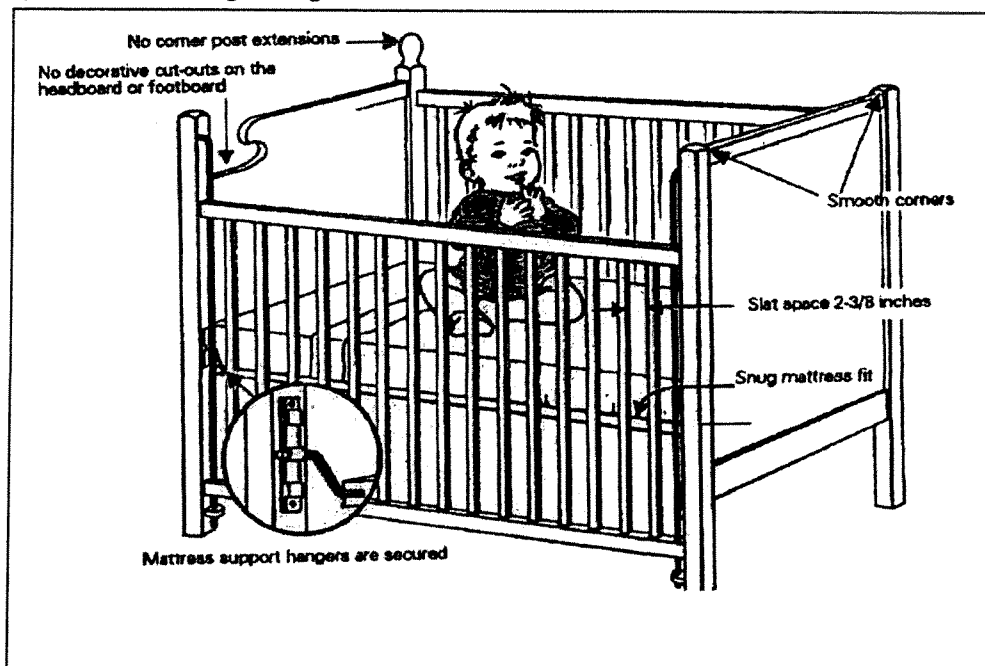
An unsafe used crib could be very dangerous for a baby. Each year, about 50 babies suffocate or strangle when they become trapped between broken crib parts or in cribs with older, unsafe designs.

A safe crib is the best place to put a baby to sleep. Look for a crib with a certification seal showing that it meets national safety standards.

If a crib does not meet these guidelines, it may not be used by children enrolled in a child care center. To protect all children, destroy it and replace it with a safe crib.

A safe crib has:

- No missing, loose, broken, or improperly-installed screws, brackets, or other hardware on the crib or the mattress support.
- No more than 2 3/8 inches between crib slats so a baby's body cannot fit through the slats.
- A firm, snug-fitting mattress so a baby cannot get trapped between the mattress and the side of the crib.
- No corner posts over 1/16 of an inch above the end panels (unless they are over 16 inches high for a canopy) so a baby cannot catch clothing and strangle.
- No cutout areas on the headboard or foot board so a baby's head cannot get trapped.
- A mattress support that does not easily pull apart from the corner posts so a baby cannot get trapped between mattress and crib.
- No cracked or peeling paint to prevent lead poisoning.
- No splinters or rough edges.



Appendix C

CACFP MEAL PATTERN REQUIREMENTS - BIRTH THROUGH 11 MONTHS

The infant meal pattern shall contain, as a minimum, each of the following components in the amounts indicated for the specific age group.

The minimum quantity of food shall be provided to the infant, but may be served during a span of time consistent with the infant's eating habits.

