Notice of Initial Determination of Child Abuse and/or Neglect and Right to Request a Review

**Date of Notice of Initial Determination of Child Abuse and/or Neglect:**

Dear      :

Our agency has completed its investigation of suspected child abuse and/or child neglect. Based on the definitions of child abuse and/or child neglect in Wisconsin Statutes (see Attachment A for more information regarding Wisconsin’s legal definition), our agency concluded that you abused and/or neglected the following child or children:

START\_DYNAMIC\_TABLE=substantiatedInfo

Type of Abuse/Neglect:       Child:       Initial Determination:      .

Evidence:

END\_DYNAMIC\_TABLE=substantiatedInfo

**Requesting Review of an Initial Determination of Child Abuse and/or Neglect**

The conclusion reached by this agency that you abused and /or neglected the child/children is called an “Initial Determination.” **This is not a criminal charge or conviction;** criminal cases are not handled by this agency. You may request a review of an initial determination if you believe this conclusion is incorrect.

To request a review, complete the enclosed form, titled “Request for a Review of an Initial Determination of Child Abuse and/or Neglect” and mail or hand deliver it to the agency at:      . If you request a review the agency will provide you with information regarding the date, time, and location or call-in information for the review. The request must be hand-delivered or postmarked within 15 days from the date of this letter. At this review, you can respond to any of the abuse and/or neglect Initial Determinations. You may provide information in person or in writing. You can also share relevant documents to support your position; however you cannot present witnesses or question agency staff regarding the conclusion(s). You may hire an attorney, if you so choose. For more information on this review process, see Wisconsin Administrative Code Section DCF 40.03.

**Final Determination of Child Abuse and/or Neglect**

A Final Determination of Child Abuse and/or Neglect will be made. You will be notified of the Final Determination by letter. This typically occurs within 15 days.

You may appeal a Final Determination by requesting a hearing at the Wisconsin Division of Hearings and Appeals. At the hearing, you can present evidence that you did not abuse or neglect the child or children listed above. You will receive more information about the hearing process when you receive the Notice of a Final Determination.

**Potential Impact of the Final Determination of Substantiated Child Abuse or Neglect**

The Wisconsin Caregiver Law (Wis.Stats. 48.685, 48.686 and 50.065) requires caregiver background checks for people who have or are applying for certain employment, licenses, certifications, registrations, contracts or a non-client residence that involves direct contact with children, vulnerable adults or patients in certain regulated caregiving settings or entities. If you have a Final Determination of substantiated child abuse and/or neglect the Wisconsin Caregiver Law may prevent you from work and activities requiring a Caregiver Law background check (**see Attachment B for more information regarding Wisconsin’s Caregiver Law**).

If you request a hearing to appeal a Final Determination of Substantiated Child Abuse and/or Neglect and the Division of Hearings and Appeals finds that the child abuse and/or neglect was not proven, the agency’s records will be updated accordingly so that the Wisconsin Caregiver Law will not prevent you from these activities.

Please contact our agency’s representative listed below if you have any questions about the review process, need translation services, or need assistance to complete the attached form.

Sincerely,

Telephone Number:

***Unauthorized disclosure of the information contained in this notice is prohibited by law.***

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**Initial Determination of Child Abuse and/or Neglect Review Request**

Complete all of the requested information below.

|  |  |  |
| --- | --- | --- |
| Name - Person Requesting Review      | Birthdate (mm/dd/yyyy)      | Date of Request (mm/dd/yyyy)      |
| Address (Street, City, State, Zip Code)      | Telephone Number - Home      |
| **My reasons for disagreeing with this decision are as follows:** |
| **\*\*\*\*If additional space is needed, attach a separate sheet.** |

**NOTE: This form must be postmarked or hand delivered to the following agency no later than**      **.**

Telephone Number:

