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State of Wisconsin
Governor Scott Walker

TO: **Income Maintenance Supervisors**
Income Maintenance Lead Workers
Income Maintenance Staff
Training Staff
Child Care Coordinators

DECE/BECE OPERATIONS MEMO

No: 16-22 – **AMENDED**

DATE: 7/29/2016

Child Care

FROM: Mark Andrews, Director
Bureau of Early Care Regulation
Division of Early Care and Education
Department of Children and Families

SUBJECT: Changes to Administrative Code DCF 202 and Creation of DCF 12

CROSS REFERENCE: [DCF 202](#)
[s. 48.658](#)
[DHS 12](#)
[DCF 12](#)
[Background Information Disclosure Form](#)
[Operations Memo 15-27](#)

EFFECTIVE DATE: AUGUST 1, 2016

PURPOSE

This Operations Memo provides notice to child care certification workers regarding:

1. Changes to Administrative Code Chapter DCF 202 – Vehicle Alarms
2. Creation of Administrative Code Chapter DCF 12 – Caregiver Background Checks
3. New Background Information Disclosure (BID) Form

BACKGROUND

Chapter DCF 202 – Vehicle Alarms:

DCF 202 has been amended to incorporate the requirements on child care vehicle safety alarms in s. 48.658. Section 48.658, Stats., created by [2009 Wisconsin Act 19](#), provides that before a child care vehicle is placed in service, the child care provider or contractor of a child care provider that is the owner or lessee of the child care vehicle shall have an alarm system that prompts the driver of the vehicle to inspect the vehicle for children before exiting. A child care vehicle is defined as a vehicle that has a seating capacity of 6 or more passengers in addition to the driver, that is owned or leased by a

child care provider or a contractor of a child care provider, and that is used to transport children to and from the child care provider.

Section 48.658 (4), Stats., provides that the department shall promulgate (create) rules to implement the section. The Act also requires an inspection of the child safety alarm to determine whether the child safety alarm is in good working order.

Chapter DCF 12 – Caregiver Background Checks:

Chapter DHS 12 was originally created to apply to background checks required under s. 48.685. Administration of 48.685 was transferred to the Department of Children and Families when the department was created in 2008. [2007 Wisconsin Act 20](#) provided that Chapter DHS 12 applied to DCF programs until the department created its own background check rule. [DCF 12](#) was created in June 2016 and updates rules affected by s. 48.685 to ensure that information on the caregiver background check is current, accurate and clear.

New Background Information Disclosure (BID) Form:

DCF 12.03 requires each agency to use the [background information disclosure](#) prescribed by the department to be completed to obtain information about a person's background from the person as provided in s. 48.685 (6), Stats.

POLICY:

Chapter DCF 202 - Vehicle Alarm:

Prior to the promulgation (creation) of the transportation rules, certification workers monitored and cited vehicle alarm violations under DCF 202.08(1)(e) and DCF 202.09(1m)(a) requiring certified family child care operators or school age programs to comply with all laws governing the certified program and its operation. Effective August 1, 2016 certification workers shall monitor for compliance under the following DCF 202 rules:

DCF 202.04 (7) (b) 2. d. Conduct an on-site inspection of the premises where child care will be provided, including areas that will not be used for child care, before initial certification, recertification, or within 30 days following a child care operator's move to a new location. The inspection of the premises shall include an inspection of each vehicle that is required to have a child safety alarm under s. DCF 202.08 (9) (f) 1. or 202.09 (12) (h) 1. to determine whether the child safety alarm is in good working order.

DCF 202.08 (9) (f) 1. (Family Child Care) A vehicle is equipped with a child safety alarm that prompts the driver to inspect the vehicle for children before exiting if all of the following conditions apply:

- a. The vehicle is owned or leased by a child care operator or a contractor of a child care operator.*
- b. The vehicle has a seating capacity of 6 or more passengers plus the driver. The seating capacity of the vehicle shall be determined by the manufacturer.*
- c. The vehicle is used to transport children in care.*

2. No person may shut off a child safety alarm unless the driver first inspects the vehicle to ensure that no child is left unattended in the vehicle.

3. The child safety alarm is in good working order each time the vehicle is used for transporting children to or from a child care home.

DCF 202.09 (12) (h) 1. (School-Age Care) A vehicle shall be equipped with a child safety alarm that prompts the driver to inspect the vehicle for children before exiting if all of the following conditions apply:

- a. The vehicle is owned or leased by a child care operator or a contractor of a child care operator.
- b. The vehicle has a seating capacity of 6 or more passengers plus the driver. The seating capacity of the vehicle shall be determined by the manufacturer.
- c. The vehicle is used to transport children in care.

2. No person may shut off a child safety alarm unless the driver first inspects the vehicle to ensure that no child is left unattended in the vehicle.

3. The child safety alarm shall be in good working order each time the vehicle is used for transporting children to or from a certified school-age child care program.

The Transportation section of the [Standards and Checklist](#) form will be revised in August to include the vehicle alarm rules. The new transportation rules will also be coded in WISCCRS under the Transportation section in August.

