



Offenses Affecting Eligibility

I. Introduction

Section [50.065, Wis. Stats.](#), and [Ch. DHS 12, Admin. Code](#) require [entities](#) to verify eligibility of employees and contractors working as [caregivers](#) ([caregiver background checks](#)). Entities must conduct and [document caregiver background checks](#) before hiring or contracting with an individual, every four years thereafter, and when a change in status occurs.

II. Eligibility requirements

Entities may not employ or enter into contract with an individual to work as a [caregiver](#) if the individual has a conviction or finding for one or more offenses listed in sections **V.** or **VI.** below (as applicable). An individual may provide proof of [Rehabilitation Review](#) approval to restore this eligibility. A criminal history record that indicates “not guilty,” “no prosecution,” “dropped,” or “dismissed” means that the individual was not convicted.

III. Requirements to obtain criminal complaint and judgement of conviction

Entities are required to obtain the Criminal Complaint and, if convicted, a Judgment of Conviction from the Clerk of Courts in the county where the person was convicted, when any of the following occur:

- The individual has a conviction for any of the following crimes in the **past 5 years**.
 - § 940.19(1), 2023 stats., Misdemeanor battery
 - § 940.195, 2023 stats., Battery to an unborn child
 - § 940.20, 2023 stats., Battery, special circumstances
 - § 940.204, 2023 stats., Battery or threat to health care providers and staff
 - § 940.60(1), Battery
 - § 940.61, Battery; bodily harm caused by certain persons
 - § 940.62, Battery; bodily harm caused to certain persons
 - § 940.65, Battery, substantial battery, aggravated battery to an unborn child.
 - § 941.30, Recklessly endangering safety
 - § 942.08, Invasion of privacy
 - § 947.01(1), Disorderly conduct
 - § 947.013, Harassment
 - § 947.016(1), (2), or (3), Threatening to cause bodily harm
- The individual discloses a conviction for a crime that does not appear in the criminal history record obtained from the Department of Justice (DOJ).
- The criminal history record obtained from the DOJ indicates the individual was charged for a crime listed in **V.** or **VI.** (as applicable), but the individual has not yet been convicted, or the charges have not yet been dismissed.

IV. Requirement to obtain discharge papers from the armed forces

If an individual served in a branch of the U.S. armed forces within the last 3 years, the entity is required to make a good faith effort to verify the individual's discharge status by obtaining discharge documentation from the individual or the armed forces. If the discharge status is other than honorable, the entity shall obtain information on the nature and circumstances of the discharge.

V. Barring offenses for entities serving only persons 18 years of age or older

The following offenses and convictions render a person ineligible to work as a caregiver for entities that serve only persons 18 years of age or older. [Rehabilitation review](#) may restore this eligibility.

- A government finding of abuse or neglect of a client
- A government finding of misappropriation of a client's property
- A government finding of child abuse or neglect
- § 940.01, First-degree intentional homicide
- § 940.02, First-degree reckless homicide
- § 940.03, Felony murder
- § 940.05, Second-degree intentional homicide
- § 940.12, Assisting suicide
- § 940.19(3), 1999 stats., Battery; substantial battery; aggravated battery
- § 940.19(2), (4), (5), or (6), 2023 stats., Battery; substantial battery; aggravated battery
- § 940.198(2), 2023 stats., Intentional causation of bodily harm
- § 940.22(2) or (3), Sexual exploitation by therapist
- § 940.225(1), First degree sexual assault
- § 940.225(2), Second degree sexual assault
- § 940.225(3), Third degree sexual assault
- § 940.285(2), Abuse of individuals at risk
- § 940.29, Abuse of residents of penal facilities
- § 940.295, Abuse and neglect of patients and residents
- § 940.60(2), Substantial battery
- § 940.60(3) (a), (b), or (c), Aggravated battery
- § 940.66(2), Battery to an elder person
- § 948.02(1), Sexual assault of a child
- § 948.025, Repeated acts of sexual assault of the same child
- § 948.03(2)(a), Physical abuse of a child
- § 948.03(5)(a)1., 2., or 3., Repeated acts of physical abuse of the same child
- A violation of the law of any other state or US jurisdiction that would be a violation of any of the above, if committed in Wisconsin

VI. Barring offenses for entities serving any person under the age of 18 years

In **addition** to the listing in V., the following convictions and offenses render a person ineligible to work as a caregiver for entities that serve any person under the age of 18 years. [Rehabilitation review](#) may restore this eligibility.

- § 948.02 (2), Sexual assault of a child
- § 948.03(2) (b), or (c), Physical abuse of a child
- § 948.03(5)(a) 4., Repeated acts of physical abuse of the same child
- § 948.05, Sexual exploitation of a child
- § 948.051, Trafficking of a child
- § 948.055, Causing a child to view or listen to sexual activity
- § 948.06, Incest with a child
- § 948.07, Child enticement
- § 948.072, Grooming of a child for sexual activity
- § 948.08, Soliciting a child for prostitution
- § 948.085, Sexual assault of a child placed in substitute care
- § 948.11(2)(a) or (am), Exposing a child to harmful material, descriptions, or narrations
- § 948.12, Possession of child pornography
- § 948.125, Possession of virtual child pornography
- § 948.13, Child sex offender working with children
- § 948.21(2), Neglecting a child
- § 948.215, Chronic neglect; repeated acts of neglect
- § 948.30, Abduction of another's child; constructive custody
- § 948.53, Child unattended in child care vehicle
- A violation of the law of any other state or US jurisdiction that would be a violation of any of the above, if committed in Wisconsin

VII. Convictions substantially related to care of a client

An entity may refuse to employ or contract with a person to serve as a caregiver, if the person has been convicted of any offense (not listed in V. or VI), that is, in the estimation of the entity, substantially related to the care of a client. Section [DHS 12.06, Admin. Code](#) sets forth criteria for determining whether an offense is substantially related to care of a client.