DCF 250

LICENSING RULES FOR FAMILY CHILD CARE CENTERS
With Commentary

Register March 2018 No. 747
Section 48.65, Wisconsin Statutes, requires that persons operating child care centers, that provide care and supervision for 4 or more children under 7 years of age for less than 24 hours a day, be licensed. The statute also requires the Department of Children and Families to establish rules which must be met in order to qualify for a license and which protect and promote the health, safety and welfare of the children in a child care center.

Chapter DCF 250 is the administrative code governing Family Child Care Centers that provide care and supervision for 4-8 children for less than 24 hours a day.

The purpose of the DCF 250 Family Child Care Rule with Commentary is to help users of DCF 250 understand the intent and application of the rule. An attempt has been made to offer commentary for those rules where experience indicates clarification would be helpful. However, a commentary cannot be written to cover every situation encountered.

The portion of this publication that is numbered and in regular print is the administrative code DCF 250. The portion of the publication that is within boxes and in italicized print is commentary that was prepared by staff of the Bureau of Early Care Regulation.

There is a header on each page that contains the rule cite for the portion of the rule beginning on that page. A table of contents and an index are also included as are appendices that contain key statutes related to child care rules, a copy of DCF 12 (administrative rules governing caregiver background checks) and other appendices referenced in the rule.

The DCF 250 Family Child Care Rule with Commentary was prepared primarily as a tool for licensing specialists. However, it may also be a useful resource for family child care providers. Providers who require additional information should contact their regional licensing specialist.

This publication may be duplicated. It is also available from the Department's website: https://dcf.wisconsin.gov/cclicensing/rules

