

Excerpted Relative and Like-Kin Provisions of DCF Chapter 56

November 2025

Division of Safety and Permanence



Licensing agencies may not grant an exception to any of the requirements bordered in the same way this note is bordered.

Any exception desired for a bordered requirement must be obtained via the Department Exceptions Panel as described in s. DCF 56.24(2)(a) of this chapter.

*This symbol is used to designate requirements that licensing agencies may grant an exception for.

The Department of Children and Families is an equal opportunity employer and service provider. If you have a disability and need to access services, receive information in an alternate format, or need information translated to another language, please call the Division of Safety and Permanence at (608) 266-8787. Individuals who are deaf, hard of hearing, deaf-blind or speech disabled can use the free Wisconsin Relay Service (WRS) – 711 to contact the department.

DCF 56.25 Relative or like-kin foster homes.

(1) APPLICABILITY. This section applies to a relative or like-kin of a child who is proposing to provide or is providing foster care for the child.

(2) NO DUPLICATION OF ASSESSMENT. A licensing agency is not required to conduct an assessment of a licensing requirement in this chapter for the relative of, or like-kin to, a foster child if the requirement was already met in assessment that was completed within the previous 6 months.

DCF 56.01 Authority and purpose.

(1) This chapter is promulgated under the authority of ss. [48.62](#), [48.64 \(4\)](#), and [48.67](#), Stats., to establish 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; to establish a fair hearing procedure for foster parents; to establish requirements for certification of a foster home with a level of care and requirements for assessment of a child's needs and strengths; and to establish criteria for making supplemental and exceptional payments to foster parents.

(2) A license to operate a foster home does not entitle the holder to placements of children who need foster care since placement decisions are based on a variety of factors, including the compatibility of what a specific child needs with what a particular foster parent can offer.

DCF 56.03 Definitions. In this chapter:

(1b) "Advanced practice nurse prescriber" has the meaning given in s. 50.01 (1b), Stats.

(1d) "Age or developmentally appropriate activities" means activities that are generally accepted as suitable for children of a given chronological age or level of maturity or that are determined to be developmentally appropriate for a child based on the cognitive, emotional, physical, and behavioral capacities that are typical for children of a given age or age group or, in the case of a specific foster child, activities that are suitable for the foster child based on the cognitive, emotional, physical, and behavioral capacities of that foster child.

(1g) "Algorithm" means a composite score based on items demonstrated to be relevant to decision making on a particular topic such as level of need or service provision.

(1r) "Applicant" means a person who applies for a license to operate a foster home, for renewal of a license to operate a foster home or for modification of a license to operate a foster home.

(2) "Basement" means the portion of a foster home below the first floor.

(3) "Basic maintenance payment" means a payment to reimburse a foster parent for the cost of a foster child's food, clothing, housing, basic transportation, and personal items, as established by s. 48.62 (4), Stats.

(3m) "Biopsychosocial assessment" means an assessment of a foster child's disability, measurement of the behavioral and cognitive correlates of the disability, assessment of how psychosocial and environmental factors influence how the foster child copes with the disability, a review of biological factors that affect the disability, and an identification of possible treatments for the disability.

(6s) "Child welfare professional" means an individual who is responsible for ensuring the health, safety, and well-being of foster children and is employed by a county agency, tribal child welfare agency, ~~or~~ licensed child-placing agency or, in a county with a population of 750,000 or more, the department.

(7) “County agency” means a county department of social services under s. 46.215 or 46.22, Stats., or a county department of human services under s. 46.23, Stats.

(8m) “Court order” means an order of a state court or tribal court.

(9) “Department” means the Wisconsin department of children and families.

(10) “Department exceptions panel” or “exceptions panel” means the group authorized to grant exceptions under s. DCF 56.24(2).

(10g) “Division of hearings and appeals” means the division of hearings and appeals in the department of administration.

(10n) “Entity” has the meaning given in s. 48.685 (1) (b), Stats.

(11) “Exit” means a continuous and unobstructed means of egress from inside the foster home to the exterior of the foster home, including intervening halls, balconies, ramps, fire escapes, stairways, and windows.

(11r) “Family interaction plan” means a plan developed by a placing agency to promote a foster child’s interaction with the foster child’s parent, siblings, and other identified persons and includes interaction by in person or virtual face-to-face contact; telephone calls; texts; instant messages; letters; emails; and attendance at routine activities, such as family gatherings, medical or treatment-related appointments, school events, and faith-related activities.

(11s) “Final substantiated finding” means all of the following:

(a) A final determination made after January 1, 2015, that a person has abused or neglected a child under s. 48.981 (3) (c) 5m., Stats., and s. DCF 40.04 if the final determination has not been reversed or modified on appeal.

(b) A determination made before January 1, 2015, that a person has abused or neglected a child under s. 48.981 (3) (c) 4., 2011 Stats., if the determination has not been reversed or modified on appeal.

Note: The date in a statutory citation means that was the last edition of the statutes in which that provision appears.

(12) “Foster care” means care and maintenance provided to a foster child in a foster home pursuant to a court order, voluntary placement agreement, or voluntary transition-to-independent-living agreement.

(13) “Foster child” means a person under 21 years of age who is placed for care and maintenance in a foster home by the department, a county agency, a tribal child welfare agency, or a licensed private child-placing agency by court order, voluntary placement agreement, or voluntary transition-to-independent living agreement.

(14) “Foster home” means any facility operated by a person licensed under s. 48.62 (1), Stats.

(15) “Foster parent” means a person with primary responsibility for the care and supervision of one or more foster children placed in his or her foster home and in whose name the foster home is licensed under this chapter.

(15m) “Group home” has the meaning given in s. 48.02 (7), Stats.

(16) “Guardian” means a person or agency appointed as provided under s. 48.023, Stats., or a substantially similar tribal law.

(19) “Home-based private educational program” means a program of educational instruction provided to a child by the child’s parent or guardian or by a person designated by the parent or guardian. An instruction program provided to more than one family unit does not constitute a home-based private educational program.

Note: A “home-based private educational program” is commonly known as home-schooling.

(20) “Household member” means any person living in a foster home, whether or not related to the foster parent.

(20d) “Indian child” has the meaning given in s. 48.02 (8g), Stats.

(20h) “Indian custodian” has the meaning given in s. 48.02 (8p), Stats.

(20p) “Indian tribe” means any Indian tribe, band, nation, or other organized group or community of Indians that is recognized as eligible for the services provided to Indians by the U.S. secretary of the interior because of their status as Indians.

(20t) “Kinship care provider” means a person who is receiving kinship care payments under s. 48.57 (3m) or (3n), Stats.

(21) “Legal custodian” means the person or agency to whom a court has transferred a child’s legal custody and who thereby has the right and duty to protect, train and discipline the child and to provide for the child’s care and needs. “Legal custody” has the meaning prescribed in s. 48.02 (12), Stats.

(21g) “Level of care” means the intensity of services that is best able to meet the needs of a foster child who has been assessed with a corresponding level of need.

(21r) “Level of need” means a rating of a foster child that is used to inform decision making on placement and service provision. The level of need is derived from an algorithm that is based on an assessment of a foster child’s functioning.

(22) “Licensed private child-placing agency” means an agency licensed by the department under s. 48.60, Stats., and ch. DCF 54 to license a person to operate a foster home and to place children in foster homes and other out-of-home care facilities.

(24) “Licensing agency” means the department, a county agency, tribal child welfare agency, or a licensed private child-placing agency that may issue a license to operate a foster home under this chapter.

(24m) “Like-kin” means an individual who has a significant emotional relationship with a child or the child’s family that is similar to a familial relationship and who is not and has not previously been the child’s foster parent. For an Indian child, “like-kin” includes individuals identified by the child’s tribe according to tribal tradition, custom or resolution, code, or law.

(26m) “Medical provider” means a physician, physician assistant, or an advanced practice nurse prescriber.

Note: “Physician” and “physician assistant” are defined in s. 990.01, Stats.

(27) “Motor vehicle” means a private automobile, motorcycle, van, bus or truck.

(27m) “Nonclient resident” has the same meaning as in s. DCF 12.02 (18).

(27r) “Normalcy” means a foster child’s ability to easily engage in healthy and age or developmentally appropriate activities that promote well-being, such as participation in social, scholastic, and enrichment activities.

(29) “Out-of-home care” means when a child is under the placement and care responsibility of an agency in a foster home, group home, residential care center for children and youth, or shelter care facility, in the home of a relative other than a parent, in the home of like-kin, in the home of a person not a relative or like-kin, or in a court-ordered supervised independent living arrangement.

(30) “Permanency plan” means a plan required under s. 48.38 (2), Stats. or s. 938.38(2), that is designed to ensure that a child placed in out-of-home care is safely reunified with their parent, guardian, or Indian custodian whenever appropriate, or that the child quickly attains a safe placement or home providing long-term stability.

(33m) “Placing agency” means a licensed private child-placing agency, county agency, tribal child welfare agency, the department, or a licensed child welfare agency from another state authorized to place children in foster homes.

(34) “Premises” means the foster home and the tract of land on which it is situated, including all other buildings and structures on that land.

(34h) “Program staff” means staff in a Level 5 foster home who are responsible for daily supervision of a foster child and providing direct care to the foster child to ensure their safety and well-being.

(34m) “Reasonable and prudent parent standard” means a standard for use in making decisions concerning a foster child’s participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities that is characterized by careful and sensible parental decisions that maintain the health, safety, best interests, and cultural, religious, and tribal values of the foster child while at the same time encouraging the emotional and developmental growth of the foster child.

(34n) “Relative” has the meaning given in s. 48.02 (15), Stats., except that it does not include a parent.

(34p) “Residential care center for children and youth” has the meaning given in s. 48.02 (15d), Stats.

(34t) “Respite care” means care and services provided to a foster child during the absence of the foster parent.

(35) “Responsible care provider” means a person the foster parent believes has the ability and maturity to care for a foster child for the time that the foster child will be in that person’s care.

(35s) “Shelter care facility” has the meaning given in s. 48.02 (17), Stats.

(36) “Supervising agency” means the agency responsible for overseeing the care and maintenance of a child placed in out-of-home care, which may be a county agency, a tribal child welfare agency, the department, or a licensed private child-placing agency.

(37) “Team” means the group appointed by the placing and supervising agencies to assess a foster child, develop and implement the permanency plan, and evaluate the foster child’s progress for a foster child with a level of need of 1 to 2 who is placed in a foster home.

(37e) “Treatment” means the combination of therapies, services, and care designed to assist a foster child in achieving established measurable and behavioral goals and objectives based upon the information gathered through the assessment process.

(37m) “Treatment plan” means the comprehensive services plan developed by the treatment team for a foster child with a level of need of 3 to 5 who is placed in a foster home with a Level 3 to 5 certification.

(37s) “Treatment team” means the group appointed by the placing and supervising agencies to assess a foster child, develop and implement the treatment plan, and evaluate the foster child’s progress for a foster child with a level of need of 3 to 5 who is placed in a foster home with a Level 3 to 5 certification.

(37u) “Verification” means documentation that allows the licensing agency to determine compliance with a specific requirement and is not retained by the agency unless specifically stated.

(38) “Voluntary placement agreement” means a written contract between a county agency, the department, or a licensed child welfare agency, and the child’s parent or guardian, or Indian custodian and the child, if the child is 12 years of age or older, for the placement of the child in a licensed foster home under s. 48.63 (1), Stats.

(39) “Voluntary transition-to-independent-living agreement” means a voluntary agreement under s. 48.366 (3) or 938.366 (3), Stats.

DCF 56.04 Licensing.

(1) WHO MUST APPLY. (a) Any person proposing to provide foster care for a foster child shall apply to a licensing agency for a license to operate a foster home. Each household member who will act in the role of foster parent shall be an applicant.

(2) INITIAL LICENSE. Before an applicant may be issued an initial license to operate a foster home, the applicant shall submit all of the following to the licensing agency:

(a) A completed application form that is prescribed by the department and signed by each applicant.

Note: DCF-F-5863-E, *Relative and Like-Kin Foster Care Application*, is available on the department’s website at <https://dcf.wisconsin.gov/cwportal/fc/forms>.

(c) Information required for the background check under s. DCF 56.055 (1) (a) and (b).

(d) Verification of homeowner’s or renter’s liability insurance coverage or a request for a waiver.

(i) An attestation on a form prescribed by the department that as a foster parent they will comply with all of the requirements in this chapter.

Note: DCF-F-5587, *Relative and Like-Kin Foster Home Licensing Checklist*, is available on the department’s website at <https://dcf.wisconsin.gov/cwportal/fc/form>.

(3) LICENSE RENEWAL. At least 60 days prior to the expiration of a current license to operate a foster home, an applicant for renewal of the license shall submit all of the following to the licensing agency:

(a) A completed application form that is prescribed by the department and signed by each applicant.

Note: DCF-F-5863-E, *Relative and Like-Kin Foster Care Application*, is available on the department’s website at <https://dcf.wisconsin.gov/cwportal/fc/forms>.

(b) Information required for the background check under s. DCF 56.055 (1) (a).

(c) Verification of homeowner's or renter's liability insurance coverage or a request for a waiver.

(f) An attestation on a form prescribed by the department that as a foster parent they will comply with all of the requirements in this chapter.

Note: DCF-F-5587, *Relative and Like-Kin Foster Home Licensing Checklist*, is available on the department's website at <https://dcf.wisconsin.gov/cwportal/fc/form>.

(4) CHANGE IN APPLICATION INFORMATION. An applicant shall notify the licensing within 5 working days if any of the information included in the application changes prior to the licensing agency's determination on whether to approve or deny the application.

(5) HOME STUDY. An applicant shall cooperate with the licensing agency's process of determining the applicant's ability to meet the needs of a foster child by doing all of the following:

(a) Allowing the licensing agency access to the applicant's home and premises to ensure it meets the standards in this chapter.

(d) Providing truthful and sufficient information to the licensing agency on their ability to meet the requirements of this chapter.

