

CR 82-50

CERTIFICATE

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AUG 5 1982
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Revisor of Statutes
Bureau

STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

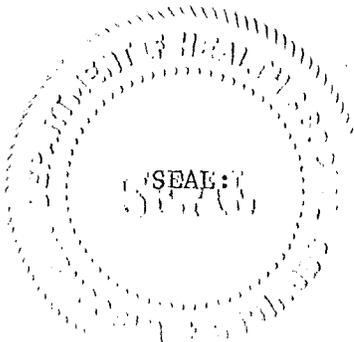
I, Donald E. Percy, Secretary of the Department of Health and Social Services and custodian of the official records of said department, do hereby certify that the annexed rules relating to child-placing agencies were duly approved and adopted by this department on August 3, 1982.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at the State Office Building, 1 W. Wilson Street, in the city of Madison this 3rd day of August, A.D. 1982.



Donald E. Percy, Secretary
Department of Health and Social Services



10-1-82

ORDER OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES
RENUMBERING, AMENDING, REPEALING AND CREATING RULES

To repeal PW-CY 40.40; to create HSS 54 (title) and HSS 54.01; to renumber PW-CY 40.41 to 40.44; to amend HSS 54.03(2)(c)5. and 6., HSS 54.04(1)(f)1 and (g) (intro.) and 2, and HSS 54.04(2)(b)2, as renumbered, relating to child-placing agencies.

Analysis Prepared by the Department of Health and Social Services

The renumbering of ss.PW-CY 40.40 to 40.44, Wis. Adm. Code, relating to the licensing of child placing agencies, places these Department of Health and Social Services rules within the HSS series of the Wisconsin Administrative Code. Eventually all rules of the Department will be in the HSS series to make it easier to identify and locate rules administered by the Department. The proposed amendments and repeal and re-creation of the introductory section serve to clarify and update the rule language and correct statutory and rule references.

Pursuant to authority vested in the Department of Health and Social Services by s.48.67, Stats., the Department of Health and Social Services renumbers, amends, and repeals and recreates rules interpreting s.48.60, Stats., as follows:

SECTION 1. PW-CY 40.40 of the Wisconsin Administrative Code is repealed.

SECTION 2. HSS 54 (title) of the Wisconsin Administrative Code is created to read:

HSS 54

CHILD-PLACING AGENCIES

SECTION 3. HSS 54.01 of the Wisconsin Administrative Code is created to read:

HSS 54.01 INTRODUCTION. (1) PURPOSE. The purpose of this chapter is to protect and promote the health, safety and welfare of children in the care of child-placing agencies.

(2) APPLICABILITY. This chapter applies to all child-placing agencies.

(3) EXCEPTIONS TO RULES. The department may make exceptions to any of the rules for licensing child-placing agencies when the department is assured that granting such exceptions is not detrimental to the health, safety and welfare of children.

(4) DEFINITIONS.

(a) "Board of directors" means the policy-making body which governs a child welfare agency.

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

(c) "Child-placing agency" means a child welfare agency licensed to place children in foster family homes.

(d) "Child welfare agency" means any person required to be licensed under s.48.60, Stats.

(e) "Department" means the department of health and social services.

(f) "Division" means the department's division of community services.

(g) "Guardian" means the person or agency appointed by a court to make major decisions affecting a child which may include consent to marriage, to enlistment in the armed forces, to major surgery and to adoption, or to manage the estate of a minor.

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

SECTION 4. PW-CY 40.41 to 40.44 of the Wisconsin Administrative Code are renumbered HSS 54.02 to 54.05.

SECTION 5. HSS 54.03(2)(c)5. and 6., and (d), as renumbered, are amended to read:

5. The social worker assistant. Persons who do not have qualifications for social worker but who have ~~a liking for and~~ an interest in working with people may assist the social services staff ~~with certain functions.~~ Employees in this classification ~~must~~ shall have have qualified professional social worker supervision. They shall not assume the full responsibilities and duties normally assigned to a social worker.

~~6.~~ (d) Consultant services. The agency shall provide consultant services as required to meet the needs of the children. Consultants shall meet the standards of their professional groups.

~~(d)~~ (e) ~~±~~ Volunteers. If volunteers are used, the agency shall assign an appropriate staff member to evaluate and supervise them and to develop a plan for their orientation, training and use.

SECTION 6. HSS 54.04(1)(f)1 and (g) (intro.) and 2, as renumbered, are amended to read:

(f)1. Have a social service supervisory staff of one or more persons who meet requirements of ~~section PW-CY 40.42~~ s. HSS 54.03(2)(c)2 and have at least one year's experience in the study of foster homes, licensing, placement and supervision of foster care.

(g) (intro.) Requirements to be met by licensee in order to accept guardianship. A child welfare agency with authority to accept guardianship

and place children for adoption under ~~(sections ss. 48.61(5), 48.43(1) (am), 48.61(5) and 48.70(4), Wis. Stats.)~~, shall:

2. Have a social service supervisory staff of one or more persons available, who, in addition to meeting the requirements of ~~section PW-6Y 40.42~~ s.HSS 54.03 (2)(c)2, have one year's experience in the study, placement, and post-placement services in an agency authorized to place children for adoption.

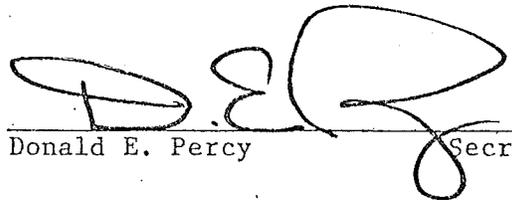
SECTION 7. HSS 54.04(2)(b)2, as renumbered, is amended to read:

2. Have on file the written authorization from parent or guardian as required in ~~section PW-6Y 40.43~~ sub.(1)(b)4.

The renumbering, rules, amendments and repeal contained in this order shall take effect on the first day of the month following their publication in the Wisconsin Administrative Register as provided in s.227.026(1), Stats.

Department of Health and Social Services

By:



Donald E. Percy

Secretary

Dated: 1-3-82

Seal

CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

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