



wisconsin department of
children & families

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Governor Scott Walker
Secretary Eloise Anderson

Division of Safety and Permanence

August 1, 2012

Memo CWLS 2012-10L

To: Private Child Placing Agencies
Residential Care Center Providers
Group Home Providers
Shelter Care Providers

From: Ron Hermes, Director 
Bureau of Permanence and Out-of-Home Care

RE: Caregiver Background Check Requirements for Agency Staff

This memo will replace Memo CWLS 2011-07 which was issued on June 27, 2011. The Department is requiring all child welfare licensing providers which include group homes, shelter care, residential care centers and private child placing agencies to provide the Department with caregiver background checks on employees and contractors that require a caregiver background check. The purpose of this memo is to clarify and streamline the procedures collecting the information associated with this requirement.

The caregiver background process was developed to reflect changes in federal title IV-E eligibility regulations requiring states to verify and document the timely completion of caregiver background checks for specific child welfare agency staff that have regular, direct contact with one or more children of the agency. A “caregiver” is defined in s. 48.685(1)(ag)1.a. as a person who is, or is expected to be, an employee or contractor of an entity, who is or is expected to be under the control of the entity, as defined by the department by rule, and who has, or is expected to have, regular, direct contact with clients of the entity.

The Department has assigned the Statewide Title IV-E Eligibility contract agency, MAXIMUS, Inc., to collect and process information related to this requirement. This requirement applies to all privately licensed providers even if federal title IV-E is not claimed for the children in your licensed agency.

Process for Employee Updates

Each month a Title IV-E Licensing Specialist will request caregiver background information from each licensed agency on a monthly basis for:

- any new employees and contractors
- identification of any employees and contractors who have terminated employment
- any renewed background checks for employees and contractors

This information is to be documented by the agency on the blank roster that the Title IV-E Licensing Specialist staff has emailed to your facility. The Title IV-E Licensing Specialist will send a monthly e-mail to each agency requesting this required information. Below is a description of the process to obtain the employee updates from each agency:

T 608.266.8787 F 608.266.5547 dcf.wi.gov

1. Each month, the prior month's agency roster(s) will be sent via email to the designated agency staff and the agency is required to provide the following information as follows:
 - a) Identify and update all required fields in the blank roster for any new hire within the given month.
Note: Provide only the last four digits of an employee's or contractor's Social Security number (SSN).
 - b) Document dates of caregiver background checks completed by the agency for all new employees and contractors and for any employee and contractors where caregiver background check renewals were required during the given month.
 - c) Identify any employee and contractor who ended employment with the agency during the given month and the end date of employment for that employee.

2. The agency must e-mail the updated roster to the requesting Title IV-E Licensing Specialist by the timeframe specified. If the agency does not have any updates in a given month as required above, the provider agency must confirm that no updates are needed via an e-mail to the requesting Title IV-E Licensing Specialist. The email address to send the roster's to is the following:
CBCProject@wisconsin.gov

3. Copies of all required Caregiver Background Check (CBC) documents must also be provided to the requesting Title IV-E Licensing Specialist.
 - a. The required CBC documents must include the following:
 - I. Background Disclosure Form (BID)**
 - If there is any pending or conviction of crimes per the BID, a statement from the staff person listing each crime, when it occurred or the date of the conviction, and the city and state where the court is located.
 - A copy of the criminal complaint and a judgment of conviction must be submitted for the following crimes:
 - 940.19(1) Misdemeanor of battery
 - 940.195 Battery to an unborn child
 - 940.20 Battery, special circumstances
 - 941.30 Reckless endangerment
 - 942.08 Invasion of privacy
 - 947.01 Disorderly Conduct
 - 947.013 Harassment
 - Any additional information required per the BID, e.g. out-of-state checks, discharge papers from the military, and any rehabilitation reviews.
 - II. Documentation of Substantially Related Crimes-**
If an employee or contractor has been convicted of a crime that is not a permanent bar, the agency must make a determination as to whether or not the crime substantially relates to caring for children. The agency must document in writing that they have reviewed the situation including reviewing police reports and the criminal complaint. Form DCF-F-CFS-2261, Caregiver Background Checks Substantially Related Investigation Report may be used to document the agency's investigation. The form can be found at the following website: <https://dcf.wisconsin.gov/files/forms/doc/2261.docx>
 - III. Department of Justice Form (DOJ)**
 - IV. Response to Caregiver Background Check form (formerly known as the IBIS)**
 - b. The rosters are to be provided to the requesting Title IV-E Licensing Specialist by email to the following website: CBCProject@wisconsin.gov

Note: At this time, Title IV-E Licensing Specialists cannot receive attachments that are 15MB or larger via e-mail; please contact the requesting Title IV-E Licensing Specialist if you believe or are concerned that the size of an electronic file will exceed this size to ensure full and complete delivery.

- c. For each licensed agency that is operated by the same licensee (parent agency), it is the licensee's responsibility to ensure that any employee or contractor working at more than one agency is identified on the specific individual agency roster that is submitted to the Department on a monthly basis. This is required for all employees and contractors regardless of full-time, part-time, relief/temp status. This would also include an employee and/or contractor that was promoted to a new position to an agency that the employee and/or contractor is not already assigned to.

Each licensee should have a process to capture the above information to ensure that the required CBC information is sent and documented. When an employee or contractor is re-assigned or is used to cover a shift at a different agency operated by the licensee, the agency roster needs to include this employee's or contractor's information. The agency should treat this as a new employee and/or contractor and provide a copy of the CBC information along with the start date.

4. The agency is required to provide an updated roster and required CBC documents to the requesting Title IV-E Licensing Specialist within 10 business days of the issuance of the e-mail request.

If a licensee does not submit all information required under DCF 52, DCF, 54, DCF 57, DCF 59, s. 48.685 and DHS 12, the Department may impose sanctions and penalties under these Administrative Rules and s. 48 including revocation of a license.

Additional Information

During the implementation of this process, some concerns were identified that have been addressed as follows:

- **SSN #'s and confidentiality:** As indicated above, the employee rosters have been adjusted to only include the last four digits of the SSN. Please only include the last four digits when the employee roster is updated. Please black out the social security number on any required CBC documents that are sent via FAX, e-mail or mail to the requesting Title IV-E Licensing Specialist.
- **Requests for duplicate documents:** Some provider agencies have indicated that documents have been requested or sent more than once. The Title IV-E Licensing Specialist processes every document that has been received in a paper and electronic file and uploads each document into the state's database. Requests have been made for documents that either do not cover the individual's employment period, have gaps between the CBC checks that were submitted, the CBC has expired or the documents that have been received have questionable findings, issues or are not legible. If the agency has concerns related to the CBC document processing, including concerns related to requests that seem to have been completed previously by the agency, please contact the requesting Title IV-E Licensing Specialist.

CHILD WELFARE LICENSING

SECTION CONTACT: Child Welfare Licensing Program Specialist
Division of Safety and Permanence
262-446-7856

MEMO WEB SITE: <https://dcf.wisconsin.gov/cwportal/policy>