(6) DISCRIMINATION. A licensing agency may not discriminate against an applicant for a foster home license or a foster parent applying for renewal of a foster home license on the basis of age, sex, race, color, creed, sexual orientation, national origin or handicap.

(7) LICENSE MODIFICATION. A licensing agency may modify a foster home license at any time based on a request from a foster parent or at the licensing agency's discretion.

(8) ACTION BY THE LICENSING AGENCY. (a) *Background check.* Within 5 working days after receiving the information required for the background check under s. DCF 56.055 (1), the licensing agency shall begin the background check of the applicant and any nonclient resident in the foster home.

(b) *Decision timeframe.* Within 10 working days after receiving all information necessary to make a decision on an application for an initial license or license renewal, or a license modification, the licensing agency shall approve the application and issue or modify the license or shall deny the application.

(c) *Notice of appeal rights.* If an application for an initial license, license renewal, or license modification is denied, the licensing agency shall provide the applicant with written reasons for the denial and information on how to file an appeal under s. DCF 56.10.

(9) AGENCY REQUIREMENTS PROHIBITED. A licensing agency may not create eligibility or termination criteria for a foster home license that are in addition to the criteria in this chapter and applicable statutes. A licensing agency may develop policies and procedures to implement this chapter.

(10) LICENSE PROHIBITION. No licensing agency may issue a foster home license to an employee of the agency or to the relative of an employee of the agency if the employee works in the child welfare area of the agency. This subsection does not apply to a volunteer for the agency.

Note: The intent of this requirement is to prevent possible conflicts of interest.

(11) NO MULTIPLE LICENSES. No foster parent may hold more than one license to operate a foster home under this chapter.

(12) EFFECTIVE PERIOD OF A LICENSE. A foster home license shall terminate 6 months after the foster child achieves permanency if that occurs prior to the end of the 2-year licensing period.

(13) LICENSE REVOCATION. (a) *Basis for revocation.* A foster home license may be revoked by a licensing agency if the foster parent has violated any provision in ch. 48, Stats., or this chapter or if the foster parent has failed to meet the minimum requirements for a license under this chapter.

(b) *Procedure for revocation.* To revoke a foster home license, a licensing agency shall provide the foster parent with written notice of the revocation, the grounds for revocation, and information on how to file an appeal under s. DCF 56.10.

DCF 56.05 Foster parent qualifications. At least one foster parent in a foster home shall be a relative of, or like-kin to, the foster child placed in the home or intended to be placed in the home.

(1) GENERAL BACKGROUND. (a) A foster parent shall be fit and qualified, exercise sound judgment, display the capacity to successfully nurture a foster child, not abuse alcohol or drugs, and not have a criminal conviction, pending criminal charge, or a finding by a governmental body of a civil or criminal violation of statutes, rules, or ordinances that is substantially related to the care of children or the operation of a foster home. In determining whether a criminal conviction, pending criminal charge, or finding by a governmental body is substantially related to the care of children or the operation of a foster home, the licensing agency shall apply the factors in s. DCF 12.06.

(b) A foster parent and all nonclient residents in the foster home shall comply with the background check requirements in s. 48.685, Stats., and s. DCF 56.055.

(2) AGE. A foster parent shall be 18 years of age or older.

(6) CHARACTERISTICS. (a) *All foster parents.* As evidenced through interviews with foster family members, use of the department's assessment system, communication with references, and any supplemental assessment, such as an alcohol or other drug abuse assessment or a physical and mental health evaluation, a foster parent shall have or exhibit all of the following characteristics to a degree that will allow the foster parent to adequately provide foster care services:

1. An adequate understanding of or a motivation to learn a foster child's development, trauma, strengths, and needs.

2. The ability to cope with additional stress factors that may occur during the course of the placement of a foster child.

3. Recognition of past personal trauma and experiences and how this may impact a foster parent's ability to safely care for a foster child placed in their care.

6. Parenting ability or a motivation to learn appropriate parenting techniques focused on the age, abilities, strengths, and needs of a foster child that would be placed in a foster home at the level of care that the foster parent has or is seeking.

7. A willingness to work with the supervising agency, placing agency, licensing agency, and the foster child's parent, guardian, or Indian custodian in achieving the permanence goal established in the foster child's permanency plan.

8. A willingness to promote normalcy for a foster child by encouraging the foster child to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities under s. DCF 56.09 (3).

9. An ability to provide stability, routine, and organization.

10. Commitment, time, and ability to perform the responsibilities in sub. (7).

(b) *Level 3 to 5.* In addition to the requirements under par. (a), a foster parent who operates a foster home with a Level 3 to 5 certification shall have or attain the following knowledge, skills, and qualifications in order to care for a foster child:

1. Knowledge of the behavioral, emotional, or physical conditions; symptomology; and treatment and care needs associated with foster children with a level of need of 3 to 5.

2. Knowledge of the operation of any specialized equipment and emergency back-up systems used by the foster child.

3. Recognition of escalating symptoms or side effects of the foster child's condition and appropriate ways to respond.

4. Knowledge of the foster child's medications, services, and treatments.

5. A commitment to providing care for a foster child with serious treatment needs.

(7) **Responsibilities.** (a) *All foster parents.* A foster parent shall do all the following:

1. Be familiar with and comply with all requirements of this chapter.

2. Maintain the confidentiality of all personal information about a foster child and the foster child's family.

5. Engage in shared parenting with the foster child's parent, guardian, or Indian custodian such as including them in meetings and appointments regarding the foster child, unless otherwise directed by the supervising agency.

6. Support a foster child's relationships with their family and others who are important to them by allowing communication, unless it is restricted in the treatment plan or court order.

7. Comply with and support all requirements of a foster child's court order under ch. 48 or 938, Stats., and any associated plan, including a family interaction plan, permanency plan, and independent living plan.

8. Cooperate and provide truthful and sufficient information to the licensing agency, supervising agency and placing agency responsible for supervising a foster child in the foster parent's care and keep the licensing agency and any other responsible agency informed of each foster child's progress and problems.

9. Apply the reasonable and prudent parent standard when making decisions concerning a foster child's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities under s. DCF 56.09 (3).

10. Allow the supervising agency at least 30 days in which to make an alternate placement if the foster parent asks that a foster child be removed from the foster home.

(b) *Foster home with Level 3 to 5 certification.* In addition to the requirements under par. (a), a foster parent who operates a foster home with a Level 3 to 5 certification shall assume primary responsibility for implementing the in-home care and treatment strategies specified in the foster child's treatment plan.

(9) HOMEOWNER'S OR RENTER'S LIABILITY INSURANCE. (a) *Definition.* In this subsection, "Wisconsin insurance plan" means the mandatory risk-sharing insurance plan established under s. 619.01, Stats., and s. Ins 4.10.

Note: The Wisconsin Insurance Plan offers homeowner's insurance for people who have had their coverage cancelled or who have been denied insurance in the standard insurance market. For information on the Wisconsin Insurance Plan, contact any insurance agency. General information on the Wisconsin Insurance Plan is available at <https://www.wisinsplan.com/>.

(b) *General requirement.* A foster parent shall have homeowner's or renter's liability insurance as required under s. 48.627 (2) (a), Stats., unless any of the following conditions apply:

1. The licensing agency has granted a waiver of the homeowner's or renter's insurance requirement under pars. (c) and (d).

(c) *Waiver conditions.* An applicant who is a relative of, or like-kin to a foster child may request a waiver of homeowner's or renter's liability insurance by attesting on the application under s. DCF 56.25 (3) (a) that the insurance policy that they had was canceled or payment of the premium for the required insurance would cause undue financial hardship.

(d) Within 30 days after receipt of a request that is accompanied by the documentation required under par. (c), the licensing agency shall approve or deny the waiver request and notify the applicant or foster parent in writing of its decision and the reasons for the decision.

(e) The licensing agency shall retain documentation of the waiver decision.

Note: A foster parent has limited liability under s. 895.485, Stats. This does not mean that the foster parent has no liability. In the event that a foster parent is sued, the foster parent may be liable for any judgment and attorney's fees.

DCF 56.055 Background checks.

(1) PROVIDE INFORMATION. (a) Before a foster home license is issued or renewed, the applicant and any nonclient resident in the home shall each do all of the following:

1. Complete and submit to the licensing agency the department's background information disclosure and written authorization for the licensing agency to make follow-up contact with the Wisconsin department of justice and any other person or organization to determine if there is any reason under sub. (4) why the applicant should not be granted a license or have an existing license renewed.

Note: DCF-F-2978-E, *Background Information Disclosure*, is available on the department's website at <https://dcf.wisconsin.gov/cwportal/fc/forms>.

2. Provide the licensing agency with information on each person's places of residence during the 5-year period before submission of the license application.

(b) Before an initial foster home license is issued or a license is renewed after a break in licensure, the applicant shall provide the licensing agency or its designated agent with a set of fingerprints sufficiently clear to submit to the Wisconsin department of justice or other law enforcement agency for submission to the national crime information database as provided in s. 48.685 (2) (c) 1., Stats.

(2) CONDUCT BACKGROUND CHECK. The licensing agency shall do all of the following:

(a) Obtain the information required under s. 48.685 (2) (am), Stats., regarding the applicant and any nonclient resident in the applicant's home, including the following:

1. A criminal history search from the records maintained by the department of justice.
2. Information that is contained in the registry under s. 146.40 (4g), Stats., regarding any findings against the person.
3. Information maintained by the department of safety and professional services regarding the status of the person's credentials, if applicable.
4. Information maintained by the department of health services under s. 48.685, Stats., and under ss. 48.623 (6) (am) 2. and (bm) 5., 48.75 (1m), and 48.979 (1) (b), Stats., regarding any denial to the person of a license, or continuation or renewal of a license to operate an entity, or of payments under s. 48.623 (6), Stats., for operating an entity, for a reason specified in s. 48.685 (4m) (a) 1. to 5., Stats., and regarding any denial to the person of employment at, a contract with, or permission to reside at an entity or of permission to reside with a caregiver specified in s. 48.685 (1) (ag) 1. am., Stats., for a reason specified in s. 48.685 (4m) (b) 1. to 5., Stats. If the information obtained under this subdivision indicates that the person has been denied a license, or continuation or renewal of a license, payments, employment, a contract, or permission to reside as described in this subdivision, the licensing agency need not obtain the information specified in subd. 5.

Note: Information on how to conduct an initial search of the records in subds. 1. to 4. is at <https://recordcheck.doj.wi.gov>. Following the search, the licensing agency will receive a report from the Department of Justice with the results of the criminal records search under subd. 1. and a report from the Department of Health Services with the results of the search of integrated databases with the information under subds. 2. to 4. Further investigation may be required.

5. a. Information in the department's child welfare automation system on any final substantiated findings that the person has abused or neglected a child. If the licensing agency does not have access to the department's child welfare automation system, the licensing agency shall request and obtain the information from the department.

b. Any child protective services records for the person in the department's child welfare automation system from the 5-year period before the search. If the licensing agency does not have access to the department's child welfare automation system, the licensing agency shall contact each county in this state in which the person is a resident or was a resident during the 5-year period before the search for any child protective services records during that period.

c. If the licensing agency is informed that the person resided outside this state at any time during the 5-year period before the search, information in any child abuse or neglect registry maintained by any other jurisdiction in which the person is a resident or was a resident during those 5 years for any findings comparable to a final substantiated finding or any reports that the person abused or neglected a child.

(b) Submit the fingerprints of the applicant under sub. (1) (b) to the Wisconsin department of justice or other law enforcement agency for submission to the national crime information database as provided in s. 48.685 (2) (c) 1., Stats.

(c) Conduct a reverse search of the Wisconsin sex offender registry using the applicant's address.

Note: A reverse search by address can be done by entering applicant's address at <http://doc.wi.gov/community-resources/offender-registry>. The Wisconsin Sex Offender Registry does not contain information on all convicted sex offenders.

(d) Obtain a criminal history records search from any other jurisdiction in which the person is or was a resident if the licensing agency is informed that the applicant or a nonclient resident in the applicant's home resided outside the state of Wisconsin at any time during the 5-year period before the search.

(3) FOLLOW UP. Follow-up investigation may be required and may include any of the following:

(a) If the results of the criminal history records search under (2) (a), (b), or (d) indicate a charge of a crime specified in s. 48.685 (1) (c), Stats., or comparable law in any other jurisdiction, but do not completely and clearly indicate the final disposition of the charge, the licensing agency shall make every reasonable effort to contact the appropriate clerk of court to determine the final disposition of the charge.

(b) If the background information disclosure indicates a charge or conviction of a crime specified in s. 48.685 (1) (c), Stats., or comparable law in any other jurisdiction, but the results of the criminal history records search under sub. (2) (a), (b), or (d) do not include the charge or conviction, the licensing agency shall make every reasonable effort to contact the appropriate clerk of court to obtain a copy of the criminal complaint and the final disposition of the complaint.

(c) If the results of the criminal history records search under sub. (2) (a), (b), or (d); the background information disclosure; or any other information indicate that the person was convicted of a violation of s. 940.19 (1), 940.195, 940.20, 941.30, 942.08, 947.01 (1), or 947.013, Stats., or comparable law in any other jurisdiction, not more than 5 years before the agency obtained the information, the licensing agency shall make every reasonable effort to contact the appropriate clerk of court to obtain a copy of the criminal complaint and judgment of conviction relating to that violation. The licensing agency shall determine whether the circumstances underlying the conviction are substantially related to the care of children or the operation of a foster home under s. 48.685 (5m), Stats., and s. DCF 56.05 (1).

Note: A list of Wisconsin county clerks of court is available at <http://www.wicourts.gov/contact/docs/clerks.pdf>.

(4) OFFENSES THAT ARE A BAR. Unless the person has demonstrated that they have been rehabilitated under s. 48.685 (5) or (5c), Stats., and ch. DCF 12, an applicant or licensee may not hold a license if the applicant or licensee or a nonclient resident in the home meets any of the following conditions:

(a) The person has been convicted of a crime specified in s. 48.685 (1) (c), Stats., or is the subject of a pending criminal charge alleging that the person committed a crime specified in s. 48.685 (1) (c), Stats.

