Level 5 Exceptional Treatment Foster Home

Guide to Certification and Placement

February 2018

Division of Safety and Permanence
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Guide Overview and Instructions

This guide provides an overview of Level 5 Exceptional Treatment Foster Homes by outlining considerations and resources for agencies looking to license a Level 5 Foster Home or place a child into an existing home.

Please note, this guide summarizes requirements outlined in Chapter DCF 56 Administrative Code. Citations to Ch. DCF 56 Admin. Code will be linked throughout the guide. In addition, all requirements outlined in the standards and manuals below must be followed, as applicable;

- Requirements outlined in the Wisconsin Ongoing Services Standards must be followed for all children placed in out-of-home care, including children in Level 5 Foster Homes;
- For a child enrolled in the Children’s Long Term Support (CLTS) Waiver Program, agencies must comply with the requirements in the Wisconsin Department of Health Services Medicaid Home and Community Based Services Waivers Manual;
- If the child has an approved restrictive measures plan, that plan must be in compliance with the Guidelines and Requirements for the Use of Restrictive Measures Manual.

Agencies must also comply with all policies specific to other programs in which the child is involved. Examples may include Comprehensive Community Services (CCS) or the Children’s Community Options Program (CCOP).

Please see Appendix A for links to important web-based materials related to Level 5 Foster Homes.

Level 5 Exceptional Treatment Foster Home Overview

History

The operation of and placement of children in Level 5 Exceptional Treatment Foster Homes requires an exception from the Department of Children and Families (DCF) Exceptions Panel. Prior to 2011, the department granted exceptions to operate shift-staffed treatment foster homes under DCFS Memo Series 2006-15. These exceptions were granted in order to serve the needs of children who needed overnight awake care and were expected to need care into adulthood in a community setting, often for medical reasons. In 2011, the Levels of Care Foster Care Licensing Initiative incorporated Level 5 Foster Homes into permanent rule under Ch. DCF 56.13(7) Admin. Code.

An application for an exception (Application for Certification and Child Placement Level 5 Foster Home (DCF-F-2559-E) to Ch. DCF 56 Admin. Code to operate or place a child in a Level 5 Foster Home requires review and approval by the DCF Exceptions Panel.

Children’s Long-Term Support Waiver Program Collaboration

The Children’s Long-Term Support (CLTS) Waiver Program allows participants to receive Medicaid funding for supports and services necessary to live fully integrated lives in home and community-based settings. The CLTS Waiver Program is managed by the Department of Health Services (DHS) and is one of Wisconsin’s Home and Community Based Services (HCBS) Medicaid Waiver programs, which is federally authorized under §1915(c) of the Social Security Act. Most children placed in Level 5 Foster Homes are eligible to be enrolled in the Children’s Long Term Support (CLTS) Waiver Program.
The CLTS Waiver Program provides a structure within which Medicaid funding is available to support children who live at home or in the community and have substantial limitations in multiple daily activities as a result of one or more of the following disabilities:

- Intellectual/developmental disabilities,
- Severe emotional disturbances, and/or
- Physical disabilities.

The CLTS Waiver Program is not merely a funding source for children to be placed in Level 5 Foster Homes, and the CLTS Waiver Program requirements must be followed for all children in Level 5 Foster Homes that are also enrolled in the waiver program. Because most children placed in Level 5 Foster Homes are enrolled in the CLTS Waiver Program, it is essential that the Department of Health Services (DHS) and DCF collaborate to ensure that all requirements are being met for children placed in Level 5 Foster Homes, and that adequate plans and services are in place.

**Definition**

Level 5 Exceptional Treatment Foster Homes provide care to children whose conditions require a high degree of supervision and overnight awake care that is provided by staff persons in the home 24 hours per day. Licensed foster parents manage the program in the home, but do not necessarily also reside in the home. Level 5 Foster Homes are developed to be child-specific, and function to meet the exceptional needs of the identified child placed in the home. Because children in Level 5 Foster Homes have higher needs than children placed in foster homes with lower Level of Care certifications, Level 5 Foster Homes may not provide care for more than 4 children.

**Intent**

Level 5 Foster Homes are intended to serve children expected to need long-term care in a community setting. Each home and all services provided in that home are tailored to the identified child’s specific needs and integrates the child into the surrounding community. These homes often continue to be the youth’s home as they transition into adulthood if they continue to need and qualify for adult services. Because these homes are meant to transition youth into adult services, they may be dually licensed as an Adult Family Home and a foster home. Guides to DCF/DHS Dual Licensure, Certification, and Placement on pages 28-29 provide additional information about dually licensing/certifying these homes.
Population Served

A Level 5 Foster Home should only be considered as the last community placement option when all other options have been determined to be unavailable or not in the best interest of the child. When considering whether a child is appropriate to be placed in a Level 5 Foster Home, consider whether the circumstances in Ch. DCF 56.13(7)(a) Admin. Code exist, and that all of the conditions below are applicable to the child.

- Child has behaviors or conditions requiring high supervision,
- Child requires 24-hour awake care by staff,
- Child would benefit from a home-like environment,
- Child would benefit from fewer children than a group home or residential care center,
- The child is expected to need long term care OR
- The child has needs agreed to by the department,
- All other community placement options have been investigated and determined unavailable or not in the best interest of the child.

If the child meets the criteria above, a Level 5 Foster Home may be an appropriate placement for that child. If a child does not meet the typical criteria for a Level 5 Foster Home listed above, DCF may still allow an agency to pursue placement under Ch. DCF 56.13(7)(a)1.c. Admin. Code. Agencies must seek approval from the DCF Exceptions Panel Chairperson by submitting a Request to Clarify Specific and Limited Circumstances Prior to Submitting an Application to Operate a Level 5 Exceptional Treatment Foster Home (DCF-F-5177-E) to DCFL5FHRequests@wisconsin.gov before pursuing certification or placement in a Level 5 Foster Home.

Getting Started

Timeline

Agencies should be aware of the length of time required to develop or place in a Level 5 Foster Home. The timeline varies greatly depending on the agency’s planning and preparedness. Once an agency decides that a Level 5 Foster Home is necessary, the agency must contact the DCF Exceptions Panel Chairperson to request approval to move forward by completing a Request to Clarify Specific and Limited Circumstances Prior to Submitting an Application to Operate a Level 5 Exceptional Treatment Foster Home (DCF-F-5177-E). Concurrently, counties should be working in collaboration with their local County Waiver Agency in the planning and development of a Level 5 home.

Developing homes takes time due to the need to locate a physical home, hire and train program managers and staff, and develop plans to support the child in the home. After the development stage, an Application for Certification and Child Placement Level 5 Foster Home (DCF-F-2559-E) must be submitted by the licensing agency to the DCF Exceptions Panel. The DCF Exceptions Panel will review the exception application, schedule a site visit to review the physical space, and subsequently approve or deny the application. Following receipt of a complete application, Ch. DCF 56.02(2)(b)6.b. Admin. Code requires the DCF Exceptions Panel to respond within 45 days.

A high-level overview of the entire process is on the following page.
A need for a Level 5 Foster Home is identified with a specific child or population in mind.

The County Waiver Agency determines if the child is eligible for the CLTS Waiver Program and engages the CLTS Support and Service Coordinator in planning.

The DCF Exceptions Panel Chairperson discusses the proposed home or placement with the Exceptions Panel CLTS representative.

Request is denied; alternate placement option must be identified.

Request is approved: Placing Agency identifies a Licensing Agency (if not already involved).

Placing Agency, Licensing Agency and County Waiver Agency work together to identify a licensee and Staffing Agency (if different than Licensing Agency) for the foster home.

Licensing Agency begins licensing process, ensuring both the identified foster parent and physical home fulfill requirements outlined by Chapter DCF 56, Admin. Code.

Placing Agency, Licensing Agency and County Waiver Agency collaborate to plan for:
1. Hiring and training staff
2. Making modifications to the physical home
3. Creating policies and procedures specific to the home
4. Child specific planning
   b. Community: Transitions, Community Involvement, School, etc.
   c. Behavioral Support Plan
   d. Restrictive Measures Planning

Licensing Agency submits an application for exception, form DCF-F-2559-E, to the DCF Exceptions Panel at DCFL5Requests@wisconsin.gov.

The County Waiver Agency completes CLTS applications, including the Individualized Service Plan (ISP) and form F-01715.

DCF Exceptions Panel reviews application and asks for follow-up as necessary.