Infant Meal Pattern

Birth Through 3 Months	4 Through 7 Months	8 Through 11 Months
BREAKFAST		
4 - 6 fl. oz. Formula ¹ or breast milk ^{5,6}	4 - 8 fl. oz. formula ¹ or breast milk ^{5,6}	6 - 8 fl. oz. formula ¹ or breast milk ^{5,6}
	0 - 3 T. infant cereal ² (optional)	2 - 4 T. infant cereal ²
		1 - 4 T. fruit and/or vegetable
LUNCH OR SUPPER		
4 - 6 fl. oz. formula ¹ or breast milk ^{5,6}	4 - 8 fl. oz. formula ¹ or breast milk ^{5,6}	6 - 8 fl. oz. formula ¹ or breast milk ^{5,6}
	0 - 3 T. infant cereal ² (optional)	2 - 4 T. infant cereal ² and/or
	0 - 3 T. fruit and/or vegetable (optional)	1 - 4 T. meat, fish, poultry, egg yolk, or cooked dry beans or peas, or
		1/2-2 oz. cheese or 1-4 oz. cottage cheese, cheese food, or cheese spread
		1 - 4 T. fruit and/or vegetable
SUPPLEMENT		
4 - 6 fl. oz. Formula ¹ or breast milk ^{5,6}	4 - 6 fl. oz. formula ¹ or breast milk ^{5,6}	2 - 4 fl. oz. formula ¹ , breast milk ^{5,6} , or fruit juice ³
		0 - 1/2 bread or
		0 - 2 crackers (optional) ⁴

1 Shall be iron-fortified infant formula.

2 Shall be iron-fortified dry infant cereal.

3 Shall be full strength fruit juice.

4 Shall be from whole-grain or enriched meal or flour.

5 It is recommended that breast milk be served in place of formula from birth through 11 months.

6 For some breastfed infants who regularly consume less than the minimum amount of breast milk per feeding, a serving of less than the minimum amount of breast milk may be offered, with additional breast milk offered if the infant is still hungry.

Required Guidelines for Infant Meal Pattern

Definition of Infant. Any child less than 12 months of age.

Definition of Infant Formula. Infant formula defined by USDA is "any iron-fortified infant formula intended for dietary use as a sole source for food for normal healthy infants served in liquid state at manufacturer's recommended dilution".

Infant Formula/Breast milk. The decision regarding feeding infants breast milk or the type of infant formula is one for the infant's doctor and parents/guardian to make together.

Definition of Optional. Optional foods must be served as each infant becomes developmentally ready for the specified foods.

Peanut butter or other nut or seed butter	1 Tbsp.	1 Tbsp.	2 Tbsp.
Peanuts or soynuts or tree nuts or seeds	½ oz	½ oz	1 oz
Yogurt, plain or flavored, unsweetened or sweetened	2 oz or 1/4 cup	2 oz or 1/4 cup	4 oz or 1/2 cup

- a Must be full strength fruit or vegetable juice.
- b Bread, pasta or noodle products, and cereal grains shall be whole grain or enriched, combread, biscuits, rolls, muffins, etc., shall be made with whole grain or enriched meal or flour.
- c Either volume (cup) or weight (oz), whichever is less.
- d No more than 50% of the requirement shall be met with tree nuts or seeds. Tree nuts and seeds shall be combined with another meat/meat alternate to fulfill the requirement. For purpose of determining combinations, 1 oz. Of nuts or seeds is equal to 1 oz. of cooked lean meat, poultry or fish.
- e Serve 2 or more kinds of vegetable(s) and/or fruit(s). Full strength vegetable or fruit juice may be counted to meet not more than one-half of this requirement.
- F Juice may not be served when milk is the only other component.
- g Alternate protein products may be used as acceptable meat alternates.
- h One-half egg meets the required minimum amount (one-ounce or less) of meat alternate.

Appendix B

CACFP MEAL PATTERN REQUIREMENTS - AGES 1 to 12

The meal pattern shall contain, as a minimum, each of the following components in the amounts indicated for the specific age group.