Note: A table that lists applicable crimes is available on the department website, <http://dcf.wisconsin.gov>, in the foster care/related statutes and administrative rules section.

(b) A governmental body has made a finding that the person has abused or neglected any client or misappropriated the property of any client.

(c) A final substantiated finding has been made that the person abused or neglected a child.

(d) A finding that is comparable to a final substantiated finding has been made in any other jurisdiction.

(5) DENIALS OR REVOCATION. The licensing agency shall provide the department with information about each person who is denied a license or has a license revoked for a reason specified in sub. (4).

Note: Agencies with direct access to eWiSACWIS, the child welfare automation system, enter the information into the system. Agencies that do not have direct access to eWiSACWIS, provide the information on Form DCF-F-CFS2191, *Negative Action Notice*, which is available on the department's website at <https://dcf.wisconsin.gov/cwportal/fc/forms>.

(6) REHABILITATION REVIEW. If an applicant or a nonclient resident in the applicant's home has been convicted of a crime that is a bar for foster care licensing but is eligible for a rehabilitation review under s. 48.685 (5), Stats., and ch. DCF 12, the licensing agency shall inform the applicant about the option to apply for a rehabilitation review.

Note: The rehabilitation review process and application forms are available on the department website, <https://dcf.wisconsin.gov/rehab-review>.

DCF 56.06 Notification requirements.

(1) PHONE NUMBER. A foster parent shall notify the licensing agency and, if not the same, the supervising agency no later than the end of the next working day after the foster parent's phone number is changed.

(2) SERIOUS INCIDENTS INVOLVING A FOSTER CHILD. A foster parent shall notify the licensing agency and, if not the same, the supervising agency within 24 hours after any of the following:

(a) The death of a foster child.

(b) The serious illness or injury of a foster child that requires the services of a medical professional, such as a broken bone, burn, concussion, wound requiring stitches, drug overdose, or the ingestion of poison.

(c) A foster child has a reportable communicable disease under ch. DHS 145.

(d) The foster parent has reasonable cause to believe any of the following:

1. A foster child has been abused or neglected.

2. A foster child has been threatened with abuse or neglect and it is likely that the foster child will be abused or neglected.

(e) An error in administering medication to a foster child.

(f) A suicide attempt by a foster child.

(g) The unauthorized absence of a foster child from the home for longer than 8 hours or for longer than is reasonable given the foster child's age, maturity, and mental and emotional capacity.

(h) An incident requiring contact with law enforcement at the foster home or that involves a foster child.

- (i) A condition or situation that requires the removal of a foster child from a foster home.
- (j) The displacement of a foster child due to implementation of the disaster plan required under s. DCF 56.072 (5).
- (k) The use of a physical restraint as required under s. DCF 56.09 (15) (e).
- (L) Any other serious incident related to a foster child.

(3) SERIOUS INCIDENTS INVOLVING THE FOSTER HOME. A foster parent shall notify the licensing agency within 24 hours after any of the following:

- (a) A fire in the foster home that requires the services of a fire department.
- (b) Any physical damage to the foster home or premises that would impact the health or safety of the foster child, including the following:
 1. Structural damage that may affect the safe shelter of the foster child.
 2. Failure in the heating, cooling, electrical, plumbing, or smoke detection system that is not repaired or that cannot be repaired within 24 hours after the failure becomes known.

(4) BACKGROUND CHANGES. (a) An applicant or foster parent shall notify the licensing agency within 5 days after any of the following applies to the applicant, foster parent, or a nonclient resident:

1. The person has been convicted of any crime.
 2. The person is the subject of a pending criminal charge.
 3. The person has been adjudicated delinquent for committing a crime.
 4. The person is the subject of a delinquency petition alleging that the person committed a crime.
 5. A final substantiated finding has been made that the person abused or neglected a child.
 6. A finding that is comparable to a final substantiated finding has been made in any other jurisdiction.
 7. A governmental body made a finding that the person abused or neglected any client or misappropriated the property of any client.
 8. The person has been or is being investigated by any governmental agency for any other act, offense, or omission, including an investigation related to the abuse or neglect, or threat of abuse or neglect, to a child or other client, or an investigation related to misappropriation of a client's property.
- (b) 1. An applicant or foster parent shall notify the licensing agency that a person intends to become a nonclient resident in the applicant's or foster parent's home as soon as possible before the person begins residing in the home, except as provided under subd. 2.

2. If a person becomes a nonclient resident in the applicant's or foster parent's home without advance notice to the applicant or foster parent, the applicant or foster parent shall notify the licensing agency within 5 days.

DCF 56.07 Physical environment. The licensing agency shall make diligent efforts to assist an applicant who is a relative of, or like-kin to a foster child with obtaining the required items in s. DCF 56.07 and 56.072 to expedite the licensing process.

(1) GENERAL. (a) A foster home may be a house, apartment, mobile home, or other housing unit used as a residence by a person or family. Any area of the foster home of a relative of, or like-kin to, a foster child that the foster child has access to shall be free from environmental hazards that significantly impact human health. If an environmental hazard is identified, the placing or licensing agency shall make diligent efforts to assist the foster parent with ameliorating it.

(e) A licensing agency may require that a foster parent take specific actions or have a safety plan to address a safety hazard on the premises or nearby, including a swimming pool, hot tub, body of water, trampoline, manure pit, vehicle traffic, and railroad tracks.

(4) SLEEPING ARRANGEMENTS. (a) A foster parent shall provide a safe sleeping space with sleeping supplies, such as a mattress and linens, for each foster child, as appropriate for the foster child's needs and age and similar to other household members.

(b) 1. Each infant foster child, birth to 12 months of age, shall sleep alone in a crib, bassinet, bedside sleeper, play yard, or a sleeping device determined by tribal custom. Any sleeping device used by an infant foster child shall be in-safe working condition and may not have been recalled by the manufacturer.

2. The sleeping space for an infant foster child, birth to 12 months of age, shall be safe for infants with appropriately-sized bedding and free of blankets and other items, such as pillows and stuffed animals.

3. An infant foster child, birth to 12 months of age, may share a bedroom with a foster parent.

(m) No foster child may regularly sleep in any building, apartment, or other structure on the premises that is separate from the foster home, unless a foster child is of appropriate developmental maturity and consents to this arrangement and the supervising agency approves.

(6) HEATING. (a) A foster home shall have a functioning heating system.

(b) Unvented gas, oil, or kerosene space heaters may not be used in a foster home.

(7) ACCESS TO DANGEROUS MATERIALS AND OBJECTS. A foster parent shall prevent a foster child's access to medications, poisonous materials, cleaning supplies, alcoholic beverages, and other dangerous materials and objects as appropriate for a foster child's age and developmental, emotional, and behavioral needs.

(8) HAZARDOUS MACHINERY OR EQUIPMENT. (a) In this subsection, "hazardous machinery or equipment" means any machine or other equipment generally known to be hazardous to untrained or unskilled operators or to operators who for any other reason are physically or mentally unable to operate the equipment safely, including a motor vehicle, power lawn mower, tractor or other farm machinery or equipment, snowblower, chain saw, power-driven shop tool, snowmobile, all-terrain vehicle, utility-terrain vehicle and any other machinery or equipment determined by the licensing or supervising agency.

(b) No foster child may operate any hazardous machinery or equipment in violation of a law that specifies a minimum age requirement or that is beyond the foster child's knowledge or mental or physical capability.

(c) All hazardous machinery or equipment to be used by a foster child shall be maintained in a safe operating condition.

(d) A foster child shall be under the general and appropriate supervision of a responsible adult when operating hazardous machinery or equipment.

(e) The licensing or supervising agency may require that a foster child complete a safety course prior to operating hazardous machinery or equipment.

(9) PHONE OR OTHER COMMUNICATION DEVICE. * (a) A foster home shall have at least one operating phone or other communication device capable of completing a phone call accessible to a foster child when the foster child is in the home.

(10) PETS. (a) A foster parent shall ensure that a pet is safe to be around a foster child.

DCF 56.072 Emergency preparedness.

(1) SMOKE DETECTOR. A foster parent shall have at least one functional smoke detector on each level of the foster home and at least one near each sleeping area.

(2) FIRE EXTINGUISHER. A foster parent shall have at least one operable fire extinguisher in the home that is readily accessible.

(3) CARBON MONOXIDE DETECTOR. A foster parent shall have at least one functional carbon monoxide detector on each level of the foster home, except the attic.

(4) EMERGENCY PLANS. (a) *Fire safety evacuation.* A foster parent shall have a written plan for the immediate and safe evacuation of the foster home in the event of a fire.

(b) *Tornado warning.* A foster parent shall have an emergency plan that specifies where a foster child will shelter during a tornado warning.

(c) *Review and post.* The foster parent shall review the fire and tornado safety plans with the foster child and post them in a prominent place in the foster home.

(5) DISASTER EVACUATION PLAN. A foster parent shall file a disaster plan with the licensing agency that will allow the licensing agency to identify, locate, and ensure continuity of services to a foster child under the placement and care responsibility or supervision of an agency if the foster child is displaced or adversely affected by a disaster. The disaster plan shall include all of the following:

(a) Where a foster parent and foster child would go in an evacuation.

(b) Contact information for a relative or friend out of the area who will know where the foster parent and foster child have relocated.

DCF 56.074 Foster child's additional needs.

(1) FOSTER HOME ACCOMMODATIONS. (a) A licensing agency may require modifications to a foster home or other accommodations necessary to meet specific requirements identified by a foster child's team or treatment team.

(b) If necessary for a foster child to access the foster home, at least one entrance shall be level or ramped in accordance with ch. SPS 362 and in a manner that provides safe access for the foster child.

(c) Doorways and passageways to the common rooms, bathroom, and the foster child's bedroom shall meet standards relating to accessibility in ch. SPS 362 if the foster child uses a wheelchair, scooter, or walker.

(d) Bathroom facilities shall be readily accessible to a foster child requiring regular use of a wheelchair, scooter, or walker.

(2) OTHER ADDITIONAL NEEDS. (a) Notwithstanding s. DCF 56.04 (8), a licensing or supervising agency may impose additional conditions upon a foster parent if the age, trauma history, mental or physical disabilities, impaired judgment, or mobility of a foster child creates additional needs.

(b) If a foster child is nonambulatory, the fire safety evacuation plan required under s. DCF 56.072 (4) (a) shall include the means by which the foster child will be assisted in evacuating the home.

(3) WRITTEN CONDITIONS. Any condition imposed by the licensing or supervising agency shall be in writing and reviewed jointly by the agency and foster parent before taking effect.

DCF 56.076 Firearms and other dangerous weapons.

(1) DEFINITION. In this section, "dangerous weapon" means any firearm, any electric device designed to immobilize or incapacitate persons by the use of electric current, any spray device designed to immobilize or incapacitate persons by the use of chemicals or other liquids or gases, any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrument that is calculated or likely to produce death or great bodily harm.

(2) LAWS. A foster parent shall comply with all federal, state, and local laws relating to the possession, transportation, and carry of a dangerous weapon.

(3) SAFE STORAGE OF FIREARMS. A foster parent who is not actively using, transporting, or cleaning a firearm, or exercising their right to carry a concealed handgun under sub. (5), shall store the firearm as provided in par. (a) and either par. (b) or (c) as follows:

(a) Unloaded and locked in an area that is not readily accessible to a foster child.

(b) With one or more of the following secondary safety measures used:

1. Ammunition is locked in a container separate from the firearm.

2. Trigger lock is engaged on the firearm.

3. Cable lock is engaged on the firearm.

(c) In a gun safe made of steel with a secure functioning biometric, electronic, or combination locking mechanism that is designed to store firearms and ammunitions. Ammunition may be locked in the gun safe with the firearm.

(4) SAFE STORAGE OF OTHER DANGEROUS WEAPONS. A dangerous weapon other than a firearm shall be stored in a locked area that is not readily accessible to a foster child.

(5) CARRYING A CONCEALED HANDGUN. (a) A foster parent may carry a concealed handgun in the presence of a foster child if the foster parent has a license to carry a concealed weapon under s. 175.60, Stats., and carries the handgun using a holster or carry system that ensures that the firearm is in the control of the foster parent at all times.

(b) Notwithstanding the license requirement in par. (a), a foster parent may carry a concealed handgun without a state license in accordance with 18 USC 926B and 18 USC 962C and other applicable law.

(6) HUNTING. A foster parent may allow a foster child to hunt in compliance with s. 29.591 or 29.592, Stats., and other applicable law, based on the reasonable and prudent parent standard.

DCF 56.078 Transportation.

(2) A foster parent shall provide a foster child's transportation or ensure the foster child's access to other private transportation, public transportation, taxi, or ride share, so the foster child can attend medical appointments; visit family; get to school; and engage in social, religious, and cultural activities.

(3) A foster parent or person acting on behalf of the foster parent may transport a foster child under the age of 8 years in a private motor vehicle only if the conditions in s. 347.48 (4), Stats., are met.

(4) Each foster child who is not required to be in an individual child car safety seat or booster seat under sub. (3) when being transported shall be properly restrained by a seat belt, unless the foster child cannot be properly restrained in a seat belt because of a physical or medical condition and has obtained a written statement from a licensed physician that meets the requirements in s. Trans 315.03.

DCF 56.085 Capacity.

(1) TOTAL NUMBER OF PERSONS RECEIVING CARE. The number of persons receiving care in a foster home, including the combined total of foster children, children of the foster parent who are minors or less than 19 years of age and in high school, children receiving respite care, other children, and adults who need care may not exceed the following:

(a) In a foster home with a Level 1 to 2 certification, 8 persons.

(b) In a foster home with a Level 3 to 5 certification, 6 persons.

***(2) NUMBER OF FOSTER CHILDREN.** Care and maintenance may be provided for no more than 6 foster children in a foster home, except as provided in sub. (4) or (5).