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# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>DCF 250.02</td>
<td>APPLICABILITY</td>
<td>1</td>
</tr>
<tr>
<td>(1)</td>
<td>Included and excluded care arrangements</td>
<td>1</td>
</tr>
<tr>
<td>(2)</td>
<td>Exception to the requirement</td>
<td>1</td>
</tr>
<tr>
<td>DCF 250.03</td>
<td>DEFINITIONS</td>
<td>2</td>
</tr>
<tr>
<td>DCF 250.04</td>
<td>OPERATIONAL REQUIREMENTS</td>
<td>6</td>
</tr>
<tr>
<td>(1)</td>
<td>Terms of license</td>
<td>6</td>
</tr>
<tr>
<td>(2)</td>
<td>Administration</td>
<td>6</td>
</tr>
<tr>
<td>(3)</td>
<td>Reports</td>
<td>8</td>
</tr>
<tr>
<td>(4)</td>
<td>Parents</td>
<td>10</td>
</tr>
<tr>
<td>(5)</td>
<td>Staff records</td>
<td>11</td>
</tr>
<tr>
<td>(6)</td>
<td>Children’s records</td>
<td>13</td>
</tr>
<tr>
<td>(7)</td>
<td>Confidentiality</td>
<td>16</td>
</tr>
<tr>
<td>(8)</td>
<td>Reporting child abuse</td>
<td>16</td>
</tr>
<tr>
<td>DCF 250.05</td>
<td>STAFFING</td>
<td>18</td>
</tr>
<tr>
<td>(1)</td>
<td>Responsibilities and qualifications of staff</td>
<td>18</td>
</tr>
<tr>
<td>(2)</td>
<td>Staff development</td>
<td>21</td>
</tr>
<tr>
<td>(3)</td>
<td>Supervision</td>
<td>22</td>
</tr>
<tr>
<td>(4)</td>
<td>Staffing and grouping</td>
<td>23</td>
</tr>
<tr>
<td>DCF 250.06</td>
<td>PHYSICAL PLANT AND EQUIPMENT</td>
<td>26</td>
</tr>
<tr>
<td>(1)</td>
<td>Building</td>
<td>26</td>
</tr>
<tr>
<td>(2)</td>
<td>Protective measures</td>
<td>27</td>
</tr>
<tr>
<td>(3)</td>
<td>Emergencies</td>
<td>29</td>
</tr>
<tr>
<td>(4)</td>
<td>Fire protection</td>
<td>30</td>
</tr>
<tr>
<td>(5)</td>
<td>Sanitation</td>
<td>32</td>
</tr>
<tr>
<td>(6)</td>
<td>Water</td>
<td>32</td>
</tr>
<tr>
<td>(7)</td>
<td>Exits, doors and windows</td>
<td>32</td>
</tr>
<tr>
<td>(8)</td>
<td>Furnishings</td>
<td>34</td>
</tr>
<tr>
<td>(9)</td>
<td>Kitchens</td>
<td>34</td>
</tr>
<tr>
<td>(10)</td>
<td>Washrooms and toilet facilities</td>
<td>35</td>
</tr>
<tr>
<td>(11)</td>
<td>Outdoor space</td>
<td>35</td>
</tr>
<tr>
<td>(12)</td>
<td>Swimming areas</td>
<td>37</td>
</tr>
<tr>
<td>DCF 250.07</td>
<td>PROGRAM</td>
<td>39</td>
</tr>
<tr>
<td>(1)</td>
<td>Program planning and scheduling</td>
<td>39</td>
</tr>
<tr>
<td>(2)</td>
<td>Child guidance</td>
<td>41</td>
</tr>
<tr>
<td>(3)</td>
<td>Equipment</td>
<td>43</td>
</tr>
<tr>
<td>(4)</td>
<td>Rest periods</td>
<td>43</td>
</tr>
<tr>
<td>(5)</td>
<td>Meals and snacks</td>
<td>45</td>
</tr>
<tr>
<td>(6)</td>
<td>Health</td>
<td>46</td>
</tr>
<tr>
<td>(7)</td>
<td>Pets and animals</td>
<td>53</td>
</tr>
<tr>
<td>DCF 250.08</td>
<td>TRANSPORTATION</td>
<td>56</td>
</tr>
<tr>
<td>(1)</td>
<td>Applicability</td>
<td>56</td>
</tr>
<tr>
<td>(2)</td>
<td>Emergency Information</td>
<td>56</td>
</tr>
<tr>
<td>(3)</td>
<td>Driver</td>
<td>56</td>
</tr>
<tr>
<td>(4)</td>
<td>Vehicle</td>
<td>57</td>
</tr>
<tr>
<td>(5)</td>
<td>Seat belts</td>
<td>57</td>
</tr>
<tr>
<td>(6)</td>
<td>Vehicle capacity and supervision</td>
<td>58</td>
</tr>
<tr>
<td>(7)</td>
<td>Smoking</td>
<td>58</td>
</tr>
<tr>
<td>(8)</td>
<td>Child Care Vehicle Safety Alarm</td>
<td>58</td>
</tr>
<tr>
<td>DCF 250.09</td>
<td>ADDITIONAL REQUIREMENTS FOR INFANT AND TODDLER CARE</td>
<td>59</td>
</tr>
<tr>
<td>(1)</td>
<td>Applicability, qualifications and general requirements</td>
<td>59</td>
</tr>
<tr>
<td>(2)</td>
<td>Daily Program</td>
<td>59</td>
</tr>
<tr>
<td>(3)</td>
<td>Feeding. A provider shall do all of the following</td>
<td>60</td>
</tr>
<tr>
<td>(4)</td>
<td>Diapering and toileting</td>
<td>61</td>
</tr>
</tbody>
</table>
DCF 250.095 ADDITIONAL REQUIREMENTS WHEN THE LICENSEE IS NOT PROVIDING CARE TO CHILDREN AT LEAST 50% OF THE LICENSED HOURS OF CENTER OPERATION ................................................................. 63

DCF 250.10 ADDITIONAL REQUIREMENTS FOR NIGHT CARE. ........................................ 64
   (1) Applicability ............................................................................................................. 64
   (2) General requirements .............................................................................................. 64
   (3) Program .................................................................................................................... 64
   (4) Preventive measures .............................................................................................. 64
   (5) Feeding .................................................................................................................... 64
   (6) Sleep ......................................................................................................................... 64

DCF 250.11 LICENSING ADMINISTRATION. ....................................................................... 65
   (1) Licensing requirement ............................................................................................. 65
   (2) General conditions for approval of license .............................................................. 65
   (3) Initial application for a probationary license ........................................................... 65
   (4) Obtaining a regular license ...................................................................................... 66
   (5) Continuing a regular license ................................................................................... 67
   (6) Amending a license ................................................................................................. 67
   (7) Additional license ................................................................................................... 68
   (8) License denial or revocation ................................................................................... 68
   (9) Effect of notice to deny or revoke a license ............................................................. 68
   (10) Summary suspension of a license ........................................................................ 69
   (11) Appeal of decision to deny or revoke a license ...................................................... 69

DCF 250.12 COMPLAINTS, INSPECTIONS AND ENFORCEMENT ACTIONS ....................... 71
   (1) Complaints ............................................................................................................. 71
   (2) Inspection ............................................................................................................... 71
   (3) Enforcement action ............................................................................................... 71