	Ages 1 & 2	Ages 3, 4, & 5	Age 6 up to 12
BREAKFAST			
1. Milk, fluid	1/2 cup	3/4 cup	1 cup
2. Juice, ^a fruit or vegetable or Fruit(s) or vegetable(s)	1/4 cup	1/2 cup	1/2 cup
3. Grains/Breads: ^b			
Bread	1/2 slice	1/2 slice	1 slice
Cornbread, biscuits, rolls, muffins, etc ^b	1/2 serving	1/2 serving	1 serving
Cereal:			
Cold dry	1/4 cup or 1/3 oz ^C	1/3 cup or 1/2 oz ^C	3/4 cup or 1 oz ^C
Hot cooked	1/4 cup total	1/4 cup	1/2 cup
Cooked pasta or noodle products	1/4 cup	1/4 cup	1/2 cup
LUNCH OR SUPPER			
1. Milk	1/2 cup	3/4 cup	1 cup
2. Meat or meat alternate:			
Meat, poultry, fish, cheese	1 oz	1+1/2 oz	2 oz
Alternate protein products ^g	1 oz	1+1/2 oz	2 oz
Yogurt, plain or flavored, unsweetened or sweetened	4 oz or 1/2 cup	6 oz or 3/4 cup	8 oz or 1 cup
Egg	½ egg	¾ egg	1 egg
Cooked dry beans or peas	¼ Cup	3/8 cup	1/2 cup
Peanut butter or other nut or seed butter	2 Tbsp.	3 Tbsp.	4 Tbsp.
Peanuts or soynuts or tree nuts or seeds	1/2 oz = 50% ^d	3/4 oz = 50% ^d	1 oz = 50% ^d
3. Vegetable and/or fruit ^e (at least two)	1/4 cup total	1/2 cup total	3/4 cup total
4. Grains/Breads: ^b			
Bread	1/2 slice	1/2 slice	1 slice
Cornbread, biscuits, rolls, muffins, etc ^b	1/2 serving	1/2 serving	1 serving
Cereal, hot cooked	1/4 cup total	¼ cup	1/2 cup
Cereal, cold, dry	1/4 cup or 1/3 oz ^C	1/3 cup or 1/2 oz ^C	3/4 cup or 1 oz ^C
Cooked pasta or noodle products	1/4 cup	¼ cup	1/2 cup
SUPPLEMENT			
Select two of the following four components:			
1. Milk	1/2 cup	1/2 cup	1 cup
2. Juice, a,f fruit or vegetable or Fruit(s) or vegetable(s)	1/2 cup	1/2 cup	3/4 cup
3. Grains/Breads: ^b			
Bread	1/2 slice	1/2 slice	1 slice
Cornbread, biscuits, rolls, muffins, etc ^b	1/2 serving	1/2 serving	1 serving
Cereal:			
Cold dry	1/4 cup or 1/3 oz ^C	1/3 cup or 1/2 oz ^C	3/4 cup or 1 oz ^C
Hot cooked	1/4 cup	1/4 cup	1/2 cup
4. Meat or meat alternate			
Meat, poultry, fish, cheese	½ oz	½ oz	1 oz
Alternate protein products ^g	½ oz	½ oz	1 oz
Egg, Large ^h	1/2 egg	1/2 egg	1/2 egg
Cooked dry beans or peas	1/8 cup	1/8 cup	1/4 cup

Appendix A

REGIONAL OFFICES OF THE DIVISION OF CHILDREN AND FAMILY SERVICES

The Department of Health and Family Services licenses day care centers through five Division of Children and Family Services regional offices. Below are addresses and phone numbers of the regional offices and related counties.

Northeastern Office

(Green Bay)
200 North Jefferson
Suite 411
Green Bay, WI 54301-5191
(920) 448-5312

Brown, Calumet, Door, Fond du Lac, Green
Lake, Kewaunee, Manitowoc, Marinette,
Marquette, Menominee, Oconto, Outagamie,
Ozaukee, Shawano, Sheboygan, Washington,
Waupaca, Waushara, Winnebago,

Northern Office

(Rhineland)
1853 North Stevens Street
P.O. Box 697
Rhineland, WI 54501-0697
(715) 365-2500

Ashland, Bayfield, Florence, Forest, Iron,
Langlade, Lincoln, Marathon, Oneida, Portage,
Price, Sawyer, Taylor, Vilas, Wood

