

Fingerprint-Based Criminal Background Checks FAQ – Licensed Child Care Providers

1. Who is required to have a one-time fingerprint-based criminal background check?

Answer: A one-time fingerprint background check is required by [s. 48.685\(2\)\(br\)](#), Wis. Stats., for the following individuals, if the licensed child care center or day camp is receiving or wishes to receive Wisconsin Shares payments:

- Applicants for licensure and licensees;
- Adult caregivers including employees, assistants and volunteers counted in staff to child ratio;
- Adult household members / non-client residents;
- Students at least 18 years old and whose placement is more than 60 days; and
- Extended stay visitors at least 18 years old who live on the premises more than 60 days.

Note: This law includes applicants for certification, certified operators, adult caregivers, and adult household members (non-client residents) of certified programs if the certified program is receiving or wishing to receive Wisconsin Shares payments. Contact your certifying agency for additional information.

2. What is an “alias” name or what other names should be put on or left off the Fieldprint website form?

Answer: An “alias” name is any name that an individual uses at one time or another place. An example of an “alias” name is a maiden name. It is best to leave off Sr. or Jr. when filling out background information. Hyphenated last names should be entered as one name instead of two names with no hyphen used.

3. What does “wishing” or “eligible” to receive Wisconsin Shares payments mean?

Answer: The Department of Children and Families (Department) has determined that a licensed or certified provider participating in YoungStar is eligible or wishing to receive Wisconsin Shares payments. YoungStar providers commit to provide care for children for whom Wisconsin Shares Child Care Subsidy Program reimbursement is made as part of their contract with the Department. In order to fulfill this commitment, the one-time fingerprint-based criminal record check is required.

4. When else does the Department require a fingerprint-based criminal background check?

Answer: For purposes of a caregiver background check, and as permitted by [s. 48.685\(2\)\(bm\)](#), Wis. Stats., the Department requires a fingerprint-based criminal background check when one or more the following circumstances exist:

- A licensee or applicant resides in a state other than Wisconsin (required every 12 months);
- A licensee, applicant or household member has resided in a state other than Wisconsin within the last 3 years; or
- The Department obtains information that provides a reasonable basis for further investigation.

5. 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 do not meet the statutory definition of a “caregiver”, and would not require a one-time fingerprint check. 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.

6. 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.

7. What does “direct contact” mean?

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

8. When will the Department start requiring licensees and adult household members to submit fingerprints for the one-time criminal record check?

Answer: Between July and September of 2014, each licensed facility currently receiving or wishing to receive Wisconsin Shares payments received a notice from the Department. This notice identified the individual(s) required to submit fingerprints, the date of the last criminal record check and instructions on how to schedule a fingerprint capture appointment.

New applications for licensure submitted to the Department on or after May 5, 2014, where the applicant indicates they wish to receive Wisconsin Shares reimbursement, will require the applicant and adult household members to have the one-time fingerprint background check. The fingerprint background check results will be used as part of the caregiver background check prior to issuing a license.

9. What is required before an employee is able to schedule a fingerprint appointment?

Answer: The licensee must have a DOJ Record Check Account established for billing purposes and approved to receive fingerprint-based background check results.

To establish a new Record Check Account, the licensee must submit a completed **Record Check Account Application (DJ-LE-251)**, available from DOJ’s website here: <http://www.doj.state.wi.us/dles/cib/cib-forms>.

Licensees that already have a Record Check Account must contact DOJ at (608) 266-7314 to have the account approved to receive fingerprint-based background check results. Once the DOJ Record Check Account is established and approved, proceed to question 10 of this document.

10. How does a licensee conduct a fingerprint background check for employees and other caregivers?

Answer: The licensee must have a Record Check Account established with the Wisconsin Department of Justice (DOJ) before conducting employee fingerprint checks. See question 9 of this document for details on how to do this.

After a Record Check Account is established and approved to receive fingerprint check results, follow the detailed instructions on the fingerprinting process for employees available on the Department's website.

11. If I hire an individual that lived in a different state within the past 3 years, will a fingerprint background check meet both the caregiver background check and the Wisconsin Shares requirement?

Answer: Yes. The caregiver law allows the licensee to use a fingerprint-based criminal background check for an employee that recently lived out of state instead of conducting a criminal record search for each state the individual resided in addition to Wisconsin. The fingerprint-based check provides the most accurate results, covers all 50 states and includes the DHS Response to Caregiver results.

12. Is the fingerprint background check in addition to the annual DOJ criminal check required for licensing?

Answer: No, the fingerprint background check replaces the annual Wisconsin DOJ for that 12-month period. Within 12 months after the fingerprint background check, the licensee may resume using the standard name-based Wisconsin DOJ criminal record check, unless circumstances would otherwise require an out of state background check.

13. When do all individuals required to have the one-time fingerprint check need to have it completed by?

Answer: One-time fingerprint background checks required for Wisconsin Shares payment eligibility must be completed no later than December 31, 2015. The one-time fingerprint background check includes FBI, Wisconsin DOJ and DHS Caregiver Check (IBIS) results, which meets the annual criminal background check requirement if the results are available in the staff file. Having the fingerprint check completed just prior to when the individual's annual background check is due will minimize costs.