APPENDIX A REGIONAL OFFICES OF THE DIVISION OF EARLY CARE AND EDUCATION ................................................................. 72

APPENDIX B CACFP MEAL PATTERN REQUIREMENTS - AGES 1 TO 12 ......................... 73

APPENDIX C CACFP MEAL PATTERN REQUIREMENTS - BIRTH THROUGH 11 MONTHS ................................................................. 75

APPENDIX D CONSUMER PRODUCTS SAFETY COMMISSION (WWW.CPSC.GOV) ......... 76

APPENDIX E REQUIRED ITEMS FOR FAMILY CHILD CARE CENTERS ............................. 77

APPENDIX F KEY STATUTES RELATED TO LICENSING OF CHILD CARE CENTERS ...... 83

APPENDIX G DCF 12 CAREGIVER BACKGROUND CHECKS REGISTER JUNE 2016 NO. 726 EFFECTIVE 7/1/2016 ................................................................. 97

APPENDIX H DAILY ATTENDANCE RECORD FORM .................................................... 105

APPENDIX I INSTRUCTIONS FOR OBTAINING DEPARTMENT FORMS ........................ 107

APPENDIX J RESOURCES LIST ...................................................................................... 108

INDEX ..................................................................................................................................... 109
DCF 250.01 Authority and purpose. This chapter is promulgated under the authority of s. 48.67, Stats., to carry out licensing requirements under s. 48.65, Stats., for family child care centers. The purpose of the chapter is to protect the health, safety and welfare of children being cared for in family child care centers.

**DCF 250.02 Applicability.**

1. INCLUDED AND EXCLUDED CARE ARRANGEMENTS. This chapter applies to all family child care centers, but does not include any of the following:

   **Note:** Section 48.65 (2), Stats., exempts parents, guardians and certain other relatives; public and parochial (private) schools; persons employed to come to the home of the child’s parent to provide care for less than 24 hours per day; and counties, cities, towns, school districts and libraries that provide programs for children primarily intended for social or recreational purposes from the requirement for a license.

   a. Care and supervision of children in a program that operates no more than 4 hours a week.

   Centers offering after-hours care / activities for children on the premises of a licensed center (such as parent date nights, shopping, etc.) may do so provided that the parents are notified in writing that the center is not licensed during that time period. If the center wishes to operate during this time as a licensed facility, an exception must be requested. Note: Centers should also check with their insurance company to ensure coverage during this time.

   b. Group lessons to develop a talent or skill, such as dance or music, social group meetings and activities and group athletic activities.

   c. Care and supervision while the parents are on the premises and are engaged in shopping, recreation or other non-work activities.

   d. Seasonal programs of 10 days or less duration in any 3-month period, including day camps, vacation bible school and holiday child care programs.

   e. Care and supervision in emergency situations.

   f. Care and supervision while the parent is employed on the premises if the parent’s child receives care and supervision for no more than 3 hours a day.

   g. Care and supervision provided at the site to the child of a recipient of temporary assistance to needy families, or Wisconsin works, who is involved in orientation, enrollment or initial assessment prior to the development of an employability plan or the child care is provided where parents are provided training or counseling.

2. EXCEPTION TO THE REQUIREMENT. The department may grant an exception to a requirement of this chapter when a family child care center demonstrates to the satisfaction of the department that granting the exception will not jeopardize the health, safety or welfare of any child served by the center. A request for an exception shall be in writing, shall be sent to the department and shall include justification for the requested action and a description of any alternative provision planned to meet the intent of the pertinent provision in this chapter.

   The Exception Request form is the preferred format for the request. A request in the form of correspondence will be accepted as an alternative. The exception request must include the rule number for which the exception is being requested; a signature of the licensee or the person previously delegated in writing by the licensee to have the authority to sign official documents or correspondence; and the alternative provisions planned to meet the intent of the rule.

   Action on implementation of the exception request may not be taken by the licensee until an affirmative response is received from the Department.

   Failure to comply with the conditions of the exception could result in withdrawal of the exception and/or initiation of other enforcement actions such as forfeiture or revocation of the license.

   **Note:** A request for an exception to a requirement of this chapter should be sent to the regional licensing representative of the Department’s Division of Early Care and Education. See Appendix A for addresses of the regional offices.
**DCF 250.03 Definitions.** In this chapter:

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

(2) “Caregiver background check” means the retrieval of information about an individual’s past criminal conduct pursuant to s. 48.685, Stats., and ch. DCF 12 that may bear on the suitability of that individual to assume a child caregiving role or have regular contact with children at the center. Effective 09/30/2018, s. 48.686, Wis. Stats., is the correct statute defining caregiver background check requirements for child care centers. Information regarding background check requirements may be found at [https://dcf.wisconsin.gov/cclicensing/cbc](https://dcf.wisconsin.gov/cclicensing/cbc).