DCF Exceptions Panel schedules and conducts a site visit to the foster home.

DCF Exceptions Panel approves or denies the exception for the certification to operate a Level 5 Foster Home.

DHS CLTS Representative processes CLTS applications.
**Referral**

In order to ensure that the population of children to be placed in each Level 5 Foster Home is consistent with Ch. DCF 56 Admin. Code guidelines, licensing agencies are required to submit a *Request to Clarify Specific and Limited Circumstances Prior to Submitting an Application to Operate a Level 5 Exceptional Treatment Foster Home* (DCF-F-5177-E) via e-mail to DCFL5FHRequests@wisconsin.gov once a child has been identified.

Once the Exceptions Panel Chairperson has received a completed referral, he/she may contact the placing agency or licensing agency for a follow-up discussion about the home and the placement, which may include the DHS Panel representative. For example, the Chairperson may ask additional questions regarding:

- The child’s compatibility with other children in the home.

The CLTS Representative from DHS may call with questions regarding:

- Coordination with the CLTS Waiver Program and costs associated with Level 5 Foster Homes.

The Exceptions Panel Chairperson will provide a written approval or denial within ten business days of receipt of the completed *Request to Clarify Specific and Limited Circumstances Prior to Submitting an Application to Operate a Level 5 Exceptional Treatment Foster Home* (DCF-F-5177-E). Per Ch. DCF 56.13(7)(b) Admin. Code, *agencies may not proceed in the development of a home without written approval to do so.*

**Identification of Agency Roles**

The creation and maintenance of a Level 5 Foster Home may involve many different agencies. County agencies and licensed private child-placing agencies (CPA) often work together to license, place, and serve children in Level 5 Foster Homes. There is flexibility to determine which agencies will be involved to license, place and/or serve the children in the Level 5 Foster Home.

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**Placing Agency**

The county agency with powers and duties under § 48.57 and § 938.57 or the DCF can be considered the placing agency. The placing agency may also be the licensing or supervising agency.
Children placed in Level 5 Foster Homes are considered placed in out-of-home care. The placing agency must follow all Wisconsin Ongoing Services Standards requirements, including permanency planning requirements. There may be a number of placing agencies involved in any one Level 5 Foster Home due to the number of children placed. It is important to coordinate with the licensing agency through the application process and maintenance of the home to ensure all requirements are met for every child in the home.

**CLTS Waiver Agency**

Most children placed in Level 5 Foster Homes are also involved in the CLTS Waiver Program. Although the CLTS Waiver Program may be involved, they may not act as placing agency. This means, every child placed in a Level 5 Foster Home must be involved with Child Welfare.

Even if a child is not involved in the CLTS Waiver Program prior to placement in a Level 5 Foster Home, it is important to engage CLTS in planning for placement as soon as a need has been identified.

**Licensing Agency**

Both county agencies and licensed private child-placing agencies (CPA) are able to license Level 5 Foster Homes. Level 5 Foster Homes are not licensed by DCF, and if the placing agency does not wish to license the home, they must work with a CPA to develop a home.

Level 5 Foster Homes require exceptions to Ch. DCF 56 Admin. Code. Because exceptions to licensing code are necessary, the licensing agency is the contact for the application to the DCF Exceptions Panel. The licensing agency is responsible for completing and submitting the Application for Certification and Child Placement Level 5 Foster Home (*DCF-F-2559-E*).

There are many things county agencies should consider when deciding whether to be the licensing agency for a Level 5 Foster Home. The following chart lists some considerations for county agencies determining their ability to be the licensing agency for a Level 5 Foster Home:

**Supervising Agency**

Both county agencies and CPAs are able to supervise a Level 5 Foster Home. The supervising agency is responsible for overseeing the care and maintenance of the child placed in out-of-home care. This agency must provide all services and supervision required in Ch. DCF 56.15 Admin. Code. Be sure to focus on the additional qualifications
for the Level 3-5 supervising agency caseworker in Ch. DCF 56.15(2) Admin. Code when determining which agency will be responsible for supervising requirements.

**Staffing Agency**

Licensing agencies may choose to contract with a separate agency to provide staffing services, or to hire staff and provide direct services on their own. Many licensing agencies do not feel they have the capacity to hire, train, and maintain staff in a Level 5 Foster Home, so contracted services are requested. There are many staffing agencies that already provide direct services to children in Level 5 Foster Homes. When searching for an agency to staff a new Level 5 Foster Home, licensing agencies may be in contact with these agencies that have experience in Level 5 Foster Homes, an agency they already work closely with, or a new agency that provides direct service to Adults of similar populations.

**Agreements and Memorandums of Understanding**

Due to the number of agencies that may be involved, a memorandum of understanding (MOU) is required as a part of the application process. Some responsibilities are clearly delineated in Ch. DCF 56 Admin. Code, however, Ch. DCF 56.13(7)(n) Admin. Code requires that an MOU determine how agencies will work together to fulfill requirements not otherwise stated. The MOU should address how information will be shared among all agencies.

Agencies should consider other components of the MOU based on the specific needs of their agency, and any specific circumstances of the home. Many MOUs for Level 5 Foster Homes contain the following at a minimum:

- Communication/notification responsibilities between agencies
- Responsibilities for licensing the home
- Responsibilities for child/licensee visits and other supervision requirements
- Serious and critical incident reporting
- Payment
- Service provisions

The MOU can be specific or general, as needed or requested by the agencies entering the agreement.

**Budgeting and Rate Setting**

The Uniform Foster Care Rate Setting Policy applies for all children placed in a Foster Home, including Level 5 Foster Homes. A Basic, Supplemental, and Exceptional Rate shall be established as required under Ch. DCF 56.23 Admin. Code. Level 5 Exceptional Treatment Foster Homes are not subject to rate regulation; the administrative rate must be negotiated between the licensing, supervising, and placing agencies; DCF is not a part of these negotiations.

Level 5 Foster Homes typically exceed the maximum allowable cost of the foster care rate. CLTS Waiver Program funding may be used to support the additional costs of care and supervision needed in Level 5 Foster Homes or the placing agency must support these additional costs. Agencies must note that CLTS Waiver Program is prohibited from funding costs associated with room and board. County waiver agencies should have a clear understanding of costs contained within a provider’s budget and carefully consider which costs may be CLTS Waiver Allowable per the waiver manual. If there are questions or concerns about which costs would be considered waiver allowable, County Waiver Agencies should speak with the DHS CLTS Panel Representative as soon as possible to discuss. If counties are seeking additional funding for any reason a written request must be submitted to the CLTS panel representative.
Developing a Home

**Licensing**

Level 5 Exceptional Treatment Foster Homes are subject to licensing standards per [Ch. DCF 56 Admin. Code](#). The licensor for the home must complete all licensing requirements and documentation requirements, including a home study. There are requirements specific to certifying Level 5 Foster Homes in addition to licensing standards.

**Home Location and Physical Structure**

Agencies that are placing children in a Level 5 Foster Home who are or will be enrolled in the CLTS Waiver should be aware that the setting is subject to the Home and Community-Based Services (HCBS) Settings requirements. At a minimum, agencies should consider the following when deciding where to open a Level 5 Foster Home:

- The home must be in a community setting which provides ample opportunities for community integration, and not on the property of another facility;
- The home should be in an area that allows for a child to access necessary services;
- Whether the home is in an area that promotes family interaction and permanency planning;
- The location of the home in relation to recreation opportunities and neighborhood risks;
- Other considerations specific to the needs of the child.

A licensing agency may choose to rent, buy, or build the physical home. Due to the significant behavioral needs of children placed in Level 5 Foster Homes, these homes cannot be in apartment complexes. Most Level 5 Foster Homes are single family dwellings, or duplexes that have a Level 5 Foster Home on each side of the duplex. When deciding whether to rent, purchase or build a home, agencies should consider the following information:

- How long will it take to obtain the home?
- Will modifications be required to meet the needs of the child and approved by the landlord?
- How long will the agency use the home for the child?

Agencies should also consider how the qualities of the home will suit the needs of the child(ren) placed there:

- Safety of potential Restrictive Measures plans (stairs, size of rooms/hallways, etc.),
- Home-like features, without qualities of an institutional setting, and
- All other [Ch. DCF 56 Admin. Code](#) requirements.

