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**State of Wisconsin  
Governor Tony Evers**

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

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

**DECE/BECR OPERATIONS MEMO**

**No: 20-07**

**DATE: 04/13/20**

**Child Care**

**SUBJECT: Child Care Background Check Updates, Permanent Rule Update,  
Monitoring Requirements, Abusive Head Trauma Prevention Training**

**CROSS REFERENCE:** [Operations Memo 19-34](#)  
[Operations Memo 19-23](#)  
[DCF 202 – Child Care Certification](#)

**EFFECTIVE DATE: APRIL 1, 2020**

**PURPOSE:**

The purpose of this Operations Memo is to:

- Outline DCF background check-related communication and enforcement actions
- Provide instruction for certification workers regarding annual name-based background checks and fees
- Outline changes in the permanent rule - Chapter DCF 202, Child Care Certification
- Announce changes regarding SBS Prevention training

**BACKGROUND:**

Fingerprint-Based Background Check Requirements:

Wis. Stats. §48.686, criminal history and child abuse record search for child care programs, was enacted on September 21, 2017 and went into effect October 1, 2018.

DCF began conducting fingerprint-based background checks on *existing* certified operators in the summer of 2019.

### **Background Check and Fees**

Wis. Stats. §48.686(2)(ag) requires the requester (applicant/operator) of a background check to submit all fees required by the department pursuant to the instructions provided by the department, not to exceed the actual cost of conducting the background check. Effective January 2020, the department began conducting annual name-based criminal background checks on certified operators and other adults subject to the background check requirements.

### **Permanent Rule**

Emergency DCF 202 Administrative Rules went into effective September 30, 2019. The primary purpose of the emergency rule was to ensure child care certification rules complied with the requirements in federal regulations based on the Child Care Development Block Grant (CCDBG) Act of 2014 by September 30, 2019. Emergency rules are promulgated and designed to be temporary until permanent rules can be adopted and published. The permanent [DCF 202](#) and [DCF 13](#) rules went into effect April 1, 2020.

### **Abusive Head Trauma Prevention Training**

The requirement for Shaken Baby Syndrome (SBS) Prevention Training went into effect in April 2007 to comply with the Wisconsin Legislature's 2006 Prevent Violence Against Children Act. The Act required that all child care providers working with children under age 5 receive training in Shaken Baby Syndrome (SBS) Prevention. Shaken Baby Syndrome Prevention training for Child Care Providers has been updated and renamed Abusive Head Trauma (AHT) Prevention Training for Child Care Providers. The new Abusive Head Trauma Prevention Training was developed by the Wisconsin Child Abuse and Neglect Prevention Board and the Wisconsin Department of Children and Families, in consultation with the National Center on Shaken Baby Syndrome.

## ***POLICY:***

### **Child Care Background Check Requirements**

The department began conducting fingerprint-based background checks on *existing* operators, including adult household members, caregivers and non-caregiver employees, in September 2019. All *existing* certified operators have received a Background Check Notice in the mail (also viewable in the Child Care Provider Portal). The Background Check Notice informed the operator of the date by which they were required to submit a background check request for themselves and other individuals associated with their child care program.

### **Enforcement of Child Care Background Check Requirements**

The department has issued final reminder letters to certified operators not yet in compliance with the fingerprint-based background check requirements. Final reminder letters are viewable in WISCCRS under Location documents. Thirty days after the conclusion of the COVID-19 emergency, certification agencies must begin enforcing compliance with Wis. Stats. §48.686, DCF 202 and DCF 13 by taking an appropriate enforcement action for noncompliant operators. Enforcement action may range from issuing a Noncompliance Statement to revocation of certification. The department will

provide to local certification agencies a list of certified operators who are not in compliance with these requirements and the date by which certification agencies shall begin taking enforcement action.

### **Background Checks on Minor Household Members**

Effective February 2020, background checks are no longer conducted on minor household members unless there is a concern indicated on the Background Check Request (BCR) form that necessitates a background check. BCR forms must still be collected for individuals age 10 and older. WISCCRS will allow the certification worker to grant certification without a preliminary or final background check determination for minor household members.

