



DEPARTMENT OF
CHILDREN AND FAMILIES
Secretary Reggie Bicha
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 Karen Timberlake
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 Jim Doyle**

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: Laura Saterfield, Bureau Director
Bureau of Early Childhood Education
Division of Early Care and Education

DFES OPERATIONS MEMO					
No: 09-64					
DATE: 10/26/2009					
FS	<input type="checkbox"/>	MA	<input type="checkbox"/>	BC+	<input type="checkbox"/>
SC	<input type="checkbox"/>	CTS	<input type="checkbox"/>	CC	<input checked="" type="checkbox"/>
W-2	<input type="checkbox"/>	FSET	<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			
PRIORITY: HIGH					

SUBJECT: Child Care Certification - CCAP/CPS/Sex Offender Registry Matches

CROSS REFERENCE: Certification Caregiver Manual

EFFECTIVE DATE: 10/26/2009

PURPOSE:

The purpose of this memo is to inform the county/tribal certification agencies about the process for following up on automated matches that the Department of Children and Families has identified between the Child Care Provider Certification (CCPC) provider data, the Circuit Court (CCAP) database and WiSACWIS (database used by CPS departments).

BACKGROUND:

The Department of Children and Families (DCF) has begun a regular, monthly process of running matches between the provider information in the Child Care Provider Certification (CCPC) system with the Consolidated Court Automation Programs (CCAP) and WiSACWIS, in addition to the Sex Offender Registry.

While we recognize that these data matches of this sort could include mismatches, we have found matches with certified providers which could be of serious concern. These matches must be investigated to ensure that children are safe.

A list of providers with potentially concerning records was mailed to county/tribal human/social services directors during the week of October 12, 2009. A new module in CCPC called "CCAP/Registry/CPS Findings" will be moving into production on Monday, 10/26/09. This

module will include the list of providers with concerning records that was mailed to the county/tribal directors. We recognize that you have been following up aggressively on the lists you received. We are asking that the provider's certification be reviewed ASAP by your agency and the appropriate actions taken if these matches are accurate. We understand that CCAP may not include complete information and that there may be amendments to convictions that were not identified by the matching process.

CCAP/REGISTRY/CPS FINDINGS MODULE - CCPC

The certifiers will be able to access this system on Monday morning from the CCPC home page. The report includes providers and any individuals listed in CCPC as a non-client resident, substitute, helper, etc in the CCPC system if the person has a concerning offense. The system includes the following reports:

- **Provider CCAP:** This report lists matches between CCPC provider demographics (name, DOB) with conviction information in CCAP.
- **Provider CPS:** This report lists matches between CCPC provider demographics with maltreater information in WiSACWIS.
- **Individual CCAP:** This report lists matches between CCPC individual (non-client residents, substitutes, employees, etc) demographics with conviction information in CCAP.
- **Individual CPS:** This report lists matches between CCPC individual (non-client residents, substitutes, employees, etc) demographics with maltreater information in WiSACWIS.
- **Sex Offender Registry Match** lists potential sex offenders who are either residents or providers identified in the CCPC system.

PRIORITY

The reports are sorted in four different categories as follows:

1. **WiSACWIS matches with substantiated findings of child abuse/neglect.**
If a governmental agency (usually Child Protective Services) has made the determination that a person has abused or neglected a child, the person is barred from being a certified provider or a non-client resident, or employee in the certified home. The bar can only be lifted if the person has been approved by a rehabilitation review panel. See Chapter 12 of the Caregiver Manual for further information:
<http://dcf.wisconsin.gov/childcare/certification/pdf/caregivermanual.pdf>.
2. **Serious offenses:**
Convictions of serious crimes that, pending current legislation, bar the caregiver from being certified or from residing in the home. The list is found at http://www.legis.state.wi.us/rsb/code/dhs/dhs012_app_a.pdf, page 49, Table II (entities and programs serving clients under the age of 18). A person who has a conviction of a crime on this list is barred from being certified or residing in the home.
3. **Offenses that potentially substantially relate to the care of children:**
This report includes convictions that potentially relate to care of children. Examples of crimes included in this list are, but not limited to: misdemeanor battery, drug-related offenses, any aggressive offenses or offenses with sexual nature, armed burglaries, etc. Instructions on how to make the substantial relationship is explained at <http://dcf.wisconsin.gov/childcare/certification/pdf/caregivermanual.pdf>, page 29, Chapter 11.

4. **Offenses that may substantially relate to the operation of a child care business:**

On June 1, 2008, new rules were added to DCF 202 (certification rule) that gives the agencies authorization to revoke/deny a provider who has a pending charge or a conviction of a crime that substantially relates to the activities of the program. The rule reads as follows:

(i) The child care operator, an employee, a volunteer, or any other person having regular contact with the children in care is or has been any of the following:

202.06 (1) The county or tribal agency may deny, suspend, revoke or refuse to renew certification and discontinue payment for care if any of the following apply:

(i) 1. The subject of a **pending criminal charge** for an action that substantially relates to the care of children or activities of the program.