Southeastern Office

(Waukesha)
141 N.W. Barstow Street, Room 104
Waukesha, WI 53188-3789
(262) 521-5100

Kenosha, Milwaukee, Racine, Waukesha

Southern Office

(Madison)
2917 International Lane, Suite 110
Madison, WI 53704
(608) 243-2400

Adams, Columbia, Crawford, Dane, Dodge,
Grant, Green, Iowa, Jefferson, Juneau,
Lafayette, Richland, Rock, Sauk, Walworth

Western Office

(Eau Claire)
610 Gibson Street Suite 2,
Eau Claire, WI 547013695
(715) 836-2157

Barron, Buffalo, Burnett, Chippewa, Clark,
Douglas, Dunn, Eau Claire, Jackson, LaCrosse,
Monroe, Pepin, Pierce, Polk, Rusk, St. Croix,
Trempealeau, Vernon, Washburn

2. Issue a decision no later than 30 calendar days after holding the hearing, unless both parties agree to a later date.

3. May dismiss the petition if it determines that the petitioner has abandoned the request pursuant to par. (b) 4.

(d) If, under s. HA 3.09, the division of hearing and appeals issues a proposed decision, both parties may file comments on the decision with the division of hearings and appeals within 15 calendar days from the date of the proposed decision's issuance. At the close of the comment period, the division shall forward a decision and comments to the secretary for issuance of a final decision, and the secretary shall issue the final decision within 30 calendar days thereafter. The decision of the division of hearings and appeals administrative law judge, if adopted by the secretary, constitutes the final decision of the department.

HFS 46.12 Complaints, inspections and enforcement actions. (1) COMPLAINTS. (a) Anyone having a complaint about a licensed or illegally operating group child care center may submit that complaint to the department by telephone, letter or personal interview. A representative of the department shall investigate every complaint. If requested by the complainant, the department shall provide the complainant a written report of the investigation findings.

Note: A complaint should be sent, phoned or delivered to the appropriate Division of Children and Family Services regional office listed in Appendix A.

(b) The licensee may not discharge an employee because that employee has reported violations of this chapter to the representative of the department.

(2) INSPECTION. Pursuant to s. 48.73, Stats, the department may visit and inspect any group child care center at any time during licensed hours of operation. A department licensing representative shall have unrestricted access to the premises identified in the license, including access to children served and staff records and any other materials or other individuals having information on the group child care center's compliance with this chapter.

(3) ENFORCEMENT ACTION. The department may order any sanction or impose any penalty on a licensee in accordance with s. 48.685, 48.715 or 48.76, Stats.

5. The licensee or a person under the supervision of the licensee has committed an action or has created a condition relating to the operation or maintenance of the day care center that directly threatens the health, safety or welfare of any child under the care of the licensee.

(b) An order summarily suspending a license and closing a group child care center may be a verbal order by a licensing representative of the department. Within 72 hours after the order takes effect, the department shall either permit the reopening of the center or proceed under sub. (7) or (8) to revoke the license. A preliminary hearing shall be conducted by the department of administration's division of hearings and appeals, within 10 working days after the date of the initial order to close, on the issue of whether the license shall remain suspended during revocation proceedings.

(10) APPEAL OF DECISION TO DENY OR REVOKE A LICENSE. (a) Any person aggrieved by the department's decision to deny a probationary or regular license or to revoke a license may request a hearing on that decision under s. 227.42, Stats. The request for a hearing shall be in writing and submitted to the department of administration's division of hearings and appeals. The request for a hearing shall be received by the division of hearings and appeals within 10 days after the date of the notice under sub. (8). A request for a hearing is considered filed upon its receipt by the division of hearings and appeals. A request for a hearing transmitted by facsimile to the division of hearings and appeals shall be considered filed on the date and time imprinted by the division's facsimile machine on the transaction report that accompanies the document. Documents received by facsimile after midnight local time shall be deemed filed on the first following business day.

