

Chapter HFS 57

GROUP FOSTER CARE FOR CHILDREN

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Note: Ch. HSS 57 was renumbered to ch. HFS 57 under 13.93 (2m) (b) 1., Stats. and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, December, 1999, No. 528.

HFS 57.01 Introduction. (1) **PURPOSE.** The purpose of this chapter is to protect and promote the health, safety and welfare of children placed in group homes.

(2) **STATUTORY AUTHORITY.** This chapter is promulgated under the authority of s. 48.67, Stats., to carry out licensing duties authorized under s. 48.66, Stats., and to establish fair hearing procedures under s. 48.64 (4), Stats.

(3) **EXCEPTIONS TO RULES.** The department may make exceptions to any of the rules for licensing group foster homes when the department is assured that granting exceptions is not detrimental to the health, safety or welfare of children.

History: Cr. Register, March, 1983, No. 327, eff. 4-1-83.

HFS 57.015 Compliance with administrative rules and laws. A person who is licensed under this chapter shall operate the group home in compliance with this chapter, the provisions of the license, and applicable state, federal, and local law.

History: CR 04-040: cr. Register December 2004 No. 588, eff. 1-1-05.

HFS 57.02 Definitions. As used in this chapter:

(1) "Caretaker" means an employee of a group home who provides care and supervision of the foster children in the home on a regularly scheduled full-time or part-time basis.

(2) "Child" means a person under 18 years of age.

Note: There are now 5 geographic areas designated by the department to be its principal field service areas.

(3) "Child welfare agency" means an agency licensed under s. 48.60, Stats.

(4) "Claimant" means a person licensed to operate a group home under s. 48.66, Stats., and affected by a decision or order issued by the licensing agency.

(5) "Department" means the department of health and family services.

(6) "Division" means the department's division of children and family services.

(7) "Foster child" means a child placed for care and maintenance, with or without transfer of legal custody, in a group home for children.

(8) "Group home" means a facility operated by a person required to be licensed under s. 48.625, Stats., and licensed by the department under s. 48.66, Stats., to provide 24-hour care for 5 to 8 children.

(a) "Corporation-operated group home" means a home for which the licensee is a non-profit or proprietary corporation which operates one or more group homes;

(b) "Family-operated group home" means a home for which the licensee is one or more individuals who operate not more than one group home;

(c) "Agency-operated group home" means a home for which the licensee is a public agency other than the department.

(9) "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, to major surgery and to adoption.

(10) "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 needs. "Legal custody" has the meaning prescribed in s. 48.02 (12), Stats.

(11) "Licensee" means a person licensed by the department under s. 48.66, Stats.

(12) "Limited mobility or functioning" means a condition resulting from any mental, developmental or physical limitation which restricts the child's ability to move without assistance or to function without direct supervision.

(13) "Relief help" means an individual who irregularly and infrequently replaces caretakers for brief periods of time. An individual regularly scheduled to replace a caretaker on days off or for prolonged periods is not relief help but an additional caretaker.

(14) "Sponsoring agency" means a child welfare agency licensed to place children in group homes, a county agency specified in s. 48.56 (1), Stats., or the department, which enters into a contract in writing with the licensee, specifying the program under which the group home shall be operated and for exclusive placement of children in the home.

(15) "Supervising agency" means the agency which is responsible for the supervision of the child in a group home and which also places the child in the group home unless a court of record has placed the child.

(16) "Regions" means the 6 geographical areas of Wisconsin which are designated by the department to be its principal field service areas.

Note: There are now 5 geographic areas designated by the department to be its principal field service areas.

(17) "Volunteer" means an individual who provides services to a group home but is not paid for those services, except that the individual may be reimbursed for expenses.

History: Cr. Register, March, 1983, No. 327, eff. 4-1-83.

HFS 57.03 Fair hearing. (1) **APPEAL.** Any applicant for a license to operate a group home who is denied a license, or any operator of a group foster home who is aggrieved by a decision or order issued by a division of the department, a county department of social services or a child welfare agency affecting the claimant or the children involved, may appeal the decision or order to the department as authorized by s. 48.64 (4), Stats., by asking for a hearing in accordance with procedures set out in this section and ss. 48.64 (4) and 227.42 to 227.51, Stats.

