



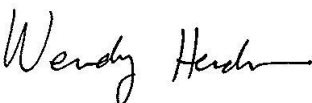
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Governor Tony Evers
Secretary Emilie Amundson
Division of Safety and Permanence

February 5, 2020

Child Welfare Licensing Memo 2020-03-lic

To: Residential Care Center Providers
Group Home Providers
Shelter Care Facilities

From: Wendy Henderson
Administrator 

RE: New Background Check Procedures

Purpose:

The federal Family First Prevention Services Act (FFPSA) was passed and signed into law (P.L. 115-123) as part of the Bipartisan Budget Act on February 9, 2018. The FFPSA includes provisions related to the use of federal Title IV-E funding for prevention services and congregate care placements, Chafee Independent Living funds, out-of-home care licensing requirements, federal reporting requirements, and federal funding. The FFPSA requires criminal fingerprint checks for all workers in congregate care facilities, including residential care centers, group homes and shelter care facilities. This memo provides a comprehensive overview of the Child Welfare Licensing background check process, including the new criminal fingerprint requirements. S. 48.685, Wis. Stats., was changed effective July 5, 2019 to include the new language regarding fingerprint checks for all adult workers in congregate care facilities.

Who Needs a Caregiver Background Check:

All individuals working in a congregate care facility are required to complete a Caregiver Background Check. 48.685(1) (ao) defines a “congregate care facility” as a group home, shelter care facility, or residential care center for children and youth.

A “congregate care worker” is defined by state statutes 48.685(1)(ap) means an adult who works in a congregate care facility. “Congregate care worker” includes a person who has or is seeking a license to operate a congregate care facility. It does not include an unpaid volunteer.

Caregiver background checks are required by s. 48.685 (3) (a) to be completed every 4 years.

Process for New Congregate Care workers in a Congregate Care Facility:

Step 1: The congregate care facility shall conduct a name-based caregiver background check. Each facility is required to have all potential employees complete a Background Information Disclosure (BID) form. ([DCF-F-2978-E](#)).

Step 2: The congregate care facility reviews the BID form to ensure that it is complete, signed and dated by the congregate care worker.

- If an individual check “no” to all answers in Section A of the BID form, that person may be employed to work in the facility under supervision until a complete caregiver background check is obtained.
- If an individual check “yes” to any question in Section A of the BID form, it may indicate that the person is barred from employment unless a rehabilitation review is obtained from the Department. Information regarding a rehabilitation review can be found at <https://dcf.wisconsin.gov/rehab-review>

Step 3: The congregate care facility uses the information from the BID form to submit a name-based caregiver background check through the Department of Justice (DOJ) through the Wisconsin Online Record Check System (WORCS). Each facility is required to maintain a WORCS account. All name-based caregiver background checks will be conducted by DOJ for congregate care workers through this account. Results of the name-based check will be uploaded to the WORCS website by DOJ. The congregate care facility is responsible for maintaining the results from the WORCS website in the employee’s personnel file. Results will include the DOJ check as well as the Response to Caregiver Background Check (formerly known as IBIS) from the Department of Health Services.

The facility has 45 days in which to conduct the name-based caregiver background check with the DOJ. A person can be employed pending the results of the name-based check if the BID form does not have any “yes” boxes checked for any criminal history. During this time, the employee *must* be supervised by another employee who has completed and passed a name-based caregiver background check.

Step 4: Congregate care facilities are required to review the results of the name-based check. Congregate care facilities must compare the results to the list of barred crimes to determine whether a person is eligible for employment at the facility. The list of barred crimes can be found on the following website <https://dcf.wisconsin.gov/files/cwlicensing/pdf/cwbarredcrimes.pdf>

Note: If the barred crime requires a rehabilitation review, the employee/potential employee must complete the rehabilitation review process prior to working at a facility. More information regarding the process can be found at <https://dcf.wisconsin.gov/rehab-review>

If it is noted on the BID form or on the results of the name-based checks that the individual has a criminal history and the crimes are not listed on the barred crimes list, per DCF 12.06, the facility must determine if the crimes are substantially related to caring for children. The facility

must document the efforts to determine substantially related. DCF 12 can be found at the following website: https://docs.legis.wisconsin.gov/code/admin_code/DCF/001_020/12.pdf

Note: Form DCF-F-5160-E, “Caregiver Background Checks Substantially Related Investigation Report for Child Welfare Agencies”, <https://dcf.wisconsin.gov/files/forms/doc/5160.docx> may be used to document compliance with DCF 12.06(3).

Step 5: Once a facility has determined to hire an employee, the employee’s name will be submitted on the facility roster that is provided in the Provider Information Exchange (PIE) along with the BID form, the DOJ results and Response to Caregiver Background Checks by the **5th of each month.**

- The Department of Children and Families (DCF) completes a search of eWISACWIS for any substantiations of child abuse and/or neglect on each employee. If there is a substantiation on an employee, the Division of Safety and Permanence will notify the facility that the employee is not eligible to be working in the facility until a rehabilitation review has been completed and approved. The employee will be sent a letter from DCF with additional details about the substantiation and instructions related to how they can complete a rehabilitation review.

Step 6: Once the facility has hired an employee, the employee must submit a fingerprint scan with the State of Wisconsin.

- Fingerprints are scanned at a local a Fieldprint office. The employee must register for an appointment at the Fieldprint office. Locations and registration information can be found online at the following website: <https://fieldprintwisconsin.com/>. Information necessary to make an appointment will be included on a letter supplied by the facility. DCF will provide each facility with a template letter that must be used by each employee to schedule an appointment with the Fieldprint office. This letter contains the Fieldprint code which must be used when scheduling an appointment.
- After the employee registers with Fieldprint, the employee will take a Confirmation page from the Fieldprint website and two forms of valid identification to the Fieldprint office.
- Employees will NOT be charged by Fieldprint.
- Fieldprint will scan and send the employees’ fingerprints to the Department of Justice for processing. Results of the fingerprint scans are shared directly with DCF. The employee and congregate care facility will not receive the results.

Step 7: DCF will process the results of the fingerprint scan for each employee and verify two items regarding the fingerprint scan results:

- DCF will compare the Background Information Disclosure (BID) form to the fingerprint scan results. If the fingerprint scan results identify any information that is not listed on the BID form, DCF will notify both the employer and the employee. The notification to the facility will only state that there is a discrepancy with the BID form and the fingerprint scan results. The notification to the employee will provide additional detailed

information regarding the offense that was not documented on the BID form. The facility is required to discuss the discrepancy with the employee, and the facility will make any final determinations regarding the employment status of the employee. If the facility decides to terminate employment of the employee, the facility will document the termination on the PIE roster and in the personnel record.

- If DCF determines that the crimes listed on the fingerprint scan results in a bar from employment, the employer will receive notification that the employee can no longer work at the facility, unless they have completed and passed a rehabilitation review. The employee will receive a letter stating that there is a bar from employment, and instructions will be included in the letter as to how they can complete a rehabilitation review.

Note: If there are no concerns regarding the employee, the facility will not be notified, nor will they receive any letter from DCF regarding the fingerprint scan results.

Step 8: The above steps 1-7 will be repeated every 4 years for all congregate care workers.

If you have any questions, please contact your licensing specialist.

CENTRAL OFFICE CONTACT:

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MEMO WEBSITE:

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