

DCF 250.03 Definitions. In this chapter:

(1g) “Abusive head trauma” means a serious type of head injury, including shaken baby syndrome, that is caused by shaking, throwing, hitting, slamming, or jerking.

(1r) “Background check request form” means a form prescribed by the department on which a person completes required information for the child care background check under s. 48.686, Stats., and ch. DCF 13.

Note: Form DCF-F-5296, *Background Check Request*, is available on the department’s website, <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

(2) “Care” means providing for the safety and the developmental needs of a child in a family child care center.

(3) “Center-provided transportation” means transportation in a vehicle owned by or contracted for the center or a vehicle owned by the licensee or an employee that is used to transport children, but does not include a vehicle owned and driven by a parent or volunteer.

(3m) “Child care background check” means the requirements in s. 48.686, Stats., and ch. DCF 13.

(4) “Complaint” means an allegation of violation of this chapter or ch. 48, Stats.

(4m) “Crib” means a bed for an infant or young child that is enclosed on 4 sides including play pens and portable cribs.

(5) “Department” means the Wisconsin department of children and families.

(5m) “Early childhood education” means the teaching of children who are 8 years of age or less.

(6) “Emergency” means unforeseen circumstances that require immediate attention.

(7) “Emergency back-up provider” means a designated adult available within 5 minutes of the premises who can provide assistance in the event an emergency occurs that requires a provider to leave the premises occasionally for a short period of time.

(8) “Employee” means any adult who is compensated to provide care and supervision of children enrolled in a family child care center, including a helper or assistant to a child care provider.

(8m) “EPSDT provider” means a provider of health assessment and evaluation services that is eligible to be certified under s. DHS 105.37 (1) (a).

DHS 105.37 Early and Periodic Screening, Diagnosis and Treatment (EPSDT) providers. (1) EPSDT Health Assessment and Evaluation Services. (a) Eligible providers. The following providers are eligible for certification as providers of EPSDT health assessment and evaluation services:

1. *Physicians*
2. *Outpatient hospital facilities*
3. *Health maintenance organizations*
4. *Visiting nurse associations*
5. *Clinics operated under a physician’s supervision*
6. *Local public health agencies*
7. *Home health agencies*
8. *Rural health clinics*

- 9. Native American health agencies
- 10. Neighborhood health centers

See DCF 250.03(24) – DEFINITION – PHYSICIAN.

(9) “Family child care center” or “center” means a facility where a person provides care and supervision for less than 24 hours a day for at least 4 and not more than 8 children who are not related to the provider.

See Wis. Stats. 48.65.

Centers may be licensed for 24-hour care with one provider providing care for 16 hours or less in a 24-hour period. See DCF 250.055 (1) (c) – PROVIDER – 16 HOUR CARE LIMIT and DCF 250.055(1)(d) – CHILD – 14 HOUR CARE LIMIT.

(10) “Field trip” means any experience a child has away from the premises of the center while in the care of center staff, whether a child walks or is transported.

(11) “Fit and qualified” means displaying the capacity to successfully nurture and care for children and may include consideration of any of the following:

- (a) Abuse of alcohol or drugs.
- (b) A history of a civil or criminal conviction or administrative rule violation that is substantially related to the care of children, as determined under s. DCF 13.05.
- (c) Exercise of unsound judgment.
- (d) A history of civil or criminal offenses or any other action that demonstrates an inability to manage the activities of a center.

(12) “Foster care” means care and maintenance provided to a child in a foster home pursuant to a court order or voluntary placement agreement.

(13) “Foster home” means any facility operated by a person licensed under s. 48.62 (1), Stats.

(13m) “Hazard” means a potential source of harm that can jeopardize the health, safety or well-being of a child in care.