(i)2. **Convicted** of a felony, misdemeanor, or other offense that substantially relates to the care of children or activities of the program.

Moreover, on July 1, 2009, new statutory language passed (49.133) which states that the department or a county department under s. 46.215, 46.22 or 46.23 may refuse to pay a child care provider for child care provided under s. 49.132, 1995 stats., or any other program if: (1)The person has been convicted of a felony or misdemeanor that the department or county department under s. 46.215, 46.22, or 46.23 determines substantially relates to the care of children or to the operation of a business.

Examples of the above may be, but not limited to, fraud, forgery, theft, offenses involving illegal drugs, traffic related offenses, etc. When determining the substantially related criteria, the agency must consider how the offense relates to the care of children, activities of the program, does the job as a certified operator offer an opportunity to commit a similar offense, is there a pattern in the past offenses, etc. See DHS 12.06 for further information: <http://www.legis.state.wi.us/rsb/code/dhs/dhs012.pdf>

CRITERIA USED FOR REPORTS

The CCAP report lists charges with convictions. There may be cases where the original conviction was later amended to a lesser crime or dismissed as a result of First Offender's Program or other reasons. If that is the case, please enter comments about the amended conviction.

- **Older offenses:**

The department is running matches between the provider (non-client residents, etc) demographic information for **currently** certified providers. The provider information was matched with court information backdating to early 1990's. The report includes some offenses that are quite old, however, those can be important to be aware when evaluating an individual with a history of habitual criminality or a long pattern of offenses.

- **Providers/individuals listed on the report multiple times:**

Sometimes a person is listed on the report multiple times. This is because some providers/individuals have multiple offenses listed in the CCAP.

INDIVIDUALS DEFINED (non-client residents, substitutes, employees, etc)

The match report includes all individuals whom the certifying agencies have entered into CCPC. We have identified some cases that included individuals who are not subject to the background check by the caregiver law, but the agencies have entered them into CCPC because the individual is a frequent visitor to the home. These individuals should be deleted or marked as inactive in CCPC. Below is a list of individuals who should be entered in CCPC:

- **Non-client residents**

The caregiver manual defines a non-client resident as follows: "A non-client resident is a person 10 years of age or older who is not a client of the program but who resides in the certified home and is expected to have regular, direct contact with clients. For example, this may be the spouse, live-in friend, child or other relative of a certified provider who resides in the home. This also includes individuals that might reside in the home part-time (shared placement situations, adult children of the provider who live in the home part of the year and attend college during school year, etc).

- **Employees, volunteers, substitutes, helpers**

The above individuals fall under the category of a "caregiver" and is defined as any of the following:

- A person who is, or is expected to be, employed or under contract with a program and who is, or is expected to be, under the program's control and who has, or is expected to have, regular, direct contact with the program's clients;
- A person who has, or is seeking, certification or contract to operate a program covered under the caregiver law;
- The owner or administrator of a program, whether or not that person has regular, direct contact with clients;
- An adult or minor student who is, or will be, completing an internship, practicum or clinical training at a certified program;
- A volunteer if the person has direct contact with the children in care.

If your agency has entered other individuals, please delete them or mark them as 'inactive' so they won't be included in the next monthly match. Also, if there are individuals currently in the system who should not be included and who have convictions of one of the offense categories above, please enter a note in the CCAP/Registry/CPS findings comments.

ACCESSING THE 'CCAP/REGISTRY/CPS FINDINGS' MODULE

The new module can be accessed from the CCPC home page. See screen print below:

Home Logged in as: pzsystems
[Exit](#) [? Help](#)

Child Care Provider Certification

Home | New | Search | Alerts (550) | Announcements | Reports | CSAW | CCPI

Home

Welcome to the Child Care Provider Certification Home Page

County Specific Announcements	
There are	Test Announcement 11/21/2008 Test announcement for county / "hydrate" error.
More...	

Investigate CCAP/Registry/CPS Findings

[View Findings](#)

[Alerts\(550\)](#) [Announcements](#)

Click on 'View Findings' to access the new module

FINDINGS PAGE

After clicking on the ‘view findings’ from the Home page, the ‘Findings’ page will display. This page allows the user to search for the listing of providers/individuals for his/her county/tribe, by the case status or provider number.

Explanation of fields on this page:

Name of Field	Description
DCF Review Status	This status can be changed only by DCF staff but can be viewed by local agency workers. Once the local agency staff has completed their review and entered notes in each of the cases listed in their county/tribe, the state staff will be reviewing the information and issue one of the status codes below: <ul style="list-style-type: none"> • Not resolved (This is a shortcut that shows both Not Started and Pending) • Not started • Resolved • Pending
Follow-up Status	This status is updatable by the certifier on the ‘Follow-up page. See ‘Follow-up’ page for further information on the details.
Type	This indicates the type of report. Please see explanations under ‘CCAP/Registry/CPS Findings Module on page 2 above.
Priority	See explanations under ‘Priority’ on the 2dn page of this memo.
County	Lists all counties/tribes in the system
Provider Number	The user can search the report by entering a provider number in this field.