**Licensees (Program Managers)**

Program Managers of Level 5 Foster Homes are considered foster parents and are licensed like any other foster parent. **The licensee, referred to as the program manager, must meet all Ch. DCF 56 Admin. Code requirements for licensure.**

The hiring and training process for a program manager may be lengthy. Beyond the typical hiring processes, agencies should be cognizant of licensing and training requirements for foster parents that may lengthen the timeline for developing a new Level 5 Foster Home.

Licensing agencies should consider having multiple licensees. If the program manager must leave their position and no one else is licensed, the home would not have a licensee so it could no longer be considered licensed.
**Assessment**
While Program Managers only provide care for the child less than 50% of the time, they are considered foster parents and are ultimately responsible for the care of the child. They participate in treatment planning for the child, as well as manage the home’s policies, procedures, and staff. It is imperative that agencies not only hire them as an employee to work in the home, but understand their capacity to care for children and the way that they handle relationships with others.

Licensing agencies are required to complete a home study using the Structured Analysis Family Evaluation (SAFE) Home Study Assessment Tool on all licensees. Licensors should use the home study to understand how the licensee will work with and adapt to the child in the home, and assess their view of their role as a foster parent. For example, the licensor should still ask about marital/intimate relationships, but evaluate this as it pertains to how they navigate relationships for others.

Home studies should not be submitted with the application, but are required to be documented in the file and in eWiSACWIS. The DCF Exceptions Panel does not review home studies, but may review one if concerns arise.

**Qualifications**
In addition to meeting all licensing requirements, Program Managers must have other qualifications in order to be the licensee for a Level 5 Foster Home. The position description for the Program Manager should reflect the required qualifications listed in Ch. DCF 56.13(7)(e) Admin. Code and be submitted with the application materials.

**Background Checks**
The Program Manager is considered a licensed foster parent and must meet all background check requirements. The licensing agency must conduct all required background checks on the licensees. Please see Ch. DCF 56.055 Admin. Code for additional information on background check requirements.

**Training**
Program managers who are responsible for the care of the child must be adequately trained and equipped to operate a Level 5 Foster Home and serve children placed in a home. Licensing agencies should be prepared to assist licensees in receiving pre-placement, initial licensing, and ongoing training. Ch. DCF 56.13(7)(e) Admin. Code outlines specific requirements regarding training for Program Managers in Level 5 Foster Homes.

<table>
<thead>
<tr>
<th>Training Type</th>
<th>Ch. DCF 56 Admin. Code Citation</th>
<th>Level 5 Foster Home Program Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PRE-PLACEMENT:</strong> 40 hours</td>
<td>56.13 (7) (e) 5.</td>
<td>‘Pre-placement training.’ A program manager for a Level 5 foster home shall complete a minimum of 40 hours of pre-placement training under s. DCF 56.14 (6p) before or after initial licensure but prior to the placement of any child in the home.</td>
</tr>
</tbody>
</table>
| 56.14 (6p) | Pre-placement training for Level 5 program managers. The pre-placement training for a foster parent who is a program manager of a Level 5 foster home shall include information on all of the following:  
(a) The standardized curriculum provided under sub. (6) (a).  
(b) School advocacy.  
(c) Cardiopulmonary resuscitation.  
(d) First aid.  
(e) Blood-borne pathogens.  
(f) Medication management. |
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>Patient’s rights.</td>
<td>(g)</td>
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<tr>
<td>Positive behavioral supports.</td>
<td>(h)</td>
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<tr>
<td>Individual service plans.</td>
<td>(i)</td>
</tr>
<tr>
<td>Emergency plans.</td>
<td>(j)</td>
</tr>
<tr>
<td>Four hours of child-specific or population-specific training, orientation, or observation.</td>
<td>(k)</td>
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</tbody>
</table>

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

1. Foster care overview.
2. Expectations of foster parents.
3. Caring for children in foster care.
4. Developing and maintaining family connections.
5. Foster family self-care.

**INITIAL:**

**30 hours**

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

**56.14 (7s)** Initial licensing training for Level 5 program managers. The initial licensing training for a foster parent who is a program manager for a Level 5 foster home shall include information on all of the following:

(a) The topics listed in sub. (7e).
(b) Six hours of child-specific or population-specific training.

**56.14 (7e)** The initial licensing training shall include information on all of the following:

(a) Crisis management.
(b) Sexuality and sexual boundaries.
(c) Sexual abuse.
(d) Effects of maltreatment and trauma on child development.
(e) Building life skills.
(f) Building birth family and cultural connections.
(g) Other topics required by the licensing agency.

**ONGOING:**

**24 hours**

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

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

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

1. The content of the training shall meet at least one of the purposes of foster parent training under sub. (1) and conform with the foster parent’s individualized training plan, unless a greater training need is demonstrated after the plan was developed.
1r. In addition to subd. 1., the content of ongoing training for program managers and program staff for a Level 5 foster home shall include all of the following:
   a. Child maltreatment and reporting requirements.
c. Any required reauthorizations for first aid, blood-borne pathogens, and cardiopulmonary resuscitation.
d. Eight hours of child-specific or population-specific training.

2. The format of the training may include any of the following:
   a. Face-to-face consultation with professionals with expertise in specific identified areas.
   b. Video, audio, and web-based presentations.
   c. Support groups.
   d. Adult education courses.
   e. Books, periodicals, and web-based resources.
   f. Television and radio presentations.
   g. Mentor family consultations.
   h. Conferences, workshops, seminars, and webinars.

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

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

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

Licensing agencies may decide whether to accept any prior training that a licensee has or require them to take additional training to meet any training requirements. Agencies should be aware of the length of time it may take to have a program manager trained. Training verification is required to be submitted by the licensing agency as a part of the application. This documentation must entered into the Learning Management System as required by DCF Memo Series 2015-02, Documentation Requirements for Foster Care Providers in eWiSACWIS.

Home Staff

Staff members in Level 5 Foster Homes are not required to be licensed foster parents. Staff are subject to background checks and must meet qualifications and training requirements necessary to care for the needs of the child.

Qualifications

Ch. DCF 56.13(7)(f)4. Admin. Code outlines qualification requirements for program staff of Level 5 Foster Homes. The staff members hired for a Level 5 Foster Home are held to high requirements because the children they are caring for require a high degree of supervision and care. The traineeship program option allows for agency flexibility to hire individuals without a background in this field but the ability to learn. The position description for program staff is also required as part of the application.

Hiring and Employment

When hiring staff for a Level 5 Foster Home, program managers must consider additional requirements beyond age and education requirements such as necessary experience with similar populations and ability to meet the high needs of the children in the home. Background checks are required as part of the hiring process under Ch. DCF 56.13(7)(f)9. Admin. Code and are essential to understanding a staff member’s capacity to care for a child. In addition to conducting a caregiver background check, the program manager must verify that the potential staff member does not have a criminal history that would substantially relate to the care of children. An individual
cannot be hired to provide care for a child in a Level 5 Foster Home if they have had a licensed denied or revoked fewer than two years ago.

Licensing agencies should work closely with staffing agencies, to ensure there is clear understanding about the background check requirements for working in a Level 5 Foster Home. Program managers may make hiring decisions about individuals, but the licensing agency has the ability to request more information to investigate whether an individual has charges that are substantially related to the care of children. In situations of disagreement, the licensing agency can ultimately make a decision to not have a staff person work in the home.

It is also important to understand an employee’s health status. While no condition or diagnosis automatically disqualifies an individual from being employed, there are conditions that may influence their ability to care for children with higher needs. Requirements for health exams are listed in Ch. DCF 56.13(7)(f)7. Admin. Code.

Additionally, Ch. DCF 56.13(7)(f)5. Admin. Code requires that program staff in a Level 5 Foster Home must be at least 21 years of age. The DCF Exceptions Panel may consider an exception to the age requirement if appropriate, but may add conditions to the approval that do not allow those under age 21 to work in the home alone.

**Training**

Program Staff are required to have pre-placement training and ongoing training per Ch. DCF 56.13(7)(f)10. Admin. Code. Training provided should be specific to the child and their needs.

