

Caregiver Law – Short Summary

Individuals subject to the Caregiver Law: refers to applicants, certified operators, caregivers (employees, volunteers, substitutes, assistants) and household members (non-client residents) of the home / program including certain children age 12 through 18.

Frequency of Background Information Disclosure (BID) form only

- Required for the applicant and other individuals subject to the Caregiver Law at time of initial application.
- Required when new household member age 12+ moves into the home, when a household member turns 12 or prior to the approval of a new employee/substitute.

Department of Justice (DOJ) & Department of Health Services (DHS)/IBIS:

- Required for the operator and other individuals subject to the Caregiver Law* upon initial application and annually thereafter.
- Required when new household member 18+ moves into home or prior to the approval of a new employee/substitute.
**not required on household members age 12-17 unless concern is indicated on the BID.*

Child Protective Services (CPS):

- Required at initial application for all individuals subject to the Caregiver Law, including household members at least 12+ years and when new individuals move into the home. Note: DCF 202.04(7)(b)2.f. gives certification agencies authority to conduct CPS searches on all individuals in the home, irrespective of age. Documentation of this being done must be in the operator file or scanned into WISCCRS.
- After the initial check, eWiSACWIS information for currently certified operators will be “flagged” during the monthly match process conducted by DCF. If match is found the certification agency is required to investigate the finding. Matches will include only the substantiated findings of abuse/neglect and will not include pending investigations or juvenile delinquency cases.
- Encourage the CPS unit in your county/tribe to keep you informed of any CPS (or juvenile) cases in certified child care setting.

Sex Offender Registry (SOR):

The national search must be conducted using <http://www.nsopw.gov/en-US/Search/Verification> . This site include sex offender information from every state.

- Required at initial application on all individuals 18+ who are subject to the Caregiver Law. SOR search by address must also be conducted at initial application.
- Required when new household member 18+ moves into home, prior to approval of new employee/substitute or relocation to a new address.
- Documentation of this being done must be in the provider file or scanned into WISCCRS.

Out of State Check:

The out of state check shall be conducted on individuals/adults subject to the Caregiver Law if the person indicates on BID that s/he has lived outside of Wisconsin within the last 3 years or currently lives out of state.

Fingerprint-Based Check

Operations Memo [14-23](#) outlines requirements for a one-time fingerprint-based background check for individuals who are child care providers participating in WI Shares, their adult employees/caregivers and their adult non-client residents. When conducted through the DOJ, the one-time fingerprint-based background check meets the requirements for the annual name-based criminal history search for individuals subject to the Caregiver Law.

Dually Regulated Operators (Licensed and Certified)

BID: A BID should be submitted to both the certification agency and the DCF Caregiver Background Check Unit (CBU) in order to meet the disclosure requirements for both regulating agencies. Certification agencies may choose to accept the BID submitted/uploaded in WISCCRS for licensing purposes.

DOJ/DHS: Operator and Household Members: If an operator is dually regulated the DCF CBU will conduct the DOJ/DHS on the operator and household members. The DOJ/DHS information/results will be available in WISCCRS. The certifying agency is responsible for making its own determination regarding qualifications/eligibility for certification under 48.651 and 48.685. (PLEASE NOTE: The certification agency must **not** enter the DOJ/DHS dates into WISCCRS for the licensee/operator and household members because the dates will override the automated DCF CBU system check).

Employee/Caregivers: Licensing requires the operator/licensee to conduct DOJ/DHS CBCs on their employees. In these cases, the certifier reviews the DOJ/DHS records at the certified site or may ask the operator to submit copies of the DOJ/DHS results to the certifying agency. The certifier may also offer and arrange with the licensee/operator to conduct the DOJ/DHS CBC on the employees. If the certifier has concerns about an employee, the certifier should contact the assigned DCF [licensor](#).

SOR: If an operator is dually regulated, DCF conducts the national SOR check on the operator and household members age 18+. There is no direct cost associated with the SOR check and the certifier may choose to conduct the SOR search or reference the SOR check conducted by DCF. If the certifier is not conducting the DOJ/DHS check on the employees the certifier does not conduct an SOR check on the dually regulated provider's employees.

CPS: The certifier shall conduct the CPS check on dually regulated operator and household members, just as they would for any certified applicant/operator. If the certifier is not conducting the DOJ/DHS check on employees the certifier does not check the CPS record for employees and does not monitor for the CPS check. See additional guidance on page 1.

Fingerprint-Based Check: Licensees are responsible for conducting the one-time fingerprint-based background check on all caregiver employees/volunteers counted in staff to child ratio if the licensed program is participating in YoungStar. [DCF BECR Memo 2014-03](#) outlines this requirement for the licensee. If the licensee conducts the caregiver background checks on employee caregivers, including the fingerprint-based check, the certification worker does not enter these individuals in WISCCRS. If the certification agency chooses to have the licensee conduct the background checks, and those individuals are currently listed in WISCCRS, the certification worker will need to de-activate the individual in WISCCRS.

List of serious offenses: <http://dcf.wisconsin.gov/files/ccregulation/cbc/crimes-table.pdf>