FOLLOW-UP PAGE

This page displays details on the provider/individual's offense.

Finding Details

Reference# 7548 Priority Subst. Related - Care Of Children
 Provider# 999999999 Location# 1
 Person John Doe Matching Person John Doe
 Type Provider CCAP DCF Review Status Not Started
 County St. Croix Tribe

[Modify Finding](#)

Updated Date DCF Comment

10/22/09 During automated data matching, an offense/conviction was found for the following person: JOHN DOE (Provider): Subst. Related - Care of Children. Case: 9999CF000001 County: St. Croix Tribe Statute: 961.573(1) Charge: Possess Drug Paraphernalia Case Title: State vs John Doe Filed: 12/25/2009 Offense Date: 11/25/2009

Certifier Comments

Updated Date Comment Text

10/23/09 The certifying agency was not aware of this offense. Criminal complaint and judgment of conviction have been ordered from the Circuit Court. Also, the provider has not informed the certifying agency about this offense.

Modify Follow-up

Status *

New Comments

0 of 4000 characters.

Rehab Review

Action Required?

Was Agency Aware?

If agency was aware, why was certification maintained?

0 of 4000 characters.

Below are explanations for each of the field on this page:

Name of Field	Description
Findings Details Heading	Includes information such as provider number and name, the person whom the match pertains, the type of report, county, priority and DCF review status .
DCF Comments	The first comment lists the offense details such as if the match pertains to the certified provider or an individual in the home, name of the person, priority, court docket number, county/tribe, statute number for the charge (if applicable), original charge, case title, the date the offense occurred and the date the charges were filed.
Certifier Comments	This field displays the comments that the certifier has entered on the 'Follow-up' page. NOTE: The comments cannot be deleted.
Status	This status is updatable by county/tribal agencies and shall be updated as the certifier reviews the cases for his/her county/tribe. The values are as follows:

	<ul style="list-style-type: none"> • Not started: Cases are automatically defaulted to this status until the certifier changes the status • Pending: When the certifier has started to review the case, the status should be changed to 'pending' until the case is resolved. • Action Required: Examples of use of this status: 1) the agency was not aware of an offense listed on the report, the agency may need to request additional documents from the Circuit Court (criminal complaint and judgment of conviction) or documents from the local law enforcement to further investigate the case, 2) after investigating the case, the agency determines that revocation is justified. • Resolved: The case has been reviewed and resolved.
Comments	<p>Enter thorough comments on each of the case for your county/tribe. We are looking information as:</p> <ol style="list-style-type: none"> 1. Write a brief summary of the information included in the court, law enforcement or CPS documents about the case. 2. If the match was accurate. If yes, what type of actions your agency will take or have taken to assure safety for children in care 3. If the agency has made the decision to keep a provider with a record certified, please explain the reasons for regulatory approval. 4. If the match shows a conviction that is a barred offense, please indicate if the person was approved by a Rehabilitation Review (RR) panel. Please include date of review. If a person with a barred offense has not been approved by a RR panel, the agency must immediately revoke the provider. 5. If an individual with a pending charge or conviction of a concerning offense has lived in the home during a period when the provider was certified, please explain the reasons for this. Please indicate if restrictions/stipulations are in place to prevent the person from being a caregiver or present in the home during hours of child care.
Rehab Review	Click the check box if the person has been reviewed by a rehabilitation panel. Please enter comments about the outcome of the review and when the review was done and by which agency.
Action Required	Click the check box if further action by the certifying agency is needed. Examples of use of this status are but not limited to: 1) the agency was not aware of an offense listed on the report, the agency may need to request additional documents from the Circuit Court (criminal complaint and judgment of conviction) or documents from the local law enforcement to further investigate the case, 2) after investigating the case, the agency determines that revocation is justified, etc.
Was agency aware	Click on the check box if the agency was aware of the offense listed.
If agency was aware, why was certification maintained?	Please explain why the provider remained certified or was approved. Please indicate if any restrictions/stipulations are in place.

TIME-FRAME

The agencies must review the initial set of matches as follows:

- Priority #1 (CPS substantiation cases) and #2 (offenses with bar) by Close of Business day, Friday 10/30/09.
- Priority #3 (substantially related to care of children) should be reviewed by 11/13/09
- Priority #4 (substantially related to business) by 11/13/2009

The Department will send out subsequent communication on a regular calendar as we continue to perform matches on a monthly basis.

CONTACT

Please contact Pirkko.moilanen@wisconsin.gov with further questions on the new module or the offenses listed.