<table>
<thead>
<tr>
<th>Training Type</th>
<th>Ch. DCF 56 Admin. Code Citation</th>
<th>Level 5 Foster Home Program Staff</th>
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<tbody>
<tr>
<td>TRAINING AND ORIENTATION: 40 hours</td>
<td>56.13 (7) (e) 5.</td>
<td>‘Training and orientation.’ Each program staff person who provides care for a child in a Level 5 foster home shall do all of the following before working independently with a child:</td>
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<td>(a) Complete a minimum 40 hours of pre-placement training under s. DCF 56.14 (6t)</td>
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<td>(b) Work with qualified, experience program staff or similar professionals for at least the first 80 hours of employment.</td>
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<tr>
<td>56.14 (6t)</td>
<td>Pre-Placement training for Level 5 program staff. The pre-placement training for program staff for a Level 5 foster home shall include information on all of the following:</td>
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<tr>
<td></td>
<td></td>
<td>(a) The standardized curriculum provided under sub. (6) (a).</td>
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<td></td>
<td>(b) The topics listed in sub. (6p) (b) to (j)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(c) Fifteen hours of child-specific or population-specific training, orientation, or observation.</td>
</tr>
<tr>
<td>56.14 (6) (a)</td>
<td>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:</td>
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<tr>
<td></td>
<td></td>
<td>1. Foster care overview.</td>
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<td></td>
<td>2. Expectations of foster parents.</td>
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<tr>
<td></td>
<td></td>
<td>3. Caring for children in foster care.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. Developing and maintaining family connections.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5. Foster family self-care.</td>
</tr>
<tr>
<td>56.13 (6p) (b)-(j)</td>
<td>Pre-placement training for Level 5 program managers. The pre-placement training for a foster parent who is a program manager of a Level 5 foster home shall include information on all of the following:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(a) The standardized curriculum provided under sub. (6) (a).</td>
</tr>
</tbody>
</table>
### ONGOING: 24 hours

<table>
<thead>
<tr>
<th>56.13 (7) (f) 11.</th>
<th>‘Ongoing training.’ A program staff person who provides care for a child in a Level 5 foster home shall complete a minimum of 24 hours of ongoing training under s. DCF 56.14 (8) in each year of employment subsequent to the initial year of employment.</th>
</tr>
</thead>
<tbody>
<tr>
<td>56.14 (8)</td>
<td>(a) Individualized training plan. At the time of renewal of a license to operate a foster home, the licensing agency and the foster parent shall evaluate the foster parent’s overall performance and develop an individualized training plan for the foster parent based on his or her demonstrated need for training in particular topics or in managing specific case situations. (b) Licensing agency approval. The licensing agency shall approve a foster parent’s ongoing training based on the following:</td>
</tr>
<tr>
<td></td>
<td>5. The content of the training shall meet at least one of the purposes of foster parent training under sub. (1) and conform with the foster parent’s individualized training plan, unless a greater training need is demonstrated after the plan was developed.</td>
</tr>
<tr>
<td></td>
<td>1r. In addition to subd. 1., the content of ongoing training for program managers and program staff for a Level 5 foster home shall include all of the following:</td>
</tr>
<tr>
<td></td>
<td>e. Child maltreatment and reporting requirements.</td>
</tr>
<tr>
<td></td>
<td>g. Any required reauthorizations for first aid, blood-borne pathogens, and cardiopulmonary resuscitation.</td>
</tr>
<tr>
<td></td>
<td>h. Eight hours of child-specific or population-specific training.</td>
</tr>
<tr>
<td></td>
<td>6. The format of the training may include any of the following:</td>
</tr>
<tr>
<td></td>
<td>a. Face-to-face consultation with professionals with expertise in specific identified areas.</td>
</tr>
<tr>
<td></td>
<td>b. Video, audio, and web-based presentations.</td>
</tr>
<tr>
<td></td>
<td>c. Support groups.</td>
</tr>
<tr>
<td></td>
<td>d. Adult education courses.</td>
</tr>
<tr>
<td></td>
<td>e. Books, periodicals, and web-based resources.</td>
</tr>
<tr>
<td></td>
<td>f. Television and radio presentations.</td>
</tr>
<tr>
<td></td>
<td>g. Mentor family consultations.</td>
</tr>
<tr>
<td></td>
<td>h. Conferences, workshops, seminars, and webinars.</td>
</tr>
<tr>
<td></td>
<td>7. The total credit given for training using books, periodicals, and web based resources under subd. 2. e. and television and radio presentations under subd. 2. f. may not exceed 20% of the required hours.</td>
</tr>
<tr>
<td></td>
<td>8. The cost of a particular training option and the usefulness of the skills or knowledge that is expected to be gained shall be considered.</td>
</tr>
</tbody>
</table>
(c) Department as training resource. The department shall maintain an inventory of resources for foster parent training and shall coordinate statewide, regional, and local training programs to prevent duplication of effort.

Training verification is required to be submitted by the licensing agency as a part of the application. This documentation must be kept on file should the DCF Exceptions Panel request verification.

**Scheduling/Ratios**

Ch. DCF 56.13(7)(f)1. Admin. Code requires minimum staffing ratios of 1 program staff for every 2 children during waking hours and 1 program staff for every 4 children during sleeping hours in Level 5 Foster Homes; however, children placed in Level 5 Foster Homes often need a higher degree of supervision, including the need for on-call staff for emergency coverage. The child’s treatment team should determine the staff ratios that are appropriate for each child. If the child needs a restrictive measures plan, agencies must ensure that appropriate staff are scheduled to follow the approved restrictive measures plan. During the application process, staffing ratios and schedules must be submitted for review. However, during a child’s placement in a Level 5 Foster Home, staffing ratios may need to be adjusted. This does not require a formal application, but the DCF Exceptions Panel should be made aware of the change.

**Responsibilities**

At a minimum, the staff in Level 5 Foster Homes are responsible for the daily care and supervision of children to ensure their safety and well-being. This expectation is outlined in Ch. DCF 56.13(7)(f)3. Admin. Code. Staffing agencies should have policies and procedures in place for staff that set forth staff responsibilities, including any communication, incident reporting, or documentation required for their shift. The licensing agency must verify that these policies and procedures are in place at the staffing agency, and keep this documentation should the Exceptions Panel request more information.

**Exceptions**

Level 5 Foster Homes require a number of exceptions to Ch. DCF 56 Admin. Code. The below exceptions are some of the most common and must be documented on the license if applicable to that home.

<table>
<thead>
<tr>
<th>Citation</th>
<th>Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>56.04(2)</td>
<td>No licensing agency may issue a license to operate a foster home to an employee of the agency or to the relative of an employee of the agency if the employee works in the area of the agency that issues foster care licenses. This subsection does not apply to a foster parent who receives a payment under s. 48.64 (4) Stats. or to a volunteer for the agency.</td>
</tr>
<tr>
<td>56.04(8)</td>
<td>A licensee who applies to any licensing authority for or is issued any other license in addition to the foster home license shall notify the agency that issued the foster home license. No licensee may hold any other license to operate a foster home under this chapter or a group home under ch. DCF 57.</td>
</tr>
<tr>
<td>56.09(1)(n)</td>
<td>(n) Does not permit a child to be mechanically restrained or locked or confined in any enclosure, room, closet or other part of the house or premises for any reason, except as provided under sub. (5)(i).</td>
</tr>
<tr>
<td>56.09(1g)(a)</td>
<td>(a) A foster parent may not use any type of physical restraint on a foster child unless the foster child’s behavior presents an imminent danger of harm to self or others and physical restraint is necessary to contain the risk and keep the foster child and others safe.</td>
</tr>
<tr>
<td>56.09(2)(a)</td>
<td>(a) The licensee may not combine the care of foster children with regular part-time care of other non-related children or adults or conduct business or provide services in the foster home...</td>
</tr>
</tbody>
</table>
without the written approval of the licensing agency. The licensing agency shall confer with any other certifying or licensing agencies involved with the additional activities before granting approval and may approve a request only if the foster parent presents satisfactory evidence that the additional activities will not interfere with the quality or manner of care provided to foster children. The licensing agency may not allow a foster parent who operates a foster home with a Level 3 to 5 certification to also operate a licensed family child care center under ch. DCF 250 or a certified child care home under ch. DCF 202 in the foster home.

56.13(7)(a) (a) Need for Level 5. An applicant for certification to operate a Level 5 foster home, in conjunction with a licensing agency, may apply to the department exceptions panel if all of the following circumstances exist.

56.13(7)(f)(5) 5. ‘Age.’ A program staff person who is hired or contracted for on or after January 1, 2011, shall be at least 21 years old.

56.22(7)(c) (c) A child whose level of need is lower than 5 may not be placed in a Level 5 foster home, except for continuation of an existing placement during planning for the child’s transition to a less restrictive setting following a reassessment under sub. (3) (b).

