

Chapter PW-CY 40

CHILDREN AND YOUTH

PW-CY 40.01	Definitions	PW-CY 40.09	Sanitation standards
PW-CY 40.02	Permit procedures	PW-CY 40.10	Finances standards
PW-CY 40.03	Personnel standards	PW-CY 40.11	Insurance standards
PW-CY 40.04	Educational program standards	PW-CY 40.12	Repeal of former standards and regulations
PW-CY 40.05	Health standards	PW-CY 40.13	Revision of forms
PW-CY 40.06	Records and reports standards	PW-CY 40.20	Revocation of licenses, permits or certifications
PW-CY 40.07	Equipment standards		
PW-CY 40.08	Physical plant standards	PW-CY 40.30	Adoptions

Note: Section PW-CY 40.02 of the Wisconsin Administrative Code, relating to revocation of licenses of child welfare and day care agencies of permits to foster homes, or certification of county children's boards, or of other agencies whose functions require certification is renumbered PW-CY 40.20, and section PW-CY 40.01 of the Wisconsin Administrative Code, relating to standards for the operation of child care centers, day nurseries, and nursery schools, is renumbered PW-CY 40.01 through 40.13, and is repealed and re-created to read:

PW-CY 40.01 Definitions. (1) **DAY CARE CENTER** means a facility where a person or persons provide, for compensation, group care for four or more children under seven years of age, for more than two hours but less than twenty-four hours per day.

(2) The terms **DAY CARE CENTER** and **CENTER** are used in these standards interchangeably.

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

(4) **DIVISION** means the State Division For Children and Youth.

PW-CY 40.02 Permit procedures. (1) **PERMIT.** (a) A permit shall be secured annually from the Division For Children and Youth except:

1. Care given to children by or in homes maintained by their parents, grandparents, brothers, sisters, uncles, aunts or legal guardians of the person.

2. Centers conducted by a public schools system or other public agencies.

3. Centers conducted by parochial schools.

4. Sunday Schools conducted by churches are considered to be exempt as parochial schools, and care given to children on church premises while their parents are attending services is considered as given without compensation, notwithstanding that the parents make contributions to the church.

5. Recreational camps meeting standards established by the State Board of Health.

(b) The permit shall be prominently displayed at the Center.

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

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

(e) The type of permit issued indicates the professional training of the staff. A Center which has a minimum of one child care staff person, certified by the Department of Public Instruction as a nursery school teacher, for every twenty children enrolled will be issued a permit designated as a "Nursery School." A Center which meets the standards otherwise but does not have this minimum of certified teachers will receive a permit designating that it operates as a "Nursery."

(2) APPLICATION FOR PERMIT. (a) An application for a permit which shall be made in writing to the department shall include:

1. A completed application form.
2. A statement of the purpose of the Day Care Center.
3. A description of the program and activities designed to carry out the purposes.
4. A floor plan of all the rooms and outdoor play area.
5. A statement from the State Industrial Commission or local building inspector showing approval of the premises for the use intended.

(3) RENEWAL OF THE PERMIT. (a) Re-application for a permit shall be made each year in writing to the department on specified forms.

(b) Re-application for a new permit shall be made to the department whenever there is a change in the conditions described on the last permit issued.

(4) STUDY PROCESS. (a) A representative of the department shall visit and study each Day Care Center before the first permit and each renewal thereafter, is granted. The representative shall submit to the department a written evaluation of the Day Care Center indicating whether the required standards contained herein have been met.

(b) Each Center shall have the continued supervision and consultation of the department and shall submit such reports as may now or in the future be required by the department. A representative of the department may visit at any time to determine compliance with the standards.

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

(5) REVOCATION OF PERMIT. (a) The right to operate is dependent upon continued compliance with the required standards of the department.

(b) The permit may be revoked by the department in accordance with section 48.50 (4) (b) and (c), Wis. Stats., and with the departmental rule PW-CY 40.02 for violation of any regulation or standards.

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INTRODUCTORY COMMENT: PERSONNEL AND PROGRAM STANDARDS

Every day care center has an important part to play in the community. Program standards are established so that there is assurance for the parents and children, to the individuals providing the care, and for the community that a wholesome day care service is provided.

Warm, understanding personnel with knowledge of child development can create an environment which will enhance the educational,

physical and social development of the individual child. Close cooperation with parents can promote unity in handling the child and understanding of the stresses and strains he may be undergoing because of his separation from home. Close cooperation between the day care center and other community forces, as the family and child welfare agencies, child guidance clinics, health departments, and public health nurses will contribute to the best interests of the child.