(2) **REQUEST FOR A HEARING.** A request for a hearing shall be addressed to the department of administration's division of hearings and appeals. The date of the request for hearing shall be the date on which the request is received by that office. Any request for a hearing shall be made within 60 days following the decision, order or inaction to be reviewed.

Note: The mailing address of the division of hearings and appeals is P.O. Box 7875, Madison, WI 53707.

(3) **ARRANGEMENTS FOR A HEARING.** In response to a request for a hearing under this section, the director of the division of hearings and appeals shall appoint a hearing examiner, set a date for the hearing, and notify the parties at least 10 days before the hear-

ing of the date, time and place of the hearing and of the procedures to be followed.

History: Cr. Register, March, 1983, No. 327, eff. 4-1-83.

HFS 57.04 Group home administrative arrangements. (1) **CONTRACT WITH SPONSORING AGENCY.** Any individual or organization wanting to operate a group home, except a county agency specified in s. 48.56, Stats., or a child welfare agency licensed to place children in group homes under s. 48.60, Stats., shall contract in writing with one sponsoring agency, specifying the program under which the home shall be operated and providing for the exclusive placement of children in the group home by or through that sponsoring agency.

(2) **CORPORATION-OPERATED GROUP HOMES.** (a) *Incorporation.* 1. Any group of persons wishing to establish one or more corporation-operated group homes shall be incorporated in accordance with the laws of the state of Wisconsin.

2. Except for a non-profit corporation which does not issue capital stock, any corporation which is incorporated outside of Wisconsin shall secure authorization from the secretary of state to do business in Wisconsin.

(b) *Boards of directors.* 1. Each corporation shall be governed by a board of directors which is responsible for the operation of the corporation according to its defined purpose.

2. No member of the board shall be an employee of the corporation or the spouse of an employee unless the corporation is a non-profit non-stock corporation incorporated in Wisconsin for the sole purpose of operating one group foster home.

3. The board shall:

a. Establish written policies to be followed by the corporation in operation of the group home and regular planned review of its policies and practices.

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

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

d. Designate an executive and delegate to the executive responsibility for the administration of the group home.

4. Meet at least quarterly and keep minutes of each meeting which shall be made a part of the permanent records of the corporation.

(c) *Financial arrangements.* 1. The board with the executive shall be responsible for the secure and judicious use of the funds of the group home. Policies and practices shall be in accord with sound budgeting, disbursement and audit control procedures.

2. Each corporation shall:

a. Have a sound, written plan of financing to assure sufficient funds to enable it to carry out its defined purposes and to provide proper care for foster children.

b. Maintain a system of business management and staffing to assure maintenance of complete and accurate accounts, books and records.

c. Upon request, provide the department with financial information about the corporation or about any group home operated by the corporation.

(3) **FAMILY-OPERATED GROUP HOMES.** The family-operated group home shall maintain an accurate bookkeeping system which identifies income and disbursement by categories for each foster child and for the home.

(4) **AGENCY-OPERATED GROUP HOMES.** The agency-operated group home shall upon request provide the department with financial records or statements relating to the financial operation of the group home.

(5) **INSURANCE.** (a) All licensees shall carry sufficient forms and amounts of available insurance to insure the liability risks of

the home in the provision of services and to give reasonable protection to its assets.

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

(6) **APPLICATION.** (a) Application for a license shall be on forms provided by the department and signed by:

1. An authorized representative of the corporation or public agency, or

2. The individuals making application for a family-operated group home.

(b) Within 60 days after receiving a complete application for a group home license, the department shall make a determination on the application. If the applicant meets the requirements of this chapter, the department shall issue a license. The license shall specify the location of the group home, the sex, age and number of foster children it may receive, the expiration date of the license and any other limiting conditions. If a corporation or public agency desires to operate more than one group home, it shall apply for a separate license for each home. If the application does not meet the requirements of this chapter, the department shall deny the application and shall give the applicant reasons, in writing, for the denial.

