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Governor Scott Walker
Secretary Eloise Anderson

Division of Safety and Permanence

September 25, 2014

Child Welfare Licensing Series Memo 2014 – 12L

To: Private Child Placing Agencies

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

RE: Provider Information Exchange (PIE) Monthly Roster and Background Checks Update

Purpose

This memo will replace Memo CWLS 2012-14 which was issued on October 2, 2012. The purpose of this memo is to notify all private providers that effective October 2014, updated rosters and Caregiver Background Checks (CBC) must be uploaded into PIE **by the 5th of each month.**

Background

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. Child Placing Agencies are required to maintain a personnel file that contains a caregiver background check pursuant to s. 48.685, Stats. and ch. DHS 12 of Wisconsin's Administrative Code. Per DCF 54.06(6), Records, inspections and reports, "[a] licensee shall promptly respond to requests for information from the department or any other governmental agency with statutory authority to see the information." In order to ensure compliance with the required rules, providers must submit the caregiver background checks to the Department on a monthly basis as outlined in this memo. Prior to this time, different submission dates existed depending on the type of facility license. In an effort to streamline processes, all facilities will now provide updates on or before the same day each month.

This requirement also applies to all privately licensed providers even if federal Title IV-E is not claimed for the children in the licensed agency.

Introduction

The Department requires all licensed group homes, shelter cares, residential care centers and private child placing agencies to provide the Department with caregiver background checks on specified employees and contractors that require a caregiver background check. A "caregiver" is defined in s. 48.3685(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. This would include

employees (full or part time), contractors, and interns that have direct caregiving responsibilities. Beginning October 2014, all provider facilities will be required to upload all caregiver background checks to PIE by the 5th of the month.

****Note: If you have not yet uploaded background checks and/or updated your employee roster in PIE for the month of September, please do not do so until the October due date.**

Process for Employee/Contractor/Intern Updates and PIE Submission Requirements

Each month, a Title IV-E Licensing Specialist will upload a list to each facility's folder in PIE requesting caregiver background information on new hires/contractors/interns, identification of employees and/or contractors who have terminated employment, identification of interns who have completed their internship, and renewed background checks. The Title IV-E Licensing Specialists have created an Employee Roster for each facility from the information that was supplied by the facility. The Employee Roster is updated every month by the Title IV-E Licensing Specialist via monthly updated information from the provider on the Update Roster. Each facility must review the Employee Roster and add the required information on the Update Roster and include all the required documentation for any new hire/contractor/intern and any renewed background checks for current employees. The process for exchanging information between the Title IV-E Licensing Specialist and the facility provider is described below. Detailed instructions related to the information required for completion of the Update Roster is provided in APPENDIX A:

1. Every month the Title IV-E Licensing Specialist will upload the facilities Employee Roster and an Update Roster which is to be utilized for updates in PIE.
2. The Title IV-E Licensing Specialist will upload a list of the missing/incomplete, expired, or expiring in 3 month checks needed in PIE.
3. The designated facility staff must retrieve the Employee Roster from PIE, complete the Update Roster accordingly and resubmit it via PIE to the requesting Title IV-E Licensing Specialist by the 5th of the month. See APPENDIX A for instructions and examples of required updated information for the Update Roster.

If the agency does not have any updates in a given month as required above, the facility provider must confirm that "no updates" are needed via the checkbox on the Update Roster by the 5th of the month.

4. It is the CBC contact's responsibility to ensure that any staff member, contractor or intern subject to CBC requirements working at, or with the potential to work at, more than one facility is identified on the specific individual facility's Employee Roster. This is required for all staff, contractors and interns regardless of full-time, part-time, or relief/temporary status. This also includes a staff member or contractor that is promoted to a new position of an agency the staff member or contractor is not already assigned to.

Each facility should have a process to identify this information when a staff member, contractor or intern has been hired by one agency and covers a shift(s) at a different agency so that the required CBC information is sent and documented. The Update Roster must include the staff, contractor, or intern's information. The agency should treat this as a new employee or contractor and provide a copy of the CBC information along with the start date.

As stated previously, the caregiver background checks are a critical part of licensing and, more importantly, an integral part of ensuring children placed in our facilities are safe. Thank you for your continued efforts to provide safe, quality care to some of our state's most vulnerable children and youth.

