


To: DCF Area Administrators
Child Placing Agency Directors
Child Welfare Agency Directors
County Departments of Community Programs Directors
County Departments of Developmental Disabilities Services Directors
County Departments of Human Services Directors
County Departments of Social Services Directors
Group Home Providers
Tribal Social Service/Indian Child Welfare Directors
Private Child Placing Agencies
Residential Care Center Providers
Shelter Care Providers
Tribal Chairpersons

From: Fredi-Ellen Bove 
Administrator

Re: Implementation of Ch. DCF 12 Administrative Code: Caregiver Background Checks

PURPOSE

This memo provides notice of the implementation of a Department of Children and Families caregiver background check rule as required under s. 48.685 Wis. Stats. Wisconsin's Caregiver Background Check law, s. 48.685 Wis. Stats., applies to caregivers and entities that are regulated by the Department of Children and Families.

BACKGROUND

The Department's rule is similar to the existing caregiver background check rule in Ch. DHS 12 Admin. Code. Chapter DHS 12 is a Department of Health Services rule that applied prior to July 1, 2016 to background checks required under ss. 48.685 and 50.065 Wis. Stats. Many of the entities subject to the background check requirements under s. 48.685 Wis. Stats. were previously in the former Department of Health and Family Services. The Department of Health and Family Services split in 2008 and became the Department of Health Services and the Department of Children and Families. Many of these programs were transferred when the Department of Children and Families was created. Chapter DHS 12 applied to background checks under s. 48.685 Wis. Stats., until the issuance of Ch. DCF 12 Admin. Code.

In general, s. 48.685 Wis. Stats., requires a background check as a condition of regulatory approval or employment at, contract with, or nonclient residency at specified entities that care for children, including child placing agencies, foster homes, group homes, residential care centers for children and youth, shelter care facilities.. A background check is also required for an interim caretaker or successor guardian seeking subsidized guardianship payments and any nonclient residents.

POLICY AND PROCEDURE REQUIREMENTS

Chapter DCF 12 Admin. Code specifies caregiver background check requirements for the issuance of licenses to, and establishing standards for the operation of, child placing agencies, foster homes, group

homes, shelter care facilities, residential care centers for children and youth, interim caretakers, and successor guardians. Ch. DCF 12 Admin. Code establishes requirements related to the following:

- Entities contracting to conduct background checks and retain records
- Obtaining armed forces information
- Bars and substantially-related convictions and delinquency adjudications:
 - *Specified offenses that are a bar.* Chapter DCF 12.02 (24) includes a revised interpretation of the effect of a conviction or delinquency adjudication for the offenses specified in s. 48.685 (5) (bm) 4. Wis. Stats. Under the revised interpretation, a conviction or delinquency adjudication for these offenses will remain a bar to eligibility after the 5-year period, *unless the person demonstrates rehabilitation.* The 5-year period is a waiting period before a person may request a rehabilitation review.
 - This applies to all new licenses and license renewals issued after July 1, 2016.
- Reporting requirements
- Sanctions
- Rehabilitation reviews
- Delegation under section 48.979 Wis. Stats.
- Adoption Assistance, adoption approval, Subsidized Guardianship, and foster homes
- The Background Information Disclosure (BID) must be completed by caregivers and nonclient residents no more than 120 days before the agency or entity submits a request for information required under s. 48.685 (2) (am) or (b) and (3) (a) or (b) Wis. Stats.
- The age at which household members are required to complete the Background Information Disclosure (BID) is now age 12 consistently in all effected administrative rules.

ACTION SUMMARY

The issuance of Ch. DCF 12 Admin. Code, related to caregiver background check requirements for the issuance of licenses to, and establishing standards for the operation of, child placing agencies, , foster homes, group homes, shelter care facilities, residential care centers for children and youth, interim caretakers, and successor guardians became effective July 1, 2016.

REGIONAL OFFICE CONTACT: DCF Area Administrator

CENTRAL OFFICE CONTACT: Out-of-Home Care Specialist
Bureau of Permanency and Out-of-Home Care
(608) 422-6937

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

Administrative Codes Link: <https://dcf.wisconsin.gov/cwportal/fc>

Ch. DCF 12 Administrative Code

Ch. DCF 56 Administrative Code

Ch. DCF 56 Administrative Code – Annotated Version

<https://dcf.wisconsin.gov/files/cwportal/fc/pdf/fc-sg-barredcrimes.pdf>

Foster Care and Subsidized Guardianship Barred Crimes

Forms Links: <https://dcf.wisconsin.gov/forms>

DCF-F-CFS0787: Child Foster Care Licensing Checklist

DCF-F-2978-E: Background Information Disclosure (BID)

DCF-F-419: Rehabilitation Review Application Instructions

DCF-F-418-E: Rehabilitation Review Panel Decision Report

DCF-F-2857-E: Rehabilitation Review Appeals Report

DCF-F-CFS2191-E: DCF 12 Negative Action Notice