

## Caregiver Law – Short Summary

Individuals subject to the Caregiver Law: refers to applicants, certified operators, caregivers (employees, volunteers, substitutes, assistants) and household members (non-client residents) of the home / program including *certain* children age 12 through 17\*. See the Certification Caregiver Background Check Manual for detail and additional guidance.

### **Frequency of Background Information Disclosure BID form only**

- Required for the applicant and other individuals subject to the Caregiver Law at time of initial application.
- Every 2 years for the operator
- Annually for household members age 12 and older, employees, volunteers, substitutes, etc.

### **Department of Justice DOJ/IBIS:**

- Required for the operator at the time of initial application and every 3 months.
- Required for other individuals subject to the Caregiver Law\* upon initial application and annually.

*\*not required on household members age 12-17 unless concern indicated on BID.*

### **Child Protective Services CPS:**

- At the time of the initial application for all individuals subject to the Caregiver Law, including minor household members 12 and older, per DCF 202.04(7).
- After the initial check eWisacwis information for currently certified operators will be “flagged” during the monthly match process conducted by DCF.
- Encourage the CPS unit in your county/tribe to keep you informed of any child care related cases (both CPS and juvenile).

### **Sex Offender Registry:**

National SOR check using <http://wisconsinco.familywatchdog.us/> by name of individual(s) and address:

- Initially as part of application process on all individuals 17 years of age and older who are subject to the Caregiver Law and again at renewal on all individuals 17 years of age and older who are subject to the Caregiver Law.
- It should also be conducted at the point when the operator is considering potential new household members or employee/substitute/assistant age 17+.

- Remember to check the SOR again if/when the operator moves to a new location.

### **Out of State Check:**

The out of state check shall be conducted on individuals/adults subject to the Caregiver Law if the person indicates on BID that s/he has lived outside of Wisconsin within the last 3 years or currently lives out of state.

Note: The agencies have the authority to conduct the CBC checks anytime if there are concerns related to the caregiver law.

### **Dually Regulated Operators Who Are Licensed and Certified**

If a operator is dually-regulated the DCF Caregiver Background Unit will conduct the CBC on the operator and the household members. In these cases, the CBC information/results will be available in WISCCRS. There is no need for both licensing and certification agencies to conduct the CBC. Licensing requires the operator/licensee to conduct CBCs on their employees. In these cases, the certifier must review the CBC records at the certified site or ask the operator to submit copies of the CBC to the certifying agency. The certifier may also offer and arrange with the operator to conduct the CBC on the employees. The certifier should not charge the operator for duplicate CBCs. If the certifier has concerns about an employee, the certifier should contact the licensor assigned to the operator.

The language in the Caregiver Law- Short Summary document has been shortened and simplified; detailed information regarding the Caregiver Law can be found in the Certification Caregiver Manual and at:

List of serious offenses:

[http://dcf.wisconsin.gov/childcare/licensed/pdf/2010\\_02\\_crimes\\_list.pdf](http://dcf.wisconsin.gov/childcare/licensed/pdf/2010_02_crimes_list.pdf)

Operations Memo for Certifying Agencies (09-81):

<http://dhs.wisconsin.gov/em/ops-memos/2009/pdf/09-81.pdf>

Summary of the new law:

<http://www.legis.state.wi.us/lc/publications/act/2009/act076-sb331.pdf>