

## Foster Home Licensing: Frequently Asked Questions for Foster Care Exception Requests

Wisconsin Administrative Code DCF 56 establishes licensing requirements for foster homes and foster parents directed at protecting the health and safety and promoting the welfare of children placed in the homes. DCF 56.02(2)(b) gives the DCF Exceptions Panel authority to grant an exception to a nonstatutory requirement in Ch. 56 that the licensing agency may not grant.

**The DCF Exceptions panel will give additional flexibility to non-safety related exception requests for relative and like-kin providers** to support the larger department goal of keeping children with family. Licensing Agencies should submit exception requests as often as possible to support the licensing of relatives and like-kin providers. Licensing agencies should also grant “non-safety related waivers for relatives” whenever possible for any licensing requirements designated with an asterisk \* in the Wisconsin Administrative Code DCF 56.

The purpose and intent of this document is to:

- To provide licensing agencies with guidance on what information to submit to the DCF 56 Exceptions panel when requesting a foster home licensing exception.
- To increase timeliness of decision making of exception requests.
- To limit questions from the Exceptions Panel to the licensing agency when a request is received.
- Create consistency in expectations of what information should be sent to the panel when requesting an exception.

This document is not meant to be an all-inclusive list of licensing exceptions that can be requested, rather a list of exceptions that are commonly requested and common questions sent back to the licensing agency prior to the panel making a decision. When submitting exception requests, agencies should include all relevant information in the licensing agency narrative.

While it is the goal of the DCF Exceptions Panel to have consistent decision making when granting exceptions, it is within the purview of the Exceptions Panel to approve or deny these requests on a case by case basis. Granting an exception for one family does not guarantee this exception will be granted for all families. The DCF Exceptions Panel may require additional stipulations that are specific to the provider and/or children placed in the home when granting an exception.

Note: Agencies with access to eWiSACWIS must submit their exception requests through the state automated system. Private Child Placing Agencies, that do not have access to the state automated system, must submit exceptions request to the DCF Exceptions Panel Chair and include one of the appropriate exception attachments: **DCF-F- CFS0847** *DCF Exception Panel Application- Exception Request to CH. DCF 56 (Foster Home Licensing)* or **DCF-F-5229** *DCF Exceptions Panel Application- Addendum Ch. DCF 56.09(1m)(f) Admin. Code (Number of Children for Who Care May Be Provided)*.

## DCF 56.04 Physical Environment

Administrative Rule	Rule Narrative	Information that is required to be provided to the panel when submitting the exception request
<b>56.04(8)</b> Notification of Application for or Issuance or Additional Licenses	A licensee who applies to any licensing authority for or is issued any other license in addition to the foster home license shall notify the agency that issued the foster home license. No licensee may hold any other license to operate a foster home under this chapter or a group home under ch. <a href="#">DCF 57</a> .	<ul style="list-style-type: none"> <li>• Name of the person listed as the licensee on the group home license</li> <li>• Discuss how much time per week the foster parent spends at the group home and when (e.g. mornings, evening, weekends)</li> <li>• Describe the on-call responsibilities the foster parent has for the group home and who the back-up caregiver will be in the foster home while they are away.</li> <li>• Describe any interaction between the foster children and children residing in the group home. Include how often they will interact and under what circumstances this interaction will occur.</li> <li>• Include whether the foster parent has been previously licensed as a foster parent or operator of a group home. Include dates of previous licensure.</li> <li>• List any current or previous child safety or licensing concerns and/or enforcement actions(s) for the foster home and/or group home and how those concerns were addressed.</li> <li>• Include any additional information that would be helpful for the exceptions panel to consider.</li> </ul>

