


STATE OF WISCONSIN
Department of Children and Families
Division of Safety and Permanence
Division of Early Care and Education

DSP Memo Series 2009 - 07
August 25, 2009
Re: Directive for Caregiver Checks

To: Area Administrators/ Human Services Area Coordinators
Bureau Directors
Child Placing Agency Directors
Child Welfare Agency Directors
County Departments of Community Programs Directors
County Departments of Developmental Disabilities
Services Directors
County Departments of Human Services Directors
County Departments of Social Services Directors
Indian Child Welfare Directors
Licensing Chiefs/Section Chiefs
Tribal Chairpersons/Human Services Facilitators

From: Cyrus A. Behroozi, Administrator 
Division of Safety and Permanence

Dan Harris, Administrator 
Division of Early Care and Education

Caregiver background checks mandated by the Caregiver Law under Wisconsin Statute section 48.685 help a child regulatory or placement agency identify any criminal background of reported residents of specified entities seeking a license or certification to care for children, such as child care providers and foster homes and treatment foster homes.

This policy describes a requirement for checking Wisconsin Sex Offender Registry information to assist in identifying sex offenses of unreported residents of entities that seek licensure or certification to care for children or unreported residents of other unlicensed placements for children, such as relative placements.

The Wisconsin Department of Corrections operates a Sex Offender Registry Website which provides automated information about sex offenders who are required to register with the Department of Corrections and serves as a means for monitoring an offender's whereabouts. The Department of Corrections acts in partnership with Family Watchdog, which hosts a web-based application that identifies where registered sex offenders reside. In addition, the Family Watchdog Website can provide notifications when a registered sex offender moves within five miles of a given address.

Under this policy requirement, a county department and a child welfare agency under contract with the department, and as applicable by contract or other legal requirements a tribal agency, must conduct a reverse search by address of Sex Offender Registry information for any entity that applies for licensure or certification under the Children's Code, Wisconsin Statutes chapter 48. These agencies must also conduct a reverse search by address of Sex Offender Registry information for a child placement or approval of a child's placement under the Children's Code. For example, before an agency certifies a child care provider or approves kinship care for a child, the agency must conduct a search of Sex Offender Registry information by the address of a family child care provider or a kinship care provider.

Document Summary

This memorandum directs that in addition to criminal background checks required under Wisconsin Statute section 48.685, a county department and any child welfare agency under contract with the department, and as applicable by contract or other legal requirements a tribal agency, must conduct a reverse search of the Sex Offender Registry by address for any entity that applies for licensure or certification under the Children's Code and for any placement of a child under the Children's Code, chapter 48 of the Wisconsin Statutes.

This requirement applies to:

Certification or licensure of:

Child care providers
Foster homes or treatment foster homes; and

Placement or approval of care in the home of:

Relatives
Unlicensed individuals
Voluntary or court-ordered kinship care
Guardians under Wisconsin Statute section 48.977 or chapter 54.

A reverse search by address can be done by entering the entity or placement address at:

<http://wisconsin.doc.familywatchdog.us/>

Once the address is entered, a map of offenders in the surrounding area is shown. Use the "list" function to view the nearest registered offender to the address being checked. Alternatively, use the "zoom in" function to view if a registered offender is shown at the address.

Based on any relevant information found and appropriate authority, county departments, their contract agencies, child placing agencies and tribal agencies should follow-up with appropriate licensing or child protection action. For example, if warranted, an agency may make a report of suspected child abuse, or if warranted and the agency has the necessary authority, an agency may remove a child from a home.

We ask that county departments and their contract agencies follow this address search requirement pending the 30 day period for fiscal impact comments provided for under the State-County Contract. As always, we appreciate your comments and assistance in developing statewide policies.

Note that it is illegal to use information obtained through the Sex Offender Registry or Family Watchdog to engage in any illegal discrimination or harassment. However, taking appropriate regulatory action or other appropriate action to protect children does not constitute illegal discrimination or harassment.

Note also that Registry and Family Watchdog information does not contain information on all convicted sex offenders. The information is limited by the effective date of the applicable law and to those offenders who have been arrested and convicted, adjudicated or committed for a crime specified under the law and who meet registration and publication requirements. For example, certain sex offenses by juveniles or other persons may not meet registration or publication requirements. Please consider these limitations when obtaining information from the Registry or Family Watchdog.

REGIONAL OFFICE CONTACT: Area Administrator

CENTRAL OFFICE CONTACTS:

Mary Morse
Child Welfare Licensing Section
Bureau of Permanence and Out of Home Care
(608) 266-0415

Allison Olson
Foster Care Program Planner
Bureau of Permanence and Out of Home Care
(608) 266-6874

Pirkko Moilanen
Certification Manager
Bureau of Early Childhood Education
(608) 261-4595

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