(3) AGENCY OR DEPARTMENT EXCEPTIONS PANEL LIMIT ON NUMBER OF FOSTER CHILDREN. (a) A licensing agency may limit the number of foster children placed in a foster home to fewer than 6 when a license is issued, renewed, or modified.

(b) The department exceptions panel may limit the number of foster children placed in a Level 5 foster home to fewer than 6.

(4) AGENCY EXCEPTIONS. A licensing agency may grant an exception to sub. (2) under s. DCF 56.24 (1) and allow up to 8 foster children in a foster home if necessary to maintain any of the following:

- (a) A sibling connection.
- (b) A parental connection between a minor parent and minor child.
- (c) An established meaningful relationship between a child and foster parent.

(5) DEPARTMENT EXCEPTIONS. A licensing agency may apply to the department exceptions panel for an exception to subs. (1) and (2) under s. DCF 56.24 (2) to allow any of the following:

- (a) Care of 9 or more individuals, in a foster home with a Level 1 or 2 certification, including foster children, in a foster home to maintain a relationship specified in sub. (4) (a) to (c).
- (b) Care of 7 or more individuals in a foster home with a Level of 3 or 4 certification, including foster children, in a foster home to maintain a relationship specified in sub. (4) (a) to (c).

(6) LICENSE MODIFICATION. The licensing agency shall modify the license to reflect a reduction in the number of foster children in the home if any of the children leave.

DCF 56.09 Care of a foster child.

(1) GENERAL. A foster parent shall provide care that meets the following conditions:

- (a) Is respectful toward the cultural beliefs, attitudes, and behaviors of a foster child and their family.
- (e) Does not discriminate against the child because of the child's race or cultural identification, sex, age, sexual orientation, color, creed, ancestry, national origin or disability.

(2) SUPERVISION.

(b) A foster parent shall do all of the following:

1. Ensure that a foster child receives responsible supervision appropriate to their age, maturity, and abilities.
2. Use the reasonable and prudent parenting standard to determine whether a foster child may be unsupervised.

(c) 1. A foster parent may do all of the following:

- a. Use a video or audio monitor inside the foster home to monitor a foster child who is under 2 years of age.
- b. Use a video or audio monitor inside the foster home to monitor a foster child who is 2 years of age or over only if there is a specific safety need that can only be met through the use of video or audio monitoring and the supervising agency approves.
- c. Take a video or audio recording of a social or recreational activity in which a foster child is participating.

2. A foster parent may not record the video or audio used for monitoring a foster child inside the foster home.

(3) REASONABLE AND PRUDENT PARENT STANDARD. (a) *Promote normalcy.* A foster parent shall promote normalcy for a foster child by using the reasonable and prudent parent standard when making a decision concerning the foster child's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities.

(b) *Decision-making factors.* When applying the reasonable and prudent parenting standard, the foster parent shall consider all of the following:

1. The health, safety, and best interests of the foster child.
2. The physical and emotional developmental level of the foster child.
3. The foster child's wishes, as gathered by engaging the foster child in an age-appropriate discussion about participation in the activity.
4. The cultural, religious, and tribal values of a foster child and the foster child's family. If reasonably possible to do so, the foster parent shall consult with the foster child's parent, guardian, legal custodian, or Indian custodian about the foster child's participation in extracurricular, enrichment, cultural, and social activities and the foster child's cultural, religious, and tribal values, in making decisions concerning the foster child's participation in those activities, but is not required to consult with the parent, guardian, legal custodian, or Indian custodian about every decision affecting the foster child. If the foster parent is unable to consult with the foster child's parent, guardian, legal custodian, or Indian custodian, they shall consult with the supervising agency about any cultural, religious or tribal values to be considered.
5. Court orders and other legal considerations affecting the foster child, including the prohibitions in par. (g).
6. Potential risks of the activity under consideration.
7. Whether the foster child has the necessary training and safety equipment to safely participate in the activity under consideration.
8. Whether participating in the activity will provide an experience that is similar to the experiences of the foster parent's children and other children in the home.
9. Developmental activities of peers.
10. Information on the forms required under ch. DCF 37.

Note: The forms required under ch. DCF 37 are DCF-F-872A-E, *Information for Out-of-Home Care Providers, Part A* and DCF-F-872B-E, *Information for Out-of-Home Care Providers, Part B*. Both forms are available on the department website at <https://dcf.wisconsin.gov/cwportal/fc/forms>.

(c) *Indian child.* If the foster child is an Indian child, the supervising agency shall ask the foster child's parent, guardian, or Indian custodian and the Indian child's tribe about specific tribal values and customs and provide this information to the foster parent.

(d) *Conflicting appointments.* If an activity that promotes normalcy conflicts with a scheduled family interaction, therapy, or other appointment, the foster parent shall consult with the foster child's child welfare professional about whether the activity can be accommodated.

(e) *Foster child's hair.* 1. If a foster child is under 12 years of age, the following provisions apply regarding the foster child's hair:

- a. The foster parent may not provide hair care or authorize any hair care services that would significantly change the style, cut, or color of the foster child's hair without permission from the foster child's parent, guardian, legal custodian, or Indian custodian.
 - b. The foster parent may provide hair care or authorize hair care services needed to maintain the style, cut, and color of the foster child's hair.
2. A foster child who is 12 years of age or older may make their own hair care decisions without authorization from the foster parent or the foster child's parent, guardian, legal custodian, or Indian custodian.

(f) *Prohibitions.* A foster parent may not do any of the following:

1. Permit the foster child to participate in an activity that would violate a court order or any federal or state statute, rule, or regulation.
2. Make a decision that conflicts with the foster child's permanency plan or family interaction plan.
3. Consent to the foster child's marriage.
4. Authorize the foster child's enlistment in the U.S. armed forces.
5. Authorize medical, psychiatric, or surgical treatment for the foster child beyond the terms of the consent for medical services authorized by the foster child's parent, guardian, legal custodian, or Indian custodian.
6. Represent the foster child in a legal action or make a decision of substantial legal significance.
7. Determine which school the foster child attends or make a decision for the foster child regarding an educational right or requirement that is provided in federal or state law.
8. Require or prohibit a foster child's participation in an age or developmentally appropriate extracurricular, enrichment, cultural, or social activity solely for the foster parent's own convenience or based solely on the foster parent's own values.

(4) AGENCY APPROVAL. (a) A foster parent shall secure approval from the supervising agency before taking a foster child out of state for more than 48 hours.

(b) A foster parent shall secure approval from the supervising agency before making plans for the care of a foster child by any other person in or away from the foster home for more than 72 hours.

(5) FAMILY INTERACTION PLAN. (a) A foster parent shall follow the family interaction plan that was developed by the placing agency with input from the foster child's parent, guardian, or Indian custodian.

(b) The foster parent and the supervising agency shall coordinate transportation for visits required under the family interaction plan.

(6) PERSONAL BELONGINGS. Any personal belonging that a foster child had when placed in the foster home, that was purchased on behalf of the foster child with public funds, that the foster child received as a gift or earned, including money, belong to the foster child and the foster child shall take them when the placement ends, unless the items are permanently affixed to the foster home.

(7) HOUSEHOLD CHORES. (a) A foster parent may require a foster child to share in household chores appropriate to the foster child's age, degree of maturity, mental capability, health, and physical ability. These duties shall be similar to those required of other children in the home and may not interfere with a foster child's school attendance, family visits, sleep, studies, or cultural practices or traditions, including religious practices.

(b) A foster parent shall compensate a foster child in the same manner that other children in the home are compensated for household chores or labor that goes beyond household chores.

(c) A foster child may not be expected to perform labor that goes beyond household chores or financially benefits the foster parent without the foster child's agreement and approval of the foster child's parent, guardian, legal custodian, or Indian custodian and approval of the supervising agency.

(8) HEALTH OF A FOSTER CHILD. (a) A foster parent shall schedule an appointment with the foster child's medical provider within the first 30 days after placement, unless the foster child is current on medical well-child checks and vaccinations.

(b) A foster parent shall ensure that the foster child receives medical treatment based on the recommended preventative pediatric health care schedule for continued well-child checks and twice-yearly dental cleanings.

(c) A foster parent shall ensure that a foster child who needs medical, dental, mental, or behavioral health attention receives appropriate and adequate services promptly.

(d) A foster parent may not deny a foster child access to confidential family planning and reproductive health services.

(9) NUTRITION. (a) A foster parent shall ensure that a foster child receives food that meets the foster child's daily nutritional needs.

(b) A foster child shall be given choices in food that are in accordance with the foster child's cultural practices or dietary preferences, unless a medical provider advises against it and the placing agency maintains documentation from the medical provider.

(c) No foster child may be forced to eat against their wishes except by court order and under the supervision of a medical provider.

(d) A foster parent may not lock or restrict access to food from a foster child unless directed by a medical provider or mental health professional and the placing agency maintains documentation.

(e) A foster parent caring for an infant foster child, birth to 12 months of age, shall follow nutritional guidance provided by the foster child's medical provider.

(10) EDUCATION. (a) A foster parent shall make every reasonable effort to ensure that a foster child of school age in their care attends school unless otherwise excused by school officials.

* (b) A foster parent may not provide a home-based private educational program to a foster child in their care. This does not apply to homebound study under s. 118.15 (1), Stats., or as specified in the foster child's individualized education program.

(11) REGULAR CHILD CARE OUTSIDE THE FOSTER HOME. (a) In this section, "unregulated child care provider" means a person the foster parent believes will be a responsible provider of regular child care provided outside the foster home but who does not have a license or certification to provide child care.

* (b) A foster parent shall use a child care provider that is licensed under ch. DCF 250, 251, or 252 or certified under ch. DCF 202, except as provided in par. (c).

(c) A licensing agency may grant an exception to par. (b) and allow the foster parent to use an unregulated child care provider if any of the following conditions is met:

1. There is no licensed or certified child care provider within 15 miles of the foster home.
2. There is no opening available at any licensed or certified child care provider that is within 15 miles of the foster home, and the foster child has been placed on a waitlist.
3. The supervising agency determines that care by the unregulated child care provider is in the best interest of the foster child.

(d) Prior to the foster parent using an unregulated provider for regular child care outside the foster home, the licensing agency or supervising agency shall do all of the following:

1. Complete the background check under s. 48.685 (2) (am), Stats., for the unregulated child care provider and under s. 48.685 (2) (b), Stats., for any nonclient resident of the unregulated child care provider who will have regular, direct contact with the foster child.
2. Verify that the unregulated child care provider is not providing child care for more than 3 unrelated children under the age of 7 for compensation for less than 24 hours per day.
3. Obtain the unregulated child care provider's agreement to abide by subs. (2) (a) and (b) 1., (14), and (15).

(12) CARE OF OTHERS IN THE FOSTER HOME. * (a) A foster parent may combine the care of a foster child with the care of other nonrelated children or adults only with the written approval of the licensing agency and any other certification or licensing agency.

(b) Prior to granting approval under par. (a), the licensing agency shall confer with any other certification or licensing agency and may approve the 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 the foster child.

(13) SEARCH. (a) A foster parent may search a foster child's sleeping area and belongings, and other storage space used by the foster child without the foster child's consent if the foster parent believes the search is necessary to prevent harm to the foster child or another person.

(b) The foster parent shall share information about the search with the supervising agency and licensing agency.

(c) The foster parent shall inform the foster child of the search if the foster child did not consent in advance.

(14) DISCIPLINE. (a) When deciding on the appropriate disciplinary action for a foster child, including the use of timeouts, the foster parent shall consider the foster child's trauma history; age; and cognitive, emotional, physical, and behavioral capacities to understand and learn age-appropriate behaviors.

(b) A foster parent may restrict a foster child's access to the foster parent's or foster child's phone, tablet, or other device as a consequence provided that the foster parent allows the foster child to communicate with their family, service providers and others associated with their placement, and their attorney or guardian ad litem.

(c) A foster parent may not punish a foster child by depriving them of their basic needs, including food, sleep, clothing, toileting access, and interactions with their family.

(d) A foster parent may not subject any foster child to verbal abuse, profanity, humiliation, or derogatory remarks about the foster child or the foster child's family or to threats to expel the foster child from the foster home.

(e) 1. In this paragraph, "physically punish" means inflicting any kind of physical pain or discomfort on a foster child, including hitting, slapping, spanking, punching, shaking, kicking, biting, or washing out a foster child's mouth with soap.

2. A foster parent may not do any of the following:

a. Physically punish a foster child.

b. Lock a foster child in any enclosure, room, closet, or other part of the foster home or elsewhere on the premises.

c. Restrain a foster child using any physical apparatus that interferes with the free movement of their limbs and body.

(15) PHYSICAL RESTRAINT. (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.

(b) A foster parent shall attempt other feasible alternatives to de-escalate a foster child and situation before using physical restraint.

(c) A foster parent may not use physical restraint as disciplinary action, for the convenience of the foster parent, or for therapeutic purposes.

(d) If physical restraint is necessary under par. (a), a foster parent may only use the physical restraint in the following manner:

1. With the least amount of force necessary and in the least restrictive manner to manage the imminent danger of harm to self or others.

2. That lasts only for the duration of time that there is an imminent danger of harm to self or others.

3. That does not include any of the following:

a. Any maneuver or technique that does not give adequate attention and care to protection of the foster child's head.

b. Any maneuver that places pressure or weight on the foster child's chest, lungs, sternum, diaphragm, back, or abdomen causing chest compression.

c. Any maneuver that places pressure, weight, or leverage on the neck or throat, on any artery, or on the back of the foster child's head or neck, or that otherwise obstructs or restricts the circulation of blood or obstructs an airway, such as straddling or sitting on the foster child's torso.

d. Any type of choke hold.

e. Any technique that uses pain inducement to obtain compliance or control, including punching, hitting, hyperextension of joints, or extended use of pressure points for pain compliance.

f. Any technique that involves pushing on or into a foster child's mouth, nose, or eyes, or covering the foster child's face or body with anything, including soft objects, such as pillows, washcloths, blankets, and bedding.