Standards and Checklist:

Read the instructions on page 1 thoroughly before completing the checklist

Number	DCF 202 Child Care Certification Standards	Applicant			Certification Agency		
		Y	N/A	Y	N	N/A	COMMENTS
202.08(9)	TRANSPORTATION (continued)						
(9)(f)1.	A vehicle is equipped with a child safety alarm that prompts the driver to inspect the vehicle for children before exiting if all of the following conditions apply:				**		
(9)(f)1.a.	The vehicle is owned or leased by a child care operator or a contractor of a child care operator.						
(9)(f)1.b.	The vehicle has a seating capacity of 6 or more passengers plus the driver. The seating capacity of the vehicle shall be determined by the manufacturer.						
(9)(f)1.c.	The vehicle is used to transport children in care.						
(9)(f)2.	No person may shut off a child safety alarm unless the driver first inspects the vehicle to ensure that no child is left unattended in the vehicle.				**		
(9)(f)3.	The child safety alarm is in good working order each time the vehicle is used for transporting children to or from a child care home.				**		
202.08(10)	MEALS AND SNACKS The operator shall ensure that each child receives proper nourishment while in child care as follows:						
(10)(a)1.	Each child shall be served one meal or snack at least once every 3 hours.						

WISCCRS:

DCF 202

RULE GROUP

Activities

Basis for Certification

Discrimination

Equipment

Group Size

Health Care

Home Safety

Mandatory child abuse rep

Meals and Snacks

Provider Communication

Provider Interactions

Provider Qualifications

Rest

Supervision

Transportation

Monitor / Cite violations of vehicle alarm rules under **Transportation** rather than 202.08(1)(e) Provider Qualifications

[← Back to Monitoring Results](#)

Each inspection of the premises shall include an inspection of each vehicle that is required to have a child safety alarm under s. DCF 202.08 (9) (f) 1. or 202.09 (12) (h) 1. to determine whether the child safety alarm is in good working order.

Chapter DCF 12 – Caregiver Background Checks:

[DCF 12](#) relates to caregiver background checks required under [s. 48.685](#) (Criminal history and child abuse record search). DCF 12 is similar to [DHS 12](#), the Department of Health Services (DHS) caregiver background check rule. Chapter DHS 12 applied to background checks required for several programs under 48.685, including child care.

When administration of 48.685 was transferred to the Department of Children and Families (DCF), [2007 Wisconsin Act 20](#) provided that ch. DHS 12 would apply to DCF programs until the department created its own background check rule. DCF 12 was created in June 2016 and incorporates DCF programs affected by 48.685, to ensure the rules pertaining caregiver background checks are current, accurate and clear. Effective July 1, 2016 DCF 12 replaces DHS 12 for DCF child care programs.

DCF 12.02(24) includes a revised interpretation of the effect of a conviction or delinquency adjudication for 5-year bar offenses. Under the revised interpretation a conviction/delinquency adjudication for these offenses will remain a bar to eligibility after the 5-year period unless the person demonstrates rehabilitation. The 5-year period is a waiting period before a person may request a rehabilitation review.

Beginning November 1, 2016, any person with a conviction that results in a 5-year bar after the completion of any sentence including probations, parole, extended supervision or discharge by the Department of Corrections will need to request rehabilitation review approval before the bar may be lifted. Rehabilitation review cannot be granted until after the 5-year period has passed. Persons who held a certification, resided in or were employed by a child care center as of November 1, 2016 with one of the specified convictions are exempt from this rehabilitation review requirement. The Barred Offenses [Table](#) has been revised and is effective November 1, 2016. See example below:

125.075 (1)	Injury or death by providing alcohol to a person under age 18	Bar for 5 years after completion of sentence, including probation, parole, or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
125.085 (3) (a) 2.	Make, alter, duplicate ID for money or compensation	Bar for 5 years after completion of sentence, including probation, parole, or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
125.105 (2) (b)	Impersonate or abet impersonation of an inspector, agent or employee of Dept. of Revenue or Dept. of Justice	Bar for 5 years after completion of sentence, including probation, parole, or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.

In addition to the clarification regarding the 5-year bar, convictions that require a substantially related investigation have been incorporated into the offenses table. Previously, these convictions were identified in a note on the last page of the offenses table. Information on how to complete a substantially related investigation is included in DCF 12.

Background Information Disclosure Form (BID) Form:

[DCF 12.03](#) requires use of the [BID form](#) prescribed by the department to be completed to obtain information about a person's background from the person as provided in s. [48.685 \(6\)](#), Stats. Effective immediately, certification workers shall require new individuals age 12 and older to complete and submit the department's [BID form](#). If an individual had previously completed and submitted a DHS BID form to the certification agency, the individual does not need to also complete and submit the DCF BID form. As referenced in [Operations Memo 15-27](#) BID forms submitted after 8/20/15 shall be uploaded in WISCCRS under the Documents link in the Individuals Module.

English: <http://dcf.wisconsin.gov/forms/doc/2978.docx>
 Spanish: <http://dcf.wisconsin.gov/forms/doc/2978s.docx>
 Hmong: <http://dcf.wisconsin.gov/forms/doc/2978h.docx>

CONTACTS:

For Wisconsin Shares Child Care policy questions outside of Milwaukee County contact your Bureau of Regional Operations (BRO), Child Care Coordinators at http://dcf.wisconsin.gov/regional_operations/pdf/contact-list.pdf.

For Child Care CARES/CWW, CSAW and CCPI Processing Questions statewide and policy questions in Milwaukee County contact the Child Care Help desk at: childcare@wisconsin.gov or (608) 264-1657.