### **Annual Name-Based Background Checks and Fees**

The department has begun conducting annual name-based criminal background checks on certified operators, adult household members, caregivers and non-caregiver employees. Before conducting the annual name-based check the department will mail a Background Check Quarterly Notice to the operator informing him/her which individuals are due for an annual name-based background check. The Quarterly Notice also informs the operator of the following:

- List of individuals who are due for the 5-Year fingerprint background check within the next four months
- List of individuals who are due for an annual name-based background check
- List of individuals who have had the annual name-based background check conducted within last three months
- List of individuals with a Prospective or Current status in the CCPP/WISCCRS

Certified operators will need to review these Notices carefully to ensure the department has the most up-to-date list of individuals residing/working in the child care program. If the list of individuals included in the Notice is not accurate or the employment or residency status is inaccurate, the certified operator needs to update the information in the Child Care Provider Portal (CCPP) or by contacting the certification agency as soon as possible.

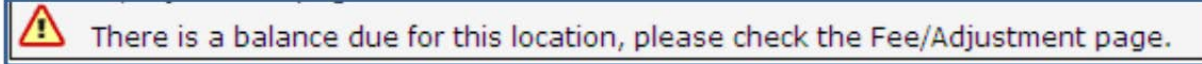
The cost of the annual name-based check is \$10 per individual. The department will mail invoices to certified operators for the cost of any annual name-based background checks conducted. A copy of the invoice and Quarterly Notice are viewable for operators in the CCPP by clicking on the Communication button on the main facility page or selecting Facility Documents in the sandwich menu. Certification workers may access the invoice and Quarterly Notice in WISCCRS under Batch Documents.

The department will not charge fees to individuals who have undergone an initial name-based criminal background check in lieu of the fingerprint-based background check during the COVID-19 emergency.

### **Outstanding Child Care Background Check Fees**

Prior to granting re-certification, certification workers shall refer to the Transaction module in WISCCRS to ensure background check fees owed to the department have been paid. If a balance is due in the Transaction module, WISCCRS displays an alert

when the application status is modified from Pending to Approved on the Decision screen. Any fees owed shall be paid to the department before recertification is granted.



*DCF 202.08 (1m) (a) 2. Prior to receiving or continuing certification, an applicant or operator shall complete all application forms truthfully and accurately and pay all fees that are due to the certification agency or to the department.*

During the COVID-19 emergency certification workers may grant recertification even if background check fees are owed to the department.

### DCF 202 Permanent Rule

There have been no substantive changes between the emergency and permanent DCF 202 rules. The department will mail a [provider memo](#) to all active certified operators announcing the approval and publication of the permanent rule. Certification agencies may elect to begin monitoring and enforcing any new certification rules June 1, 2020.

### Annual Unannounced Monitoring for Health and Safety Rules

The list of health and safety-related rules requiring annual unannounced monitoring was revised in October 2019 based on the emergency rule changes. Items on the Standards and Checklist with an asterisk (\*) preceding the rule number and in bold/italics require annual unannounced monitoring.

46.080 (4p), Stats., and S. DCF 13.00.	
<b>202.08(2) THE HOME</b>	
(2)(a)	* Exits to the home shall comply with the following:
<b>*(2)(a)1.</b>	* All exits shall be clear of obstruction.
<b>*(2)(a)2.</b>	* Each floor or level used for child care shall have at least 2 exits.
<b>*(2)(a)3.</b>	* The primary exit shall be a door or a stairway providing unobstructed travel to the outside of the building at street or ground level.
<b>*(2)(a)4.</b>	* If the care is not provided in a basement, the secondary exit shall be one of the following:
<b>*(2)(a)4.a.</b>	* A door or stairway that provides unobstructed travel to the outside of the building at street or ground level.
<b>*(2)(a)4.b.</b>	* A door or stairway leading to a platform or roof with railings which has an area of at least 25 square feet, is at least 4 feet long and is not more than 15 feet above the ground level.
<b>*(2)(a)4.c.</b>	* A window not more than 46 inches above the floor that is capable of being opened from the inside without the use of tool or removal of a sash and which has a window opening size of at least 20 inches in width and 24 inches in height.
<b>*(2)(a)5.</b>	* If the care is provided in a basement, the secondary exit shall be one of the following:
<b>*(2)(a)5.a.</b>	* A door or stairway that provides unobstructed travel to the outside of the building at street or ground level.
<b>*(2)(a)5.b.</b>	* A window not more than 46 inches above the floor that is capable of being opened from the inside without the use of tool or removal of a sash and which has a window opening size of at least 20 inches in width and 24 inches in height. The window shall open directly to the ground or to a window well with an area of at least 6 square feet that is not more than 46 inches below the ground.
<b>*(2)(am)1.</b>	A one-unit or two-unit residential building shall have a functional carbon monoxide detector installed in the basement and on each level of the building, excluding the garage and attic, in accordance with the requirements of s. 101.647, Stats.