(c) An application for renewal of a license shall be submitted by the licensee to the department at least 30 days prior to expiration of the current license or any change in the name of the licensee or location of the home.

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

1. Copies of the articles of incorporation, constitution and by-laws of the corporation;

2. Evidence that the group home meets the requirements contained herein;

3. Evidence of the availability of funds to carry the group home through the first 6 months of operation. This evidence is not limited to actual cash or credit but may be evidence of the intent of an agency to sufficiently utilize the group home to the extent that a minimum necessary population is maintained; and

4. The names, addresses and titles of the board members and the executive responsible for administration of the group home if the applicant is a corporation. If the applicant is a public agency, the name of the director and other personnel responsible for the management of the group home shall be submitted.

(e) The following material shall be submitted at the time of license renewal:

1. The names, qualifications and classifications of current staff employed at the group home or responsible for its operations;

2. A copy of any revisions of personnel practices affecting the group home which have been made since the last license was issued;

3. If the licensee is a corporation, copies of the annual reports published since the last license was issued;

4. If the licensee is a corporation, the budget for the current year and a confidential balance sheet for the period since the last license was issued; and

5. If the licensee is a corporation, a list of the current members of the board of directors, its committees and its officers.

History: Cr. Register, March, 1983, No. 327, eff. 4-1-83; am. (1), Register, December, 1983, No. 336, eff. 1-1-84; am. (6) (b), Register, October, 1985, No. 358, eff. 11-1-85.

HFS 57.05 Personnel. (1) **STAFF QUALIFICATIONS.** (a) *Age.* 1. Caretakers shall be at least 18 years of age at the time of initial licensing or employment.

2. Relief help shall be at least 18 years of age.

(b) *Character.* Caretakers and relief help shall be responsible, mature individuals of reputable character who exercise sound

judgment and evidence a capacity to provide good care for children.

(c) *Health.* 1. All caretakers, relief help, other persons who live in the home, and volunteers who work with the children shall be in good physical and mental health and not pose a threat to the health of foster children or to the quality and manner of their care.

2. If the department or the sponsoring agency has reason to believe that the physical or mental health of any caretaker, relief help, or any other individual residing in the home might endanger foster children in care, the department or agency may require that a written statement be submitted by a physician or, if appropriate, by a psychiatrist or clinical psychologist, which shall certify the condition of the individual and the possible effect on the group home environment and foster children of that condition.

3. At the time of first application for a license or within 60 days before beginning employment every caretaker and every person working as relief help more than 10 hours a week shall be examined by a physician and certified to be free of communicable disease or any other condition that may adversely affect the health of children in foster care.

(d) *Skill.* Caretakers shall have relevant experience or training in caring for children or shall agree to complete the requisite training within one year after being initially licensed or employed, and shall be trained in administering first-aid.

1. A caretaker shall:

a. Have at least one year of experience as a foster parent, an institutional houseparent, or in another child care capacity;

b. Have successfully completed at least 24 hours of relevant training in caring for children in accordance with a plan formulated by the applicant or licensee and approved by the department; or

c. Agree to complete the training specified in subd. 1. b. within one year from the time of initial licensure or employment.

2. Each caretaker shall each year receive at least 15 hours of inservice training in caring for foster children in accordance with a plan formulated by the licensee and approved by the department.

3. A caretaker shall:

a. Have successfully completed the American red cross course in first-aid training or an equivalent or more comprehensive or in-depth course in first-aid training.

b. Agree to take the next available local course in first-aid.

4. Each caretaker shall at least every 3 years update his or her knowledge of first-aid by successfully completing a course acceptable to the licensing agency.

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

1. Develop a plan for the orientation and use of volunteers; and

2. Provide ongoing supervision and evaluation of the volunteers.

(b) Volunteers who are in regular contact with foster children more than 10 hours a week shall meet the health requirements for caretakers in sub. (1) (c).

(3) **STAFFING PATTERNS.** (a) There shall be at least 2 caretakers licensed or employed for each group home.