## DCF 56.07 Physical Environment

Administrative Rule	Rule Narrative	Information that is required to be provided to the panel when submitting the exception request
<b>56.07(4)(b)</b> Sleeping arrangements	No foster child one year of age or older may regularly share a bedroom with an adult unless a physician determines that it is medically necessary, and the licensing agency approves.	<ul style="list-style-type: none"> <li>• Discuss the reason for the exception request.</li> <li>• Is the request based on the child's needs or is it space related?</li> <li>• Include if this is a relative or like kin placement.</li> <li>• Discuss the age and behavioral needs of child.</li> <li>• How is nudity/changing/privacy handled?</li> <li>• Include how adults' intimate moments are handled.</li> <li>• What is the expected length of time for this set up?</li> </ul> <p><i>* If the agency has obtained a letter from a physician saying it is medical necessary a child sleep in the foster parent's room, an exception request is not required. The licensing agency shall keep this documentation in the licensing file.</i></p>
<b>56.07(4)(c)</b> Sleeping arrangements	No foster child 6 years of age or older may regularly share a bedroom with another child of the opposite sex.	<ul style="list-style-type: none"> <li>• Discuss the reason for the exception request.</li> <li>• Is the request based on the child's needs or is it space related?</li> <li>• Include if this is a relative or like kin placement.</li> <li>• Discuss the age and behavioral needs of each child this arrangement impacts.</li> <li>• Discuss if there are any sexual contact/abuse concerns or history of concerns.</li> <li>• What is the expected length of time for this set up?</li> </ul>
<b>56.07(4)(e)</b> Sleeping arrangements	No foster child may regularly sleep in any building, apartment or other structure on the premises which is separate from the foster home, nor may any foster child regularly sleep in an unfinished attic, an unfinished basement, a hallway or in any room normally used for purposes other than sleeping. No household member may regularly sleep in any of these places in order to accommodate the presence of the foster child.	<ul style="list-style-type: none"> <li>• Discuss the reason for the exception request.</li> <li>• Is the request based on the child's needs or is it space related?</li> <li>• Include if this is a relative or like kin placement.</li> <li>• Discuss the age and behavioral needs of each child this arrangement impacts.</li> <li>• What is the expected length of time for this set up?</li> </ul>
<b>56.07(4)(f)</b> Sleeping arrangements	No foster child under the age of 7 years or a child with limited mobility or functioning may regularly sleep in a finished basement bedroom or in a bedroom above the second floor of a single-family dwelling.	<ul style="list-style-type: none"> <li>• Discuss the reason for the exception request.</li> <li>• Is the request based on the child's needs or is it space related?</li> <li>• Include if this is a relative or like kin placement.</li> <li>• Discuss the age and behavioral needs of each child this arrangement impacts.</li> <li>• What is the expected length of time for this set up?</li> </ul>

<b>56.07(5)(a)</b> Telephone	A foster home shall have at least one operating telephone accessible to a child at all times when a child is present in the home	<ul style="list-style-type: none"> <li>• Include where each child will have access to a telephone in the event of an emergency.</li> </ul> <p>Note: This exception will be considered only in situations where a family's religious beliefs are the reason for them not having a phone. A family not having a phone due to cost is not a valid reason to request this exception. For relatives, licensing agencies shall assist a family obtaining a phone through public assistance programs.</p>

DCF 56.08 Safety		
Administrative Rule	Rule Narrative	Information that is required to be provided to the panel when submitting the exception request
<b>56.08(3)(a)</b> Household Pets	Cats, dogs and other pets vulnerable to rabies which are owned by any member of the household shall be vaccinated as required under local ordinance and documentation of the vaccinations shall be provided to the licensing agency.	<ul style="list-style-type: none"> <li>• Include information about why the pet is not vaccinated and what the plan is to get the pet vaccinated.</li> <li>• Identify a date in which the pet will be vaccinated in request.</li> <li>• Indicate if the pet has medical needs that make it unsafe to be vaccinated. (documentation from vet must be kept in licensing file).</li> </ul>
<b>56.08(3)(b)</b> Household Pets	<p>Household pets known to be vicious or infected with any disease transmittable to humans may not be kept in the foster home or elsewhere on the premises.</p> <p>*This includes any type of snake, lizard, or ferret.</p>	<ul style="list-style-type: none"> <li>• Include each child's age and function.</li> <li>• Type of cage and lock used to secure the tank.</li> <li>• List the room the tank is kept in. *Note: a constrictor snake will not be approved to be in the child bedroom, even in a secure tank.</li> <li>• Who is responsible for the care and handling of the animal?</li> <li>• Describe supervision of the animal when outside of the tank, if removed from the tank.</li> <li>• Any hygiene precautions in place (if applicable to pet's care needs)</li> </ul>

