

## Child Care Certification Background Checks Frequently Asked Questions

The Child Care Development Block Grant (CCDBG) Act of 2014 sought to make child care safer by ensuring that individuals working with or in proximity to children have not committed violent crimes, child abuse or sexual offenses. The new federal law required states to establish and manage state-administered background checks for individuals who apply for child care certification, reside in a certified child care home, or work in child care programs.

| Question  | Answer   |
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| <b>When did the requirements and process for conducting background checks change?</b> | New Applications/Individuals: DCF began conducting background checks and making eligibility determinations for NEW certification applications received on or after 10/1/18 and for any new individuals (prospective household members/employees) added to an existing program on or after 10/1/18.<br><br>*Existing Operators and HHMs: The department will begin conducting background checks for existing operators, HHMs and employees in 2019.   |
| <b>Who is subject to the background check requirements?</b>                           | Applicants, operators, adult HHMs and caregivers are subject to a complete background check. Volunteers in certified child care are required to have a background check only if they meet the definition of caregiver, have direct contact with and unsupervised access to children. Additionally, all employees and contractors working in regulated child care settings will be subject to background check requirements, regardless of whether or not the individual provides care and supervision of children. (Example of contracted service would include someone who provides contracted transportation services.) See Role Chart at end of this document for additional examples.<br><br>Minors age 10-17 are subject to CPS check, and in some instances, minors may be subject to a criminal background check. |
| <b>Is a BID form still required?</b>  | The BID form has been replaced with a Background Check Request (BCR) form and is required for individuals age 10 and older. Providers may submit the required form for themselves and others using the Child Care Provider Portal or they may submit the paper form to the certification agency.   |

| Question  | Answer   |
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| <b>What are the required components of a background check?</b>                                | <ul style="list-style-type: none"> <li>• Wisconsin criminal history DOJ search which includes the DHS IBIS check</li> <li>• Wisconsin CAN Registry or CPS search</li> <li>• Name and address search of the Wisconsin SOR</li> <li>• Fingerprint-based FBI search for all individuals subject to background check requirements, which includes a search of the NCIC SOR</li> <li>• A name-based search of the following in each state in which the individual has resided in the past five years: state criminal repository, state sex offender registry, and state CAN registry</li> </ul>   |
| <b>How long will it take for a background check to be completed?</b>                          | <p>A background check begins once the fingerprint check results are received by DCF. The background check results usually arrive electronically at DCF within 48 to 72 hours after the digital fingerprints have been submitted to DOJ. DCF will review the results and issue a preliminary eligibility determination within 5-7 days. Preliminary eligibility will be based on a review of the criminal history for convictions that would bar a person. An applicant cannot be certified until all of the background checks are completed and a final eligibility determination has been made. A new prospective household member or new prospective caregiver may not begin residing or working in the program until preliminary eligibility is determined. The new individual would need to work under the supervision of an eligible individual (someone who has received a final eligibility determination) until final eligibility is determined.</p> <p>In most cases a final eligibility determination will be made within 45 days. At times, the final eligibility determination may take longer. Once a final eligibility determination is made, DCF will inform the operator and individual whether the individual is eligible to continue residing or working in a program.</p> |
| <b>What does it mean to work under supervision?</b>   | <p>Supervision shall include at a minimum periodic direct observation by an individual with a DCF approved background check. The intent is that the person is supervised during the time they have access to children.</p>   |
| <b>Will the background check process take longer if an individual has lived out of state?</b> | <p>Out of state checks may take longer to complete. If an individual has resided in another state within the last 5 years or currently resides out of state a name-based search of the following in each state in which the individual has resided must be completed: state criminal repository, state SOR, state CAN registry. States vary in their requirements for requesting background checks so the applicant/operator and/or individual should watch their mail for additional authorization forms that may need to be completed and submitted to DCF in order to complete these out of state background checks.</p>  |