(b) There shall be a written and workable plan for contacting another caretaker, relief help individual or other responsible adult when emergencies occur at a time when only one caretaker or relief help individual is in the home.

(c) The licensee shall not schedule relief help or volunteers to replace caretakers as the usual and primary providers of care and supervision of the foster children.

(d) A home shall have either a shift staffing arrangement or a foster parent staffing arrangement.

1. "Shift staffing arrangement" means that individuals employed by the licensee regularly provide care on a rotating or shift basis in the group home.

2. "Foster parent staffing arrangement" means that at least one individual regularly providing day-to-day care and supervision of the foster children in the group home has the home as his or her primary domicile. Individuals in this type of staffing arrangement may include:

a. Independent operators who regularly provide care in their primary domicile.

b. Employees of the licensee who regularly provide care and supervision of foster children in their primary domicile.

(e) In foster parent staffing arrangements, at least one caretaker may not have responsibilities unrelated to the group home program in excess of 10 hours a week. The second caretaker may have responsibilities away from the group home for more than 10 hours a week, but shall be otherwise available and shall make constructive contributions to the group home program.

(f) In foster parent staffing arrangements, the number of foster children received for care plus the number of children of the caretakers who live in the same house may not exceed a total of 10.

(g) At the request of the sponsoring agency or department, the licensee shall make available scheduling and time records of all caretakers, relief help and volunteers.

(4) **PERSONNEL PRACTICES.** (a) Licensees shall have written personnel policies and practices, copies of which shall be made available to persons employed as caretakers and regularly employed as relief help for more than 10 hours a week. Personnel policies and practices shall be made known to these employees at the time they are employed and shall include but not be limited to the following:

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

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

3. Probationary period;

4. Work schedule;

5. Specification of duties;

6. Evaluation standards;

7. Additional employment and voluntary activities;

8. Living arrangements;

9. Chain of command;

10. Grievance procedures; and

11. Termination procedures.

(b) A personnel record shall be maintained by the licensee for each caretaker and relief help employed more than 10 hours a week which shall contain the employee's:

1. Name and address;

2. Date of birth;

3. Training, educational and experience qualifications;

4. Short social history;

5. Reference reports, to include:

a. Character references from at least 2 people and references from previous employers; and

b. Documentation of references either by letter or verifications in the record of verbal contact giving dates, individuals making contact, individuals contacted and the responses of the references;

6. Duties, terms of employment and immediate supervisor;

7. Health record;

8. Attendance record; and

9. Annual and termination evaluation.

(c) A personnel record shall be maintained on every relief help individual employed 10 or fewer hours a week and on every volunteer. This record shall include the individual's:

1. Name and address;
2. Age;
3. Tuberculosis test results or health verification, as applicable;
4. Dates and hours employed or volunteered.

(d) A written job description for each employee shall be maintained.

(5) ORIENTATION. A plan for program orientation of new employees shall be provided and implemented.

(6) NON-DISCRIMINATION. The group home shall be in compliance with ss. 111.31 to 111.37, Stats., and with 42 USC 2000e-2000e-17.

(7) AVAILABILITY OF PERSONNEL FILE OR RECORD. Any personnel file or record shall be made available upon request to the sponsoring agency and the department.

History: Cr. Register, March, 1983, No. 327, eff. 4-1-83.

HFS 57.06 Care of children. (1) ACCEPTING CHILDREN FOR PLACEMENT. The licensee may accept for placement only children for whom the supervising and sponsoring agencies have agreed in writing as to which agency will provide the child with direct social services.

(2) SUPERVISION OF FOSTER CHILDREN. (a) Foster children under the age of 8 years or with limited mobility or functioning may not be left in the home without supervision by a caretaker or relief help individual.

(b) Foster children 8 years and older shall receive supervision appropriate to their age and maturity.

(c) Caretakers may not provide care for more than 2 foster children under 2 years of age at one time.

(d) The care of foster children may not be combined with any other service or business conducted in the home without the written approval of the department.