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

Standards relating to specific aspects of day care show the minimums which will promote wholesome growth and which will protect the children enrolled. These specific aspects are described under the headings: Personnel, Educational Program, Health Program, Records and Reports, Equipment, Physical Plant, Sanitation, Finances, and Insurance.

PW-CY 40.03 Personnel standards. (1) PERSON IN CHARGE. (a) Required standards.

1. There shall be a person in charge responsible for the administration of the Day Care Center, hereinafter called the Administrator.

2. The Administrator shall be at least 21 years of age, and have supervisory and administrative ability.

3. In the absence of the Administrator, there shall be a person capable of carrying on his functions.

(b) *Recommended standards.* 1. It is desirable that the administrator have professional background and be familiar with recent thinking and developments in early childhood education.

2. The administrator should have had experience in working with young children and parents.

(2) **ALL PERSONNEL. (a) Required standards.** 1. All members of the staff shall be emotionally and physically able to care for children.

2. All staff members shall submit required personnel forms and character references upon request.

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

2. It is desirable that there be both women and men as staff members or as volunteers.

(3) **NUMBER OF STAFF. (a) Required standards.** 1. There shall be at least two adults available at any center, so that the children shall not be left unattended at any time whether inside or outdoors.

2. The ratio of groups of children to child caring staff shall not exceed:

Two-to three-year-olds	-----	8 children—1 adult
Three-to four-year-olds	-----	10 children—1 adult
Four years and over	-----	12 children—1 adult

(4) DUTIES AND QUALIFICATIONS OF STAFF.

Note: Introductory Statement: There may be small centers with only two staff members who will be doing the administrative, teaching, and maintenance activities. Whether the center has a small or large staff, the following duties and qualifications are essential for efficient operation to safeguard the best interests of children.

(a) *Required standards.* 1. Child Caring Staff. a. Those working directly with the children shall have at least a high school education or its equivalent as determined by the Extension Division of the University of Wisconsin.

b. In order to be designated as nursery school teachers and kindergarten teachers, staff members shall be certified as such by the Department of Public Instruction.

2. Volunteers. a. When volunteers are used, they shall work only under supervision of the child caring staff.

(b) *Recommended standards.* 1. Child Caring Staff. a. This staff should be composed of mature persons who have had professional training in early childhood education and who have special understanding of the needs of children attending a center. They should be able to establish wholesome adult-child relationships and be able to get along well with the children.

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

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

3. Cooks. a. Cooks should be dependable and adaptable, and capable of preparing palatable, nutritionally adequate meals for young children, using approved methods of food preparation.

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

5. SPECIAL PERSONNEL. a. In addition to the regular staff members of the day care center, it has been found valuable to engage or use community consultants in specialized fields.

Nurse: It is helpful if a registered nurse with public health training is available to assist with and to help plan the health program. She should be fitted by experience, training, and personality to work with young children.

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

Group workers: It is recommended that centers give consideration to the services of a professional group worker to assist with the program for children of school age.

Other services: It is desirable if services can be arranged with a casework agency for work with individual parents or consultation with the staff; a psychologist for counseling with the staff; and a nutritionist or dietician for counseling on meal planning and food preparation.

PW-CY 40.04 Educational program standards. *Introductory statement:* Every child who attends a nursery center is being educated there. It is recognized today that education includes all learning, that learning is a continuous and never ending process. Every nursery center has an obligation to provide the best possible kind of education.

The curriculum and all the experiences at the day care center should meet the needs and interest of the children, the parents and the community.

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

(b) *Recommended standards.* A good nursery center should contribute to the education of young children by:

1. Encouraging desirable health habits and attitudes.

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

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

4. Developing enjoyment in music, art, and literature.

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

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

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

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

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

(a) *Required standards.* 1. All state and local health regulations shall be followed in every Day Care Center. The more common reportable communicable diseases are measles, smallpox, mumps, diphtheria, pediculosis, chicken pox, scarlet fever, poliomyelitis, whooping cough, German measles, and skin infections.

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

a. A serological test, if required by local health authorities, by an approved laboratory, initially for all staff and yearly for food handlers.

b. A chest x-ray showing freedom from active tuberculosis.

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

(3) EXAMINATION OF CHILDREN. (a) *Required standards.* 1. Every child before admission shall have a health examination by a licensed physician or a person working under the direction of a licensed physician. This examination shall be repeated annually. The examiner shall certify that the child is free from communicable disease, including tuberculosis, or other condition hazardous or potentially hazardous to the welfare of other children.