(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.

(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.

(6) “Emergency” means situations such as fire, tornado, flood, extreme outdoor heat or cold, loss of building service including, no heat, water, electricity or telephone, threats to the building or its occupants, lost or missing children or a provider family situation such as a medical emergency, illness or other circumstance requiring 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.

(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 12 hours or less in a 24-hour period. See DCF.250.05(3)(c)-PROVIDER – 12 HOUR CARE LIMIT and DCF 250.05(3)(d)-CHILD – 12 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 substantially relates to caring for children, as described in ch. DCF 12.

   (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) “HealthCheck provider” means a provider of health assessment and evaluation services eligible to be certified under s. DHS 105.37(1)(a).

DHS 105.37 Certification of 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. Indian health agencies
10. Neighborhood health centers

(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.

(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.

**NOAA’s National Weather Service Heat Index**

<table>
<thead>
<tr>
<th>Temperature (°F)</th>
<th>Relative Humidity (%)</th>
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<tr>
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**Likelihood of Heat Disorders with Prolonged Exposure or Strenuous Activity**

Caution | Extreme Caution | Danger | Extreme Danger
(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 enrolled in the center, with the center providing supervision, either on or off the premises, for the safety and the developmental needs of the child or children.

(18) “Licensee” means the individual, corporation, partnership, limited liability company, non-incorporated association or cooperative 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.

(20) “Mildly ill” means a child who has a common, temporary illness that is non-progressive in nature and is not listed on the communicable disease chart in appendix A of ch. DHS 145.

(21) “Night care” means any care that is offered by a licensed family child care center between 9:00 PM and 5:00 AM.

(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.

(27) “Provider” means an adult who has met the requirements specified in s. DCF 250.05(1) 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.

(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.

(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 250.05(3)(j) and (m) and 250.07(7)(e).

(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.
(1) TERMS OF LICENSE.
(a) The number of children in the care of a family child care center at any time may not exceed the number for which the center is licensed.
(b) The age of children served by a center may not be younger or older than the age range specified in the license issued.

A license may be granted for the care of children through age 17. If a provider wishes to care for a child above or below the specified age on the license, an exception should be requested. For example, a provider who is licensed up to age 12 and wishes to care for one child age 14. The exception must be granted prior to caring for a child above or below the ages specified on the license.

If a provider wishes to be licensed to care for children aged 2 and above, and has his/her own child under age 2, an exception to the age range of the license may be granted with the condition that all the licensing rules for children under age 2 apply except for the requirement for I/T training. See commentary under DCF 250.05(1)(b)6. Provider Training Within 6 Months Caring For Infants & Toddlers.

(c) The hours, days and months of a center’s operation may not exceed those specified in the license.

(2) ADMINISTRATION. A licensee shall do all of the following:
(a) Comply with all laws governing the facility and its operation.

WISCONSIN SHARES COMPLIANCE: This rule requires centers to comply with the subsidy requirements found in Ch. 49, Wis. Stats., and DCF 201.

VEHICLE INSURANCE: Under 2011 Wisconsin Act 14, policies issued or renewed on or after November 1, 2011, must provide the following:
- Minimum liability coverage:
  - $25,000 for injury or death of one person;
  - $50,000 for injury or death of two or more people; and
  - $10,000 for property damage.
- Uninsured motorist coverage of $25,000/$50,000 each for bodily injury only.

CARBON MONOXIDE DETECTORS: 2009 Wisconsin Act 158 requires a functional carbon monoxide detector be installed in all one- or two-family dwellings in the basement and on each floor, except the attic, garage or storage area. Either battery powered or wired detectors are acceptable. If a detector is wired to the dwelling’s electrical system, the detector must have a battery backup power supply. This requirement does not apply if the dwelling has no attached garage, no fireplace and no fuel-burning appliance such as a stove or furnace.

(b) Comply with all requirements in this chapter.
(c) Ensure that all information provided to the department is current and accurate.
(d) Prior to receiving or continuing a license, complete all application forms and pay all fees and forfeitures due to the department.