Certification agencies must ensure all health and safety rules are monitored unannounced by December 31, 2020. The effective date of the permanent rule was April 1, 2020. Certification agencies may elect to begin monitoring and enforcing the new health and safety rules June 1, 2020. To help current operators and pending applicants comply with the new health and safety rules, the certifying agency may choose to mail a copy of the Standards and Checklist to operators and/or conduct technical assistance visits prior to conducting an unannounced monitoring visit.

Under the updated certification rules, certification workers have authority and a requirement to monitor certified family child care operators for compliance with DCF 202 rules *during the certified operator's hours of operation*.

*DCF 202.04 (3) (b) 10. Conduct the annual inspection of all certified child care operators under subd. 9. b. as specified by the department to monitor for health and safety standards. The inspection of certified family child care operators shall be unannounced and during hours of operation. The inspection of certified in-home child care operators may be announced and does not have to be during hours of operation.*

During the COVID-19 emergency, certification agencies may suspend regular monitoring, giving priority new applicants requiring initial site visits and serious complaint allegations.

### **Abusive Head Trauma Prevention**

Shaken Baby Syndrome Prevention training for Child Care Providers has been updated and renamed Abusive Head Trauma (AHT) Prevention Training for Child Care Providers. Any trainings conducted on or after September 1, 2020, that use the old SBS curriculum or result in an old SBS Certificate of Completion will not be accepted as meeting the training requirements.

Individuals who have previously completed a department-approved SBS training by an approved trainer are not required to complete a training in Abusive Head Trauma Prevention. Providers may choose to complete a training in AHT as a refresher or to help meet annual continuing education requirements. The Department of Children and Families and the Child Abuse and Neglect Prevention Board are currently developing an online Abusive Head Trauma Prevention Training for child care providers that will eliminate the need for a 6-month pre-training option. Please see the updated [Shaken Baby Syndrome and Abusive Head Trauma Prevention webpage](#) and [FAQs](#) for additional detailed information.

### **AUTOMATION**

#### **Documentation of Monitoring Results**

As mentioned in [OM 19-34](#), effective January 1, 2020 certification workers are required to enter in WISCCRS rules *met* for all monitoring visits conducted.

*DCF 202.04 (3) (b) 11. After initial certification is granted, document monitoring results in the manner prescribed by the department and issue a compliance statement or a noncompliance statement.*

**Note:** Some of the certification rules do not currently appear in numerical order in WISCCRS so workers must review the rule language carefully before entering monitoring results. Certification workers shall use the WISCCRS-generated compliance statement or noncompliance statement, when appropriate. Rules are not to be marked as *unmet* for New/Initial or Relocation visits.

Certification workers may view which health and safety rules have been monitored for a specified period in WISCCRS. The Health and Safety Results page is available by clicking on the link the left-hand navigational menu. This page shows all health and safety rules and the date the rules were last monitored.

