



DEPARTMENT OF CHILDREN
AND FAMILIES
Secretary Eloise Anderson
201 East Washington Avenue, Room G200
P.O. Box 8916
Madison, WI 53708-8916
Telephone: 608-266-8684
Fax: 608-261-6972
www.dcf.wisconsin.gov

DEPARTMENT OF HEALTH SERVICES
Secretary Kitty Rhoades
1 West Wilson Street
P.O. Box 7850
Madison, WI 53707-7850
Telephone: (608) 266-9622
FAX: (608) 266-7882
www.dhs.wisconsin.gov

**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**

**FROM: Mark Andrews, Director
Bureau of Early Care Regulation
Division of Early Care and Education**

DECE/BECR OPERATIONS MEMO					
No:	DHS 14-23				
DATE:	6/5/2014				
FS	<input type="checkbox"/>	MA	<input type="checkbox"/>	BC+	<input type="checkbox"/>
SC	<input type="checkbox"/>	CTS	<input type="checkbox"/>	FSET	<input type="checkbox"/>
CC	<input checked="" type="checkbox"/>				

**SUBJECT: Fingerprint-Based Background Checks for Child Care Certification
and Wisconsin Shares Child Care Subsidy Program**

CROSS REFERENCE: [2013 Wisconsin Act 20
Operations Memo 13-31](#)

EFFECTIVE DATE: JUNE 30, 2014

PURPOSE:

This Operations Memo provides notice to child care certification and administrative agencies regarding fingerprint-based background checks. This is a new requirement for child care providers to become eligible or maintain current eligibility to receive Wisconsin Shares child care subsidy payments under s. 49.155, Wis. Stats.

BACKGROUND:

As part of 2013 Wisconsin Act 20, effective July 2, 2013, any individual seeking a license to operate a child care center under s. 48.65 or certification as a child care provider under s. 48.651 or a contract under s. 120.13(14) to operate a child care program and who is receiving or wishes to receive payment under s. 49.155 for providing child care services shall be fingerprinted in order for the Federal Bureau of Investigation (FBI) to verify the individual's identity and obtain records of criminal arrests and convictions.

CERTIFICATION POLICY/PROCESS CHANGES:

Act 20 created s. 48.685(2)(br)., Wis. Stats., which reads as follows:

48.685 (2) (br) If the person who is the subject of a search under par. (am) or (b) 1. has, or is seeking, a license to operate a child care center under s. 48.65, certification as a child care provider under s. 48.651, or a contract under s. 120.13 (14) to operate a child

care program, or is an adult nonclient resident or caregiver of such an entity, and if the entity is receiving, or wishes to receive, payment under s. 49.155 for providing child care services, the department, county department, agency contracted with under s. 48.651 (2), or school board shall require the person to be fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints, or by other technologies approved by law enforcement agencies, unless the person has previously been fingerprinted under this paragraph. The department of justice may provide for the submission of the fingerprint cards or fingerprints by other technologies to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrests and convictions.

The one-time fingerprint-based background check is required if the certified operator receives or is eligible to receive reimbursement for families enrolled in the Wisconsin Shares Child Care Subsidy Program.

The one-time fingerprint-based background check is required for:

- applicants for certification;
- currently certified operators;
- adult non-client residents; and,
- adults employed or contracted in a caregiver role in the certified program including any volunteers who provide care and supervision of children on behalf of the operator.

Annual Wisconsin Name-Based Background Checks

When conducted through the Department of Justice (DOJ), the one-time fingerprint-based background check meets the requirements of s. 48.685 (2)(am)1. for an annual name-based criminal history search for individuals subject to the Caregiver Law.

Certification workers should refer to the Child Care Certification Caregiver Background Check Manual (Modules 1-3) for additional guidance regarding the fingerprint-based background check and requirements for initial and annual caregiver background checks.

Out-of-State Checks

Under s. 48.685 (2) (bm), the Caregiver Law requires an out-of-state criminal background check if an individual subject to the Caregiver Law resided outside of Wisconsin within the past three years or is a resident of another state. If the certification agency conducts or has previously conducted a fingerprint-based background check through DOJ under 48.685 (2) (bm), the requirements of 48.685 (2) (br) have been met.

AUTOMATION:

WISCCRS

Wisconsin Child Care Regulatory System (WISCCRS) has been modified to include a new tracking screen for fingerprint-based checks. Certification workers shall refer to the WISCCRS User Guide – Fingerprint-Based Background Check Requests for guidance regarding the tracking screen. In addition, validations to the Decisions screen in WISCCRS will be changed so that the certification can be approved if either a fingerprint-based (FBI) or name-based (DOJ) background check is complete.

Web1

An operator's YoungStar information that indicates if an operator is eligible to receive WI Shares will be added to the Background Checks Due report in May. Using this report, certification workers can determine whether a name-based background check or a fingerprint-

based background check should be completed on an individual. The department will notify certification agencies via email when the Webl report has been modified.

The Background Checks Due report has been modified in order to specify that if a fingerprint-based check exists for an operator/individual in WISCCRS, the report will calculate the next DOJ check due from the date the fingerprint-based background check was completed.

ACTION REQUIRED:

Implementation Timeline - Certification

New Applicants:

Beginning June 30, 2014, certification agencies shall begin conducting the one-time fingerprint-based background checks on applicants for certification, including adult household members and other adult caregivers, if the applicant/operator wants to receive Wisconsin Shares payments.