Note: The Department will provide an application after a Department representative completes the provision of pre-licensing technical assistance.
(e) Develop, submit to the department for compliance review, implement and provide to the parents written policies and procedures related to all of the following:

The department has developed a Policy Sample – Family Child Care Centers that is available from the department’s website at www.dcf.wisconsin.gov. A completed Policy Checklist – Family Child Care Centers must be sent to the department at the time the policies are submitted for review. The policy checklist is available on the department’s website, www.dcf.wisconsin.gov.

While awaiting department approval, the responsibility for ensuring that policies and plans are implemented and meet the requirements of this chapter remains with the licensee.
It is recommended that centers periodically review their existing policies and procedures to determine whether any changes are necessary to reflect current procedure. Any changes to policies must be submitted to the department at the time of the change and be provided to parents.

It is recommended that policy revisions be dated and that providers obtain dates and signatures from the parents as documentation that they have received the policy revisions.

1. Enrollment and discharge of enrolled children.

DISCRIMINATION: The DCF Civil Rights Unit investigates all discrimination complaints that are submitted to DCF by its clients and customers that are based on practices prohibited by relevant state and federal civil rights laws. Contact the DCF Equal Opportunity Officer at 608-266-5335 or the US Department of Health and Human Services Office of Civil Rights at 312-886-2359. See Appendix J Resources List; together Children Grow – Quality Child Care for Children with Special Needs

2. Fee payment and refunds.

3. Child and provider absences, including a procedure to contact a parent if a child is absent from the center without prior notification from the child’s parent.

4. Children’s and staff’s health care, including those policies and procedures pertaining to SIDS risk reduction, if the center is licensed to care for children under one year of age.


7. Child guidance, including appropriate ways to manage crying, fussing or distraught children.

For information on suggested ways to manage crying, fussing or distraught children, see Appendix J Resources List.

8. Transportation of children for any purpose including field trips. The policy shall include a procedure to ensure that no child has been left unattended in a vehicle.

9. Religious instruction or practices, if any.

10. Information related to the numbers, types and location of pets or other animals located on the premises of the center and the type of access the children will have to the pets.

Note: Under the state public accommodation law, s. 106.52, Stats., federal law and regulations related to use of federal funding, and some local anti–discrimination ordinances, denying admission on the basis of race, handicap, religion or certain other characteristics may be illegal.

(f) Develop, submit to the department for approval and implement a written orientation plan for any employees, substitutes and emergency back-up providers. The orientation plan shall cover all the items described in s. DCF 250.05(2)(a) and (b).

Note: See s. DCF 250.05(2)(a) and (b) regarding providing an orientation to employees, substitutes and emergency back-up providers.

(g) Provide written information to parents on whether a licensee has insurance coverage on the premises and on the child care business. Liability insurance on the child care business is required if cats or dogs are allowed in areas accessible to children during the hours of operation as specified in s. DCF 250.07(7)(h).

Note: The information provided could be included as a rider on a homeowner policy or a separate insurance policy on the child care business. A certificate of insurance or other documentation from an insurance company that indicates the number of children covered, dates of coverage and types of pets covered is acceptable.

Amounts of coverage need not be included.

If dogs and cats are not accessible to children, insurance is not required. See DCF 250.07(7)(h)

PETS & ANIMALS – LIABILITY INSURANCE.

(h) Post the child care license in a location where parents can see it during the hours of operation.
(i) Post next to the child care license the results of the most recent licensing inspection, including any rule violations cited by the department, any notice of enforcement action, including revocation or denial, and any stipulations, conditions, exceptions or exemptions that affect the license. Items posted shall be visible to parents.

The Noncompliances Statement and Correction Plan form or the Statement of Compliance is the result of the most recent licensing inspection.

(j) Ensure that any action, by commission or omission, or any condition or occurrence relating to the operation or maintenance of the child care center does not adversely affect the health, safety or welfare of any child under the care of the licensee.

(k) Meet, upon request of the department, with a licensing representative on matters pertaining to the license.

(L) Submit to the department by the department’s next business day a completed Background Information Disclosure form and appropriate caregiver background check fees when a person aged 10 and above becomes a household member.

Effective 9/30/2018, the Background Information Disclosure form has been replaced with the Background Check Request (BCR) form, DCF-F-5296, and is required for individuals age 10 and older. Licensees submit a BCR for themselves and others through the Child Care Provider Portal (CCPP).

Per s. 48.686(2)(ab), Wis. Stats., each child care program shall submit a request to the department for a caregiver background check prior to the date on which the individual becomes a caregiver or household member. Per s. 48.686(4m)(c), individuals may not begin working or residing at the child care center until they receive preliminary eligibility. New employees or new household members may begin working or residing at a family child care center with preliminary eligibility results, but they must be under supervision of someone with a DCF approved caregiver background check until they receive final eligibility.