| Question   | Answer  |
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| <b>I completed a fingerprint check previously... am I required to do it again?</b>         | <p>The one-time WI Shares fingerprint check conducted by local certification agencies does not meet the new federal background check requirements. All existing certified operators/providers and adult household members will be subject to the new background check requirements, even if they completed a fingerprint-based check in the past to meet WI Shares requirements. DCF will begin conducting checks on existing operators in 2019. Certified operators and other individuals associated with the certified program will receive notice and instructions for fingerprinting from the department. DCF is expecting to conduct background checks for all individuals working or residing in certified child care settings by October 1, 2020.</p> <p>Note: The Fieldprint Code <i>FPWICertification</i>, used by certified child care programs previously to conduct fingerprint checks will be invalid after 9/30/18.</p> |
| <b>What is the frequency of background checks?</b>   | <ul style="list-style-type: none"> <li>• Fingerprint-based FBI search, including NCIC SOR, for all individuals subject to background checks initially and every 5 years</li> <li>• A criminal history search annually after the initial FBI check</li> <li>• Wisconsin CPS/CAN Registry initially</li> <li>• Name and address search of the Wisconsin SOR initially</li> <li>• A name-based search of the following in each state in which the individual has resided in the past five years: state criminal repository, state sex offender registry, state CAN registry and annual OOS fingerprint-based check if the individual continues to reside out of state.</li> </ul>  |
| <b>What are the requirements for a Fingerprint-Based Background Check?</b>                 | <p>The requirement for a fingerprint-based FBI check applies to <i>all</i> regulated child care programs, not just those eligible to receive Wisconsin Shares. A fingerprint-based check is required initially and every 5 years for the operator, adult HHMs, adult caregivers and noncaregiver employees. Fieldprint will be the required method for fingerprint-based background check for collection of prints digitally and if using ink cards.</p>  |
| <b>Which Agency is Responsible for Conducting Background Checks?</b>                       | <p>DCF CBU conducts all background checks for applicants, operators, HHMs, caregiver employees, and noncaregiver employees in certified child care programs. DCF CBU conducts investigations and collects documents pertaining to barred offenses or potentially substantially related offenses, including criminal complaints, arrest, court, and probation and parole records, if applicable.</p>   |
| <b>Which Agency is Responsible for Making Background Check Eligibility Determinations?</b> | <p>DCF CBU reviews background check results and makes background check eligibility determinations in accordance with the revised caregiver law s. 48.686. This includes determinations based on barred offenses and potentially substantially related determinations. Certification agencies are responsible for issuing enforcements related to DCF 202, Administrative Code.</p>  |

| Question  | Answer   |
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| <b>Which Agency Provides Notice of Background Check Eligibility?</b>  | DCF will provide notice to the applicant/operator, individual/subject of the search and will also provide notice to the certification agency regarding an individual's eligibility background check determination.   |
| <b>What offenses make an individual ineligible?</b>   | Offenses barring individuals from holding a license to operate, residing at or working in a certified child care program can be found here:<br><a href="https://dcf.wisconsin.gov/files/publications/pdf/5206.pdf">https://dcf.wisconsin.gov/files/publications/pdf/5206.pdf</a>   |
| <b>Is the DCF ineligibility determination appealable?</b>   | Preliminary and final determinations are made and issued in writing by DCF. A final eligibility notice will include information about the individual's right to appeal. The preliminary determination is not appealable. Only the individual who is the subject of the department's background check may appeal the department's final determination. The subject has 60 days to appeal the determination with DCF.  |
| <b>Will the certification agency be notified if an individual appeals DCF's final ineligible determination?</b> | Yes. The department will communicate with local certification agencies through the agency's WISCCRS Dashboard. The department's CBU will communicate to certification agencies any determinations made at each point in the background check approval process and if an individual appeals the department's final determination. Certification workers will need to log into WISCCRS regularly to check their Dashboard message inbox.   |
| <b>What are the fees for background checks and to what agency must they be submitted?</b>                       | <p><u>Initial Fingerprint-based Checks:</u><br/>At the time the Fieldprint fingerprint scan appointment is made online, the individual will pay \$37.75 via credit card or electronic check. This covers the cost of the Fieldprint fingerprint capture fee (\$7.75) and the cost of the FBI and DOJ fingerprint-based background check (\$30.00). Certification agencies are no longer billed by DOJ for background checks and will no longer collect background check fees from operators/applicants. The individual scheduling the Fieldprint appointment online must be prepared to pay the background check fee. If the individual schedules a fingerprint appointment at a Fieldprint location that does not capture the prints digitally, additional fees may be charged for inked-rolled prints.</p> <p><u>Annual* WI DOJ Name-based Checks:</u><br/>The background check is conducted by DCF CBU and operators will be invoiced annually for name-based checks conducted by DCF. The cost of name-based checks is currently \$10 for each individual.</p> |