**Documentation**

In addition to information documented through the submission of the Level 5 Application, the exception for the Level 5 Foster Home must be documented in eWisACWIS as required by DCF Memo Series 2015-02, Documentation Requirements for Foster Care Providers in eWisACWIS. The provider record in eWisACWIS is under the name of the licensee, and all foster home documentation requirements are required for Level 5 Foster Homes. Please see DCF Memo Series 2015-02, Documentation Requirements for Foster Care Providers in eWisACWIS for provider documentation policy.

The background checks conducted for the Level 5 Foster Home Program Manager must be entered in eWisACWIS. These checks may be uploaded under licensing images.

**Child-Specific Planning**

Level 5 Foster Homes are intended to be a community setting for the child with services specific to that child’s needs. Thoughtful planning before placement is required and the DCF Exceptions Panel reviews these plans when considering an application. Some things to consider when developing child specific plans are:

- **Daily Schedules**
  - A planned daily schedule is required to be submitted with the application,
  - The scheduled should outline daily routines that are child specific, and
  - Outline opportunities that integrate the child into the community and school.

- **Education**
  - Children are expected to receive educational services through the school in their community.
  - The child’s team should work with the school district to ensure timely integration into the school environment and that the child receives free and appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA).

- **Permanency Planning**
  - Placement in a Level 5 Foster Home is not considered legal permanence; the team must fulfill all permanency planning requirements in Wisconsin Ongoing Services Standards, §48 and §938.
  - Placing agencies should work with their assigned State Permanency Consultant to be certain every effort has been made to ensure that the child is able to find legal permanence through reunification, adoption, or guardianship.
• **Family Interaction/Connections**
  - The child’s treatment team must work together to identify possible connections for the child and work towards developing and maintaining those connections.
  - Children placed in Level 5 Foster Homes are still subject to family interaction policies, and the child’s team must develop a plan for family interaction that fits the child’s needs.

• **Independent Living Skills**
  - Independent living skills may look different for a child placed in a Level 5 Foster Homes, but they are still required and are just as important for the child.

• **Behavioral Support Plans**
  - A behavioral support plan is required to be developed for every child placed in a Level 5 Foster Home and submitted for the child’s placement application unless the child’s placement in a Level 5 Foster Home is due to their significant medical needs and not developmental or cognitive needs.
  - The behavioral support plan should be developed by a qualified specialist who has met the child and has assessed the child’s needs in order to create a child specific plan.

• **Individual Service Plan/Outcomes**
  - Individual Service Plan (ISP) and Outcomes document is required for every child enrolled in the CLTS Waiver Program.
  - The ISP should be an individualized, person-centered document that summarizes the child’s package of formal and informal supports and services.

• **Transition Planning**
  - The child’s team should diligently prepare the child for any transition using a trauma informed lens. Below are some examples of regular transitions:
    - **To the Level 5 Foster Home**
      - The child’s treatment team should evaluate whether a slow transition or quick transition will be more appropriate for the child, and
      - Plan for staff to meet with the child prior to placement in the Level 5 Foster Home.
    - **To services**
      - Agencies should plan how services such as counseling, physical therapy, etc. will continue once a child moves into a Level 5 Foster Home in order to avoid gaps in service and how to transition services if provider change.
    - **To another placement**
      - When placement move is anticipated, the team should prepare the child for this transition.

**Application for Certification or Placement**

The Application for Certification and Child Placement Level 5 Foster Home (*DCF-F-2559-E*) can be found on the DCF website. This application is used for initial certification, renewal of certification, and placement requests.

**Submission of the Application**

Applications should be submitted by the licensing agency to the DCF Exceptions Panel by e-mail to the Level 5 Foster Home inbox (*DCFL5FHRquests@wisconsin.gov*). Only complete applications should be submitted the DCF Exceptions Panel for review. If the application is not complete, the application will be returned to the licensing agency with a request for additional information. In order to ensure there is no lapse in licensure, it is important
for licensing agencies to submit all application materials for renewal no later than 45 days prior to the expiration of the latest approval. See the checklist on the next page for more detail regarding necessary materials.

**Respite**

Respite services in a Level 5 Foster Home may only be provided under certain circumstances:

- Services for a child who was previously placed in that home
- Services for a child specifically identified and approved by DCF on a planned basis
- Services for a child who has needs agreed to by DCF.

Approval for respite services to be provided in a Level 5 Foster Home does not require a full application. To request respite for a specific child, the licensing agency must submit a *Request to Clarify Specific and Limited Circumstances Prior to Submitting an Application to Operate a Level 5 Exceptional Treatment Foster Home (DCF-F-5177-E)* to DCFL5FHRequests@wisconsin.gov. The referral should include information regarding the child’s needs, the planned respite schedule, and how respite may affect any current placements, if applicable.

A request for respite in a Level 5 Foster Home through the DCF Exceptions Panel is not the same as requesting the use of CLTS Waiver funds for respite services. This is a separate approval process, and any agency that intends to use CLTS Waiver funds for respite services must follow CLTS Waiver procedures for that request.

**Panel Review**

After submitting the application for certification or placement in a Level 5 Foster Home, the DCF Exceptions Panel reviews the application and makes a decision regarding the home or placement. If the panel has concerns, those concerns will be addressed with the licensing agency as outlined in the communication graphic below.

DCF Exceptions Panel Meetings are held every other week. Materials must be submitted by 4:30 p.m. the Friday prior to the panel meeting in order to be reviewed. This will allow adequate time to review submitted materials.

Once the Exceptions Panel has reviewed an application or other information about a Level 5 Foster Home, the Panel may have follow-up questions or request additional information.

**Panel Composition**

The children placed in Level 5 Foster Homes are often served by programs through both DCF and DHS, so departmental collaboration is necessary and important. DCF and DHS review all applications for certification or placement in a Level 5 Foster Home together to ensure approval decisions are appropriate under both licensing and CLTS Waiver Program requirements. The following individuals participate in the DCF Exceptions Panel:

1. DCF Exceptions Panel Chairperson, Out-of-Home Care Section Representative
2. DCF Child Welfare Licensing Section Representative
3. DHS CLTS Waiver Program and Restrictive Measures Lead
4. DCF Bureau of Regional Operations Representative

**Site Visit**

The application review process also includes a site visit to the home before the DCF Exceptions Panel is able to reach a decision regarding operation of a Level 5 Foster Home. The purpose of a site visit is to provide the Panel with the opportunity to view the home and verify that licensing code is met, as well as provide recommendations for modifications to better support the child in the home. If additional modifications or follow-up is required, pictures of the issues addressed must be submitted to the DCF Exceptions Panel before approval can be granted.
The site visit is typically scheduled after a complete application is submitted to the DCF Exceptions Panel and the initial information has been reviewed. The DCF Exceptions Panel Chairperson will facilitate scheduling a visit with other DCF Exceptions Panel members and contact the licensor to confirm the date of the visit.

**Decision Timeframe**

The time required to approve an application for a Level 5 Foster Home varies depending on many factors. The greatest factor in delaying an approval is the completeness of an application and whether the DCF Exceptions Panel requires follow-up information or questions from the licensing agency.

Agencies must also consider the schedule of the DCF Exceptions Panel, the timing of their application submission, and the scheduling of a site visit to the home. If the licensing agency submits materials in time to allow the DCF Exceptions Panel to review an application or follow-up information, the application will continue to move through the approval process. Delays in submissions or incomplete information may cause delays of weeks or months. The DCF Exceptions Panel Chairperson and other members will work together to prioritize scheduling site visits to Level 5 Foster Homes, but may be delayed by conflicting schedules.

**Panel Communication**

The licensing agency is responsible for communication with the DCF Exceptions Panel. Assigning one point of contact is meant to ensure that there is one message being communicated about each home and situation.

The CLTS Waiver Program has separate requirements, processes, and approvals that happen outside of the Level 5 Foster Home application. These CLTS specific discussions and questions should occur with the DHS representative, the assigned Children’s Services Specialist (CSS), and the County Waiver Agency.

The following chart depicts how information should be communicated amongst agencies:
**Application Checklist for Certification and Child Placement in a Level 5 Foster Home**

Please email the *Request to Clarify Specific and Limited Circumstances Prior to Submitting an Application to Operate a Level 5 Exceptional Treatment Foster Home (DCF-F-5177-E)* to the DCF Level 5 Foster Home Inbox, DCFL5FHRrequests@wisconsin.gov for prior approval before beginning the application process.