Licensees are reminded to promptly remove individuals from their facility’s profile in CCPP when an individual no longer resides at, or is no longer employed by, the center. Failure to do so may result in the facility being charged for subsequent automated caregiver background checks being conducted on inactive individuals.

(m) Submit to the department by the department’s next business day a completed Background Information Disclosure form for each current household member who turns age 10.

DCF will contact the licensee and request the Background Check Request form when a household member turns age 10. Licensees should verify that all household members age 10 years and older are entered in the Child Care Provider Portal (CCPP).

Note: For more information about caregiver background checks refer to the administrative rule under ch. DCF 12. Information on how to obtain a copy of the Background information Disclosure form is available on the department’s website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(3) REPORTS. The licensee shall report to the department all of the following. If the report is made by telephone, the licensee shall submit a written report to the appropriate regional licensing office within 5 business days of the incident. Fax, e-mail and letter are acceptable ways of filing a written report:

The licensing rules identify what must be reported to the department and the time frames for making those reports. The licensing specialist will review any report made and may conduct a follow-up investigation to determine whether licensing violations have occurred or a situation exists that has the potential to cause harm to a child. Follow-up investigation may involve a site visit, a review of additional documentation submitted by the licensee, a review of police reports or county investigations or interviews with staff members or parents.
(a) Any death of a child in care, or any incident or accident that occurs while the child is in the care of the center that results in an injury that requires professional medical treatment, within 48 hours of the licensee becoming aware of the medical treatment.

**Note:** The licensee may use either the department’s form, Accident Report — Child Care Centers, available from any regional licensing office in Appendix A, the department’s web site, http://dcf.wisconsin.gov or the licensee’s own form to report incidents, accidents and deaths.

"Professional medical treatment" means being seen for evaluation or treatment by a health care professional such a physician, physician assistant, dentist, nurse, etc.

*It is recommended that a center include information on the details of what happened to cause the injury when making the written report. Examples of details that should be included in this report are: date and time, detailed description of what caused the injury, any witnesses, what action was taken by the provider at the time of the incident or accident.*

(b) Any damage to the premises that may affect compliance with this chapter, within 24 hours after the occurrence.

**Damage to the premises that might require a report includes any disaster, such as a fire, tornado, roof collapse, etc., or any damage to the premises that results in the loss of services.**

(c) Any construction or remodeling on the premises that has the potential to affect an area accessible to children or a condition of the license. Notification shall be provided in writing before the construction or remodeling begins.

**Note:** See s. DCF 250.11(6)(a) for items that affect a condition of the license.

**Note:** It is recommended that the licensee check with the local municipality to determine whether a building permit is required before beginning any construction or remodeling.

(d) If requested by the department, a plan of correction for cited violations of this chapter or ch. 48, Stats., in a format specified by the department. The department shall receive the plan of correction by the date the department specifies and be approved by the department licensing representative.

**Note:** The licensing representative will notify the licensee whether a plan of correction will be required and will provide the plan of correction format with the notification.

(e) Any known convictions, pending charges or other offenses of the licensee, a provider, household member or other person subject to a caregiver background check which could potentially relate to the care of children at the center or activities of the center by the department’s next business day.

(f) Any incident related to a child who leaves the premises of the center without the knowledge of a provider or any incident that results in a provider not knowing the whereabouts of a child in attendance at the center within 24 hours of the incident.

(g) Any incident involving law enforcement within 24 hours after the occurrence that:
1. Involves a licensee, a household resident or an employee of the center in an incident that causes, or threatens to cause, physical or serious emotional harm to an individual, including a child in the care of the center.
2. Involves any traffic-related incident where a person responsible for the violation transports children in the care of the center.

(h) Any change in room usage, such as using rooms not previously approved for use at least 20 working days prior to the change. Changes in room usage shall be approved by the department prior to the change.

(i) Any suspected abuse or neglect of a child by a provider, volunteer or household member that was reported under sub. (8)(a), or any inappropriate discipline of a child by a provider, volunteer or household member including any incident that results in a child being forcefully shaken or thrown against a hard or soft surface during the child’s hours of attendance within 24 hours after the incident.

**Note:** See also s. DCF 250.07(2) for information on guiding children’s behavior and sub. (6)(c) regarding recording injuries in a center medical log.

