

## Caregiver Background Check (CBC) FAQ – Licensed Child Care Providers

### 1. What is the Caregiver Law?

**Answer:** The Caregiver Law was enacted to protect vulnerable persons in regulated settings such as a licensed child care facility. The law:

- Defines serious crimes that bar individuals from owning, working as a caregiver or living at a regulated child care facility;
- Specifies when an initial Caregiver Background Check is required and the frequency thereafter;
- Specifies when an initial Background Information Disclosure (BID) form is required;
- Requires multiple database checks.

### 2. Does the Caregiver Law apply to agencies that a licensee contracts with to provide services, such as a transportation company?

**Answer:** Yes, if the child care program is providing the service (either by transporting children themselves or contracting with a company to provide the transportation on behalf of the center) the Caregiver Law applies to any person who will serve as a caregiver. A driver of a vehicle is considered a caregiver because s/he will have regular, direct contact with the children in care.

### 3. What is a “caregiver”?

**Answer:** “Caregiver” is defined in [s. 48.685\(1\)\(ag\)](#), Wis. Stats. To summarize, it is the licensee, employee, contractor or other individual the child care center is responsible for, and has, or is expected to have, regular direct contact with children in care.

Some individuals working in a licensed facility are not considered caregivers and may not need a CBC. Examples may include:

- A person who performs solely clerical, administrative, maintenance or other support functions for a facility and who is not expected to have regular direct contact with children in care;
- A person who is employed by or under contract with a facility to provide infrequent or occasional services that are not directly related to the care of children;
- A volunteer who serves as an “extra pair of hands” in a classroom and is not counted in the staff-to-child ratio or left alone with the children.

### 4. What is a “nonclient resident”?

**Answer:** “Nonclient resident” is defined in [s. 48.685\(1\)\(bm\)](#), Wis. Stats. To summarize, it is any individual that resides at the child care center and has, or is expected to have, regular direct contact with children in care.

### 5. What does “direct contact” mean?

**Answer:** “Direct contact” is defined in [s. 48.685\(1\)\(av\)](#), Wis. Stats. To summarize, it is a face-to-face physical presence that would allow an opportunity for the person to abuse or neglect a child in care.

## 6. How do I contact the DCF Caregiver Background Unit (CBU)?

### Answer:

- Phone: (608) 266-8001
- Fax: (608) 267-2000
- E-mail: [DCFPlcBECRCBU@wisconsin.gov](mailto:DCFPlcBECRCBU@wisconsin.gov)
- U.S. Mail: DCF/Caregiver Background Unit  
PO Box 8916  
201 E Washington Ave Room E200  
Madison WI 53708-8916

## 7. Who is subject to a Caregiver Background Check?

### Answer:

- Applicants for licensure; licensees.
- Caregivers in a regulated facility including employees (including minor employees), assistants and volunteers counted in staff to child ratio.
- Adult household members in a regulated facility (minor household members ages 12-17 if BID form disclosure requires a CBC).
- Students whose placement is more than 60 days.
- Extended stay visitors who live on the premises more than 60 days.

## 8. What are the components of a “complete” caregiver background check?

**Answer:** The CBC is the process by which the DCF or the licensee gathers prescribed information from a variety of sources to determine whether an individual may:

- Hold a child care license;
- Have direct regular contact with children; or
- Be a household member in a child care setting

A complete CBC has five (5) components:

1. Background Information Disclosure ([BID](#)) form;
2. [Wisconsin Department of Justice \(DOJ\) Criminal Record Check](#);
3. DHS/IBIS results, otherwise known as “Response to the Caregiver Background Check” that is included when requesting a “day care” criminal record check;
4. A [Wisconsin Sex Offender Registry Search](#) [recommended: [National Sex Offender Public Website \(NSOPW\) check](#)]; and
5. Obtain records required by [s. 48.685\(2\)\(bb\), Wis. Stats.](#): the criminal complaint or final disposition from the clerk of courts when the CBC information indicates a charge of a serious crime but does not completely and clearly indicate the final disposition; or the BID form indicates a charge or conviction of a serious crime but the charge or conviction is not contained in the CBC results. The criminal complaint and judgment of conviction must be obtained from the clerk of courts when the CBC results contain a conviction of a violation of s. 940.19(1), 940.195, 940.20, 941.30, 942.08, 947.01(1), or 947.013 within 5 years of the date of the CBC.