Note: A request for hearing should be submitted by mail to the Division of Hearings and Appeals, P.O. Box 7875, Madison, Wisconsin 53707-7875, or should be delivered to the Division at 5005 University Ave., Room 201, Madison, Wisconsin. Hearing requests may be faxed to 608-264-9885. A copy of the request should be sent to the appropriate Division of Children and Family Services regional office listed in Appendix A.

(b) The division of hearings and appeals shall conduct an administrative hearing under s. 227.42, Stats., within 30 calendar days after receipt of the request for the administrative hearing, unless any of the following occurs:

1. The aggrieved person consents to an extension of that time period.
2. The petitioner withdraws the request in writing.
3. The petitioner agrees in writing to accept an informal resolution of the appeal.
4. The petitioner abandons the hearing request. The division of hearings and appeals shall determine that abandonment has occurred when the petitioner, without good cause, fails to appear personally or by representative at the time and place set for the hearing or scheduled pre-hearing matters. Abandonment may also be deemed to have occurred when the petitioner or the authorized representative fails to respond within a reasonable time to correspondence from the division regarding the hearing or when the petitioner is not at an agreed-upon telephone number at the agreed time.

(c) The division of hearings and appeals:

1. Shall consider and apply all standards and requirements of this chapter.

(c) The department shall deny or refuse to continue or revoke a license if the applicant or licensee has failed to pay court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse or for the failure of the applicant or licensee to comply, after appropriate notices, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53(5), Stats., and related to paternity or child support proceedings, as provided in a memorandum of understanding entered into under s. 49.857, Stats. Notwithstanding s. 48.72, Stats., an action taken under this subsection is subject of review only as provided in the memorandum of understanding entered into under s. 49.587, Stats., and not as provided in s. 48.72, Stats.

(d) The department shall deny an application for the issuance or continuation of a license or revoke a license if the department of revenue certifies under s. 73.0301, Stats., that the applicant or licensee is liable for delinquent taxes. An action taken under this subsection is subject to review only as provided under s. 73.0301 (5), Stats., and not as provided in s. 48.72, Stats.

(8) EFFECT OF NOTICE TO DENY OR REVOKE A LICENSE. (a) 1. If the department decides under sub. (7) to deny the grant of a license or to revoke a license, the department shall notify the applicant or licensee in writing of its decision and the reasons for that decision.

2. If the department revokes a license, the effective date of the revocation shall be either immediately or 30 days after the date of the notice, based on the criteria under s. 48.715 (4m) (a) and (b), Stats., unless the decision is appealed under sub. (11).

(b) Upon receipt of the notice in par. (a) and during any revocation or denial procedures that may result, a group child care center may not accept for care any child not enrolled as of the date of receipt of the notice without the written approval of the department.

(9) SUMMARY SUSPENSION OF A LICENSE. (a) Under the authority of s. 227.51 (3), Stats., the department shall summarily suspend a license and close a group child care center when the department finds that the public health, safety or welfare requires emergency action and incorporates a finding to that effect into its order. A finding of a requirement for summary suspension of the license may be based on any of the following:

1. Failure of the licensee to provide environmental protections for the children, such as heat, water, electricity or telephone service.

2. The licensee, an employee, a volunteer or any other person in regular contact with the children in care has been convicted of or has a pending charge for a crime against life or bodily security.

3. The licensee, an employee, a volunteer or any other person in regular contact with the children in care has been convicted of a felony, misdemeanor or other offense that substantially relates to the care of children or activities of the center or has a pending charge that substantially relates to the care of children or activities of the center.

4. The licensee, employee, volunteer or any other person in regular contact with the children in care is the subject of a current investigation for alleged child abuse or neglect pursuant to s. 48.981, Stats., or has been determined by a child protective services agency or law enforcement agency to have abused or neglected a child.

(6) **ADDITIONAL LICENSE.** A licensee applying for a license for an additional center location shall demonstrate compliance with this chapter in the operation of the existing center he or she operates and compliance with rules for any other facility licensed by the department and operated by the licensee. The licensee shall pay any fines, forfeitures or other fees due and owing under s. 48.715, Stats., or s. 48.65, Stats., on other facilities licensed by the department before the department issues an additional license.