## DCF 56.09 Care of Foster Children

Administrative Rule	Rule Narrative	Information that is required to be provided to the panel when submitting the exception request
<b>56.09(1g)(a)</b> Physical Restraint	<p>A foster parent may not use any type of physical restraint on a foster child unless the foster child's behavior presents an imminent danger of harm to self or others and physical restraint is necessary to contain the risk and keep the foster child and others safe.</p> <p><i>If physical restraint is used more than two times in a six-month period, it is considered a response to expected behavior. Therefore, it can no longer be classified as an emergency circumstance and an exception is then needed.</i></p>	<p>If the child is enrolled in CLTS (Children's Long-Term Support), it is recommended that the licensing agency, supervising/placing agency, and the CLTS worker work together to develop a behavioral support plan to avoid the use of restraint. The DCF exceptions panel will not approve an exception for a restraint for a child enrolled in Children's Long-Term Support without an approved plan through DHS.</p> <p>The only exception request under this statute that will be considered are for mechanical restraints or protective equipment. All agencies should work together to complete the DHS restrictive measures application and submit a copy of that same application to the exceptions panel and submit the foster home licensing exception request at that same time.</p> <p>The foster home license exception request shall include the following:</p> <ul style="list-style-type: none"> <li>• The type of restraint used.</li> <li>• Level of frequency it is anticipated to be needed.</li> <li>• Behavior in which the restraint is a response to.</li> <li>• How that behavior impacts the child's safety.</li> <li>• The training being provided to the child's provider.</li> </ul>
<b>56.09(1m)(f)(1)</b> <b>56.09(1m)(f)(2)</b> Number of Individuals receiving care	<p>The number of individuals receiving care in a foster home, including the combined total of foster children, minor children of the foster parent, other children, and adults who need care may not exceed the following:</p> <ol style="list-style-type: none"> <li>1. In a foster home with a Level 1 to 2 certification, 8 persons.</li> <li>2. In a foster home with a Level 3 to 5 certification, 6 persons.</li> </ol>	<p><b>*Agencies without eWiSACWIS access please use form DCF-F-5229</b></p> <ul style="list-style-type: none"> <li>• A description of efforts made to locate an alternative placement, including relative or like-kin placement (If a non-relative placement).</li> <li>• If placement is a relative provider, please indicate that in the request</li> <li>• The age(s) need(s), and household member role of <b>all</b> persons receiving care residing in the home. Provide the permanency goal and identified permanent resource, if applicable, for any child currently placed in out-of-home care.</li> <li>• The age(s) and need(s) of <b>each</b> child to be placed in the home. Provide the permanency goal and identified permanent resource, if applicable.</li> <li>• A description of the sleeping arrangements <ul style="list-style-type: none"> <li>○ Attach a copy of the home layout with identification of where each person is sleeping</li> </ul> </li> <li>• A description of the increased support the licensing, supervising, and/ or placing agency will provide to the home.</li> <li>• A description of the capacity of the foster parent(s) to provide care to persons in the household, including any children to be placed.</li> </ul>