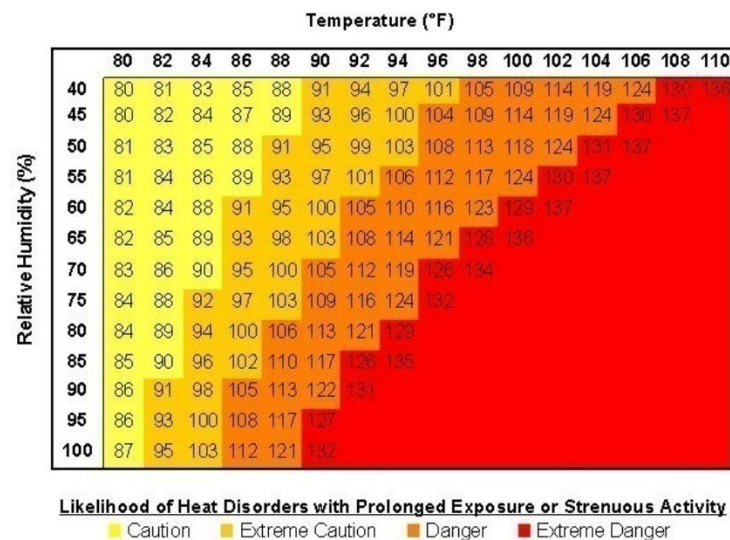
(14) “Hours of operation” means the hours within the terms of the license during which children are actually in the care of the center.

(14m) “Household member” means any person who resides, or is expected to reside, at the family child care center and who has or may have direct contact with a child in the care of the center, whether or not related to the licensee.

Reside means to be present at a child care program for more than an aggregate of 14 calendar days within a 90-day period. “Reside” does not include incidental presence that does not afford unrestricted access to the premises or to children in care. See s. DCF 13.02 (18).

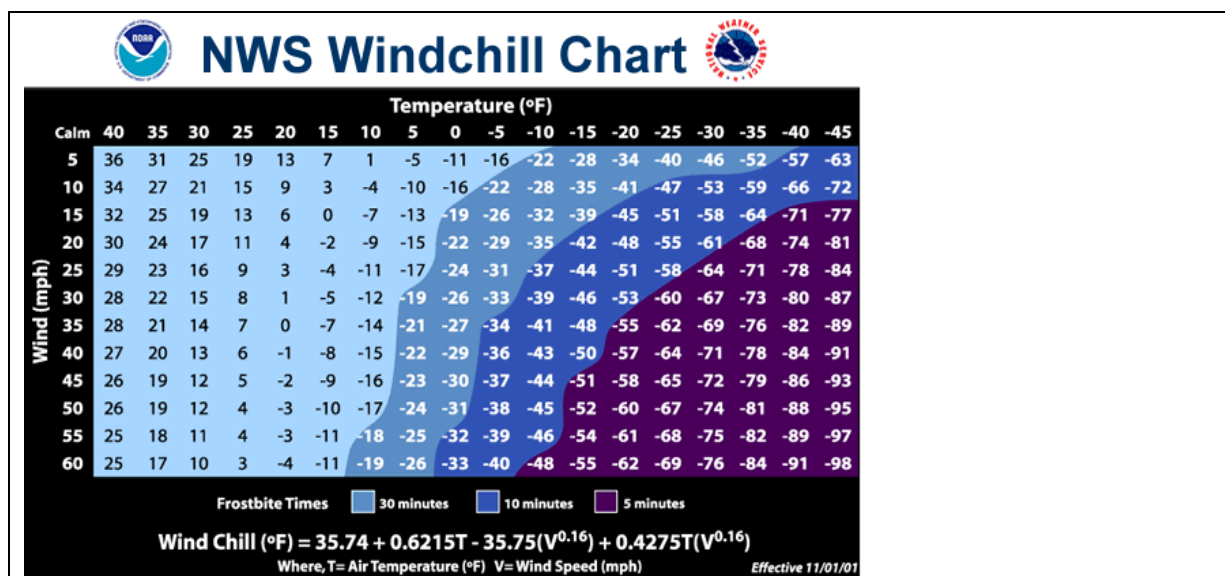
- (15)** “Inclement weather” means stormy or severe weather such as any of the following:
- (a) Heavy rain.
 - (b) Temperatures above 90 degrees Fahrenheit.

The heat index (HI) combines air temperature and relative humidity in an attempt to determine the human-perceived equivalent temperature – how hot it feels – termed the felt air temperature.

250.03(15)(b) continued**NOAA's National Weather Service Heat Index**

(c) Wind chills of 0 degrees Fahrenheit or below for children age 2 and above.