     **Left Blank**

**Attachment A**

**Definitions of Child Abuse and Neglect Summary**

**Child Abuse** is defined in Wisconsin Statutes Section 48.02(1) and (14g) to include:

* Some types of physical injury to a child, such as severe or frequent bruising, lacerations, burns, fractured bones, internal injuries, or great bodily harm not caused by an accident.
* Sexual intercourse or sexual contact with a child in violation of Wisconsin Statutes Sections [940.225](https://docs.legis.wisconsin.gov/document/statutes/940.225), [948.02](https://docs.legis.wisconsin.gov/document/statutes/948.02), [948.025](https://docs.legis.wisconsin.gov/document/statutes/948.025), or [948.085](https://docs.legis.wisconsin.gov/document/statutes/948.085).
* Sexual exploitation of a child in violation of Wisconsin Statutes Section 948.05.
* Sex trafficking of a child in violation of Wisconsin Statutes Section 948.051.
* Permitting, allowing or encouraging prostitution by a child in violation of Wisconsin Statutes Section [944.30.](https://docs.legis.wisconsin.gov/document/statutes/944.30%281m%29)
* Causing a child to view or listen to sexual activity for sexual arousal, gratification or to degrade the child in violation of Wisconsin Statutes Section [948.055](https://docs.legis.wisconsin.gov/document/statutes/948.055).
* Exposure of genitals, pubic area or intimate parts involving a child for sexual arousal or gratification in violation of Wisconsin Statutes Section 948.10.
* Manufacturing methamphetamine in violation of Wisconsin Statutes Section [961.41 (1) (e)](https://docs.legis.wisconsin.gov/document/statutes/961.41%281%29%28e%29) under any of the following circumstances:
	+ With a child physically present during the manufacture.
	+ In a child's home, on the premises of a child's home, or in a motor vehicle located on the premises of a child's home.
	+ Under any other circumstances in which a reasonable person should have known that the manufacture would be seen, smelled, or heard by a child.
* Emotional damage of a child for which the child's parent, guardian or legal custodian has neglected, refused or been unable for reasons other than poverty to obtain the necessary treatment or to take steps to ameliorate the symptoms.

**Child Neglect** is defined in Wisconsin Statutes Section 48.02(12g) to include:

Failure, refusal or inability on the part of a caregiver, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child.

**Attachment B**

**Wisconsin Caregiver Law Background Check Summary- Wisconsin Statute Sections 48.685, 48.686, and 50.065**

**A Child Abuse or Neglect Final Determination may bar a person from certain child or health care caregiver employment, regulatory approval or non-client residency under the Wisconsin Caregiver Law.**

A person with a Final Determination of Substantiated Child Abuse or Neglect may be barred from **operating**, being **employed**, **licensed,** **certified** or **contracted** with or **being a non-client resident** involving the following:

* Child day care or child day camps
* A child foster home, group home, shelter care facility, or residential care center
* A subsidized guardianship home or a pre-adoptive or adoptive home
* Child welfare agencies, child placing agencies
* Certain entities acting as guardians or facilitating delegations of parental authority
* Hospitals, medical clinics, pain clinics, rural medical care centers
* Personal care workers, personal care agencies, home health agencies, outpatient rehabilitation, ambulance service providers *(does not include EMTs or First Responders)*
* In-patient and out-patient mental health, alcohol and drug services and clinics
* Community mental health and developmental disability services and support programs
* Adult day care, adult care facilities
* Community-based residential facilities, residential care apartment complexes, developmental disability facilities
* Nursing homes, rehabilitation centers, assisted living facilities, hospices
* Board on Aging and Long Term Care (including ombudsmen)
* Certain other regulated caregiving activities or entities for children, vulnerable adults, or patients regulated by the Department of Children and Families or the Department of Health Services as required by the Wisconsin Caregiver Law.

For some offenses, a person will be permanently barred. For other offenses, a person will be barred unless they request a rehabilitation review and are found to be rehabilitated for certain caregiver activities.

The rehabilitation review allows caregivers or residents to give evidence that:

* They have been rehabilitated, and
* Clients will be safe under their care.

A rehabilitation review can only be requested after a Final Determination is made.