14. What happens when fingerprints are rejected twice?

Answer: After an individual's fingerprints are rejected twice, they must contact the DOJ at 608-266-7780 and provide the following information:

- Transaction Control Number for each rejected fingerprint capture;
- Name and date of birth; and
- Where to send the FBI results after DOJ receives them.

Note: Name-based FBI requests can take up to eight weeks, depending on the FBI's workload.

15. How long do I have to conduct the one-time fingerprint background check for a new employee?

Answer: All current employees must have their one-time fingerprint background check completed no later than December 31, 2015. Having the fingerprint check completed just prior to when the employee is due for their required annual background check will minimize costs.

New employees starting on or after November 1, 2015, must have a one-time fingerprint background check conducted within 60 days of employment in order to meet the Wisconsin Shares reimbursement eligibility requirement. Fingerprint based background check results that are less than 12 months old and available for review in the staff file may also be used to meet the licensing requirement.

The Department recommends all new employees starting on or after June 30, 2014, have the one-time fingerprint check conducted within 60 days of employment. This practice allows the licensee to meet the Wisconsin Shares requirement and the criminal record search results required as part of a caregiver background check for licensing at the same time.

16. Can I find out if an individual (i.e. new employee) has met the one-time fingerprint background check?

Answer: The Caregiver Background Unit (CBU) is able to verify if an individual had their fingerprint check only if the check was conducted through Fieldprint® using a child care reason code provided by the Department. Fingerprint checks conducted by any other means or using any other Fieldprint® reason code cannot be verified by the CBU.

Note: Even if a new employee meets the one-time fingerprint check through a previous employer or foster care agency, the name-based criminal record check is still required within 60 days of employment to meet licensing requirements. If the employee resided in a state other than Wisconsin during the past 3 years, a fingerprint-based background check may still be required.

17. How much does a fingerprint background check cost?

Answer: The fingerprint-based criminal record check is \$40.50 per individual. This fee includes \$14.75 for the FBI check, \$15.00 for the Wisconsin DOJ check, \$3.00 for the DHS Response to Caregiver Check and \$7.75 for the Fieldprint® fingerprint capture fee.

The provider is responsible for all additional fees, such as:

- Late fees incurred by the licensee, household member or employee for appointments rescheduled less than 24 hours in advance;
- Late fees for missed appointments; and
- Additional fingerprinting fees charged by local law enforcement.

18. How long does it take for the results of a fingerprint check to be available online?

Answer: Fingerprints captured digitally at a Fieldprint® Livescan location will typically have results for the FBI, DOJ and DHS Response to Caregiver search available within 48 hours. Fingerprints submitted using rolled prints on cards may take several weeks for the results to be available and if the prints are rejected, the individual must have another set of cards completed and resubmitted, adding additional time.

19. How do I pay for the fingerprint background checks conducted by the Department?

Answer: Licensees and adult household members required to have a one-time fingerprint-based background check conducted by the Department will pay the \$40.50 background check fee online when scheduling the Fieldprint® digital fingerprint capture appointment.

20. How do I pay for the fingerprint background checks for employees?

Answer: Employees and volunteers are expected to pay the fingerprint capture fee of \$7.75 online with a credit card, debit card or electronic check at the time that the Fieldprint® LiveScan appointment is made. The Wisconsin DOJ will invoice the child care the remaining costs of the background check, \$32.75, based on the DOJ account number the employee entered when scheduling a fingerprint capture appointment.

21. Are current fingerprint requirements expected to change?

Answer: The Federal Child Care and Development Block Grant provides funding to the state for child care activities such as subsidy, TEACH scholarships, licensing, etc. This block grant was recently reauthorized and contains many new provisions. One of the new provisions would require that **all** persons working in a child care center have a fingerprint background check. The Department still has many questions about how the new federal requirements will be implemented. More information will be provided later in 2016.

22. How do I determine if a federal or other states pending charge or conviction on the FBI search results is comparable to an offense or conviction on the Caregiver Crimes Table?

Answer: A link to nearly every state criminal code is available on Cornell University Law School's Website here: http://www.law.cornell.edu/wex/table_criminal_code. The pending charge or conviction for that state must be reviewed to determine if it is comparable to one of the Wisconsin offenses listed on the Caregiver Crimes Table. The FBI provides contact information for each state on their website in order to obtain additional information specific to an out of state pending charge or conviction, which is available here: <http://www.fbi.gov/about-us/cjis/identity-history-summary-checks/state-identification-bureau-listing>.

23. How do I contact the Department's Caregiver Background Unit (CBU)?**Answer:**

- Phone: (608) 266-8001
- Fax: (608) 267-2200
- E-mail: DCFPlcBECRCBU@wisconsin.gov
- U.S. Mail: DCF/Caregiver Background Unit
PO Box 8916
201 E Washington Ave Room E200
Madison WI 53708-8916