4. Notwithstanding subd. 3. f., if a foster child is biting themselves or another person, a foster parent may use a finger in a vibrating motion to stimulate the foster child's upper lip and cause the foster child's mouth to open and may lean into the bite with the least amount of force necessary to open the foster child's jaw.

(e) A foster parent shall report the use of any physical restraint to the licensing agency as soon as possible but no later than 24 hours after the imminent danger has been resolved. The report shall include a description of the situation that led to the use of restraint, the nature of the restraint that was used, any follow-up actions that were taken, any injuries that may have resulted from use of the restraint, and any additional information required by the licensing agency.

(16) CONFIDENTIALITY. A foster parent and household members having access to confidential information about a foster child and their family may not discuss or otherwise disclose that information to any other person while the foster child is in the foster home or after the foster child leaves the foster home, except as follows:

(a) To the licensing, supervising, or placing agency.

(b) To another foster parent or respite provider as authorized by the agency, such as when another foster parent is being considered as a placement for the foster child or the person is providing respite care for the foster child.

(c) By order of a court.

(d) As otherwise provided by law.

Note: Disclosure of confidential information is governed by ss. 48.78 and 48.981 (7), Stats., and other state and federal laws and regulations.

DCF 56.10 Hearings.

(1) TYPES OF APPEALS. An applicant or foster parent may request a hearing under ch. 227, Stats., to appeal any of the following decisions by a licensing agency:

- (a) The denial of an application for an initial license, license renewal, or license modification.
- (b) The revocation of an existing license.

Note: The appeal rights described in this section relate only to licensure decisions. Foster parents also have appeal rights for non-licensure decisions as provided under s. 48.64 (4), Stats., and ch. HA 3 rules. Any circuit court decision regarding a placement or a placed child is not appealable by the foster parent under this section.

(2) REQUEST FOR A HEARING. A request for a hearing shall be in writing and shall be addressed to division of hearings and appeals. The date of the request for a hearing shall be the date on which the request is received by that office. Any request for a hearing shall be received no more than 10 days after the date of the notice of the licensing agency's decision.

Note: A request for a hearing may be mailed to Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875; faxed to (608) 264-9885; or delivered to 4822 Madison Yards Way, Madison, WI 53705.

(3) ARRANGEMENTS FOR A HEARING. In response to a request for a hearing under this section, the division of hearings and appeals shall appoint a hearing examiner, set a date for the hearing and notify the parties in writing at least 10 days before the hearing of the date, time, and place of the hearing and of the procedures to be followed.

(4) APPEAL OF A LICENSE REVOCATION. (a) *Revocation remains effective during appeal process.* A license revocation shall be effective as of the date of the revocation notice and shall remain in effect regardless of a pending appeal, unless the revocation is overturned by the division of hearing and appeals or rescinded by the licensing agency.

(b) *If a revocation is overturned.* 1. 'Unexpired license.' If a revocation is overturned by the division of hearing and appeals and the foster parent's license to operate a foster home did not expire while the appeal was pending, the licensing agency shall reinstate the person's prior license with the original expiration date.

2. 'Expired license.' If a revocation is overturned by the division of hearings and appeals after the person's license to operate a foster home has expired, the person may apply for a renewal license under s. DCF 56.04 (2) (b) within 30 days after the date of the decision overturning the revocation. The person shall provide new fingerprints for the background check under s. DCF 56.055 (1) (b) due to the gap in licensure.

DCF 56.12 Information for foster parents. Prior to or at the time of issuing an initial or subsequent license to operate a foster home, the licensing agency shall provide each foster parent with all of the following:

(1) FOSTER PARENT HANDBOOK. A foster parent handbook prescribed by the department that includes information on all of the following topics:

- (a) The child welfare and juvenile court systems.
- (b) The purpose of foster care.
- (c) Permanency planning.
- (d) The requirement for a foster parent to report child abuse or neglect under s. DCF 56.06 (2) (d).

(e) Developing and maintaining family connections.

(f) Caring for foster children, including attachment, child development, grief, loss, trauma, discipline of foster children, and independent living skills.

(2) BROCHURES. A brochure prescribed by the department on each of the following topics:

(a) The foster parent insurance program and how to file a claim under that program.

(b) The foster care reimbursement and rate structure, including the clothing allowance.

(c) The reasonable and prudent parent standard.

(3) RESOURCES. Information about resources for foster parents, including the availability of respite care services and how foster parents can access those services.

Note: The publications DCF-P-5000, *Foster Parent Handbook*; DCF-P-PFS2010, *Foster Parent Insurance Program*; DCF-P-PFS0142, *Understanding the Uniform Foster Care Rate*; and DCF-P-5105, *Reasonable and Prudent Parent Standard*, are available on the department's website at <https://dcf.wisconsin.gov/cwportal/fc/forms>.

DCF 56.13 Foster home level of care certification for Levels 1 to 4.

(2) CERTIFICATION. A licensing agency shall certify each foster home for a level of care under subs. (3) to (6) commensurate with the foster parent's knowledge, training, skills, experience, and relationship to the foster child in accordance with the licensing agency's programming and capacity.

(4) LEVEL 2 FOSTER HOME.

(a) Training. 1. At least one foster parent identified on the license to operate a Level 2 foster home shall complete a minimum of 6 hours of preplacement training under s. DCF 56.14 (6) before or after the placement of a foster child but no later than 6 months after the date of initial licensure.

(5) LEVEL 3 FOSTER HOME.

(a) Experience. An applicant for certification to operate a Level 3 foster home shall have at least 3 of the following:

1. A minimum of one year of experience with a child residing in the applicant's home.
2. A minimum 5 years of experience working with or parenting children.
3. A minimum of 500 hours of experience as a respite care provider for children under the supervision of a human services agency.
4. A high school diploma or the equivalent.
5. A college, vocational, technical, or advanced degree in the area of a child's treatment needs, such as nursing, medicine, social work, or psychology.
6. Work or personal experience for which the applicant has demonstrated the knowledge, skill, ability, and motivation to meet the needs of a foster child with a level of need of 3.

(b) *Training.*

1. At least one foster parent identified on the license to operate a Level 3 foster home shall complete a minimum of 36 hours of preplacement training under s. DCF 56.14 (6d).
 2. At least one foster parent identified on the license to operate a Level 3 foster home shall complete a minimum of 24 hours of initial licensing training under s. DCF 56.14 (7e) during the initial licensing period.
- * 3. At least one foster parent identified on the license to operate a Level 3 foster home shall complete 18 hours of ongoing training under s. DCF 56.14 (8) in each 12-month period of licensure subsequent to the initial licensing period.

(6) LEVEL 4 FOSTER HOME.

(a) *Experience.* An applicant for certification to operate a Level 4 foster home shall have at least 4 of the following:

1. A minimum of one year of experience with a child with needs that require additional supervision and care.
2. A minimum of 5 years of experience working with or parenting children.
3. A minimum of 500 hours of experience as a respite care provider for children under the supervision of a human services agency.
4. A high school diploma or the equivalent.
5. A college, vocational, technical, or advanced degree in the area of a child's treatment needs, such as nursing, medicine, social work, or psychology.
6. Work or personal experience for which the applicant has demonstrated the knowledge, skill, ability, and motivation to meet the needs of a foster child with a level of need of 4.

(b) *Training.*

1. At least one foster parent identified on the license to operate a Level 4 foster home shall complete a minimum of 40 hours of preplacement training under s. DCF 56.14 (6d).
 2. At least one foster parent identified on the license to operate a Level 4 foster home shall complete a minimum of 30 hours of initial licensing training under s. DCF 56.14 (7e) during the initial licensing period.
- * 3. At least one foster parent identified on the license to operate a Level 4 foster home shall complete 24 hours of ongoing training under s. DCF 56.14 (8) in each 12-month period of licensure subsequent to the initial licensing period.

DCF 56.135 Level 5 foster homes.

(1) DEVELOPMENT. (a) *Need for Level 5.* A licensing agency, placing agency, or supervising agency may consider developing a Level 5 foster home if the following circumstances exist:

1. A placement is needed for a child with all of the following conditions:
 - a. The child has behaviors or conditions that require a high degree of supervision and overnight awake care by program staff who rotate shifts within a 24-hour period.
 - b. The child will benefit from a home-like environment that has fewer children than a group home or residential care center for children and youth.
 - c. The child is expected to need long-term care or a similar care setting as an adult or has needs agreed to by the department.
2. All other community placement options have been investigated and determined to not be in the best interest of the child.

(b) *Preapproval to begin child-specific planning for a Level 5 foster home.* Prior to submitting an application for certification of a Level 5 foster home, a licensing agency or placing agency or supervising agency shall submit a completed form prescribed by the department to request preapproval from the department exceptions panel to begin the development of a Level 5 foster home for the specific child meeting the conditions in par. (a).

Note: DCF-F-5177-E, *Preapproval to Begin Child Specific Planning for Level 5 Foster Home*, is available on the department's website at <https://dcf.wisconsin.gov/cwportal/fc/forms>.

(c) *Application for certification of a Level 5 foster home.* 1. The licensing agency, in collaboration with the placing agency, supervising agency, and the proposed foster parent, shall submit the following information to the department Level 5 panel to request certification of a Level 5 foster home:

- a. A completed application form prescribed by the department.
- b. Information on the specific child to be placed in the foster home.
- c. A description of the programming and services that the foster parent and program staff will provide for the foster child.
- d. The qualifications of the proposed foster parent to meet the needs of the specific child to be placed in the home.
- e. The qualifications of the proposed program staff to meet the needs of the specific child to be placed in the foster home and the proposed program staff-to-child ratios.
- f. A crisis or behavioral support plan specific to the child to be placed in the foster home.

Note: DCF-F-2559-E-E, *Initial Application for Certification and Child Placement*, is available on the department's website at <https://dcf.wisconsin.gov/cwportal/fc/forms>.

2. The licensing agency, in collaboration with the placing agency, supervising agency, and the proposed foster parent, shall participate in a site visit with the department and other persons on the child's treatment team. The site visit may be in person or virtual as determined by the department. All of the following shall be discussed at the site visit:
 - a. The plan for the child's transition to the Level 5 foster home and integration into the community.

- b. The plan to support the child's educational needs.
- c. The programs and services that the child will be engaged in while placed in the Level 5 foster home, both formal and informal.
- d. The family interaction plan.
- e. If the child is age 16 or over, the plan for the child's transition to adult care.

3. The department Level 5 panel shall, in writing, indicate its approval or denial of an application to operate a Level 5 foster home within 20 working days after the department receives the application from the licensing agency and has all the information required to make its decision.

(d) *Interagency memorandum of understanding.* If a requirement in this chapter is not designated as the responsibility of a licensing agency, placing agency, or supervising agency, all agencies involved in providing care and maintenance, supervision, or services for a foster child placed in a Level 5 foster home shall enter a memorandum of understanding to determine responsibility for all requirements for which responsibility is not designated.

(2) LICENSING AGENCY RESPONSIBILITIES. The licensing agency shall do all of the following:

- (a) Ensure that each Level 5 foster home has a foster parent qualified to operate the foster home.
- (b) In conjunction with the foster parent, placing agency, and supervising agency, oversee program development and operation of the Level 5 foster home and do all of the following:
 - 1. Review the appropriateness of admission of each child to the Level 5 foster home.
 - 2. Participate in developing, reviewing, and updating each foster child's assessments and treatment plans.
 - 3. Provide technical assistance to the foster parent on the development, supervision, and support of program staff.
 - 4. Periodically review and update the Level 5 foster home policies and procedures.
- (c) Review and maintain records on the foster parent, program staff, and volunteers, including all of the following:
 - 1. Completed background information disclosures and background check results documenting that the background check requirements under s. 48.685, Stats., and s. DCF 56.055 are met.
 - 2. Documentation that the foster parent and program staff have completed the training and orientation required under subs. (6) (b) and (7) (j) and (k).

(3) PLACEMENTS INTO A LEVEL 5 FOSTER HOME. (a) *Last community option.* The licensing agency and foster parent shall only consider placing a child into a Level 5 foster home as the last community placement option when the conditions in s. DCF 56.135 (1) (a) 1. and 2. are met.

(b) *Compatibility with other children.* Before a new child is placed in a Level 5 foster home, the licensing agency and the foster parent shall evaluate the compatibility of this child with each foster child currently placed in the home. The placement of a child in a Level 5 foster home may not displace or endanger the health, safety, or well-being of any foster child currently placed in the foster home.

(c) *Foster child who is medically fragile or technology dependent.* The licensing agency and the foster parent shall ensure that the treatment plan for a foster child who is placed in a Level 5 foster home includes emergency medical protocols if the foster child meets any of the following conditions:

1. Has an ongoing need for skilled services that support basic life functions necessary for survival.
2. Is dependent on technology to compensate for the loss of a vital body function.

(d) *Waiver funding.* The licensing agency shall notify the department of health services if an application is submitted to support a child's placement in a Level 5 foster home with funding under the disabled children's long-term support program as defined in s. 46.011 (1g), Stats.

(5) RESPITE CARE. A Level 5 foster home may only provide respite care to a foster child who was previously placed in the foster home or a foster child specifically identified and approved by the department Level 5 panel on a planned basis.

(6) FOSTER PARENT. (a) *Qualifications.* In addition to requirements in s. DCF 56.05, the foster parent of a Level 5 foster home shall have the following qualifications:

* 1. 'Management experience.' The foster parent of a Level 5 foster home shall have either of the following:

- a. Experience managing staff or a business.
- b. A professional development plan to develop management and supervisory skills.

* 2. 'Education or experience in human services.' The foster parent of a Level 5 foster home shall have at least one of the following:

- a. An associate's degree or higher from an accredited college or university.
- b. A minimum of one year of supervised full-time work experience in an out-of-home care program or assisted living program with children or adults.
- c. A minimum of 2 years of personal experience caring for a person who has needs similar to the population to be served.