(e) There shall be at least one caretaker and one relief help individual in the home at those times when the total number of foster children and children of caretakers or relief help present exceeds 8 who are younger than 16 years of age. A relief help individual is not required when 2 caretakers are in the group foster home.

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

(b) Discipline shall be fair, reasonable, consistent and related to the child's behavior.

(c) A foster child may not be subjected to unusual, severe or cruel punishment.

(d) The group home shall have written house rules regarding expected behavior of foster children and related disciplinary action. House rules shall be reviewed and approved by the supervising agency.

(4) CLOTHING. (a) Caretakers shall see that funds provided for the purchase of clothing are used in such a way that foster children are comfortably and appropriately clothed within the limit of funds provided. Clothing for each foster child shall be individually selected and fitted, appropriate to the season and comparable to that of other children in the community.

(b) When possible, foster children shall participate in the selection and purchase of their clothing.

(c) Foster children's clothing shall be kept in a state of suitable repair and cleanliness.

(5) EDUCATION. (a) Caretakers shall make every reasonable effort to ensure that foster children of school age in their care regularly attend a school program unless otherwise excused by school officials.

(b) Caretakers shall make every reasonable effort to participate in school activities involving foster children in their care.

(6) WORK PERFORMED BY CHILDREN. (a) Foster children in care shall have opportunities to assume responsibility for household duties or chores appropriate to their age, health and ability.

(b) No licensee may use the labor of children as a substitute for the employment of a sufficient number of competent persons to operate and maintain the home.

(c) Household duties of foster children may not interfere with their school, sleep or study.

(7) RELIGIOUS TRAINING AND PRACTICE. Caretakers shall make every reasonable effort to make opportunities available to each foster child for religious education and attendance at services compatible with the foster child's or parents' religious heritage or preference.

(8) NUTRITION. (a) Food shall be provided to children in sufficient quantities and varieties, and shall provide for essential nutritional and dietary needs.

(b) In planning menus, consideration shall be given, whenever possible, to the religious practices and the cultural patterns of the foster children.

(c) Daily menus shall be kept on file and available to the department for at least 30 days after the meals are served.

(d) Supplementary food or modified diets as ordered by a physician shall be provided for those foster children who have special needs.

(9) RECREATION AND LEISURE TIME ACTIVITIES. The licensee shall provide recreational opportunities based on the age, abilities and interests of the foster children.

(10) VISITING. Caretakers shall cooperate with the supervising agency in seeing that an appropriate relationship is maintained between the foster child and his or her relatives in accordance with the plan delineated by the supervising agency.

(11) ALLOWANCES. Each foster child shall be given an allowance appropriate to age and maturity and in accordance with the supervising agency plan.

(12) MEDICAL CARE. (a) Each child shall receive an annual health examination as prescribed by the department.

(b) All medical reports, i.e., physical examinations, tests and recommendations, shall be in writing and filed with the supervising agency.

(c) Caretakers shall promptly carry out provisions for treatment of illness and for corrective measures and treatment of remediable defects or deformities in accordance with the supervising agency plans, by direction of the physician and with the consent of the legal guardian on medical matters as specified in s. 48.023 (1), Stats.

(d) Each foster child shall receive regular dental examinations and treatment. Each foster child shall have a thorough dental examination as soon as practical after acceptance for care and at intervals not exceeding 6 months after the last examination or completion of treatment.

(13) TRANSPORTATION. The licensee shall make every reasonable effort to provide safe transportation of foster children.

(14) FOSTER CHILD'S NAME. A foster child may not be permitted to use or be known by the foster parents' surname unless the foster child's parents or guardian give their consent in writing, or the foster child's name is changed in accordance with s. 786.36, Stats.

History: Cr. Register, March, 1983, No. 327, eff. 4-1-83.

HFS 57.07 Physical plant and environment.

(1) BUILDING SITE LOCATION. The location of the home shall be related to the program offered and age, sex, needs and interest levels of the residents as determined by the licensing agency. Factors to be considered in determining the acceptability of the location shall include access to educational, recreational, religious, shop-

ping, and cultural opportunities; proximity of health resources; and access to public and private utilities and services such as safe water supply, sewage disposal, and fire and police protection.