(d) Wind chills of 20 degrees Fahrenheit or below for children under age 2.



(16) "Infant" means a child under one year of age.

(17) "In care" means the center is providing supervision, either on or off the premises, including during center-provided transportation, for the safety and the developmental needs of the child or children.

(17m) "Licensed hours" means the authorized hours specified on the license certificate and letter of transmittal within which the center may provide care.

(18) "Licensee" means the individual that has the legal and fiscal responsibility for the operation of a center and for meeting the requirements of this chapter.

(19) "Licensing representative" means a department employee responsible for licensing family child care centers.

A person monitoring a family child care center for purposes of department initiatives (such as child care subsidy) is also considered a licensing representative.

(21) "Night care" means any care that is offered by a licensed family child care center between 10:00 p.m. and 5:00 a.m.

(22) "Parent" means either "parent" as defined in s. 48.02 (13), Stats., or "guardian" as defined in s. 48.02 (8), Stats.

(23) "Physical restraint" means the use of physical force to restrict the free movement of all or a portion of a child's body.

(24) "Physician" has the meaning given in s. 448.01 (5), Stats.

Physician means an individual possessing the degree of doctor of medicine or doctor of osteopathy or an equivalent degree as determined by the licensing board and holding a license granted by the board. A chiropractor or physician assistant does not meet the definition of a physician.

(25) "Physician assistant" has the meaning given in s. 448.01 (6), Stats.

(26) "Premises" means the tract of land on which the center is located, including all buildings and structures on that land.

(26m) "Program aide" means a person who works under the supervision of a provider and assists with daily activities and maintenance of the program, such as preparing and participating in program activities and cleaning the premises.

See DCF 250.05(3)(GM) – PROGRAM AIDE – QUALIFICATIONS.

(27) "Provider" means an adult who has met the requirements specified in s. DCF 250.05 (3) in a family child care center and who provides care and supervision of the children in the care of the center.

(28) "Provider's own children" means a provider's natural or adopted children, foster children, stepchildren, or other children who reside in the family child care center.

(29) "Representative of the department" means a department employee or a representative from an agency the department contracts with to provide pre-licensing services.

(30) "School-age child" means a child 5 years of age or older who is enrolled in a public or private school.

(30m) "Shaken baby syndrome" or "SBS" means a severe form of brain injury that occurs when an infant or young child is shaken or thrown forcibly enough to cause the brain to rebound against his or her skull.

See DCF 250.03(1G) – DEFINITION – ABUSIVE HEAD TRAUMA.

(31) "Sleeping bag" means a padded fabric bag that is closed or capable of being closed on 3 sides.

(32) "Substitute" means a provider who replaces another provider on a pre-arranged basis.

250.03(33)

(33) “Sudden infant death syndrome” or “SIDS” means the sudden death of an infant under one year of age that remains unexplained after a thorough case investigation, including performance of a complete autopsy, examination of the death scene and a review of the clinical history.

(34) “Supervision” means guidance of the behavior and activities of children while awake and asleep for their health, safety and well-being by a provider who is within sight or sound of the children except as specified in ss. DCF 250.055 (1) (m) and (n), 250.07 (7) (e), and 250.09 (1) (c) 4g.

(35) “Toddler” means a child at least one year of age but less than 2 years of age.

(36) “Universal precautions” means measures taken to prevent transmission of infection from contact with blood or other potentially infectious material, as recommended by the U.S. public health service’s centers for disease control and adopted by the U.S. occupational safety and health administration (OSHA) as 29 CFR 1910.1030.

Note: “Standard precautions” for infection control measures incorporate universal precautions. Information on the OSHA requirements related to standard or universal precautions is available on the OSHA web site at <http://www.osha.gov>. Information is also available from the Child Care Information Center, 1-800-362-7353.

(37) “Volunteer” means a person who is not paid, but who agrees to give time, with or without reimbursement for expenses, to transport children attending a family child care center or to work in a family child care center.

(38) “Wading pool” means a shallow pool, with sides of 15 inches or less in height, capable of being dumped to change water and used primarily for small children.