## 9. Who conducts the Caregiver Background Check (CBC)?

**Answer:** The DCF CBU conducts the caregiver background checks on all licensees, adults who reside in the center (home), minors (ages 12-17) who reside in center (home) and any minor caregivers (ages 12-17). A criminal background check (DOJ) is completed for a minor if certain disclosures on a BID form require it.

The licensee is responsible for conducting complete caregiver background checks on adult caregiver employees and any volunteers or student teachers who are counted in the staff to child ratios within 60 calendar days of the individual starting in that role. It is recommended that licensees conduct the CBC immediately before or after hiring an individual due to the length of time it may take to obtain and review required records used to determine if the individual is eligible to be in a caregiver role.

## 10. What documentation must a licensee maintain in a staff file to demonstrate a complete caregiver background check has been conducted?

**Answer:**

- The BID form completed prior to the first day of employment.
- Within 60 days of starting employment and every 12 months thereafter:
  - The DOJ criminal record search results, even if it indicates no record was found;
  - DHS/IBIS result otherwise known as “Response to the Caregiver Background Check”;
  - Information that is contained in the National Sex Offender Public Website (NSOPW) regarding whether the person has committed a sex offense that is a serious crime (the Department **recommends** printing the search results for the staff file but it is not required);
  - Any court records required by [s. 48.685\(2\)\(bb\), Wis. Stats.](#) and/or the results of any subsequent investigation of information obtained as part of the background check. This may include police records, court records or other documentation used to determine if an offense is substantially related to caring for children.

## 11. When and how often does the DCF Caregiver Background Unit (CBU) conduct caregiver background checks on licensees?

**Answer:** The DOJ criminal record name search and the Response to Caregiver Background Check are conducted by the DCF CBU on the licensee upon initial application and every 12 months thereafter. Additionally at initial application, the CBU conducts a statewide search of the department’s child abuse and neglect records, the [National Sex Offender Public Website](#) (NSOPW) and Wisconsin Circuit Court (CCAP) records. Once a child care center or day camp is licensed or a provider becomes certified, automatic checks of CCAP, Wisconsin’s Department of Correction [Sex Offender Registry](#) and child abuse and neglect findings are conducted monthly.

## 12. When and how often does the DCF Caregiver Background Unit (CBU) conduct caregiver background checks on non-client residents (household members)?

**Answer:** The DOJ criminal record name search and the Response to Caregiver Background Check are conducted by the DCF CBU on adult household members upon initial application or when the individual first becomes a household member, and every 12 months thereafter. The CBU also conducts the initial statewide search of the department’s child abuse and neglect records, the National Sex Offender Public Website (NSOPW) and [Wisconsin Circuit Court Access \(CCAP\)](#) records. Automatic checks of CCAP, the [Wisconsin’s Department of Correction Sex Offender Registry](#) and child abuse and neglect records are conducted monthly.

BID – Background Information Disclosure  
 DCF – Department of Children and Families  
 DOJ – Department of Justice

CBU - Caregiver Background Unit: (608) 266-8001

CBC – Caregiver Background Check  
 DHS – Department of Health Services  
 DSPS – Department of Safety and Professional Services  
 Fax (608) 267-2200 Email: [DCFPLicBECRCBU@wi.gov](mailto:DCFPLicBECRCBU@wi.gov)

**Note:** Background Information Disclosure (BID) forms are required for all household members at least 12 years of age. The DCF CBU will determine if a complete caregiver background check is required for household members 12 to 17 years of age using the responses provided on the BID form.