2. Whenever the person in charge of a day care center shall have reason to suspect a child participating in the program may have a condition hazardous or potentially hazardous to others it shall be the duty of the person in charge to require another examination by a licensed physician or a person working under the direction of a licensed physician and another certification (as described above) before allowing the child to continue in attendance at the center.

3. The report of examinations shall be kept on file at the center.

(b) *Recommended standards.* 1. It is strongly urged that each child have a complete dental examination before admission with a repeat examination semi-annually by the family dentist.

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

3. Examinations at six month intervals are preferred for children under five, with more frequent examination if indicated by the physician.

4. Physician's recommendations for each child should be followed. Every effort should be made to obtain follow-through with the parents when health problems occur in order to obtain prompt and adequate care and correction of defects.

(4) HEALTH PROTECTION—INSPECTION AND CONTROL OF COMMUNICABLE DISEASES. (a) *Required standards.* 1. At the center, morning health inspections shall be made by a person capable of recognizing common signs of communicable disease or other evidences of ill health.

2. The Center shall provide an area suitable for temporary isolation of ill children in sight and hearing of an adult. A child needing isolation may have symptoms of a cold, sore throat, inflammation of the eyes, fever rash, vomiting, diarrhea, or other illnesses or pediculosis (lice). There shall be a definite procedure for excluding an ill child as soon as possible after illness is discovered. This procedure shall include immediate contact with the parent or some responsible person when the parent cannot be reached, permission to call the family physician, and referral of the child for medical care in case of an accident or emergency.

3. When a child attending the Center is suspected of having a communicable disease, the local health officer must be notified. When positive diagnosis of a communicable disease is made the families whose children have been exposed shall be notified. Such children shall be watched for early symptoms of the disease.

4. Treatment or medication shall only be given to a child on the basis of a physician's order, except for first aid in the case of an accident.

(b) *Recommended standards.* 1. If there is no nurse on the staff, it is advisable that a regular staff member have the equivalent of Red Cross first aid training as a minimum.

2. Parents should be alerted to the importance of daily checking children for signs of illness before leaving home, and all staff should be continually alert for any symptom of illness.

(5) FIRST AID KIT. (a) *Required standards.* 1. Every Center shall have a first aid kit which includes a supply of rolled bandages, tape, bandaids and safe germicide.

(b) *Recommended standards.* 1. It is recommended that a first aid kit as outlined by the state board of health should be maintained.

(6) **EXCLUSION OF STAFF.** (a) *Required standards.* 1. There shall be provisions made for the exclusion of staff or volunteer members when ill, including individuals with diarrhea or those having upper respiratory infections.

(b) *Recommended standards.* 1. It is recommended that a person be excluded for the first two days if he has a cold.

(7) **ROUTINE WEIGHING AND MEASURING.** (a) *Recommended standards.* 1. It is recommended that height and weight measurements be entered on the initial examination form. Thereafter, it is recommended that children be weighed and measured every three months, the weight and height being recorded on the child's health card. Failure to gain in weight or height for two successive periods should be an indication for medical examination.

(8) **PROVISION OF FOOD.** (a) *Required standards.* 1. When attendance covers more than four hours, children shall be served a regular meal supplying at least one-third of the daily food needs.

2. Children attending a three to four hour session shall be provided a mid-session lunch. Such lunch shall provide simple and needed foods such as fruit juice.

(b) *Recommended standards.* 1. The parents should be informed each week of the general food plan in order that they may adjust the child's diet at home so all the daily food needs are adequately met.

(9) **REST PERIODS.** (a) *Required standards.* 1. There shall be a mid-session rest period. If children remain at the Center for more than four hours, the rest period shall be one hour or longer for all children under five years of age.

PW-CY 40.06 Records and reports standards. (1) **ADMINISTRATIVE RECORDS.** (a) *Required standards.* 1. Records shall be kept for administrative requirements, and should be used for help in planning for the children and families.

(2) **CHILDREN'S RECORDS.** (a) *Required standards.* 1. There shall be maintained a record for each child attending the Center which shall include:

- a. Name, birthdate, full names of both parents or guardian.
- b. Home address of parents, work addresses and telephone numbers of parents.
- c. Name, address, and telephone of family physician.
- d. Name, address, and telephone of person to be notified in case of an emergency when parents cannot be reached.
- e. Written consent of parent to contact family or Center physician in case of an emergency.
- f. Record of all physical examinations and of other matters relating to each child's health.
- g. Date child enters and leaves group.
- h. Records of daily attendance of each child.