This checklist mirrors the *Application for Certification and Child Placement Level 5 Foster Home (DCF-F-2559-E)* and should be used to verify all needed information is included in the application.

Items marked with an asterisk (*) do not apply for relicensure on previously approved placements in the home.

<table>
<thead>
<tr>
<th>Program Description:</th>
<th>For Each Child:</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Physical Plant Description/Floor Plan</td>
<td>□ Explanation of other community placement options*</td>
</tr>
<tr>
<td>□ Identified target population</td>
<td>□ Explanation of need for Level 5*</td>
</tr>
<tr>
<td>□ Description of services and treatment to be provided</td>
<td>□ Transition Plan</td>
</tr>
<tr>
<td>□ Process for placement consideration</td>
<td>□ Letters deeming appropriate placement*</td>
</tr>
<tr>
<td>□ Home routine and house schedule</td>
<td>□ Crisis Plan</td>
</tr>
<tr>
<td></td>
<td>□ Family Interaction Plan</td>
</tr>
<tr>
<td></td>
<td>□ Services to be provided</td>
</tr>
<tr>
<td></td>
<td>□ Additional training requirements for staff</td>
</tr>
<tr>
<td></td>
<td>□ Permanency Plan</td>
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<tr>
<td></td>
<td>□ CLTS Waiver Individual Service Plan</td>
</tr>
<tr>
<td></td>
<td>□ NA</td>
</tr>
<tr>
<td></td>
<td>□ Individual Schedule</td>
</tr>
<tr>
<td></td>
<td>□ MOU for involved agencies</td>
</tr>
<tr>
<td></td>
<td>□ NA</td>
</tr>
<tr>
<td>□ Foster Care license</td>
<td>□ Home Modifications</td>
</tr>
<tr>
<td>□ Child to staff ratios</td>
<td>□ End of Life preparations for terminally ill</td>
</tr>
<tr>
<td>□ Training verification</td>
<td>□ NA</td>
</tr>
<tr>
<td>□ Personnel policy verification</td>
<td>□ Preparations for adulthood (15+ years old)</td>
</tr>
<tr>
<td>□ Position Descriptions</td>
<td>□ NA</td>
</tr>
<tr>
<td>□ Background Check verification</td>
<td>□ Restrictive Measures Application (Behavioral)</td>
</tr>
<tr>
<td>□ MOU for involved agencies</td>
<td>□ NA</td>
</tr>
<tr>
<td>□ NA</td>
<td>□ Restrictive Measures Application (Medical)</td>
</tr>
<tr>
<td>□ Staff Schedule</td>
<td>□ NA</td>
</tr>
<tr>
<td>□ Home Maintenance Plan</td>
<td>□ Behavioral Support Plan</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Child/Population Specific Information:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Assurance of health, safety, and well-being</td>
<td></td>
</tr>
<tr>
<td>□ Emergency Medical protocol for a medically fragile child</td>
<td></td>
</tr>
<tr>
<td>□ Restrictive Measures Application (Behavioral)</td>
<td></td>
</tr>
<tr>
<td>□ Restrictive Measures Application (Medical)</td>
<td></td>
</tr>
<tr>
<td>□ Behavioral Support Plan</td>
<td></td>
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</tbody>
</table>
Approvals
When a Level 5 Foster Home or placement is approved, DCF will issue an approval form to the licensing agency. This form will provide timeframes and conditions of the approval. Agencies must follow all conditions of the approval. In addition to issuing a form approval for the home, the DCF Exceptions Panel Chairperson must approve the home in eWiSACWIS. For licensing agencies with access to eWiSACWIS, this occurs by requesting the exception for the Level 5 Foster Home through eWiSACWIS. For licensing agencies without access to eWiSACWIS, Maximus will enter this request so that the Panel Chairperson may approve the home in eWiSACWIS as required by DCF Memo Series 2015-02, Documentation Requirements for Foster Care Providers in eWiSACWIS.

The Application for Certification and Child Placement Level 5 Foster Home (DCF-F-2559-E) is also used for home renewals and new child placements. For applications for approval renewals, the requirements marked with an asterisk on the application checklist are not required. Agencies must plan to submit renewal applications no later than 45 working days prior to the expiration of the latest exception approval. For applications for new child placements in a Level 5 Foster Home that has existing placements, it is not necessary to complete application information for existing placements in the home. The licensing agency assembling the application must discuss the other placements in the home in relation to their interactions and compatibility with the new placement. The application should discuss how the new placement will fit in the home with the other child(ren), and the impact that the new home composition will have on the new child and the child(ren) already in the home.

An approval from the DCF Exceptions Panel for the certification or placement in a Level 5 Foster Home is separate from CLTS Waiver Program approvals for additional funding, home modifications and waiver program enrollment. Requests for CLTS Waiver Program funding needs are submitted through DHS and are subject to the State Medicaid Waiver Agency process.

Managing a Home

Monitoring the License and the Child’s Plan

Home and Child Visits
Agencies involved must follow requirements for contacts with the foster parent (Ch. DCF 56.18 Admin. Code) and with the child (Ch. DCF 56.19 Admin. Code). Agencies should note, in addition to their own requirements, the program manager is also required to have weekly face-to-face contact with the child. For children participating in the CLTS Waiver Program, Support and Service Coordinator contact requirements must also be met.

Only agencies that meet the definition for licensing, supervising, or placing agencies may complete the required responsibilities of those agencies. Visits by the staffing agency or county child waiver agencies do not qualify under Ch. DCF 56 Admin. Code as fulfilling contact requirements with the licensee or the child.

Treatment Team Collaboration
After the development of the home and placement of the child, collaboration between all the agencies must continue. This collaboration is to provide oversight and ensure the child’s needs are met in the Level 5 Foster Home. Ch. DCF 56.17(1) Admin. Code outlines expectations for this continued collaboration, and requires development, implementation and maintenance of a treatment team and treatment plan for the child.
**Incident Reporting**

Depending on the agencies involved, different serious or critical incident reporting requirements exist. In all Level 5 Foster Homes, serious incident reporting requirements under [Ch. DCF 56.06 Admin. Code](#) must be followed. CLTS Waiver Program Incident Reporting requirements must be followed for all CLTS Waiver Program participants. If the licensing agency is a private child placing agency, the CPA must also follow all Serious Incident Reporting Requirements set forth in [Child Welfare Licensing Memo Series 2017-04L](#), *Reporting Serious Incidents*. All agencies involved with a Level 5 Foster Home must have a Memorandum of Understanding that outlines who will be responsible for incident reporting requirements.

### Serious Incident Occurs

<table>
<thead>
<tr>
<th>Present staff member(s) provide a written description of the Serious Incident, precipitating events, and follow-up provided</th>
</tr>
</thead>
</table>

### Staff Reporting:

<table>
<thead>
<tr>
<th>Contact is made with the Program Manager to inform him/her of the incident</th>
</tr>
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</table>

### Licensee Reporting:

<table>
<thead>
<tr>
<th>Notification is made to the licensing agency</th>
</tr>
</thead>
</table>

### Licensing Agency Reporting and CLTS Waiver Reporting:

1. **Private CPA**
2. **DCF Child Welfare Licensing**
3. **DCF Exceptions Panel**
4. **County Placing Agency**

**OR**

1. **DCF Child Welfare Licensing**
2. **DCF Exceptions Panel**
3. **DCF Exceptions Panel**
4. **County Placing Agency**

**AND**

1. **County Licensing Agency**
2. **County Placing Agency, if not the same**
3. **County CLTS Waiver Agency**
4. **DHS**

---

**Serious Incident Occurs**

Immediately following an incident, staff present in the home must document a written description of the serious incident, the precipitating event, and any follow-up that was provided after the incident. This documentation can be done on an agency form, but must include all necessary information to report to the program manager. Staff
must contact the program manager immediately following a serious incident, and in some cases, while the serious incident is occurring. Agencies must have policy and procedure regarding this documentation. Staff must be trained on this documentation procedure to ensure thorough and timely reporting.

**Staff Reporting**

Staff must contact the program manager immediately following a serious incident, and in some cases, while the serious incident is occurring. If possible, this notification should be at the same time that written documentation is provided so that the program manager can report the incident to the licensing agency. Agencies must have policy and procedure regarding reporting an incident to the program manager. Staff must be trained on this documentation procedure to ensure thorough and timely reporting.