(b) *Training.* The foster parent of a Level 5 foster home shall complete the following training:

- | |
|--|
| <ol style="list-style-type: none">1. A minimum of 40 hours of preplacement training under s. DCF 56.14 (6p).2. A minimum of 30 hours of initial licensing training under s. DCF 56.14 (7s) during the initial licensing period. |
|--|

* 3. 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.

(c) *Responsibilities.* The responsibilities of the foster parent of a Level 5 foster home include all of the following:

1. Working in conjunction with the licensing agency, placing agency, and supervising agency as specified in sub. (1) (c) and (2) (b).
2. Overseeing the day-to-day operations of the Level 5 foster home, including hiring, training, and evaluating program staff.

3. Providing oversight and guidance to program staff.
4. Participating in the foster child's treatment team and assuming primary responsibility for implementing the in-home care and treatment strategies specified in the foster child's treatment plan.

5. Having an in-person contact with a foster child placed in the foster home a minimum of once per week for the duration of the foster child's placement. The contacts shall provide opportunities for the foster parent and foster child to engage in parent-child interactions, such as doing homework, playing games, and going on community outings to create a home-like setting for the foster child.

6. Ensuring that program staff are promoting normalcy for each foster child placed in the foster home by applying the reasonable and prudent parent standard when making decisions concerning a foster child's participation in extracurricular, enrichment, cultural, and social activities under s. DCF 56.09 (3).

7. Ensuring that program staff have access to the information needed to make decisions concerning a foster child's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities under s. DCF 56.09 (3).

(d) *Shift-staffed foster home.* A foster parent may do any of the following only if the foster home has a Level 5 certification:

1. Live in a residence that is not the foster home.
2. Provide less than 50 percent of a foster child's care.

(7) PROGRAM STAFF. (a) *Staff-to-child ratios.* A Level 5 foster home shall have program staff in sufficient numbers to meet the following staff-to-child ratios:

1. One program staff person for every 2 children during waking hours.
2. One program staff person for every 4 children during sleeping hours.

(b) *Ratios as minimum.* A licensing, placing, or supervising agency or the department may require the number of program staff on duty to be higher than the minimum requirements in par. (a) as necessary to meet the needs of each foster child and to ensure their safety and welfare.

(c) *Responsibilities.* Program staff shall be responsible for daily supervision of each foster child and to provide direct care to each foster child to ensure their safety and well-being, including promoting normalcy under s. DCF 56.09 (3).

* (d) *Qualifications.* A program staff person shall have at least one of the following qualifications:

1. An associate's degree or higher from an accredited college or university.
2. Current enrollment in and regularly attending an accredited college or university.
3. A minimum of one year of supervised, full-time work experience in an out-of-home care program or assisted living program with children or adults.
4. Certification as a child and youth care worker under the standards of the Wisconsin Association of Child and Youth Care Professionals or other department-recognized certifying authority.

Note: Information on the Wisconsin Association of Child and Youth Care Professionals is available at <https://wacycp.org/>.

5. Personal experience with a person who has needs similar to the population to be served.
6. Skills and personal characteristics that relate to caring for a foster child who has needs similar to the population served.

(e) *Age.* A program staff person shall be at least 18 years of age.

(f) *Hiring and employment.* Before an applicant for a program staff position in a Level 5 foster home begins employment, the foster parent or the licensing agency shall do all of the following regarding the applicant:

1. Conduct and document a background check pursuant to s. 48.685, Stats., and s. DCF 56.055.
2. Make a determination that the applicant has not had a license to operate a foster home, group home, or residential care center for children and youth revoked or denied within the last 2 years.

* 3. Obtain favorable references from at least 3 non-relatives.

4. Make a determination that the applicant has the capacity to successfully nurture and care for children and does not have a history of a civil action, criminal conviction, or administrative rule violation that is substantially related to the care of a child or a history of exercising unsound judgment or abuse of alcohol or drugs.

Note: For help in determining whether a civil action, criminal conviction, or administrative rule violation is substantially related to the care of children, consult s. DCF 12.06.

5. If the foster parent and licensing agency do not agree that a program staff person meets the qualifications to work in the Level 5 foster home, the licensing agency shall make the final hiring decision.

6. The foster parent shall provide the licensing agency with the program staff records, including documentation that the hiring and employment requirements for program staff are met.

* (g) *Health exam.* Upon hire and prior to working with a foster child, the foster parent shall require each program staff person to provide a statement from a medical provider that the program staff person meets the minimum physical requirements of the position and is in general good health. The statement shall be based on a medical examination performed within the previous 12 months.

(h) *Health concerns.* If a licensing agency or the department has reason to believe that the physical or mental health of a program staff person may pose a threat of harm to a foster child or to the quality and manner of their care or that the program staff person is not able to provide responsible care for a foster child, the licensing agency or the department may require that the program staff person submit a written statement from a medical provider or, if appropriate, a licensed mental health professional on the physical or mental condition of the program staff person and the possible effect of that condition on the foster home or a foster child in care.

(i) *Background check.* The foster parent shall require each program staff person to complete a background information disclosure form designated by the department and shall conduct a background check under s. 48.685, Stats., and s. DCF 56.055 every 4 years or at any time within that period.

(j) *New hire training and orientation.* Each program staff person who provides care for a foster child in a Level 5 foster home shall complete the following training and orientation prior to working independently with a foster child:

1. A minimum 40 hours of training on the following topics:
 - a. The standardized curriculum under s. DCF 56.14 (6) (a).
 - b. The topics listed in s. DCF 56.14 (6p) (b) to (j).
2. Fifteen hours of child-specific or population-specific training, orientation, or observation.

* (k) *Ongoing training.* Each program staff person who provides care for a foster child in a Level 5 foster home shall complete a minimum of 24 hours of ongoing training that abides by the conditions in s. DCF 56.14 (8) (b) in each year of employment subsequent to the initial year of employment.

(8) VOLUNTEERS. Each volunteer used by a Level 5 foster home shall be supervised by a program staff person and may not work independently with a foster child. Before a volunteer may begin performing activities, the foster parent shall do all of the following:

1. Notify the licensing agency.
2. Require the volunteer to complete a background information disclosure form designated by the department and shall conduct a background check under s. 48.685, Stats., and s. DCF 56.055 every 4 years or at any time within that period.
3. Orient the volunteer to the activities that the volunteer may perform as specified in the foster home's personnel policies and procedures.
4. Require each volunteer to maintain in confidence all information about the foster child and the foster child's family.

DCF 56.14 Foster parent training.

(3) QUALIFICATIONS OF TRAINERS. Persons preparing or presenting materials for foster parent training shall have expertise in the subject matter as evidenced by prior experience or education, an ability to communicate their knowledge, and demonstrated cultural competence.

Note: See also ss. DCF 56.14 (6d) (b) and (7) (b).

(4) TRAINING EXPENSES. (a) The department shall provide funds to county agencies and, in a county with a population of more than 750,000, the department, to enable foster parents to attend training. The funds may be used for materials, fees, transportation, and child care expenses incurred to attend training that is required or approved under this section or s. DCF 56.13.

(b) A licensing agency may not require a foster parent to pay to attend training under this section.

(5) TRAINING REQUIREMENTS. (a) *Level of care certification.* Only one of the foster parents identified on the license to operate the foster home shall complete any preplacement, initial licensing, or ongoing training required for the foster home's level of care certification under s. DCF 56.13, except as provided in par. (c).

(c) *Proposed adoptive parent.* A foster parent who is licensed solely for the purpose of adoption of a domestic infant under s. 48.837, Stats., or a foreign child under s. 48.839 or 48.97, Stats., will not be required to complete the training in this section if the foster parent completes the pre-adoption preparation training required under ch. DCF 51.

(6) PREPLACEMENT TRAINING FOR LEVELS 1 AND 2. The department shall develop and provide a standardized curriculum for preplacement training for a foster parent who operates a foster home with a Level 1 or 2 certification that is in accordance with s. 48.67 (4) (a) and includes medication administration and first aid, including cardiopulmonary resuscitation for a child of the age of any foster child that may be placed in the foster home.

(6d) PREPLACEMENT TRAINING FOR LEVEL 3 AND 4. (a) The preplacement training for a foster parent who operates a Level 3 or Level 4 foster home shall include the standardized curricula provided under subs. (6) and (7) (a).

(b) Trainers for the portion of the Level 3 or Level 4 preplacement training standardized curriculum that is provided under sub. (7) (a) shall include a foster or adoptive parent, foster child, or birth parent.

(6p) PREPLACEMENT TRAINING FOR THE FOSTER PARENT OF A LEVEL 5 FOSTER HOME. The preplacement training for the foster parent of a Level 5 foster home shall include information on all of the following:

- (a) The standardized curriculum provided under sub. (6).
- (b) School advocacy.
- (c) Cardiopulmonary resuscitation.
- (d) First aid.
- (e) Blood-borne pathogens.
- (f) Medication management.
- (g) Patients rights.
- (h) Positive behavioral supports.
- (i) Individual service plans.
- (j) Emergency plans.
- (k) Six hours of child-specific or population-specific training, orientation, or observation.
- (L) Service coordination.

(7e) INITIAL LICENSING TRAINING FOR LEVEL 3. The initial licensing training for a foster parent who operates a Level 3 foster home 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.

(7m) INITIAL LICENSING TRAINING FOR LEVEL 4. The initial licensing training for a foster parent who operates a Level 4 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.

(7s) INITIAL LICENSING TRAINING FOR THE FOSTER PARENT OF A LEVEL 5 FOSTER HOME. The initial licensing training for the foster parent of 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.

(8) ONGOING TRAINING.

(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 s. 48.67 (4), Stats.

1g. In addition to subd. 1., the content of ongoing training for a foster parent who operates a Level 4 foster home shall include 8 hours of child-specific or population-specific training.

1r. In addition to subd. 1., the content of ongoing training for the foster parent of a Level 5 foster home shall include all of the following:

a. Child maltreatment and reporting requirements.

b. Prompt and adequate treatment.

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, such as learning how to manage a foster child's emotional, developmental, behavioral, or medical needs or participating in therapy with a foster child.

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 that is not in person or a live video conference may not exceed 20 percent of the required hours.

4. The usefulness of the skills or knowledge that is expected to be gained.

(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.

DCF 56.15 Supervising or placing agency.

(1) AGENCY RESPONSIBILITIES. A supervising agency or placing agency shall do, or contract for, all of the following:

(a) Ensure that every foster child in their care is assigned a supervising agency or placing agency child welfare professional.

(b) Have staff available for a foster parent to contact on a 24-hours per day, 7-days per week, basis.

(c) Ensure that each agency child welfare professional is able to perform the duties specified in sub. (2) independently or under the supervision of an experienced child welfare professional.

Notwithstanding this requirement and sub. (2) (intro.), a person who is an intern or in a field placement for a higher education program may perform the duties under sub. (2) if they are supervised by an experienced child welfare professional.

(2) RESPONSIBILITIES OF A SUPERVISING AGENCY OR PLACING AGENCY CHILD WELFARE PROFESSIONAL. (a) *All levels of care.* A child welfare professional employed by, or under contract to, a supervising agency or placing agency shall do all of the following for each foster child in the agency's care:

1. Coordinate assessments of the foster child.

2. Select an appropriate foster home for the foster child after careful consideration of how well a prospective foster family will meet the foster child's specific needs and address concerns of the foster child's birth or adoptive parents, guardian, legal custodian, or Indian custodian.

3. Provide the foster parent with the supervising agency's after-hours telephone number.

4. Provide the foster parent with information about the foster child under ch. DCF 37.

5. Prior to or at the time of placement of the foster child with a foster parent, explain to the foster parent the child-specific considerations that the foster parent is required to take into account when applying the reasonable and prudent parent standard, as documented on the forms required under ch. DCF 37, and provide the foster parent with the brochure required under s. DCF 56.12 (2) (c).

6. When a school-age foster child is placed in a foster home, notify the school district in which the foster home is located and the school in which the foster child will enroll, unless the foster child will remain enrolled in the same school and school district. If the foster child will remain enrolled in the same school and school district, the supervising agency or placing agency shall give notification of the placement to the foster child's school and school district, as required under s. 48.64 (1r), Stats. Any notification shall include all of the following:

- a. The name, address, and phone number of the foster parent.
- b. The name of the foster child.
- c. Information about the foster child required by the school, as allowed under any applicable confidentiality laws.
- d. The child welfare professional's contact information.

7. Advocate for the foster child with the foster child's school, medical facility, or any other program in which the foster child is involved to ensure that services provided to the foster child are consistent with the permanency plan and treatment plan, if applicable.

8. Adhere to the requirements in s. 48.383 (2) (c), Stats., in preparing or revising the permanency plan for a foster child.

9. Assist the foster parent and foster child with overcoming barriers to the foster child's participation in extracurricular, enrichment, cultural, and social activities that promote normalcy in an age and developmentally appropriate manner.

10. Assist with resolving a conflict among members of the foster child's team or treatment team on the application of the reasonable and prudent parent standard.

11. Provide updated information to the foster parent about child-specific considerations for reasonable and prudent parenting decisions throughout the foster child's placement through team or treatment team meetings and when there is a significant change in circumstances.

12. Advocate for the best interests and rights of the foster child.

13. Comply with agency contact requirements with the foster parent and foster child under s. DCF 56.185.

14. Support and assist the foster parent with effectively fulfilling the responsibilities in this chapter.

15. Assist the foster parent with any necessary arrangements in an emergency.

16. Perform liaison activities with other agencies.

17. Perform necessary court responsibilities as appropriate.

18. Notify the placing agency of any updates to information about the foster child that were not included in the forms provided to the foster parent at the time of placement under ch. DCF 37, if the supervising agency and placing agency are not the same agency.

Note: The forms provided under ch. DCF 37 are DCF-F-872A-E, *Information for Out-of-Home Care Providers, Part A.* and DCF-F-872B-E, *Information for Out-of-Home Care Providers, Part B.* Both forms are available on the department website at <https://dcf.wisconsin.gov/cwportal/fc/forms>.