(b) *Recommended standards.* 1. In addition to the above, progress records for each child should be kept by the child caring staff.

(3) PERSONNEL RECORDS. (a) *Required standards.* 1. There shall be maintained a record for each employe, which shall include:

- a. Name and address.
- b. Age.
- c. Training, education, experience, and other qualifications.
- d. Report of physical examination at time of employment and subsequent annual examinations.

(b) *Recommended standards.* 1. In addition, there should be a periodic written evaluation of each employe.

(4) STATISTICAL REPORT. (a) *Required standards.* 1. Centers shall submit a monthly statistical report to the department by the 15th of the month following the month for which the report is made.

(5) PERSONNEL PRACTICES. (a) *Recommended standards.* 1. There should be a written statement on file at the center of personnel policies which include hours of work, vacation, sick leave, leave of absence, salary schedules.

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

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

b. There shall be equipment for climbing, swinging, sliding, riding, to push and pull, and ~~sand box~~ in which to explore and dig, large building blocks with building toys, creative materials for art, music, literature, science, woodworking, and manipulative toys.

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

2. There shall be low, open shelves within easy reach of the children for the storage of play materials.

3. There shall be sufficient work space for children.

4. There shall be individual space for children's clothing, such as lockers or low hooks.

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

PW-CY 40.08 Physical plant standards. (1) BUILDING. (a) *Required standards.* 1. Chapter nine of the Wisconsin State Building Code applies to Day Care Centers.

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

3. All electrical work shall conform to the Wisconsin State Electrical Code, comprising orders 1000-1641 inclusive, of the Industrial Commission. It shall be inspected periodically.

4. No Child Care Center may be located in a convalescent or maternity home or in a rooming house or boarding house for adults.

Am. June, 1956 Register--Eff. July 1, 1956

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

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

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

8. Only those basement rooms which comply with inspection may be used for children for play periods.

a. Basement rooms may never be used for resting or sleeping.

9. The heating plant shall conform with order Ind. 23.5720 of the Wisconsin Building Code. *no*

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

(b) *Recommended standards.* 1. First floor rooms are preferred for the care of pre-school children.

(2) LIGHTING. (a) *Required standards.* 1. There shall be not less than an average of 10 foot candles of illumination in every room as measured on a light meter.

(3) VENTILATION. (a) *Required standards.* 1. There shall be either a ventilating system or outside windows which conform to section Ind. 23.5719, Wis. State Building Code. *1*

(4) ROOM TEMPERATURES. (a) *Required standards.* 1. A temperature of not less than 70 degrees shall be maintained as measured 18 inches from the floor. *2*

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

2. Materials harmful to children such as drugs, matches, firearms, and tools shall be kept out of reach of the children.

3. Each floor of the Day Care Center shall be equipped with a fire extinguisher bearing the current label of the Underwriters' Laboratories. Automatic carbon tetrachloride extinguishers are prohibited.

4. The Center shall have a telephone service.

(6) PLAY SPACE. (a) *Required standards.*

1. Indoors.

a. The space used by the children shall include 35 square feet of floor space per child, exclusive of hallways, bathrooms, lockers, laundry and furnace rooms and that part of the kitchen occupied by stationary equipment.

2. Outdoors.

a. There shall be at least 75 square feet per child of safe play space.

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

c. Outdoor play areas shall be well drained.

(b) *Recommended standards.*

1. Outdoors.

a. Part of the outdoor play space should have a hard surface.

b. Provision should be made for shade in part of the play area.

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

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

a. Individual cots or beds are required.

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

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

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

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

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

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

2. If the water supply is from other than a public source, it shall be of safe sanitary quality and shall be obtained from a water supply system (c) the location, construction, and operation of which shall comply with the standards approved by the State Board of Health.

(3) MILK. (a) *Required standards.* 1. All milk used for drinking shall be certified pasteurized Grade A.

(4) WASHROOM AND TOILET FACILITIES. (a) *Required standards.* 1. Washroom and toilet facilities shall be kept in a sanitary condition to enable the washing of hands before meals and after toileting.

2. Toilets not of the water flush type shall be constructed and the sewage disposed of by means of an independent sewerage system approved by the State Board of Health.

3. Separate places for each child's individual wash cloths, towels, combs, and clothing—which shall be kept clean—are to be provided.