(2) GENERAL BUILDING REQUIREMENTS. The group home and grounds shall be maintained in a clean, safe and sanitary condition and a good state of repair.

(3) SPACE REQUIREMENTS. (a) There shall be at least 200 square feet of living space for each resident of the home. "Living space" excludes unfinished basement, attic, attached garage, or similar areas not usually occupied by a resident in daily living.

(b) There shall be at least 55 square feet of floor space in a bedroom designed for only one child, 50 square feet of floor space for each child in a bedroom occupied by 2 children and 45 square feet of floor space for each child in a bedroom occupied by 3 or 4 children.

(4) BEDROOMS. (a) Regular sleeping provisions for children may not be in any building, apartment, or other structure which is separate from the group foster home.

(b) Children may not be permitted to sleep in an unfinished attic, in an unfinished basement, or in a hall or any other room which is normally used for other than sleeping purposes.

(c) Children under the age of 8 or those with limited mobility or functioning may not be permitted to sleep in finished basement rooms or in bedrooms above the second floor.

(d) Children 8 years of age or older and without limited mobility or functioning may not be permitted to sleep in finished basement rooms unless provisions have been made for heating, ventilation and humidity control and there are 2 means of exit from the basement, at least one of which will open to the outside.

(e) Children 8 years of age or older and without limited mobility or functioning may not be permitted to sleep in bedrooms above the second floor of a one or 2 family dwelling unless provisions have been made for heating and ventilation and there are at least 2 means of exit to grade level.

(f) No child may be required to sleep in a bed with an adult.

(g) No child 6 years of age or older may be permitted to share a bedroom with a child of the opposite sex.

(h) No more than 4 children may occupy any bedroom.

(i) Children of the caretakers may not be displaced and permitted to occupy sleeping quarters not acceptable for foster children.

(j) No foster child 3 years of age or older may be required to share a bedroom with a caretaker.

(k) During sleeping hours a caretaker or relief help individual shall be within call of the foster children.

(5) STUDY AREAS. There shall be a quiet area in the home suitable for study.

(6) DINING AREAS. Dining facilities shall be of sufficient size to permit all members of the household to sit down to meals together.

(7) BATHROOM. (a) The home shall have one complete bathroom containing a stool, washbowl and a tub or shower for every 8 individuals residing in the household.

(b) Bathroom facilities shall be indoors and easily accessible from sleeping rooms occupied by children.

(8) INDOOR RECREATION AREA. Both indoor recreation equipment and space appropriate to the age and interest levels of foster children shall be provided.

(9) FURNISHINGS. (a) The living area shall be adequately furnished and shall allow for free and informal use by the children.

(b) Each foster child shall be provided with a separate bed except that 2 brothers or 2 sisters may share a double bed if available and if they so desire.

(c) Each bed shall be of such size as to ensure comfort of the child, have suitable springs in good condition, a clean and com-

fortable mattress with waterproof covering when necessary, and be provided with a pillow, 2 sheets, bedspread and blankets adequate for the season.

(d) All bed linens shall be changed at least once a week and more often if necessary.

(e) The minimum spacing between beds shall be 2 feet, and 5 feet between double-decker beds. A top-deck bed shall be at least 3 feet below the lowest point of the ceiling.

(f) The top deck of double-decker beds shall not be used for children under 8 years of age or those with handicaps limiting mobility.

(g) Triple-decker beds may not be used.

(10) KITCHEN. (a) The kitchen shall be of adequate size and equipped with adequate household appliances and utensils to meet the needs of residents.

(b) Dishes, silverware, utensils and food shall be maintained and stored in a clean and sanitary manner.

(11) LAUNDRY. (a) Private or public laundry facilities shall be available to meet the needs of all residents.

(b) Any laundry equipment in the home shall be installed and vented in accordance with the manufacturer's recommendations.

(12) STORAGE SPACE. (a) The group home shall have sufficient storage space to accommodate, within reason, each child's clothing and other belongings.