The email address to send any questions regarding the CBC Process is as follows:

CBCProject@wisconsin.gov

CENTRAL OFFICE CONTACT: Child Welfare Licensing Section Manager
Division of Safety and Permanence
Bureau of Permanence and Out of Home Care
608-422-6936
DCFCWLR@wisconsin.gov

Attachment:

APPENDIX A (Monthly Update Roster Instructions and Documentation Requirements)

Memo CWLS 2012-14, Caregiver Background Check Requirements for Agency Staff and PIE Requirements

<https://dcf.wisconsin.gov/cwportal/policy>

APPENDIX A (Monthly Update Roster Instructions and Documentation Requirements):

1. The facility’s Employee Roster and Update Roster will be placed in the facility’s CBC folder in the PIE application by the designated Title IV-E Licensing Specialist; the designated facility staff must retrieve and review the Employee Roster and complete the Update Roster per the below examples:

- A. John Doe is a new employee or contractor and is indicated as such in the last column; for all new employees the DOB, at least the last four digits of the SSN, and employment start date should be included as well as the name. Place an “x” in the box of the corresponding checks completed and sent for that individual.
- B. Jane Doe is an existing employee or contractor and is indicated as such in the last column; her name should be included with an “x” for the corresponding checks sent for that individual.
- C. John Deere ended his employment or contract and is indicated as such in the last column; include his name and end date.

Last Name	First Name	DOB	SSN	Start Date	End Date	BID	Other States checks needed? If lived in another state within the last 3 years (Yes/No)	DOJ	IBIS	New/Existing /Employment or Contract Ended
Doe	John	6/5/91	000-00-1234	1/1/11		x	NO	x	x	New Employee
Doe	Jane					x	NO	x	x	Existing Employee
Deere	John				5/7/11					Employment Ended

2. Copies of **all required Caregiver Background Check (CBC)** documents must also be provided to the requesting Title IV-E Licensing Specialist via a submission to the facility’s CBC folder in the PIE application. The required CBC documents must include the following:

I. Background Disclosure Form (BID)

- a. If a Background Information Disclosure form, a caregiver background check, or any other information shows that a person was convicted of any of the offenses identified below **within 5 years before the information was obtained**, the department, county department, child welfare agency, school board, or entity, as applicable, shall make every reasonable effort to contact the clerk of courts to obtain a copy of the criminal complaint and judgment of conviction relating to that conviction.
 - 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

If one of these convictions appears on the Department of Justice Form (DOJ), and the conviction occurred within the previous 5 years, the Title IV-E Licensing

Specialist will also request the agency to provide the criminal complaint and judgment of conviction for the individual.

- b. Additional information required per the BID must also be submitted, e.g. out-of-state checks, discharge papers from the military, and any rehabilitation reviews.
 - Make sure that all demographic information is complete, including the city, state, aliases, etc.
 - For section A, question 1, only criminal convictions need to be included here. Traffic offenses (non-criminal) and family court matters don't need to be included.
 - For section B, question 3, if applicable, make sure that the date of the discharge is documented. If the discharge was within the previous 3 years from the signature date of the BID, the DD214 is required. The link to request the DD214, or military separation document is: <http://www.archives.gov/veterans/military-service-records/>
 - For section B, question 4, if applicable, list each state(s), and the dates the employee lived in the respective state(s) At the end of the BID, the prospective employee must sign and date the document.

II. Documentation of Substantially Related Crimes- If a staff member 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/forms>

III. Department of Justice Form (DOJ; see example below)

- a. Make sure all criminal convictions on the DOJ are listed under Section A Question 1 of the BID.
- b. Make sure all aliases listed on the BID are included when completing a record check. All aliases included will display on the DOJ check.
- c. Make sure all pages of the DOJ are included when uploading to PIE.

DEPARTMENT OF JUSTICE CRIME INFORMATION BUREAU

Request Date : 04/04/2013
Report Date : 04/05/2013
Order Number :
Request Reason : Government

This criminal background check was performed by searching the following data submitted to the Crime Information Bureau.

Name
Date of Birth
Sex
Race

IV. Response to Caregiver Background Check form (see example below; also known as the IBIS)

- a. Make sure all criminal convictions on the IBIS are listed under Section A Question 1 of the BID.
- b. If a rehabilitation review is documented on the IBIS, it must be included when uploading the IBIS to PIE.
- c. Make sure all pages of the IBIS are included when uploading to PIE.

Scott Walker
Governor
Kitty Richards
Secretary DHS



DIVISION OF ENTERPRISE SERVICES
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MADISON WI 53707-7850
dhs.wisconsin.gov

Date: April 5, 2013

From: The Department of Health Services,
The Department of Children and Families and
The Department of Safety and Professional Services

Re: **Response to Caregiver Background Check**

On April 4, 2013, we received notice from the Department of Justice (DOJ) that you requested a Caregiver Background Check for the above named individual. You are receiving this letter per the requirements of sections 48.685 and 50.065 of the Wisconsin Statutes.