(7) **LICENSE DENIAL OR REVOCATION.** (a) The department may deny, revoke or suspend a license, initiate other enforcement actions specified in this chapter or in ch. 48, Stats., or place conditions on a license if the applicant or licensee, a proposed or current employee, a volunteer or any other person having regular contact with the children, has or has been any of the following:

1. The subject of a pending criminal charge for an action that substantially relates to the care of children or activities of the center.

2. Convicted of a felony, misdemeanor or other offense that substantially relates to the care of children or activities of the center.

3. Determined to have abused or neglected a child pursuant to s. 48.981, Stats., or has been determined to have committed an offense which substantially relates to the care of children or the activities of the center.

4. The subject of a substantiated finding of misconduct in the department's nurse aide registry under s. HFS 129.10.

5. The subject of a court finding that the person has abandoned his or her child, has inflicted sexual or physical abuse on a child or has neglected or refused, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter for his or her child or ward or a child in his or her care so as to seriously endanger the physical health of the child.

6. Had a child care license or certification revoked or denied within the last 5 years.

7. Violated any provision of this chapter or ch. 48, Stats., or fails to meet the minimum requirements of this chapter.

8. Made false statements or withheld information.

Note: Examples of charges and offenses the department will consider in making a determination under this paragraph that an act substantially relates to the care of children are: abuse or neglect of a child; sexual assault; abuse of a resident of a facility; a crime against life and bodily security; kidnapping; abduction; arson of a building or of property other than a building; robbery; receiving stolen property from a child; a crime against sexual morality, such as enticing a minor for immoral purposes or exposing a minor to harmful materials; and interfering with the custody of a child. The list is illustrative. Other types of offenses may be considered.

(b) The department may deny, revoke, refuse to renew or suspend a license, initiate other enforcement actions specified in this chapter or in ch. 48, Stats., or place conditions on the license if the applicant or licensee is not fit and qualified as determined under sub. (1).

(b) At least 30 days before the continuation review date of the license, an applicant for license renewal shall submit to the department the following materials:

1. A completed license continuation application.
2. Any completed background information disclosure forms required under s. 48.685, Stats, including any applicable fees.
3. The license renewal fee under s. 48.65 (3) (a), Stats., and any forfeiture due and owing under s. 48.715 (3), Stats., or penalty under s. 48.76, Stats.
4. Any changes to center policies, if not previously submitted.

Note: The department will supply a copy of the CFS-65 Group Child Care Center License Application form prior to the continuation date of the license.

(c) If the department determines that the licensee has met the minimum requirements for a license under s. 48.67, Stats., has paid the applicable fees referred to in ss. 48.65 and 48.685 (8), Stats., any forfeiture under s. 48.715 (3) (a), Stats., and any penalty under s. 48.76, Stats., the department shall continue the license for an additional 2 years.

(5) AMENDING A LICENSE. (a) A licensee shall submit to the department a written request for an amendment to the license if the licensee wishes to change any of the following aspects of the license:

1. A change in the licensed capacity of the center.
2. The age range of the children.
3. The hours of the center's operation.
4. The days of the week the center is in operation.
5. The months of the year the center is in operation.
6. The name of the center.

(b) A licensee may not make a change that affects a condition of the license under par. (a) without the prior written approval of the department.

(c) A licensee may not move the center to a new location or change ownership of the center without notifying the department at least 30 days prior to the change. A new application and license is required when a center moves or changes ownership.

Note: The Department's form CFS-0065 Group Child Care License Application is used to apply for a new license. The Department will provide an application prior to the continuation date for a new license or when notified by the licensee of a change that will affect a condition of the license.

(d) A licensee proposing to increase the licensed capacity of a center shall demonstrate compliance with this chapter in the operation of the existing center and compliance with rules for any other facility licensed by the department and operated by the licensee.

4. A statement from the applicant that indicates the center is in compliance with all applicable items in this chapter.

5. A copy of all the policies required under s. HFS 46.04 (2) (h) and (i) and a completed copy of the group child care policy checklist provided by the department.