(b) *Levels 3 to 5.* In addition to the requirements under par. (a), a supervising agency or placing agency child welfare professional shall do all of the following for each foster child with a level of need of 3 or higher in the agency's care:

1. Respond to a request from the foster child's foster parent for crisis intervention, emergency counseling, and related services within one hour.
2. Ensure that the foster child has a treatment team.
3. Serve as coordinator for the treatment team and organize treatment team meetings.
4. Educate a foster child's treatment team members on services and medical procedures for the foster child's specific needs.
5. Develop appropriate interventions and services for the foster child and the treatment team, including arranging assistance from appropriate specialists.
6. Provide or arrange for additional child care personnel during stressful or critical periods, as determined by the treatment team.
7. Assist and support the foster parent in obtaining any medical supplies and services required for the foster child. If required medical supplies and services are not included in the treatment plan, the supervising agency child welfare professional shall revise the treatment plan to include the required medical supplies and services and consult with the placing agency to determine financial responsibility.
8. Evaluate the foster child's progress and recommend services in the treatment plan.

(3) MULTIPLE AGENCIES. If more than one agency is performing supervising responsibilities under subs. (1) and (2), the agencies shall specify in writing which agency is responsible for each requirement.

DCF 56.16 Licensing agency responsibilities.

(1) A licensing agency shall do all of the following:

- (a) Assess and screen families who are interested in becoming foster parents.
- (b) Comply with the licensing process in s. DCF 56.04, including the use of all components of a standardized assessment tool prescribed by the department to conduct the home study.
- (c) Notify the school district in which a foster home is located when a license to operate a foster home is issued in that school district, as required under s. 48.62 (3), Stats.
- (d) Provide, arrange, and approve required preplacement, initial, and ongoing training for foster parents under s. DCF 56.14.
- (f) Provide written notice to any supervising agency with a foster child placed in a foster home prior to placement of a new foster child in the home. If written notice prior to the additional placement is not

possible, verbally notify the supervising agency prior to the placement and subsequently provide written notice.

(g) Assist a foster parent in meeting the needs of a foster child in need of placement or a foster child who is currently placed in their foster home.

(h) Ensure that the foster parent is promoting normalcy for a foster child by providing opportunities for the foster child to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities under s. DCF 56.09 (3).

(i) Comply with agency responsibilities regarding respite care under s. DCF 56.21 (2).

(j) Notify any placing agency or supervising agency of a serious incident reported by a foster parent under s. DCF 56.06 (2) or (3) within 24 hours after the serious incident is known to have occurred.

(2) In addition to sub. (1), a licensing agency shall do all of the following regarding foster homes with a Level 3 to 5 certification:

(a) Identify foster homes with similar qualifications as existing foster homes to be used as emergency or alternative options for placement or respite care.

(b) Develop and facilitate peer support among foster parents, especially among foster parents who are caring for children with similar conditions.

(c) Participate in the determination of supplemental payments under s. DCF 56.23 (2) and exceptional payments under s. DCF 56.23 (3) as follows:

1. Review the payment amount that a placing agency is proposing for a child's placement and discuss the child's needs with the placing agency.

2. Inform a prospective foster parent of the placing agency's proposed payment amount.

3. Recommend any modifications to the payment amount that the placing agency has proposed.

4. Participate with the placing agency, foster parent, and treatment team members in the redetermination of the payment amount following a reassessment under s. DCF 56.22 (5) (b).

5. At a foster parent's request, assist a foster parent in resolving a disagreement between the foster parent and the placing agency regarding a payment amount before the foster parent requests a hearing under s. DCF 56.10.

DCF 56.17 Child's treatment team for Levels 3 to 5.

(1) MEMBERSHIP. (a) A foster child with a level of need of 3 or higher who is placed in a foster home with a Level 3 to 5 certification shall have a treatment team that consists of the foster child; the foster child's parent, guardian, legal custodian, or Indian custodian; the foster parent; and at least one representative each from the supervising and placing agencies. At least one member of the treatment team shall have clinical training in a field related to the primary needs of the child. In addition, the treatment team may include other social workers, child welfare professionals, clinical consultants, medical providers, mental health providers, school personnel, or other significant persons in the foster child's life.

(b) A foster child shall be a member of the treatment team unless they choose not to participate or the supervising agency child welfare professional determines that their inclusion would be inappropriate due to their age or condition. If the child is not a member of the treatment team, the supervising agency child welfare professional shall document the reason in the case record.

(2) RESPONSIBILITIES. The treatment team for a foster child shall do all of the following:

(a) Determine the need for and arrange appropriate and qualified psychiatric and psychological services for the child.

(am) Using specialists when necessary, arrange for additional appropriate assessments based on the needs and strengths of the foster child, the foster child's family, and the foster parent as identified in the assessment under s. DCF 56.22. If the foster child may have a serious emotional disturbance, arrange for a biopsychosocial assessment that includes all of the following:

1. An assessment of the foster child's disability.
2. Measurement of the behavioral and cognitive correlates of the disability.
3. An assessment of how psychosocial and environmental factors influence how the foster child copes with the disability.
4. A review of biological factors that affect the disability.
5. Identification of possible treatments for the disability.

(b) Develop the foster child's written treatment plan within 30 days after the foster child's placement in a foster home. The treatment plan shall do all of the following:

1. Specify the treatment and services to be provided to the foster child and the foster child's family.
2. Identify who is responsible for providing each treatment and service.
3. Establish measurable goals and objectives for the placement in all areas of the foster child's life, including all of the following:
 - a. Supervision and safety.
 - b. Health, emotional, and behavioral stability.
 - c. Daily living and community integration.
 - d. Education.
 - e. Communication skills.
 - f. Legal status, including permanency planning issues.
 - g. Regular, ongoing opportunities to engage in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities under s. DCF 56.09 (3).

4. If a foster child is 14 years of age or over, include a description of the programs and services that are or will be provided to assist the foster child in preparing for the transition from out-of-home care to independent living as required under s. 48.38 (4) (h) or 938.38 (4) (h), Stats.
- (c) Establish an appropriate level of nursing, other medical care, and other types of care for the foster child based upon the foster child's needs and the abilities of the foster parent.
- (e) Provide copies of the treatment plan to all treatment team members, including the foster child if the child is 12 years of age or older, as allowed by law.
- (f) Implement and support the treatment plan, including ensuring that all available resources and treatments are known or explored and developing new resources if appropriate.
- (g) Meet to formally review the treatment plan, share information, exchange ideas and opinions, and discuss issues at least every 3 months. The supervising agency child welfare professional shall determine if more frequent treatment team meetings are necessary. Other treatment team members may request a meeting.
- (h) Share knowledge regarding the foster child and the treatment plan with other treatment team members as allowed by law and encourage support for the treatment plan.
- (i) Ensure that family counseling is provided to the foster child's family and the foster family as needed.
- (j) Ensure that 24-hour per day, 7-day per week crisis intervention is provided for the foster child and the foster parent as needed.
- (k) Monitor and evaluate the progress of the treatment plan and the continued appropriateness and effectiveness of the provided services and supports and placement of the foster child on an ongoing basis.
- (L) Make treatment plan revisions and adjustments as necessary. Ensure revisions and adjustments to the treatment plan are in writing and are based on all of the following:
1. Observations from the supervising agency child welfare professional's direct contact with the foster child.
 2. Discussions that include the foster child; the foster child's parent, guardian, or Indian custodian; service providers; and collateral contacts.
 3. Other relevant data or information.
- (m) Design and implement new treatment strategies as needed.
- (n) Consult with the foster parent or supervising agency child welfare professional about events in the foster home if requested.
- (o) Arrange for interaction between the foster child and the foster child's family as provided in the foster child's permanency plan or treatment plan.
- (p) Resolve any disagreements between the foster parent and the supervising agency. Efforts by the treatment team to resolve disagreements may not replace any internal grievance procedures established by the supervising agency or the foster parent's fair hearing rights under s. 48.64 (4) (a), Stats.

DCF 56.185 Agency contact with foster parent and foster child.

(1) CONTACT REQUIREMENTS. (a) *Level of care 1 or 2.* If a foster child is placed in a Level 1 or 2 foster home, the licensing agency, supervising agency, or placing agency shall have contact with the foster parent and foster child as follows:

1. With the foster parent, at least one contact per month. The contact may be in person, by phone, or by an interactive electronic format.
2. With the foster child, at least one in-person contact each full calendar month that the foster child is placed in the foster home.
3. More than 50 percent of the agency in-person contacts with a foster child shall be in the foster child's foster home, occurring no less than every other month.

(b) *Level of care 3 or 4.* If a foster child is placed in a Level 3 or 4 foster home, the licensing agency, supervising agency, or placing agency shall have contact with the foster parent and foster child as follows:

1. With the foster parent, at least 2 in-person contacts per month. At least one of these contacts shall be in the foster home.
2. With the foster child, at least one in-person contact every other week. At least one contact per month shall be in the foster home.

3. Notwithstanding subd. 2., if a foster child with a level of need below 3 is placed in a Level 3 or 4 foster home, the licensing agency, placing agency, or supervising agency shall have at least one in-person contact with the foster child each full calendar month that the foster child is in the foster home.

(c) *Level of care 5.* 1. If a foster child is placed in a Level 5 foster home, the licensing agency, supervising agency, or placing agency shall have at least 2 in-person contacts per month with the foster parent. At least one of these contacts shall be in the foster home.

2. A licensing agency, placing agency, or supervisory agency representative other than the foster parent shall have an in-person contact with a foster child placed in a Level 5 foster home at least every other week. At least one contact per month shall be in the foster home.

(2) PURPOSES OF CONTACT. (a) The agency contact with the foster parent and the foster child shall focus on the safety, permanence, and well-being of the foster child.

(b) The agency contact with the foster parent and the foster child shall also be used to do all of the following:

1. Evaluate the compatibility of the foster child with the foster parent and other household members.
2. Evaluate the ability of the foster parent to meet the needs of the foster child in a safe manner.
3. Evaluate the experiences the foster child has had to regularly engage in age or developmentally appropriate activities following the reasonable and prudent parent standard.

4. Discuss any additional support needed by the foster parent to safely care for the foster child.

5. Confirm the safety of the placement setting.

(c) The agency contact with the foster child shall provide an opportunity for the foster child to have contact with their child welfare professional to openly discuss their adjustment to the placement setting and express their thoughts and feelings about their foster care experience.

(d) The agency contact with the foster parent shall be of sufficient duration and substance to address the goals of the foster child's permanency plan or treatment plan, if applicable.

(3) MULTIPLE AGENCIES. If the licensing agency, placing agency, and supervisory agency under sub. (1) are different agencies, those agencies shall determine a contact plan.

(4) MULTIPLE FOSTER PARENTS. If there is more than one foster parent on the license to operate the foster home, the agency may have contact with only one of the foster parents.

(5) COMBINING FOSTER PARENT AND FOSTER CHILD CONTACTS. One agency contact with a foster parent per month may be combined with an agency contact with a foster child.

(6) PLACING A FOSTER CHILD IN A LEVEL 3 TO 5 FOSTER HOME WITH NO CURRENT PLACEMENT. If a foster home with a Level 3 to 5 certification has not had placement of a foster child for 3 or more months and the licensing agency, supervising agency, or placing agency has not seen the foster parent in the foster home during that time, the licensing agency, supervising agency, or placing agency shall have an in-person contact with the foster parent in the foster home before a foster child is placed in the home or within 24 hours after the foster child's placement in the foster home.

DCF 56.21 Respite care for foster parents.

(1) APPLICABILITY. This section applies to care of a foster child in any of the following circumstances:

(a) Services arranged in advance by the licensing agency or supervising agency and foster parent to provide care of a foster child during an absence of the foster parent for more than 72 hours.

(b) Care of a foster child arranged by the licensing or supervising agency when the foster parent is unavailable due to an emergency.

(c) Care of a foster child during the foster parent's absence that is paid for by a licensing, supervising, or placing agency.

(2) LICENSING AGENCY RESPONSIBILITIES. (a) A licensing agency shall do all of the following:

1. Develop policies and procedures to govern the agency's respite care program, including a procedure for informing a foster child's parent, guardian, legal custodian, or Indian custodian when the foster child receives care by a respite provider.

2. Inform a foster parent of the process to request and be reimbursed, if applicable, for respite services prior to utilizing the service.

3. Conduct a background check under s. DCF 56.055 on a person interested in being a respite provider if the person is not currently a foster parent.

(b) A licensing agency of Level 3 or 4 foster homes shall do all of the following:

1. Develop, in consultation with foster parents, a pool of respite providers that will be used when respite care is provided.
2. Provide training and support to respite providers specific to the population of children to be served by the respite provider.
3. Consult with the foster parent, foster child, and the supervising agency to develop a respite schedule for a specific child and provide the schedule to the respite providers.

(3) RESPITE PROVIDER QUALIFICATIONS. A respite provider shall have the following qualifications:

- (a) Be at least 18 years of age.
- (b) Meet the background check requirements in s. 48.685, Stats., and s. DCF 56.055.
- (c) Have education, experience, or a relationship with the foster child and an ability to meet their needs.
- (d) Provide respite care in a home that meets the physical, safety, and environmental needs of the foster child for whom care is to be provided if the respite care is to be provided in the respite provider's residence.
- (e) Agree to abide by s. DCF 56.09 (2) (a) and (b), (14), and (15).

(f) Is not an employee of the licensing agency or a relative of an employee of the licensing agency if the employee works in the child welfare area of the agency.

(4) INFORMATION TO BE GIVEN TO RESPITE PROVIDER. Prior to a foster parent using a respite provider, the supervising agency shall ensure that the respite provider has information on all the following:

- (a) The foster child's care needs.
- (b) The foster child's daily routine and schedule.
- (c) Family or sibling visitation that will occur during the foster parent's absence.
- (d) The requirements under s. DCF 56.09 (2) (a) and (b), (14), and (15).
- (e) Phone numbers of emergency contacts.
- (f) The foster child's medical providers and any information needed for the foster child to receive medical care.