(j) A change in transportation services at least 5 calendar days prior to the change. A change in transportation services shall be approved by the department.

(k) Statistical data required by the department on forms provided by the department.
250.04(3)(k) **Note:**

The Department periodically requests statistical data from licensees. An example of the type of data collected relates to the immunization status of children in care. When the Department requests statistical data, the Department will supply the appropriate form.

(1) Seasonal closings at least 5 calendar days before the closing.

(2) The seasonal closing date must be communicated to the office of the licensing specialist at least 5 calendar days before the closing.

(3) Any program closing for more than 2 weeks (for any reason) must notify the licensing specialist of the closing.

(4) Any confirmed case of a communicable disease reportable under ch. DHS 145 in a child enrolled in the child care center or a person in contact with children at the center within 48 hours.

(5) The provider may lock the door for security.

(6) When access is prohibited or restricted by court order, permission to call for the child is also affected. To prohibit or restrict access, the center should have a copy of the court order on file at the center. It is recommended that the policies should include notification to parents that they are permitted to visit and observe during hours of operation. Refer also to DCF 250.04(7)(b)2. ACCESS TO RECORDS & REPORTS – PARENTS.

(7) The provider shall give parents of each enrolled child a summary of this chapter.

The brochure titled “Your Guide to Regulated Child Care” is the summary referenced in this rule. It is available at www.dcf.wisconsin.gov.

(8) The licensee shall notify a parent of a child in care of all of the following circumstances:

1. The child is or has been exposed to a diagnosed or suspected communicable disease reportable under ch. DHS 145 as specified under s. DCF 250.07(6).

2. The child becomes ill or is injured seriously enough to require professional medical treatment. Notification shall be made immediately.

(9) Any trauma to the head, which may or may not result in visible injury or bruising, may be serious, and it is recommended that parents be notified immediately.

**Note:** Copies of a summary of this chapter may be obtained from the Child Care Information Center by calling 1-800-362-7353.

(10) The licensee shall notify a parent of a child in care of all of the following circumstances:

1. The child is or has been exposed to a diagnosed or suspected communicable disease reportable under ch. DHS 145 as specified under s. DCF 250.07(6).
3. The child has sustained a minor injury that does not appear to require professional medical treatment. Notification may be made when the child is picked up at the center or delivered to the parent or other authorized person.

4. The date, time and destination of any field trip as specified in sub. (6)(a)2.

The Child Care Enrollment form required under DCF 250.04(6)(a) contains a blanket permission to take children on field trips. Centers may notify parents of the date, time and destination of any field trip through the use of the Field Trip or Other Activity Notification/Permission—Child Care Centers form or another form of documentation that will be used for each child on each field trip.

(5) STAFF RECORDS. The licensee shall maintain a file for each provider, employee, or substitute and make the file available for review by the licensing representative. The file shall contain all of the following:

(a) A completed staff record form provided by the department.

If the licensee is a provider, a file is required. Electronic files are permitted as long as the file is available for review during a licensing visit and contains all required information, including department-required forms. It is recommended that the licensee develop a procedure to ensure that staff emergency contact information and any pertinent health information is immediately available if needed.

Note: The department’s form, Staff Record—Child Care Centers, is used for recording staff information. Information on how to obtain the form is available on the department’s website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(b) A completed background information disclosure form provided by the department that does not reveal any information that may preclude the person’s contact with children under s. 48.685, Stats., or ch. DCF 12 prior to the first day of work and every 4 years thereafter.

Section 48.686, Wis. Stats., outlines statutory requirements related to caregiver background checks. For employees hired on or after 10/1/2018, a background information disclosure (BID) form is no longer required to be in a staff file. The BID form has been replaced with the digital Background check Request (BCR) form, DCF-F-5296. It is required for individuals age 10 and older. Providers submit a BCR for themselves and others through the Child Care Provider Portal (CCPP). The digital form must be submitted initially and reviewed every five years at the time the five-year fingerprint check is due.

Note: The department’s form, Background Information Disclosure, is used for reporting employee background information. Information on how to obtain the form is available on the department’s website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A. Effective 9/30/2018, the Background Information Disclosure form was replaced by the Background Check Request, DCF-F-5296.

(c) The results of the complete caregiver background check including any report of any investigation required under ch. DCF 12 within 60 days after hire and every 4 years thereafter.

Note: If the licensee is a provider, the department is responsible for collecting the completed Background Information Disclosure form and conducting the necessary caregiver background check on the licensee.

