

Fingerprint-Based Criminal Background Checks FAQ – Certified Operators

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 certified operator/program is receiving or wishes to receive Wisconsin Shares payments:

- Applicants for certification and certified operators;
- Adult caregivers including employees, assistants and volunteers;
- 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 licensure, licensees, adult caregivers and adult household members of licensed programs if the licensed program is receiving or wishes to receive Wisconsin Shares Payments. Applicants for licensure or licensees should contact the DCF CBU for additional information: Phone: (608) 266-8001 • Fax: (608) 267-2000 • E-mail: DCFplicBECCBU@wisconsin.gov.

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

Answer: The Department has determined that a certified operator/program 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.

3. How often is the fingerprint-based criminal background check required?

Answer: In order to receive or be eligible to receive Wisconsin Shares payments the fingerprint-based background check is required one time.

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

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

4. What is a “caregiver”?

Answer: “Caregiver” is defined in [s. 48.685\(1\)\(ag\)](#), Wis. Stats. To summarize, it is the operator, 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 certified program 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 certified program 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;

5. 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 certified child care home/center and has, or is expected to have, regular direct contact with children in care.

6. 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.

7. When will certified operators, adult household members and adult caregivers be required to submit fingerprints for the one-time criminal record check?

Answer: Starting June 30, 2014 the certification agency will provide notice to existing certified operators/programs regarding this requirement and timeline. The notice will identify the individual(s) required to submit fingerprints, instructions on how to schedule a fingerprint capture appointment and timeline.

After June 30, 2014 new applications for certification, where the applicant indicates they wish to receive Wisconsin Shares reimbursement, will request the applicant, adult household members and other adult caregivers to have the one-time fingerprint background check. The fingerprint-based background check results will be used as part of the initial caregiver background check required prior to issuing a certificate. If the new applicant does not complete the fingerprint-based check, however, a name-based check may be conducted in accordance with certification requirements.

Wisconsin Shares payments, or eligibility to receive Wisconsin Shares payments will not be affected until after January 1, 2016.

8. 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 by 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. Having the fingerprint-based check completed just prior to when the individual’s annual name-based background check is due will minimize costs.

9. Is the fingerprint-based background check in addition to the required annual name-based DOJ check?

Answer: No, the fingerprint-based background check replaces the annual Wisconsin DOJ name-based check for the 12 month period. Within 12 months after the fingerprint-based check was completed the certification agency will resume conducting the standard annual DOJ name-based record check, unless circumstances would otherwise require an out of state background check.

10. Once an individual has had the one-time fingerprint background check under s. 48.685(2)(br) completed will it be required again in the future?

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

Note: Even if an individual meets the one-time fingerprint check through a previous child care employer and the certification worker is able to verify this, the name-based criminal record check is still required to meet certification requirements. If the individual resided in a state other than Wisconsin during the past 3 years, additional fingerprint-based background check may still be required.

11. The certification agency conducted a fingerprint-based out-of-state check on me when I applied for certification because I had previously lived in another state. Will I be required to have another fingerprint-based check completed?

Answer: No, under s. 48.685 (2) (bm), the Caregiver Law requires an out-of-state criminal background check if an individual subject to the Caregiver Law resided outside of Wisconsin within the past three years or is a resident of another state. If the certification agency conducts or has previously conducted a fingerprint-based background check through DOJ under 48.685 (2)(bm), the requirements of 48.685 (2) (br) have been met.

12. If a person has been fingerprinted in the past for non-child care related purposes (employment, insurance, arrest, etc.) can the certification agency use those fingerprints to conduct the required check?

Answer: No, the certification agency cannot accept previously rolled/digital images. Your fingerprints images are not retained nor could they be transferred between organizations. You are required to obtain a new set of ink/rolled or digital fingerprints for submission under s. 48.685(2)(br).

13. If I want to use Fieldprint® services do I have to schedule an appointment online or can I just walk in to a Fieldprint® facility?