**Licensee (Program Manager) Reporting**

The program manager must immediately notify the licensing agency and County Waiver Agency of the serious incident. This notification may need to occur outside of business hours. It may be necessary to provide the documented preliminary details, and provide additional documentation once more information is received. This notification may be documented on an agency form, but must include all required information.

**Licensing Agency Reporting**

The licensing agency has reporting requirements based on the type of agency. County licensing agencies must report the incident immediately to the DCF Exceptions Panel Chairperson and the placing agency. County licensing agencies can report the serious incident to the DCF Exceptions Panel and county placing agency on an agency form, but must include all information required to be reported to the DCF Exceptions Panel.

All licensing agencies are required to report to the DCF Exceptions Panel and the county placing agency immediately after learning of the incident. Private Child Placing Agencies are required to report the serious incident to the DCF Child Welfare Licensing Section on the DCF form, *Serious Incident Report (DCF-F-CFS-2146-E)*, within 48 hours of the serious incident. Serious incident reports must be submitted to the DCF Exceptions Panel through the Level 5 Foster Home Inbox, DCF5FRequests@wisconsin.gov.

**CLTS Waiver Program Incident Reporting**

The CLTS Support and Service Coordinator is required to follow all incident reporting requirements of the CLTS Waiver Program. Incidents must be reported to DHS in the manner prescribed by the *Wisconsin Department of Health Services Medicaid Home and Community Based Services Waiver Manual*.

**Follow up**

The licensing agency must respond to serious incident reports as appropriate to the situation, including reporting to CPS if necessary. Serious incident reports should be evaluated for patterns and identification of areas to improve. The serious incident report must be documented in the licensing file, child’s case file, and incorporated into any data collection on incidents. County Waiver Agencies also have a responsibility to remediate and prevent future incidents to the extent possible. Waiver agencies should partner with the licensing and placing agencies to develop plans that ensure health and safety.

The DCF Exceptions Panel will also review reports received and follow-up as necessary. If concerns arise, the DCF Exceptions Panel may require agencies to meet conditions to address serious or ongoing issues.
Restrictive Measures

Restrictive measures are methods of interfering with a person’s free movement in response to a medical need or dangerous and challenging behaviors. Restrictive Measures include physical restraints, medical restraints, isolation and protective equipment. Restrictive Measures may only be used when the child’s behavior poses an imminent risk of serious injury to the child or others as outlined in Ch. DHS 94 Admin. Code and must always be considered a method of last resort. Other behavioral interventions and preventative measures should be exhausted prior to the use of restrictive measures. All behavior, even challenging and dangerous behavior, has purpose and meaning for the individual, and other interventions are essential to addressing that behavior.

If a child’s team determines that a child placed in a Level 5 Foster Home has significant behaviors that warrant the use of restrictive measures, an application for the use of restrictive measures is required to be submitted to and approved by the DCF Exceptions Panel.

Types of Restrictive Measures/Emergency Restrictive Measures

As defined in Ch. DHS 94 Admin. Code and Ch. DCF 56.09(1g) Admin. Code there are several different types of restrictive measures, including:

- **Medical restraint:** an apparatus or procedure that restricts the free movement of a patient during a medical or surgical procedure or prior to or subsequent to such a procedure to prevent further harm to the patient or to aid in the patient's recovery or to protect a patient during the time a medical condition exists.
- **Physical restraint:** any physical hold or apparatus, excluding a medical restraint or mechanical support, which interferes with the free movement of a person’s limbs and body.
- **Isolation:** any process by which a person is physically or socially set apart by staff from others but does not include separation for the purpose of controlling contagious disease.
- **Seclusion:** that form of isolation in which a person is physically set apart by staff from others through the use of locked doors.

Emergency Restrictive Measures: There may be times when a child demonstrates extremely challenging behavior that may require the use of an emergency restraint in order to keep the child or others out of immediate danger. To be considered an emergency, the behavior must be unanticipated, pose an immediate threat of harm to self or others, and not reasonably foreseen; additionally to be considered an emergency, the child may not have a currently approved behavioral intervention plan to deal with the behavior. If emergency physical restraint is used more than two times in a six month period of time, it is considered a response to an expected challenging behavior. Therefore, it can no longer be classified as an emergency circumstance and a Restrictive Measures application must be submitted.

Prohibited Restrictive Measures: There are certain types of physical restraint that are considered prohibited in any circumstances. Agencies must be aware of these prohibited practices and ensure these types of restraint are never used with any child. These prohibited practices are addressed in Ch. DCF 56 Admin. Code and DCTS Memo Series 2017-01 Prohibited Restrictive Measures in Community-Based Programs and Facilities. Ch. DCF 56.09(1g) Admin. Code also has requirements regarding prohibited practices.

Application

There are separate applications for Medical Restraints and Behavioral Restraints.
Medical restraints are applicable during a medical procedure, to allow healing of an injury, or as a protection from injury of a chronic health condition.

Behavioral restraints are used as a part of a behavioral support plan to address a dangerous or challenging behavior.

Applications for the use of restrictive measures for a child in a Level 5 Foster Home must be submitted using the required CLTS Waiver Application form and follow all requirements in the Guidelines and Requirements for the Use of Restrictive Measures Manual. In order to submit the application for behavioral restraints to the DCF Exceptions Panel, all components of the application and plan must be complete, including:

- County Waiver Agency Cover Letter,
- Physician’s Order/signature/letter of support,
- All applicable signatures (Child, Guardian, Case Manager, Provider Agency, Behavioral Specialist, etc.)
- Complete personal summary (employment/school, support systems, interests, and likes/dislikes),
- Health considerations (diagnoses, health concerns, medications, health care providers),
- Target behaviors (description, frequency/intensity, patterns/triggers),
- Restrictive measure type, including example photos,
- Review of current and proactive strategies,
  - Summary information of previous strategies and outcomes,
  - Description of need for restrictive measures,
  - Risk and benefits descriptions,
  - Pictures or literature that outlines proposed restraints,
  - A plan to reduce or eliminate the use of restrictive measures, and
  - A description of training.
- How the plan will be monitored and reviewed by the team,
  - Summary of data collection process,
  - A plan to reduce or eliminate the use of restrictive measures, and
  - Description of review process for Behavioral Support plan.

Applications for Restrictive Measures may be submitted at any time, whenever a child’s team determines there is a need for use of restraint, isolation or seclusion. This application will be reviewed by the DCF Exceptions Panel, and the DHS Restrictive Measures Lead will review to ensure it fulfills requirements in the Guidelines and Requirements for the Use of Restrictive Measures Manual. Decisions regarding Restrictive Measures must also be documented on the license in eWiSACWIS per DCF Memo Series 2015-02, Documentation Requirements for Foster Care Providers in eWiSACWIS.

While the County Waiver Agency is most likely to complete and assemble the application for restrictive measures, the other agencies working with the home and child should be included in planning and must be in agreement with the restrictive measures plan.

**DCF and DHS Approvals**

The use of restrictive measures with a child placed in a Level 5 Foster Home must be approved by both DCF and DHS. There will be conditions of the approval that will be monitored throughout the life of the approval.

Approval of the use of restrictive measures must be documented in eWiSACWIS, if applicable.

The approval for the use of restrictive measures can be rescinded by the DCF Exceptions Panel upon determination that there has been a negative impact on the child, if there is any injury to the child, staff at the home, or other...
persons during the use of a restrictive measure outside of the scope of the approval, or if the provisions of the approval are not fulfilled. If a restrictive measure is used outside the scope of an approval and/or results in an injury, agencies must submit an incident report to DCF and DHS within prescribed timelines.

Renewals
If the child’s team determines that there is a continued need for restrictive measures after a prior approval, a renewal application must be submitted prior to the expiration date. The application should be submitted no later than 45 days before the date of the expiration in order to ensure timely approval of the renewal request. The Panel will review the renewal application and evaluate the progress towards the reduction or elimination of the restrictive measures. The Panel will also review the summary data on the use of the restrictive measure.

Data
Each approval for a restrictive measures plan will include a condition of approval to submit regular data to the DCF Exceptions Panel. The child’s placing agency is required to submit monthly reports by the 5th of the subsequent month documenting the use of any restrictive measure with the child. The monthly reports must include the following information:

- The precipitating event,
- The number of times the restrictive measures were used,
- The duration of the use of restrictive measures,
- The staff involved in the restrictive measures,
- The type of restrictive measures used,
- The date and time of the day the restrictive measures were used,
- Changes made to the Behavior Support Plan as a result the use of the restrictive measure, and
- A description of the progress the child has made to more effectively communicate his or her needs and manage his or her emotions without the use of restrictive measures.