**13. How often is the licensee required to conduct a complete caregiver background checks on adult caregiver employees?**

**Answer:** Within 60 days of employment, and every 12 months thereafter for caregiver employees, volunteers and students used in staff-to-child ratios. If any police, court or other agency records are required to complete the caregiver check, these must be obtained and reviewed within the 60 days. Initiating the criminal background check and reviewing the results as close to the first day of employment as possible is recommended to provide adequate time to obtain any required records.

**14. How does a licensee request a DOJ/IBIS caregiver background check for an employee?**

**Answer:** To conduct an online name-based Criminal Record Check, go to the Wisconsin DOJ website: <https://recordcheck.doj.wi.gov/>. There are two options for requesting a DOJ/IBIS check:

1. Set up an account on-line or pay by credit card to obtain electronic record results using your facility number/child care license number for the 'DHFS ID' on DOJ's website. The cost of the name-based Criminal Record Check and DHS Response to Caregiver Check is \$10.00 per individual name, when requested electronically.
2. Print record request forms and have the record check done by mail. The cost of the Criminal Record Check and DHS Response to Caregiver Check by mail is \$15.00 per individual name.

**Note:** The department recommends all licensed child care centers receiving or wishing to receive Wisconsin Shares payments that have one or more employees, establish an account with the Wisconsin DOJ. This account is required before a licensed provider can submit employee fingerprints for the one-time fingerprint check requirement or receive the search results. The form to create an account with the DOJ is available on their website here: <http://www.doj.state.wi.us/dles/cib/cib-forms>

**15. Where do I find my facility ID number/license ID number?**

**Answer:** The facility ID number, or sometimes called the license ID number, is a 6 or 7 digit number assigned by DCF to each child care center once the license has been issued. The number appears on the license certificate and in mailings sent by DCF. You may also find your center's Facility ID number on the [Regulated Child Care and YoungStar Public Search website](#).

**16. How much does the CBC cost?**

**Answer:** The name-based Criminal Record Check and DHS Response to Caregiver Check request is \$10.00 per individual if submitted [online](#) or \$15.00 per individual by US Mail.

Sex Offender Registry: There is no cost to check the [National Sex Offender Registry](#) or the [Wisconsin Sex Offender Registry](#) website.

There may be additional fees to obtain police reports or court records from the clerk of courts including criminal complaints, final disposition of the complaint or judgments of conviction.

A fingerprint-based criminal record search is \$30.00 (\$15.00 for the DOJ criminal fingerprint record search, \$12.00 for the FBI criminal record search and \$3.00 for the DHS Response to Caregiver Check results).

Additional information about fingerprint-based background checks is available on the Bureau of Early Care Regulation’s Caregiver Background Check website: <http://dcf.wisconsin.gov/childcare/licensed/CBC.HTM>.

**17. How long does it take for a DOJ/IBIS check to be done?**

**Answer:** When the criminal record check is completed electronically, the DOJ checks the criminal history database and sends two separate results of this check to the licensee through the DOJ website, usually in less than 24 hours. The results will include the DOJ criminal search and the DHS Response to Caregiver Check results.

**Note:** Electronic results are only available for a short period of time so be sure to print them as soon as possible to avoid paying for an additional background check. Criminal record checks submitted through the mail will take longer (a week or more) and results are sent to the requestor by mail.

**18. I need to conduct CBCs on my employees, where can I find caregiver background check forms?**

**Answer:** BID Form: [http://dcf.wisconsin.gov/childcare/licensed/cbc/cbc\\_forms.HTM](http://dcf.wisconsin.gov/childcare/licensed/cbc/cbc_forms.HTM)  
DOJ Crime Information Bureau Records Check: <https://recordcheck.doj.wi.gov/>.