(b) All medicines shall be labeled and stored in a locked compartment designated for this use only. Medicines requiring refrigeration shall be properly stored and cleared labeled. All outdated medicines shall be destroyed.

(c) Children shall be supervised in the safe use and storage of potentially dangerous items such as, but not limited to, firearms, plastic bags, matches, knives, flammable liquids, insecticides and household poisons.

(13) TELEPHONE. A telephone shall be provided with emergency instructions posted nearby for fire, police and medical assistance.

(14) EMERGENCY EQUIPMENT. Each group home shall have first-aid supplies.

(15) OUTDOOR PLAY SPACE. Depending on the ages, needs and interest levels of the children, there shall be either protected outdoor play space or provisions for a variety of recreational activities. Means shall be provided to minimize or eliminate hazards to the health and safety of children at play.

(16) HEATING. (a) The group home shall provide a heating system which is capable of maintaining a temperature in living and sleeping quarters of at least 68° F.

(b) The heating unit shall be maintained in a safe condition as determined through an annual check by a qualified individual acceptable to the department.

(c) Portable electric or unvented space heaters shall not be permitted.

(17) ELECTRICAL SYSTEM. (a) Electrical systems and appliances shall be in good repair and properly protected.

(b) Protective covers for electrical outlets shall be installed in all areas occupied by children under 5 years of age.

(18) SANITATION. (a) All regularly opened windows and doors shall be properly screened.

(b) Adequate and safe water supply and sewage disposal systems shall be provided. When water is obtained from a private well, the well shall be approved by the department of natural resources. Water samples from an approved well shall be tested at the state laboratory of hygiene or at a laboratory certified by the department's division of health, at least annually.

(c) The home shall be equipped with a water heater adequate to meet the needs of all residents.

(d) All spoiled and deteriorated food products shall be disposed of immediately. All garbage while in the home shall be kept in non-combustible, watertight containers. Garbage shall be removed from the living quarters at least daily.

(19) LIGHT AND VENTILATION. (a) All habitable rooms shall be provided with adequate light and ventilation.

(b) All sleeping rooms occupied by children shall be rooms with an outside wall and a window that opens.

(c) All bath and toilet rooms shall be provided with a window that opens or with exhaust ventilation.

(20) FIRE PREVENTION AND SAFETY. (a) Habitable rooms on the second floor shall be provided with access to 2 exits, at least one of which shall be a stairway exit. A window shall be considered an "exit" if it can be opened from the inside without the use of tools, not less than 22 inches in the smallest dimension, at least 5 square feet in area and with a lower sill not more than 4 feet from the floor.

(b) Passageways leading to exits shall be clear and unobstructed. One exit door shall be at least 3 feet in width.

(c) All stairs serving 3 or more levels shall have a door at either the bottom or top of the stairs and the door shall be kept closed.

(d) The group home shall have either a smoke detection system or a residential sprinkler system. The smoke detection system shall be an interconnected system of smoke detectors listed by Underwriter's Laboratory or a radio-transmitting smoke detection system which has a centrally mounted alarm horn or alarm horns which, when activated, can be heard throughout the facility. The smoke detection system shall be installed and regularly tested in accordance with the manufacturer's instructions, and a smoke detector shall be located at each of the following locations in the home:

1. At the head of every open stairway;
2. At the door leading to every enclosed stairway on each floor level;
3. In every corridor spaced not more than 30 feet apart nor more than 15 feet from any wall;
4. In each common use room, including every living room, dining room, lounge, family room and recreation room, but not in the kitchen;
5. In each sleeping room if smoking is allowed there; and
6. In staff quarters if smoking is allowed there.

(e) There shall be a written posted plan for emergency evacuation of the home and at the time of placement each resident shall be instructed in the use of the plan. Evacuation procedures shall be reviewed with the residents every 2 months.

(f) A fire extinguisher acceptable to the local fire department shall be provided in the kitchen. Caretakers shall be instructed in its use.

(g) Smoking in bed shall not be permitted.