Note: Information on how to obtain a copy of CFS-2048 Group Child Care Policy Checklist is available in Appendix E.

6. Any other materials determined by the department as necessary to complete the department's licensing investigation.

(d) Upon submission of a complete application, the department shall conduct an investigation to determine whether the applicant is eligible for a license.

(e) If the department determines that the applicant is eligible for a license, the department shall issue a probationary license having a 6-month duration. A probationary license may be renewed for one 6-month period.

(f) If the department determines that an application does not comply with the applicable requirements of this chapter or the department's investigation determines that the applicant is not eligible for a license, the department may deny the application.

(g) The department shall consider a licensee who fails to submit any of the materials described in sub. (3) or (4) by the expiration date of a license to have surrendered his or her license and to no longer hold title to the license. The former licensee may not continue to operate the child care center.

(3) OBTAINING A REGULAR LICENSE (a) At least 30 days before the expiration date of a probationary license, an applicant for license renewal shall submit to the department the following materials:

1. A completed license application.

2. Any completed background information disclosure forms required under s. 48.685, Stats., including any applicable fees.

3. The license renewal fee under s. 48.65 (3) (a), Stats., and any forfeiture due and owing under s. 48.715 (3), Stats., or penalty under s. 48.76, Stats.

4. Any changes to center policies, if not previously submitted.

(b) If the department determines that the applicant has met the minimum requirements for a license under s. 48.67, Stats., and if the applicant has paid any applicable fees under ss. 48.65 and 48.685 (8), Stats., any forfeiture under s. 48.715 (3) (a), Stats., and any applicable penalty under s. 48.76, Stats., the department shall issue a regular license. Regular licenses shall be reviewed and continued for a 2-year period.

(4) CONTINUING A REGULAR LICENSE. (a) A regular license shall be valid indefinitely, unless suspended or revoked by the department or surrendered by the licensee.

center. A determination of being unfit and unqualified includes substantiated findings of child abuse or neglect under ch. 48, Stats., or substantiated abuse under ch. 50, Stats., or under similar statutes in another state or territory whether or not it results in a criminal charge or conviction.

(e) The department shall issue a group child care license to an applicant within 60 working days after receipt and department approval of a properly completed application, satisfactory department investigation and determination that the applicant is fit and qualified. Continued licensure requires a licensee to remain fit and qualified.

(f) If the department has reason to believe that the physical or mental health of any person associated with the care of children at the center or any household resident of the center might endanger children in care, the department may require that a written statement be submitted by a physician or, if appropriate, by a licensed mental health professional that shall certify the condition of the individual and the possible effect of that condition on the group child care center or the children in care.

(g) The department may deny or revoke the license if the examination specified under par. (f) gives the department reasonable concern for the care of children.

(h) The department may not process an application for a license if the applicant has had a license or certification to operate a child care center revoked or denied within the last 2 years. An applicant is deemed ineligible to submit an application for a license and a licensee may not hire an employee within 2 years from the date an applicant or employee had a child care license revoked or denied.

(2) INITIAL APPLICATION FOR A PROBATIONARY LICENSE. (a) An applicant for a license shall participate in pre-licensing technical assistance towards the completion of the initial licensing study checklist with a representative of the department prior to submitting an application for a license.

Note: 1. Information on how to obtain pre-licensing technical assistance is available from the appropriate Division of Children and Family Services regional office in Appendix A. The Department will provide the application form to a license applicant upon completion of the pre-licensing technical assistance.

2. An initial licensing study checklist includes a list of those licensing rules that must be met before a license can be issued. A copy of the checklist is available from a representative of the Department or from the appropriate regional office in Appendix A.

(b) An applicant for a license shall submit an application at least 60 days before the date proposed for the center to begin operating.

(c) An applicant for an initial license shall include all the following with the application form:

1. The license fee required under s. 48.65 (3) (a), Stats.

2. A completed background information disclosure form provided by the department for the applicant and, if the center will be located in a residence, any household member aged 10 and above.

3. A statement from a representative of the department that details the results of any pre-licensing technical assistance.