**19. What is the website for requesting a name-based criminal history background check on employees?**

**Answer:** The Department of Justice <https://recordcheck.doj.wi.gov/>.

**Note:** For fingerprint-based criminal history background checks, please refer to the fingerprint FAQ located on the DCF website here: <http://dcf.wisconsin.gov/childcare/licensed/CBC.HTM>

**20. I hold both a license and certification to care for children. Which agency conducts the CBC?**

**Answer:** If a provider is dually-regulated, the DCF Caregiver Background Unit will conduct the caregiver background check on the licensee, household members and minor caregiver employees (ages 12 – 17). The licensee/certified provider will conduct the CBC for any adult caregiver employees.

**Note to Certifiers:** The certifying agency is still responsible for making its own determination regarding qualifications/eligibility for certification under s. 48.651 and s. 48.685, Wis. Stats. Because licensing requires the licensee to conduct caregiver background checks for their adult employees, the certifier must review the caregiver background check results/records for employees that work during certified hours. The certifier may review the records at the certified site or ask the operator to submit copies of the CBC results to the certifying agency. The certifier may also offer and arrange with the licensee to conduct the CBC on the employees. The certifier should not charge the certified operator/licensee for duplicate name-based or fingerprint-based DOJ criminal record checks or DHS Caregiver Search Results (a.k.a. IBIS results).

**21. When and how do I pay for the caregiver background checks conducted by DCF?**

**Answer:** Beginning May 2014, individuals required to have a one-time *fingerprint-based* background check conducted by DCF will pay online when scheduling the digital fingerprint capture appointment.

Fees for the *name-based* DOJ criminal background checks conducted by DCF are paid one of two ways:

**Option 1: Automatic Withdrawal from WI Shares** - The licensee may complete and submit the [Permission to Deduct CBC Fees From WI Shares Subsidy Payments form \(DCF-F-2569-E\)](#) to have CBC fees automatically deducted from the provider’s Wisconsin Shares payment. If the provider is not receiving or eligible to receive WI Shares payments, the provider will be invoiced annually as described below.

**Option 2: Annual Invoice** – Once per year or within 30 days of the closing of a center, the CBU will mail an invoice to the licensee to be paid by the due date indicated on the invoice. Payments are made to the department by check or money order.

Sample Invoice:

### Child Care Invoice

<p><b>Invoice Date:</b> 05/11/2013  <b>Due Date:</b> 06/10/2013  <b>Invoice Amount:</b> \$10.00  <b>Amount Due:</b> \$10.00</p>	<p><b>Remit To:</b>                  DCF CAREGIVER BACKGROUND UNIT                  201 E WASHINGTON AVE ROOM E200                  PO BOX 8916                  MADISON, WI 53708-8916</p>
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NOTE: Please include the invoice number on your payment				
Line No	Description	Name of Individual	Date	Amount
01	Caregiver Background Check	Yankee Doodle	07/11/2013	\$10.00
	Payment Received			\$0.00

#### 22. When is an out of state check required?

**Answer:** If a caregiver resides outside of Wisconsin or was not a Wisconsin resident at any time within the last 3 years (including military service), a national fingerprint-based check is required or the licensee must obtain the criminal record search results from the Wisconsin DOJ and each state or other US jurisdiction where the person resided during that time. The cost of a criminal record check varies by state.

The department recommends licensees conduct a national fingerprint-based criminal record search when an out of state check is required for an employee. The national check meets the new one-time fingerprint-based background check requirement for Wisconsin Shares, covers all states, it is faster and may be less expensive.

Once an out-of-state criminal record is obtained and the person remains a Wisconsin state resident, subsequent record checks are conducted through the Wisconsin DOJ as long as the individual remains a Wisconsin resident.

For a listing of states go to:

<http://www.fbi.gov/about-us/cjis/criminal-history-summary-checks/state-maintained-records-listing>

If a caregiver resides out-of-state and works in Wisconsin, there are two options:

**Option 1:** Conduct an annual fingerprint-based check, submitted through the Wisconsin Department of Justice which will return the national criminal records search results, the Wisconsin DOJ results and the DHS Response to Caregiver Background Check results; or

**Option 2:** Conduct an annual Wisconsin DOJ name-based criminal record check and an annual background check in the state where the person resides.