		202	(4)(w) 2.	The Police, Fire Station, Emergency Medical Care, Child Protective Services Agency, And Poison Control Center.	
DCF	Health	202.08	(4)(e)	The Certified Child Care Operator Shall Have On File For Each Child In Care A Record Of The Child's Immunization History To Document Compliance With S. 252.04, Stats., And Ch. Dhs 144.	10/14/19
DCF	Health	202.08	(4)(f)1.	Medications Shall Be Stored So They Are Not Accessible To Children.	10/14/19
DCF	Health	202.08	(4)(f)2.b.	A Child Care Provider May Administer Prescription Or Non-Prescription Medication To A Child Only If The Child's Parent Has Given Written And Signed Permission To Administer The Medication To The Child As Directed On The Label.	10/14/19
DCF	Health	202.08	(4)(g)	A Child Care Provider Shall Wash His Or Her Hands With Soap And Warm Running Water After Toileting, Prior To Food Preparation, After Handling Pets Or Animals, And After Diapering Children	
DCF	Health	202.08	(4)(h)	A Child Care Provider Shall Require All Children In The Provider's Care To Wash Their Hands With Soap And Warm Running Water Before Eating And After Toileting Or Handling Pets Or Animals.	
DCF	Health	202.08	(4)(i)	A Provider Shall Change A Child's Wet Or Soiled Clothing Or Diapers Promptly From An Available Supply Of Clean Clothing Or Diapers. The Child's Diaper Shall Be Changed On An Easily Cleanable Surface That Is Cleaned With Soap And Water And A Disinfectant Solution After Each Use. The Disinfectant Solution Shall Be Registered With The U.S. Environmental Protection Agency As A Disinfectant And Have Instructions For Use As A Disinfectant On The Label. The Solution Shall Be Prepared And Applied As Indicated On The Label.	
DCF	Health	202.08	(4)(k)1.	If A Child Care Operator Or A Child Care Provider Is Aware That A Child Attending Certified Child Care Or A Child Care Operator's Own Child Has A Reportable Communicable Disease Under Ch. Dhs 145 That Is Transmitted Through Normal Contact The Operator Or Provider Shall Notify The Local Public Health Officer And Parents Of All The Enrolled Children Within 48 Hours Of Being Notified Of The Diagnosis.	
DCF	Health	202.08	(4)(k)2.	A Child Who Has Or Had A Reportable Communicable Disease Under Ch. Dhs 145 May Not Be Admitted To Certified Child Care Unless The Child's Parents Provide A Statement From A Physician That The Child's Condition Is No Longer Contagious Or The Child Has Been Absent For A Period Of Time Equal To The Longest Usual Incubation Period For The Disease As Specified By The Department Of Health Services.	
DCF	Health	202.08	(4)(L)	No Operator, Provider, Household Member, Employee, Volunteer, Visitor, Parent Or Any Other Person May Be In Contact With The Children In Care If Any Of The Following Conditions Are Met: 1. The Person Has Symptoms Of Illness Or Of A Communicable Disease That Is Reportable Under Ch. Dhs 145 And May Be Transmitted Through Normal Contact. 2. The Person's Behavior Or Mental Or Physical Condition Gives Reasonable Concern For The Safety Of The Children.	
DCF	Operational Req/Home	202.08	(1m)(f)	A Provider, Substitute, Employee, Or Volunteer For A Certified Child Care Operator Shall Be Approved By The Certification Agency Before The Person Begins Working In The Certified Child Care Program. The Certification Agency May Approve The Provider, Substitute, Employee, Or Volunteer If The Agency Has Verification That The Individual Has Met The Standards Under Sub. (1) (A) And (B) And Has Been Determined Eligible By The Department Under S. 48.686 (4P), Stats., And S. DCF 13.06.	10/14/19

In the example screenshot above multiple rules under DCF 202.08(4) Health have not yet been monitored. This is an indicator to the certification worker to conduct an additional monitoring visit before the end of the calendar year to complete monitoring of specific health and safety standards.

### CONTACTS:

For child care certification policy questions contact your Bureau of Regional Operations (BRO), Child Care Coordinator [BROCCPolicyHelpDesk@wisconsin.gov](mailto:BROCCPolicyHelpDesk@wisconsin.gov) or the BECR Certification Specialist [DCFcertificationSpecialist@wisconsin.gov](mailto:DCFcertificationSpecialist@wisconsin.gov).

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