



# SHARING THE NEWS

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*This newsletter is for child care providers caring for children in the Wisconsin Shares Child Care Subsidy Program, a program which helps low-income families pay for regulated child care while participating in work activities.*

## SPECIAL EDITION

### NEW RECORDS RETENTION LAW

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#### New Law on Record-Keeping for Wisconsin Shares Providers

As of June 30, 2009, all child care providers receiving payments from the Wisconsin Shares Child Care Subsidy must keep attendance records for at least 3 years from the child's last date of attendance.

Wisconsin Act 28 ("the 2009-2011 budget") was signed into law by Governor Doyle on June 29, 2009. A provision of this law creates s.49.155(6m) which requires that child care providers maintain a written record for all authorized children. The attendance records show the **daily hours** of each child including **actual arrival** and **departure** times.

You are already required to have and maintain these records for all children in your care as a condition of your license or certification.

The new law requires that you keep those records for at least 3 years after a child stops

attending if you have received Wisconsin Shares payments for the child.

This new law emphasizes the importance of daily attendance records in showing that the children you reported for payment were actually in care. When we audit a provider, we expect that the provider will have these records available to verify that the care occurred. Having these accurate records and providing them immediately upon request is both a requirement of the program and your best defense in a provider audit.



Failure to maintain and retain written daily attendance records for each child is a violation of the Wisconsin Shares child care subsidy law. If you fail to keep the required records, the Department may have to suspend payments and recover an overpayment.

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If you need this information in an alternate format, need it translated to another language, or have questions/suggestions about the content of this newsletter, please e-mail [ChildCare@Wisconsin.gov](mailto:ChildCare@Wisconsin.gov) or call 888-499-3464. For civil rights questions, call (608) 266-6889 or (866) 864-4585 TTY (Toll Free). Previous issues of this newsletter are located at <http://dcf.wisconsin.gov/childcare/wishares/newsletter.htm>.

Written records must be available at the child care facility and are subject to review by the County, Department of Children and Families, or other agency designated by the County or Department.

You must keep these records for the required 3 years even if you stop being a child care provider or stop providing care to children who receive Wisconsin Shares funding. You can read the actual language at the end of this newsletter.

### Best Practice

Providers are required to record daily attendance and keep the record for at least 3 years after the child stops attending. It is in your best interest to have parents verify that they agree with your attendance records at least once a week. (Providers who have been directed by their county to provide more frequent verification must continue to follow those specific instructions).

Having the parent sign the attendance log helps you if the parent later claims that the child was not in care for all of the hours billed to Wisconsin Shares.



### A word about rounding

The new law, as well as existing certification and licensing laws, require that you record the **actual arrival** and **actual departure** times. For purposes of the subsidy, that means the time that you read from the clock. You may round off to the nearest 5 minutes to make your daily totals easier to calculate. However you may **not** do any further rounding in recording the actual times of arrival and departure.

Example: Susan arrives at 9:16 a.m. and leaves at 4:42 p.m. You may record this as an arrival at 9:15 a.m. and a departure at 4:40 p.m. and still be okay with the law. **You may not** record an arrival at 9:00 a.m. or 9:30 a.m. or departure at 4:30 or 5:00. In this example, the daily total is 7 hours and 25 minutes (using 9:15 as the arrival time and 4:40 as the departure time).

Under previous guidance regarding totaling your daily and weekly times, you were told that you could round off to the nearest half hour for your daily total. In this example, you would report your daily total as 7 and a half hours.

### From 2009 Wisconsin Act 28, the 2009-2011 budget.

#### 49.155(6m) CHILD CARE PROVIDER RECORDKEEPING.

With respect to attendance records, a child care provider shall do all of the following:

- (a) Maintain a written record of the daily hours of attendance of each child for whom the provider is providing care under this section [Wisconsin Shares], including the actual arrival and departure times for each child.
- (b) Retain the written daily attendance records under par. (a) for each child for at least 3 years after the child's last day of attendance, regardless of whether the child care provider is still receiving or eligible to receive payments under this section.