### DCF 56.13 Foster Home Level of Certification

Administrative Rule	Rule Narrative	Information that is required to be provided to the panel when submitting the exception request
<b>56.13(4)(a)2</b> Level of Certification- Initial Licensing Training (Level 2 Foster Home)	Each foster parent who operates a Level 2 foster home shall complete a minimum of 30 hours of initial licensing training under s. <a href="#">DCF 56.14 (7)</a> during the initial licensing period.	<ul style="list-style-type: none"> <li>• List the modules the foster parents have completed/need to be completed.</li> <li>• Explain the reason the family was unable to complete the training requirement.</li> <li>• The plan to complete the remaining modules, including whether the foster parents are signed up to complete the missing modules.</li> <li>• The time it will take for the foster parents to complete the missing modules, which cannot exceed six months.</li> </ul>
<b>56.13(5)(b)2</b> Level of Certification- Initial Licensing Training (Level 3 Foster Home)	Each foster parent who operates a Level 3 foster home shall complete a minimum of 24 hours of initial licensing training under s. <a href="#">DCF 56.14 (7e)</a> during the initial licensing period.	<ul style="list-style-type: none"> <li>• List the modules the foster parents have completed/need to be completed.</li> <li>• Explain the reason the family was unable to complete the training requirement.</li> <li>• The plan to complete the remaining modules, including whether the foster parents are signed up to complete the missing modules.</li> <li>• The time it will take for the foster parents to complete the missing modules, which cannot exceed six months.</li> </ul>
<b>56.13(6)(b)2</b> Level of Certification- Initial Licensing Training (Level 4 Foster Home)	Each foster parent who operates a Level 4 foster home shall complete a minimum of 30 hours of initial licensing training under s. <a href="#">DCF 56.14 (7e)</a> during the initial licensing period.	<ul style="list-style-type: none"> <li>• List the modules the foster parents have completed/need to be completed.</li> <li>• Explain the reason the family was unable to complete the training requirement.</li> <li>• The plan to complete the remaining modules, including whether the foster parents are signed up to complete the missing modules.</li> <li>• The time it will take for the foster parents to complete the missing modules, which cannot exceed six months.</li> </ul>

## DCF 56.14 Foster Parent Training

Administrative Rule	Rule Narrative	Information that is required to be provided to the panel when submitting the exception request
<b>56.14(6)(a)</b> Pre-Placement Training for Level 1 and 2	<p>The department shall approve a standardized curriculum for pre-placement training for a foster parent who operates a foster home with a Level 1 or 2 certification that includes information on all of the following:</p> <ol style="list-style-type: none"> <li>1. Foster care overview.</li> <li>2. Expectations of foster parents.</li> <li>3. Caring for children in foster care, including promoting normalcy.</li> <li>4. Developing and maintaining family connections.</li> <li>5. Foster family self-care.</li> </ol>	<ul style="list-style-type: none"> <li>• Indicate if the training curriculum provided by agency is already approved by DCF.</li> <li>• Explain the rationale for the request, including how the competencies for the training will be met.</li> <li>• Indicate what state the training was completed in (if out of state).</li> <li>• Provide information on training curriculum completed if including curriculum topics and hours completed.</li> </ul>
<b>56.14(7)</b> Initial Licensing Training for Level 2	<p>The department shall approve a standardized curriculum for initial licensing training for a foster parent who operates a Level 2 foster home.</p> <ol style="list-style-type: none"> <li>1. Permanency.</li> <li>2. Cultural dynamics in placement.</li> <li>3. Child abuse and neglect.</li> <li>4. The impact of maltreatment on child development.</li> <li>5. Attachment.</li> <li>6. Separation and placement.</li> <li>7. The importance of maintaining a foster child's family connections.</li> <li>8. Guidance and positive discipline.</li> <li>9. Access to resources.</li> </ol> <p><b>Note:</b> The standardized curriculum for initial licensing training is the <i>Wisconsin Foundation Training for Foster Parents</i>.</p>	<ul style="list-style-type: none"> <li>• Indicate if the training curriculum provided by agency is already approved by DCF.</li> <li>• Explain the rationale for the request, including how the competencies for the training will be met.</li> <li>• Indicate what state the training was completed in (if out of state).</li> <li>• Provide information on training curriculum completed if including curriculum topics and hours completed.</li> </ul>