(h) The licensee shall demonstrate that the home has passed an annual fire safety inspection acceptable to the department.

(21) SAFETY MEASURES. (a) Tubs and showers shall have safety strips applied to prevent slipping.

(b) Stairways, halls, and aisles shall be maintained in good repair, adequately lighted and free from obstacles.

(c) Each stairway shall be provided with a handrail and steps shall have a non-slip surface.

History: Cr. Register, March, 1983, No. 327, eff. 4-1-83; r. and recr. (20) (d), Register, October, 1988, No. 394, eff. 11-1-88.

HFS 57.08 Recording and reporting. **(1) FOSTER CHILD RECORDS.** During the time a child is in care the licensee shall maintain a record on a form provided by the department. The record shall contain the following information and shall be kept current and in the group home:

- (a) The foster child's name, alias, if any, and sex;

- (b) The foster child's birth date;

- (c) The name of the person or agency to be notified in an emergency;

- (d) Placement date;

- (e) The person or supervising agency responsible for the foster child;

- (f) The name of the physician to be called in an emergency;

- (g) Current medical information about the foster child while in care such as medical examinations and immunizations; illnesses and accidents, including dates of each; allergies; sensitivity to medications or foods; physical limitations; recommendations for follow-up medical care; and medications and treatment received, including dates of each;

- (h) The name of dentist and dates the foster child is examined;

- (i) The name of school and current grade;

- (j) The foster child's religion; and

- (k) The date the foster child is removed from the home.

(2) CONFIDENTIALITY. Group home staff and volunteers shall maintain in confidence all information and records on foster children.

(3) AGENCY ACCESS TO RECORDS. At the request of the department or the sponsoring agency, caretakers shall make available for inspection all records on foster children received by them.

(4) RESPONSIBILITY TO THE DEPARTMENT AS LICENSING AGENCY.

(a) The licensee shall report to the department as soon as possible the death of any foster child, or any illness or injury to a foster child which required hospitalization.

(b) The licensee shall report in writing to the department the following as soon as possible:

1. Any fire on the premises which requires the services of a fire department.

2. Any intention to discontinue operation of the group home. Notification shall be at least 30 days in advance of such termination.

3. If the licensee is a corporation, any change in the name of the executive responsible for the group home, chairman of the board or any change in the corporate structure.

(5) RESPONSIBILITY TO THE SUPERVISING AGENCY. (a) The licensee shall notify the supervising agency as soon as possible of emergencies involving the foster child. This includes serious illness or injury requiring medical treatment, as well as death, unauthorized absence from the home, or other situations concerning which prudence suggests that the supervising agency be notified. This requirement in no way relieves the licensee from first taking whatever action is necessary to protect the health, safety and welfare of the foster child.

(b) The licensee shall keep the supervising agency informed of the foster child's progress while in care and shall consult with this agency regarding care, training, and plans for the foster child whenever more than the day-to-day routine is involved.

(c) The licensee shall allow the supervising agency a minimum of 30 days in which to make suitable plans for the foster child when the licensee has requested the foster child's removal from the home, unless both parties agree to earlier removal.

History: Cr. Register, March, 1983, No. 327, eff. 4-1-83.

HFS 57.24 Resident rights. **(1)** The licensee shall be knowledgeable of and ensure that staff members and volunteers observe the patient rights and grievance resolution procedures in s. 51.61, Stats., and ch. HFS 94, for each resident that receives services for treatment of mental illness, a developmental disability, alcoholism or drug dependency. Residents that are not specifically identified as coming under s. 51.61, Stats., and ch. HFS 94 shall have rights and access to grievance resolution procedures that are comparable to those found in s. 51.61, Stats., and ch. HFS 94.

(2) A copy of the HFS 94 patient's rights and the group home grievance procedure shall be posted in each group home in a prominent place accessible to residents, staff members and visitors.

Note: Patients' rights information and posters can be obtained at the Department's website at www.dhfs.wisconsin.gov/bqaconsumer/publications/ClientsRtsPubs.htm

History: CR 04-040: cr. Register December 2004 No. 588, eff. 1-1-05.