Transitions to Adulthood
Children placed in Level 5 Foster Homes often continue to reside in the home into adulthood. The child’s team should initiate early planning to determine next steps in planning a transition to adult services.

- Initiate early collaboration between the Child Waiver Agency, the provider/program manager of the Level 5 Foster Home, and the Aging and Disability Resource Center (ADRC),
- Youth enrolled in the CLTS Waiver Program must be referred to the ADRC for options counseling by the age of 17 years 6 months determine eligibility for the adult long term care system,
  - If not eligible, the youth may be eligible for extension of out-of-home care under §48 or Ch. DCF 21 Admin. Code,
    - If the youth remains under an Extension of Out-of-Home Care, he/she may remain enrolled in the CLTS Waiver Program until discharge from their placement, and
    - Child’s team should work to prepare that child for aging out of care and transition to other community supports and services.
  - If eligible, many youth continue to reside in their Level 5 Foster Home into adulthood
    - Level 5 Foster Homes may be dually licensed as Adult Family Homes. Guides on the following pages outline processes for dual licensure and placement.
**DCF/DHS DUAL LICENSURE AND CERTIFICATION PROCESS**

**Level 5 Exceptional Treatment Foster Homes and 1-4 Bed Adult Family Homes**

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**LICENSING AND CERTIFICATION STANDARDS**

- **Child Foster Home**
  - DCF 1-4 Bed Level 5 Foster Home
  - Chapter DCF 56.13(7)

- **Certified Adult Family Home**
  - DHS 1-2 Bed Adult Family Home
  - Wisconsin Medicaid Standards for Certified 1-2 Bed Adult Family Homes

- **Licensed Adult Family Home**
  - DHS 3-4 Bed Adult Family Home
  - Chapter DHS 88

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**DUAL LICENSURE/CERTIFICATION PROCESS**

**DCF LICENSED**

1. Prospective licensee contacts a licensing agency (county human services or private Child Placing Agency) to express interest in developing a Level 5 Foster Home.
2. Licensing agency requests approval from DCF to license home with form DCF-F-5177-E.
3. After receiving approval from DCF, licensing agency completes a home study and determines if licensee and identified home fulfill requirements from Chapter DCF 56.
4. Licensing agency submits a complete application for exceptions (DCF-F-2559-E) to the DCF Exceptions Panel for further consideration of licensure. Panel will schedule a site visit.
5. DCF Exceptions Panel completes site visit and verifies compliance with Chapter DCF 56.
6. DCF Exceptions Panel then has 45 days to make a decision regarding the exception.
7. If DCF Exceptions Panel approves the exception, the licensing agency issues the license.

**DHS LICENSED/CERTIFIED**

1. Prospective provider submits application to the appropriate certifying agency (Managed Care Organization) in the county of residence.
2. Certifying agency reviews the application and associated background checks.
3. A site visit is conducted. The certifying agency on-site visit and interview are used to determine if requirements for certification are met.
4. Any professional inspections (fire, health, etc.) are scheduled as needed prior to decision.
5. Certifying agency approves or denies the application. If approved, certificate is issued.

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**Dually Licensed/Certified Foster and Adult Family Homes** may take placement of children and adults consistent with the certification and licenses issued, not to exceed approved capacity.
# DCF/DHS DUAL PLACEMENT PROCESS
## Level 5 Exceptional Treatment Foster Homes and 1-4 Bed Adult Family Homes

## DEFINITIONS

**Wisconsin Chapter DCF 56.03 (5) - “CHILD”**
- under 21 years of age, and
- placed under juvenile court order.

**Wisconsin Chapter DHS 88.02 (4) - “ADULT”**
- 18 years of age or over, and
- not placed under juvenile court order.

If 18-21 years old & under juvenile court order
- Individual is considered a CHILD
- Must be placed in DCF licensed home

If 18-21 years old & NOT under juvenile court order
- Individual is considered an ADULT
- Must be placed in DHS adult facility

## PLACEMENT PROCESSES

### DCF LICENSED

<table>
<thead>
<tr>
<th>Child Foster Home</th>
<th>DCF 1-4 Bed Level 5 Foster Home</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Agency makes referral for placement (DCF-F-5177-E) to <a href="mailto:DCFL5FHRequests@wisconsin.gov">DCFL5FHRequests@wisconsin.gov</a>.</td>
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<tr>
<td>2. DCF Exceptions Panel approves or denies referral to begin placement process.</td>
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<tr>
<td>3. Agency identifies foster parent, home, and begins licensure process (if not licensed).</td>
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<tr>
<td>4. Licensing agency submits a complete application (DCF-F-2559-E) to the DCF Exceptions Panel for further consideration of placement.</td>
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<tr>
<td>5. DCF Exceptions Panel has 45 days to make a decision regarding application for placement.</td>
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### DHS FACILITY

<table>
<thead>
<tr>
<th>Licensed or Certified 1-4 Bed Adult Family Home</th>
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</thead>
<tbody>
<tr>
<td>1. Contact the Aging and Disability Resource Center (ADRC) in the county of residence to complete a functional screen and determine eligibility for adult services.</td>
</tr>
<tr>
<td>2. If eligible for adult services, the individual will then be connected to a Managed Care Organization (MCO) and an assessment will be completed to connect them to the appropriate home.</td>
</tr>
<tr>
<td>3. MCO will place the adult in the facility that fits the individual’s expressed wants and needs.</td>
</tr>
</tbody>
</table>

**Wisconsin Chapter DHS 88.03 (2) (d) -** If a home is to be licensed as an adult family home and the home is also licensed as a children’s foster home under ch. DCF 56, the combined licensed bed capacity shall not exceed 4.

## WHO APPROVES PLACEMENTS?

<table>
<thead>
<tr>
<th>1-4 Bed Level 5 Exceptional Treatment Foster Homes</th>
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</thead>
<tbody>
<tr>
<td>Every placement must approved by the licensing agency (county human services or private Child Placing Agency) and the DCF Exceptions Panel prior to placement.</td>
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</table>

<table>
<thead>
<tr>
<th>1-4 Bed Licensed or Certified Adult Family Homes</th>
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</thead>
<tbody>
<tr>
<td>Every placement must approved by the adult placing agency (county human services, Managed Care Organization (MCO), or private agency) prior to placement.</td>
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</table>

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<thead>
<tr>
<th>Dually Licensed/Certified Foster &amp; Adult Family Homes</th>
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<tbody>
<tr>
<td>Placement processes for both Level 5 Exceptional Treatment Foster Homes and Licensed or Certified Adult Family Homes must be followed prior to placement.</td>
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</tbody>
</table>
## Appendices

### Appendix A, Important Links

<table>
<thead>
<tr>
<th>Level 5 Foster Homes - Important Links</th>
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<tbody>
<tr>
<td>Wisconsin Department of Health Services Medicaid Home and Community Based Services Waivers Manual</td>
<td><a href="https://www.dhs.wisconsin.gov/waivermanual/index.htm">https://www.dhs.wisconsin.gov/waivermanual/index.htm</a></td>
</tr>
<tr>
<td>Home and Community Based Settings Rule</td>
<td><a href="https://www.dhs.wisconsin.gov/hcbs/faq.htm">https://www.dhs.wisconsin.gov/hcbs/faq.htm</a></td>
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<tr>
<th>Level 5 Foster Homes - Forms</th>
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<tr>
<td>DCF-F-5177-E: Request to Clarify Specific and Limited Circumstances Prior to Submitting an Application to Operate a Level 5 Exceptional Treatment Foster Home</td>
<td><a href="https://dcf.wisconsin.gov/files/forms/doc/5177.docx">https://dcf.wisconsin.gov/files/forms/doc/5177.docx</a></td>
</tr>
<tr>
<td>F-01715: Calculating Expenses for a CLTS Foster Home Using Actual Expenses</td>
<td><a href="https://www.dhs.wisconsin.gov/forms/f01715.xlsx">https://www.dhs.wisconsin.gov/forms/f01715.xlsx</a></td>
</tr>
<tr>
<td>F-01721: Instructions-Calculating CLTS Foster Care Room and Board Expenses</td>
<td><a href="https://www.dhs.wisconsin.gov/forms/f01721.pdf">https://www.dhs.wisconsin.gov/forms/f01721.pdf</a></td>
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