Current Certified Operators:

Beginning June 30, 2014, but no later than December 31, 2015, certification agencies shall conduct the one-time fingerprint-based check on existing certified operators, including adult household members and other adult caregivers subject to the Caregiver Law, who wish to receive Wisconsin Shares payments. Certification agencies may determine the most appropriate time to conduct the one-time fingerprint check. Examples of times to conduct the check may include:

- when the annual caregiver background check is due;
- when the operator is granted recertification; or
- at the time an operator relocates to a new location.

Implementation Timeline - Dually Regulated Providers

The Department of Children and Families (DCF) will begin implementing the one-time fingerprint requirement for new applicants for licensure on May 5, 2014, and for existing licensees starting in July 2014. The DCF Caregiver Background Check Unit will conduct caregiver background checks on dually regulated (licensed and certified) providers and adult household members. If the certified operator also holds a license under DCF 250, DCF 251 or DCF 252 and conducts the name-based background checks on his/her employees/volunteers, the licensee/operator will also conduct the one-time fingerprint-based background check for his/her employee/volunteers. If the certification worker conducts the name-based background checks on the employees/volunteers, the certification worker must also conduct the fingerprint-based background check on the employees/ volunteers any time after June 30, 2014 but prior to December 31, 2015.

Fingerprinting Procedures

Although the one-time fingerprint-based check must be conducted by the DOJ, certification agencies will determine methods by which individuals have their fingerprints collected.

In order to make fingerprinting services accessible and convenient, the Department of Administration (DOA) has entered into a contract with Fieldprint® to provide digital fingerprint capture services for state agencies and other entities. Certification agencies may utilize Fieldprint® services to collect fingerprints digitally and retrieve results through the agency's DOJ online account similar to the manner in which name-based background check results are retrieved. When certification agencies and individuals use Fieldprint® services to meet the one-time fingerprint-based background check requirement, the DCF will cover the \$7.75 fingerprinting fee.

Individuals can schedule an appointment online using the Fieldprint® website: <http://fieldprintwisconsin.com/>. When the prints are collected at a local Fieldprint® Livescan location, Fieldprint® will send the prints electronically to DOJ. Afterwards, DOJ will submit the information to the FBI; conduct the Wisconsin DOJ check, and the DHS (IBIS) check; and, post the results to the agency's online DOJ account. Although the \$7.75 fee for collecting the prints will be invoiced to the DCF, the certification agency will be invoiced \$34.50 by DOJ for the cost of the one-time fingerprint-based background check. This fee includes \$16.50 for the FBI results; \$15.00 for the DOJ results; and, \$3.00 for the DHS IBIS results.

Certification workers should refer to the Child Care Certification Caregiver Background Check Manual – Module 2 for Fieldprint® digital and inked fingerprinting procedures.

Fingerprinting Fees:

Certification agencies must determine their own policies regarding fees associated with the one-time fingerprint-based background. The current cost of a fingerprint-based check through DOJ is \$34.50, which includes the FBI search results; the DOJ search results; and, the DHS (IBIS) result. This fee is billed to the agency's DOJ account. Local law enforcement agencies may charge additional fees for collecting fingerprints in addition to the fingerprint-based criminal record search fee.

If the individual uses Fieldprint® the DCF will pay the \$7.75 Fieldprint® fingerprint capture fee. The DCF may invoice certified operators directly for Fieldprint® fees if an appointment is rescheduled less than 24 hours in advance or for a missed appointment.

Provider Communication

It is important the certification agency communicate with certification applicants/operators regarding the one-time fingerprint-based check requirement. Certification agencies will include information in the agency's informational/application materials about the requirement and the agency's fingerprint check procedures/policies and fees, as applicable.

The certification application forms (DCF-F-DWSW48 and DCF-F-DES12200) have been modified to include a question to determine if the applicant receives or wants to be eligible to receive Wisconsin Shares reimbursement. Additionally, an informational flyer outlining the one-time fingerprint requirement should be included in application packets/materials distributed by certification agencies. Both the application for certification and the fingerprint flyer are available for download at:

<http://dcf.wisconsin.gov/childcare/certification/forms.htm>.

EFFECT ON CHILD CARE SUBSIDY AND PROGRAM INTEGRITY:

During the implementation phase between July 1, 2014 and December 31, 2015, child care administrative agencies are not required to change any current practices relating to child care authorizations as a result of the new fingerprinting requirement. Regulated child care programs must be in compliance with the fingerprint requirement by January 1, 2016 in order to receive or be eligible to receive Wisconsin Shares. The DCF staff is currently developing policies and procedures relating to the fingerprint-based background check requirement and will communicate to local agencies in a future Operations Memo or Technical Assistance Memo.

CONTACTS:

For certification policy or Caregiver Law questions please contact Jolene Ibeling at 608-267-2079 or Jolene.Ibeling@wisconsin.gov.

For WISCCRS or Webl questions please contact Pirkko Moilanen at 608-261-4595 or Pirkko.Moilanen@wisconsin.gov.

For WI Shares policy questions outside of Milwaukee County contact Bureau of Operations (BRO) Child Care Coordinators at: http://dcf.wi.gov/regional_operations/pdf/contact_list.pdf.

For Child Care CARES/CWW, CSAW and CCPI IT systems processing questions statewide, program integrity questions and policy questions in Milwaukee County: Child Care Help Desk at childcare@wisconsin.gov or (608) 264-1657.