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State of Wisconsin
Governor Scott Walker

TO: **Income Maintenance Supervisors**
Income Maintenance Lead Workers
Income Maintenance Staff
W-2 Agencies
Workforce Development Boards
Job Center Leads and Managers
Training Staff
Child Care Coordinators/Certifiers

FROM: Cinda Stricker, Acting Director
Bureau of Early Care Regulation
Division of Early Care and Education

DECE/BECR OPERATIONS MEMO					
No: 13-31					
DATE: 10/09/2013					
FS	<input type="checkbox"/>	MA	<input type="checkbox"/>	BC+	<input type="checkbox"/>
SC	<input type="checkbox"/>	CTS	<input type="checkbox"/>	FSET	<input type="checkbox"/>
BC+ Basic	<input type="checkbox"/>	BC+ CORE	<input type="checkbox"/>		
CC	<input checked="" type="checkbox"/>	W-2	<input type="checkbox"/>	EA	<input type="checkbox"/>
CF	<input type="checkbox"/>	JAL	<input type="checkbox"/>	JC	<input type="checkbox"/>
RAP	<input type="checkbox"/>	WIA	<input type="checkbox"/>	Other	<input type="checkbox"/> *
EP					

SUBJECT: Change in Caregiver Law – Background Check Frequency

CROSS REFERENCE: [2013 Wisconsin Act 20](#)

EFFECTIVE DATE: IMMEDIATELY

PURPOSE:

This Operations Memo provides notice to child care certification workers regarding a change to the Caregiver Law affecting the frequency of required caregiver background checks for certified operators.

BACKGROUND:

On October 1, 1998, the Caregiver Law was enacted requiring background checks for caregivers in certain entities regulated by the State. The Caregiver Law is implemented under [s.48.685](#) and [s.50.065](#), Wis. Stats., and Chapters [DHS 12](#) and 13, Wis. Admin. Code. In 2009, [Wisconsin Act 76](#) established additional changes to the Caregiver Law including an increase in the frequency of caregiver background checks and expansion of violations considered to be a serious crime/barred offense. As part of 2013 Wisconsin Act 20, effective July 2, 2013, the requirement for criminal background checks (Department of Justice and Integrated Background Information System) for certified operators was decreased from every three months to every 12 months.

POLICY/PROCESS CHANGES:

Act 20 revised s. 48.685(3)(am)1., Wis. Stats., to read as follows:

<https://docs.legis.wisconsin.gov/2013/related/acts/20/938e/>

48.685 (3) (am) 1. Every ~~3 months~~ year or at any time within that period that the department, a county department, an agency contracted with under s. 48.651 (2), or a school board considers appropriate, the department, county department, contracted agency, or school board shall request the information specified in sub. (2) (am) 1. to 5. and (ar) for all caregivers specified in sub. (1) (ag) 1. b. who are licensed under s. 48.65 to operate a child care center, certified as a child care provider under s. 48.651, or contracted under s. 120.13 (14) to operate a child care center. Beginning on January 1, 2011, and annually after that, for all persons who are nonclient residents of such a caregiver, and for all persons under 18 years of age, but not under 12 years of age, who are caregivers specified in sub. (1) (ag) 1. a. of such a caregiver.

The change reduces the frequency of the Wisconsin Department of Justice and Integrated Background Information System checks. The DOJ/IBIS searches are now required for the applicant/operator and other individuals subject to the Caregiver Law at initial application and every 12 months thereafter. The reduction in frequency of required background checks makes certification and licensing rules less restrictive and less costly for child care businesses and creates more efficiency for the department, county, tribal and subcontracted agencies.

AUTOMATION:

The department has modified the Wisconsin Child Care Regulatory System (WISCCRS) edit that checks the DOJ/IBIS date when approving relocation or renewal applications. Effective July 29, 2013, the edit prevents approval of relocation or renewal applications if the DOJ/IBIS dates are more than 12 months prior to the date of approval. The department will no longer send the report, Overdue CBC, to certification agencies. Agencies are encouraged to use the Web1 report entitled, Background Checks Due, to identify when required individuals are due for background checks. In order for Web1 reports to be accurate, certifying agencies are encouraged to modify the "Next Check Date" in WISCCRS to be 12 months from the last check for all currently certified operators.

Child abuse and neglect and sex offender registry searches will continue to be conducted automatically every month for all required individuals. Certification workers will continue to be notified each month to check for matches and review new information.

ACTION REQUIRED:

Certification agencies will begin conducting criminal background checks (DOJ/IBIS) annually rather than every three months for certified operators, effective immediately. The Caregiver Law continues to give authority for agencies to conduct additional caregiver background checks "any time within that period that the agency considers appropriate".

Revisions to the Child Care Certification Caregiver Background Check Manual/Modules and WISCCRS User Guides will be published after all updates are complete.

CONTACTS:

For certification policy or Caregiver Law questions please contact Jolene Ibeling at 608-267-2079 or Jolene.Ibeling@wisconsin.gov. For WISCCRS or WebI questions please contact Pirkko Moilanen at 608-261-4595 or Pirkko.Moilanen@wisconsin.gov.