(6) ELIGIBILITY FOR SUBSIDIZED RESPITE CARE. (a) *Level 3 or 4.* 1. A licensing agency shall fund and arrange for a foster parent who operates a foster home with a Level 3 or 4 certification to have 8 to 24 consecutive hours of respite care per month. Respite care shall be provided in a combination of hours to be determined by the foster parent and the licensing agency. The licensing agency may require that any respite care include an overnight stay.

2. Notwithstanding subd. 1., a licensing agency is not required to fund and arrange respite care of a foster child with a level of need below 3 who is placed in a foster home with a Level 3 or 4 certification.

(b) *Level 2*. A licensing agency may establish policies and procedures to fund respite care for a foster parent who operates a foster home with a Level 2 certification.

(7) RESPITE CARE LIMIT. A foster child may not be in respite care for more than 28 consecutive days. A licensing agency may establish a limit that is less than 28 consecutive days.

(8) REASONABLE AND PRUDENT PARENT STANDARD INAPPLICABLE. The reasonable and prudent parent standard does not apply to a foster parent providing respite care in a foster home.

DCF 56.22 Assessment of needs and strengths.

(1) RESPONSIBILITY FOR ASSESSMENT. (a) A placing agency shall use a standardized assessment tool prescribed by the department to assess the needs and strengths of a foster child placed or to be placed into a foster home and the needs of the foster child's foster parent. A placing agency may subcontract this responsibility.

Note: The assessment tool is available in the forms section of the department's website at <http://dcf.wisconsin.gov>.

(b) Notwithstanding par. (a), this section does not apply to a foster child placed or to be placed into a foster home that is licensed solely for the purpose of adoption of a domestic infant under s. 48.837, Stats., or a foreign child under s. 48.839 or 48.97, Stats.

(2) QUALIFICATION TO ASSESS. An individual performing the assessment shall be trained and certified in the use of the department's standardized assessment tool.

(3) TIMES OF ASSESSMENT. (a) *Assessment within 30 days after placement.* A placing agency shall assess each foster child before placement in a foster home or within 30 days after the foster child's placement. A placing agency shall assess each foster parent within 30 days after the foster child's placement in the foster home.

(b) *Reassessment every 6 months.* A placing agency shall reassess each foster child and the foster child's foster parent within 6 months after the foster child's last assessment or reassessment. The placing agency, licensing agency, or foster parent may request a reassessment more frequently.

(4) STANDARDIZED ASSESSMENT TOOL. (a) *Basics of the tool.* The standardized assessment tool shall include a list of items that may have a direct impact on service planning for the foster child and the foster child's foster parent. The list of items included in the standardized assessment tool shall assist with evaluation of all of the following:

1. The foster child's functioning, including all of the following:

- a. The impact of trauma on the foster child.
- b. Life functioning, including physical, mental, and dental health; relationships with family members; and social skills.
- c. Functioning in a child care or school setting.
- d. Behavioral and emotional needs.
- e. Risk behaviors.

f. Strengths.

g. The effect of the culture of the foster child and the foster child's family on service provision.

2. The foster parent's functioning in relation to the identified foster child, including all of the following:

a. Supervision.

b. Problem solving.

c. Involvement with care.

d. Knowledge.

e. Empathy with the foster child.

f. Organization.

g. Social resources.

h. Physical health.

i. Mental health.

j. Substance use.

k. Developmental.

L. Family stress.

m. Cultural congruence.

(b) *Gather information.* Before administering the standardized assessment tool, the person who will administer the tool shall first do all of the following:

1. Review the foster child's case record.

2. Interview or collect information from a person who has interviewed the foster child, the foster child's family, foster parent or other out-of-home care provider, the foster child's team or treatment team, and the licensing agency.

3. Review information gathered in collaboration with the foster child's team or treatment team and the licensing agency.

Note: See s. DCF 56.17 (1) on treatment team membership.

(c) *Rating a foster child.* The person administering the standardized assessment tool shall rate the foster child on each item in the tool on a 4-point scale relative to what is developmentally appropriate for a child of a similar age, as follows:

1. 'Needs.' The following ratings shall apply to items representing needs of a foster child or the foster child's family:

- a. A rating of 0 means there is no evidence of the existence of a special need.
- b. A rating of 1 means there is a history or concern that a basic special need may exist.
- c. A rating of 2 means there is a presence of a moderate special need.
- d. A rating of a 3 means there is a presence of an intensive special need.

2. 'Strengths.' The following ratings shall apply to items representing strengths of a foster child or the foster child's family:

- a. A rating of 0 indicates a centerpiece strength.
- b. A rating of 1 indicates a useful strength
- c. A rating of 2 indicates an identified strength.
- d. A rating of 3 indicates no strength has been identified.

(d) *Rating a foster parent.* The person administering the standardized assessment tool shall rate a foster parent's needs on each item in the tool on a 4-point scale in relation to a specific identified foster child, as follows:

- 1. A rating of 0 means there is no reason to believe a need exists.
- 2. A rating of 1 means there is a history or concern that needs to be monitored.
- 3. A rating of 2 means there is a presence of a need that must be acted upon.
- 4. A rating of 3 means there is a presence of a need that requires immediate or intensive action.

(5) USE OF ASSESSMENT INFORMATION. (a) The placing agency shall use information from the assessment of the foster child, the foster child's family, the foster child's foster parent, the supervising agency, and the licensing agency for all of the following:

- 1. To communicate information about the needs and strengths of the foster child and the foster child's family.
- 2. To assist with determining the foster child's service needs and developing the foster child's plan of care.
- 3. To determine a level of need of 1/2, 3, 4, 5, or 6 for the foster child.
- 4. To inform decisions regarding a placement at a level of care that is appropriate to meet the foster child's level of need.
- 5. To evaluate the match between the knowledge, skills, and abilities of a foster parent and the needs and strengths of the foster child.

6. To assist in the development of services and supports needed for a specific foster child and foster parent to promote the stability of the placement.

7. To provide a mental health screen to all children entering foster care.

8. To determine any supplemental payments under s. DCF 56.23 (2).

9. To determine any supplemental payments for purposes of an adoption assistance agreement under s. 48.975, Stats., and ch. DCF 50.

(b) A placing agency shall re-evaluate the appropriateness of a foster child's placement, services provided to the foster child, and supplemental payments made to the foster parent following a reassessment of the foster child under sub. (3) (b).

(7) PLACEMENT IN A FOSTER HOME. (a) A placing agency, in accordance with a licensing agency, may place a foster child in a foster home that is certified to provide a given level of care if the foster child's level of need is at or below the level of care that the foster home is certified to provide.

(b) Notwithstanding par. (a), a placing agency may place a foster child with a level of need that is higher than the level of care that a foster home is certified to provide if the placing agency grants an exception and documents in the foster child's electronic case record what services and supports will be provided to meet the foster child's needs as identified in the assessment tool.

(c) A foster 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 foster child's transition to a less restrictive setting following a reassessment under sub. (3) (b).

DCF 56.23 Supplemental payments, exceptional payments, initial clothing allowance, and retainer fee.

(1) Coverage. (a) A placing agency shall determine the amount of any payment made directly to a foster parent for the care and maintenance of a foster child under one or more of the following:

1. Basic maintenance payments established under s. 48.62 (4), Stats.

2. Supplemental payments under sub. (2).

3. Exceptional payments under sub. (3).

4. Initial clothing allowance under sub. (4).

(b) The total monthly payment amount to a foster parent under par. (a) 1., 2., and 3. is subject to a maximum determined by the department.

(c) A placing agency may not make a supplemental or exceptional payment or pay an initial clothing allowance for a foster child placed in a Level 1 foster home.

Note: See s. DCF 56.16 (2) (c) on licensing agency participation in rate determination.

(2) Supplemental payments. A placing agency shall make a supplemental payment to a foster parent for a foster child's special needs. The placing agency shall determine the amount of a supplemental payment based on the total under the following:

(a) *Identified needs and strengths.* 1. On a form prescribed by the department, the placing agency shall use information obtained using the standardized assessment tool to rate the foster child under s. DCF 56.22 (4) (c) relative to what is developmentally appropriate for a child of a similar age in the following areas:

- a. Adjustment to trauma.
- b. Life functioning, including physical, mental, and dental health; relationships with family members; and social skills.
- c. Functioning in a child care or school setting.
- d. Behavioral and emotional needs.
- e. Risk behaviors.
- f. Child's language.
- g. Strengths.

2. For points that have been assigned in the areas under subd. 1., the placing agency shall add the total points that represent all of the following:

- a. A foster child's need that has a rating of 2 indicating there is a presence of a moderate special need.
- b. A foster child's need that has a rating of a 3 indicating there is a presence of an intensive special need.
- c. A foster child's strength that has a rating of 2 that indicates an identified strength.
- d. A foster child's strength that has a rating of 3 that indicates no strength has been identified.

3. A placing agency shall make a supplemental payment under this paragraph that is a dollar amount determined by the department multiplied by the total points determined under subd. 2.

(b) *Level of care higher than level of need.* A placing agency shall make a supplemental payment under this paragraph that is an amount determined by the department if a foster home's level of care certification is higher than the level of need of a foster child placed in the foster home and the foster home has a Level 3 or 4 certification.

(3) Exceptional payment. (a) A placing agency may make an exceptional payment to a foster parent to accomplish any of the following:

1. Enable the foster child to be placed or remain in a foster home instead of being placed or remaining in a more restrictive setting.
2. Enable the placement of siblings or minor parent and minor children together.
3. Assist with transportation costs to the school the foster child was attending prior to placement in out-of-home care.
4. Replace a foster child's basic wardrobe that has been lost or destroyed in a manner other than normal wear and tear.

(b) A placing agency may determine the frequency and amount of an exceptional payment necessary to meet one or more purposes in par. (a), provided no total monthly payment to the foster parent exceeds the maximum amount determined by the department under sub. (1) (b).

(4) INITIAL CLOTHING ALLOWANCE. (a) A placing agency may pay an initial clothing allowance to a foster parent when a child is initially placed in foster care.

(b) The amount of the initial clothing allowance shall be the actual cost of the clothing not to exceed a maximum determined by the department.

(c) If a child is placed in foster care 120 days or more after a previous out-of-home care placement was terminated, the placement shall be considered an initial placement for the purpose of par. (a).

Note: DCF-P-PFS0142, *Understanding the Uniform Foster Care Rate*, and DCF-F-CFS0834, *Foster Care Uniform Rate Setting*, are available on the department's website at <https://dcf.wisconsin.gov/cwportal/fc/forms>.

(5) RETAINER FEE. A placing agency may provide a monthly retainer fee to a foster parent to maintain openings in a foster home for emergency placements under ss. 48.205 and 938.205, Stats. This fee may not be considered part of the foster care payment for a specific foster child.

DCF 56.24 Exceptions.

(1) LICENSING AGENCY AUTHORITY. (a) A licensing agency may grant an exception to the following requirements in this chapter: ss. DCF 56.04 (2) (f) and (g), (5) (b), and (14), 56.05 (3) (a) and (b) and (4), 56.07 (2), (3), (4) (c) 1., 2., and 3., (g), (h), (i), (k), (6) (c) 1., (9) (a), and (10) (b), 56.078 (1) and (5), 56.085 (2), 56.09 (10) (b), (11) (b), and (12) (a), 56.13 (4) (a) 3., (5) (b) 3. and (c) 2., (6) (b) 3. and (c) 2., 56.135 (6) (a) 1. and 2., (b) 3., (7) (d), (f) 3., (g), and (k) if the licensing agency determines that the exception will not jeopardize the health, safety or welfare of a foster child.

(b) A licensing agency may not grant an exception to any of the following requirements: ss. DCF 56.04 (1) (a), (10), and (11), 56.07 (4) (L) 1. and 2., 56.085 (1) (a) and (b) and (2), 56.09 (14) (e) 2. c., 56.13 (3) (b), (4) (a) 1. and 2., (5) (b) 1. and 2., and (6) (b) 1. and 2., 56.135 (1) (d), (6) (b) 1. and 2., (c) 5., and (7) (j) 1. and 2., 56.14(6d) (a), (6p), and (7) (a), 56.185 (1) (b) 1. and 2. and (c) 1. and 2., 56.21 (3) (f) and (7), and 56.22 (7) (c).

(c) 1. Any exception granted under par. (a) shall be specified on the license with an explanation of any alternative requirement.

2. An exception shall be in effect only as long as the conditions under which the exception was granted continue to exist but no longer than 2 years from the date on which the exception is granted or the date on which the license terminates, whichever occurs first.

3. When the exception expires, the licensing agency shall determine if there is justification to continue the exception. The exception shall be documented on a subsequent license if it is continued.

(2) DEPARTMENT EXCEPTIONS PANEL. (a) The licensing agency may submit an applicant's or foster parent's request for an exception to the department exceptions panel if it supports the request but is unable to grant the exception under sub. (1) (b).

Note: DCF-F-CFS0847, *Application to DCF Exceptions Panel for Exception to Ch. DCF 56*, and DCF-F-5229 *Application to DCF Exceptions Panel for Exception to Section DCF 56.085 (1) (Total Number of Persons Receiving Care)*, may be obtained from the licensing agency or on the department's website at <https://dcf.wisconsin.gov/cwportal/fc/forms>.

(b) A department exception request shall include all of the following information:

1. The citation for the specific requirement for which an exception is requested.
2. The rationale for the request.
3. An explanation of any alternative provision planned to meet the intent of the requirement.

(c) The department exceptions panel shall, in writing, indicate its approval or denial of the request within 10 working days after the department receives the request from the licensing agency and has all the information required to make its decision.

(d) 1. The department exceptions panel shall consist of at least 3 persons who collectively are knowledgeable about the foster care program and licensing practices.

2. The chairperson of the panel shall be designated by the director of the department's bureau of permanence and out-of-home care.

3. The panel chairperson shall designate the remaining members of the panel.