Answer: Individuals must schedule a fingerprinting appointment with Fieldprint® online. Walk-ins are not allowed. Each individual will need to schedule their own appointment. Multiple individuals cannot be scheduled for one appointment. The certification agency can provide you with detailed instructions and information you will need in order to schedule an appointment online. You may also find the [Fieldprint® PowerPoint](#) presentation posted on the Department’s website helpful. If you have specific questions regarding Fieldprint® services call toll-free phone: (877) 614-4364 or email CustomerService@fieldprint.com.

14. How much does a fingerprint background check cost?

Answer: The fingerprint-based criminal record check was \$32.75 per individual but was reduced in October 2016 to \$30. This fee includes the following:

Background Check Type	Fee Before 10/1/16	Fee After 2/1/15
Fingerprint FBI	\$14.75	\$12.00
Fingerprint WI DOJ	\$15.00	\$15.00
Name-based DHS IBIS	\$3.00	\$3.00
TOTAL	\$32.75	\$30.00

The Department will pay the Fieldprint® fingerprint capture/scheduling fee of \$7.75 for all fingerprint checks submitted by regulated providers, adult household members, and adult caregivers using Fieldprint® services before 12/31/15. The individual will be required to pay the \$7.75 scheduling fee for any appointments scheduled after 12/31/15. Any additional fingerprinting fees incurred by the operator, household member or employee, including those charged by local law enforcement agencies, are not covered by the Department. These additional fees include:

- Late fees incurred by the operator, application, household members or adult caregivers for appointments rescheduled less than 24 hours in advance;
- Late fees for missed appointments; and
- Additional fingerprinting fees charged by local law enforcement.

15. 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 on the certification agency’s DOJ online account 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.

16. How do I pay for the fingerprint background checks?

Answer: Fee policies are determined by the certification agency. Contact your [certification agency](#) for additional information.

17. My local police department’s website says they offer fingerprinting for free. Can I get fingerprinted at the local police station?

Answer: Your local police department may offer fingerprinting services (i.e. capture of fingerprints digitally or ink/rolled prints) but cannot conduct the fingerprint-based background check required under 48.685(2)(br). Although it is preferred individuals use Fieldprint® services to complete the requirement, an individual could have their prints collected by a local police department, as long as the print cards used were issued by the certification agency with specific reason and account codes. Contact your certification agency for further detailed instructions.

18. What type of identification is required in order to be fingerprinted?

Answer: The subject of the fingerprint check should contact the agency that will be collecting the fingerprints to verify the agency’s requirements. Agencies that collect prints will require two forms of identification, one of which must be a valid government-issued photo ID. Acceptable primary IDs typically include state-issued driver’s license, state-issued ID card, U.S. passport, military identification card, work visa with photo, foreign passport, valid consular photo ID card. Acceptable secondary IDs typically include credit card, bank statement, electric bill, birth certificate, marriage certificate, citizenship or naturalization certificate, federal government personal identity verification card, social security card.

19. How does a certification worker 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>.

20. I completed a fingerprint appointment with Fieldprint® but when the certification agency retrieved the results from DOJ the report indicated the quality of prints was too low to conduct the FBI check. Do I have to be fingerprinted again?

Answer: Yes, however, contact the Fieldprint® Customer Service Team with a TCR number (provided by the certification agency) to reschedule the appointment. The Customer Service Team is available Mon-Fri from 8am to 10pm EST at (877)614-4364.

21. I am both certified and licensed. Which agency do I submit fingerprints to?

Answer: Each licensed facility will receive a notice form the DCF identifying who is required to submit fingerprints and instructions for how to schedule a fingerprint capture appointment. All licensees with employees must have a billing account established with the Wisconsin Department of Justice (DOJ) before conducting employee fingerprint-based checks on their employee caregivers. Licensees should review the [Fingerprint-Based Criminal Background Checks FAQ – Licensed Child Care Providers](#) document posted on the [DCF CBU website](#). If the certification agency conducts the caregiver background checks on the employees in the certified program, then the fingerprints shall be submitted to the certification agency. If the licensee conducts the caregiver background checks on his/her own employees, then the licensee is responsible for conducting the fingerprint-based background check.