**Note:** If the provider is receiving or eligible to receive Wisconsin Shares payments, the fingerprint-based criminal record check meets the 2013 Wisconsin Act 20 one-time fingerprint background check requirement.

BID – Background Information Disclosure	CBC – Caregiver Background Check
DCF – Department of Children and Families	DHS – Department of Health Services
DOJ – Department of Justice	DSPS – Department of Safety and Professional Services
CBU - Caregiver Background Unit: (608) 266-8001	Fax (608) 267-2200 Email: <a href="mailto:DCFPLicBECRCBU@wi.gov">DCFPLicBECRCBU@wi.gov</a>

### 23. What is the Volunteers for Children Act (VCA)?

**Answer:** The Volunteers for Children Act (VCA) allows child care facilities (and other approved entities) to conduct national fingerprint-based background checks. All licensed child care programs receiving or eligible to receive Wisconsin Shares automatically meet the VCA requirements due to the state law passed as part of 2013 Wisconsin Act 20. The Volunteers for Children Act informational brochure is available here: [http://www.doj.state.wi.us/dles/cib/forms/brochures/vol\\_children.pdf](http://www.doj.state.wi.us/dles/cib/forms/brochures/vol_children.pdf)

### 24. I have received the results of the CBC for an employee, now what do I do?

**Answer:** Carefully read over each report. Cross reference findings on the Criminal Record Check, Response to Caregiver Background Check and results of the search from the Sex Offender Registry with the BID form to determine if the information disclosed is complete and accurate. Determine if any findings (i.e. convictions, pending charges) are:

- Offenses on the [Caregiver Crimes Table](#); or
- Substantially related to caring for children using the optional DCF form [Caregiver Background Checks Substantially Related Investigation Report](#).

**Note:** [DCF 12.06, Wis. Admin. Code](#), provides additional guidance on making substantially related determinations.

### 25. What type of caregiver background related information is the licensee required to report to the department?

**Answer:** In order for the department to conduct the required CBCs, the licensee must report:

- A change in board president (for corporation or church licensees) so that a background check can be conducted;
- Whenever anyone 12 years of age or older moves in or out of the facility;
- Any incident involving law enforcement within 24 hours after the occurrence that involves a licensee, a household resident or an employee of the center in an incident that causes, or threatens to cause, physical or serious emotional harm to an individual, including a child in the care of the center;
- Any incident that involves any traffic-related incident where a person responsible for the violation transports children in the care of the center;
- Any known convictions, pending charges or other offenses of the licensee, a provider, employee, household member or other person subject to a CBC that may relate to the care of children by DCF's next business day;
- Any suspected abuse or neglect of a child by a provider, volunteer or household member that was reported or any inappropriate discipline of a child by a provider, volunteer or household member including any incident that results in a child being forcefully shaken or throw against a hard or soft surface during the child's hours of attendance within 24 hours of the incident.

### 26. Is the licensee of a group child care center required to develop staff policies regarding the caregiver law?

**Answer:** Yes. [DCF 251.04\(2\)\(h\)2., Wis. Admin. Code](#), requires a licensed group child care center to have a personnel policy that contains, in part, a procedure requiring staff to notify the licensee and the licensee to notify their Licensing Specialist as soon as possible, but no later than the next business day, when an employee:

- Has been convicted of a crime;
- Has been or is being investigated by any governmental agency for any other act, offense, or omission, including an investigation related to the abuse or neglect or threat of abuse or neglect, to a child or other client, or an investigation related to misappropriation of a client’s property;
- Has a substantiated governmental finding against them for abuse or neglect of a child or adult or for misappropriation of a client’s property;
- Has a professional license denied, revoked, restricted, or otherwise limited.