| Question   | Answer   |
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| <b>Which agency is responsible for conducting Rehabilitation Reviews, if required?</b> | The Department conducts rehabilitation reviews for counties/tribes/subcontracted agencies in accordance with s. 48.686 (5c)(a). Tribes may choose to conduct rehabilitation reviews or refer the subject to DCF for the review. Tribes choosing to conduct rehabilitation reviews shall submit to the department a rehabilitation review plan that addresses specific DCF requirements.  |
| <b>Why do I need to use the Child Care Provider Portal?</b>                            | In addition to accessing Wisconsin Shares information, certified child care operators can use the Child Care Provider Portal (CCPP) to request background checks and view results electronically. Requesting background checks through the automated portal process can reduce the time it takes to initiate and receive eligibility notifications. For more information on how to gain access, visit the Child Care Provider Portal information page at <a href="https://dcf.wisconsin.gov/childcare/provider-portal/info">https://dcf.wisconsin.gov/childcare/provider-portal/info</a> . |

| <i>The table below is not an exhaustive list of roles in certified child care but is meant to provide examples and additional clarification regarding who is subject to the initial and 5-year FBI check and the annual DOJ background check.</i> |                           |                     |
|---|---------------------------|---------------------|
| Role  | FBI<br>(Initial & 5 Year) | Annual DOJ<br>Check |
| Applicant/Operator  | Yes                       | Yes                 |
| Adult Household Member  | Yes                       | Yes                 |
| Minor Household Member (unless concern warrants criminal check)   | No                        | No                  |
| Substitute  | Yes                       | Yes                 |
| Caregiver Employees (providers/assistants/directors/lead teachers)  | Yes                       | Yes                 |
| Emergency Back-up Provider  | No                        | No                  |
| Contracted transportation service/van driver who provides regular transportation to/from child care program (contracted by the operator) but who is not a caregiver   | Yes                       | No                  |
| Periodic parent volunteer assisting operator during special events/field-trips  | No                        | No                  |
| Housecleaner (contractor) who provides cleaning services at the home during hours of operation but who is not a caregiver   | Yes                       | No                  |
| Housecleaner (contractor) providing cleaning services after hours of operation  | No                        | No                  |
| Birth to Three or other therapists who provide services to a child in the child care program but who are not employees of or contracted by the operator   | No                        | No                  |

| ACRONYMS  |  |   |
|---|--|---|
| BECR – Bureau of Early Care Regulation          | BID – Background Information Disclosure Form     | CAN – Child Abuse and Neglect             |
| CBU – DCF’s Caregiver Background Unit           | CPSS – Child Protective Service System           | DCF – Department of Children and Families |
| DHS – Department of Health Services             | DOJ – Department of Justice                      | FBI – Federal Bureau of Investigation     |
| IBIS – Integrated Background Information System | HHM – Household Member                           | NCIC - National Crime Information Center  |
| NCIC – National Crime Information Center (FBI)  | NSOR – National Sex Offender Registry            | OOS – Out of State                        |
| SOR – Wisconsin’s Sex Offender Registry         | WISCCRS – Wisconsin Child Care Regulatory System |   |