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

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

3. The floor of the toilet room should conform with section Ind. 23.5257, Wis. state building code.

4. The use of paper towels is recommended.

(5) SCREENS. (a) *Required standards.* 1. Window and doorway openings shall be properly screened in season.

(6) HOUSEKEEPING. (a) *Required standards.* 1. The premises shall be neat and clean.

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

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

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

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

b. The food preparation table surfaces shall be smooth, non-absorbent and easily cleaned.

2. Eating and drinking utensils and all utensils used in food preparation, storage and service, shall be promptly and properly cleansed. Hot water and soap or a detergent shall be available for dishwashing. All utensils shall be stored in clean, dust-proof and vermin proof cabinets that are tightly enclosed on all sides.

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

PW-CY 40.11 Insurance standards. (1) **INSURANCE.** (a) *Required standards.* 1. Each Center shall carry Workmen's Compensation Insurance in accordance with Chapter 102, Wis. Stats., and comply with provisions of the Federal Security Act.

(b) *Recommended standards.* 1. Each center should carry public liability and property damage insurance.

PW-CY 40.12 Repeal of former standards and regulations. The Wisconsin day care standards and regulations No. 1.01 through 1.08 adopted by the board of public welfare on November 10, 1949 are hereby repealed.

PW-CY 40.13 Revision of forms. Forms prescribed by the department as required by law are set forth in the appendix and may subsequently be revised by the department in conformance with the standards and regulations.

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

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

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

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

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

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

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

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

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

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

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

"To _____ (name)
 _____ St.
 _____, Wis.
 Respondent

"Please take notice that a hearing will be held on the _____ day of _____, 19____, at room No. _____ (or other proper designation) of the _____ Building (or other proper designa-

tion), No. _____ St., in the city of _____, Wisconsin, at _____ o'clock ___M, or as soon thereafter as the matter may be reached, on the question whether the _____ (license, permit or certification) heretofore issued to the above named Respondent pursuant to sec. _____, Stats., should be suspended or revoked. The issues involved and the causes there to be considered are (as set forth in the attached complaint) to which you are required to make answer in writing at least _____ days before the time set for said hearing.

"Dated at Madison, Wisconsin this _____ day of _____, 19____.

"WISCONSIN STATE DEPARTMENT OF PUBLIC WELFARE

By _____

Director, Division for Children and Youth

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

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

"the following:

"1. _____

"2. _____

"3. _____"

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

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

"1. _____

"2. _____

"3. _____"

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

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

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

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

(10) DEFAULT; RELIEF THEREFROM. In case the respondent fails to submit an answer as required by (8), or fails to appear at the hearing at the time fixed therefor, the causes specified may be taken as

true and the department may make findings and enter its order on the basis of the facts revealed by the preliminary investigation. But the director of the division for children and youth officer or the department may, for good cause shown, relieve the respondent from the effect of such default and permit him to answer and defend the proceeding, at any time before the department enters its order or within 60 days thereafter.

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

311 State Street
Madison (3), Wisconsin

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

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

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

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

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

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

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

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

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

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

(e) In making the investigations required by section 322.02 (1), Wis. Stats., and in exercising its authority under section 48.36 (2), Wis. Stats., the agency shall obtain pertinent information about the family, its religious, cultural, social and economic background and the health, personalities and capacities of individual members.

(f) In accord with sections 46.03 (7) and 48.36 (1) (2), Wis. Stats., a careful study shall be made of the child's individual characteristics and his capacities and potentialities for growth.

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

(h) Before the child is placed for adoption, the agency shall be certain that all rights of the parent or parents have been permanently terminated pursuant to section 48.07 (7), Wis. Stats., or that the child has no parents.

(i) At the time of the termination of parental rights, the agency shall make certain that guardianship is established pursuant to section 48.07 (7), Wis. Stats.

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

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

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

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

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

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

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

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

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

(j) The pastor and two responsible references must be consulted in accordance with section 322.02 (2), Wis. Stats.

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

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

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

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

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

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

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

(f) The agency which places the child in an adoptive home shall secure the signatures of the applicants to an agreement in conformity with sections 48.22 (2), 48.36 (2) and (3), and 48.37 (3) and (4), Wis. Stats., which shall insure the right of the agency to visit the child, give directions for his care, evaluate his adjustment, and, if necessary, remove the child at the discretion of the agency. The worker shall explain the significance of this agreement.

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

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

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

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

No such sections