Effective 9/30/2018, the Department of Children and Families (DCF) conducts background checks for applicants, licensees, household members and employees of a child care center. In some instances, DCF may conduct background checks on minor household members.

Per s. 48.686(4m(c), Wis. Stats., individuals may not begin working or residing at the child care center until they receive preliminary eligibility. New employees or new household members may begin working or residing at a family child care center with preliminary eligibility results, but must be under supervision of someone with a DCF-approved caregiver background check until they receive final eligibility.

The Preliminary Eligibility Determination and Final Eligibility Determination notices are the documentation accepted as the results of a complete caregiver background check after 10/1/2018. The notices should be in the staff file or made available to the licensing specialist upon request.
(d) Documentation of the actual hours a provider, substitute, employee or volunteer has worked and whose time is used to meet the applicable staff to child ratio under Table DCF 250.05.

(e) Except as provided under par. (f), a physical examination report on a form provided by the department that was completed within 12 months prior to or 30 days after the person became licensed or began working with children. The report shall be dated and signed by a licensed physician, physician’s assistant or HealthCheck provider. The report shall indicate all of the following:
1. That the person is free from illness detrimental to children, including tuberculosis.
2. That the person is physically able to work with young children.

Per Division of Health, there are 2 different types of TB testing that will meet this requirement. The Manitou Skin test or the Quantiferon Gold Blood Assay test. If either test is indicates previous exposure to tuberculosis, an evaluation by a physician should be done rather than a chest x-ray. This evaluation must conclude that the person does not have active TB in order for the person to continue to provide care to children.

See DCF 250.03(14) for definition of HealthCheck Provider.

Note: The department’s form, Staff Health Report — Child Care Centers, is used for recording physical examination information. Information on how to obtain the form is available on the department’s website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(f) The health examination requirement under par. (e) does not apply to a provider who requests an exemption from par. (e) based on the provider’s adherence to religious belief in exclusive use of prayer or spiritual means for healing in accordance with a bona fide religious sect or denomination.

According to the "Christian Science Committee on Publications for Wisconsin" the Christian Science faith is the only religion that qualifies under this exemption. Evidence of exemption is presented through a Christian Science form titled "Application for Exemption from Physical Examinations and Immunization."

(g) Documentation of the entry level training requirements under s. DCF 250.05(1)(b).

Documentation of training could be a Registry certificate that specifies the person is qualified as a family child care provider; copies of completion postcards issued by the Registry for non-credit department-approved courses called Introduction to the Child Care Profession, Fundamentals of Family Child Care and, if the center is licensed to care for children under age 2, Fundamentals of Infant and Toddler Care or copies of transcripts issued by an institution of higher education. See DCF 250.04 (5)(k) – REQUIREMENT FOR REGISTRY CERTIFICATE.

If an employee or volunteer is not counted in the staff-to-child ratio, the staff file does not need to contain entry-level training documentation.

(h) Documentation of the training required under s. DCF 250.05(1)(b)7. in shaken baby syndrome prevention.

Completion of the non-credit, department-approved courses “Introduction to the Child Care Profession” or “Fundamentals of Infant and Toddler Care”, taken after July 1, 2005 will meet this requirement. Documentation that the course was completed after July 1, 2005, is all that is required to demonstrate that training in shaken baby syndrome prevention was completed.

The credit course, “Health, Safety and Nutrition”, taken from a Wisconsin Technical College after January 1, 2006, will also meet this requirement. Documentation that the course was completed after January 1, 2006, is all that is required to demonstrate compliance.

A Registry certificate or a print-out of the person’s learning record from The Registry may also be used to document completion of training in shaken baby syndrome prevention.
(i) For persons who transport children, a copy of the person’s driver’s license and driving record that is obtained by the licensee under s. DCF 250.08(3)(b).

See DCF 250.03(3) – DEFINITION OF CENTER-PROVIDED TRANSPORTATION and DCF 250.08(3)(b) – ANNUAL REQUIREMENT FOR A DRIVING RECORD.

(j) Parent volunteers used to transport children are not required to have a driving record on file. Information on how to obtain driving records may be obtained by contacting the Department of Transportation at (608) 261-2566 or https://wisconsindot.gov. (j) Documentation of the continuing education required under s. DCF 250.05(1)(b) 4. and 5.

The Department forms, Staff Continuing Education Record - Child Care Centers or Continuing Education Record - Independent Reading / Video Viewing may be used to document compliance with continuing education requirements. The Registry certificate, or a print-out from the individual’s learning record maintained by The Registry, may be used to document continuing education. See Appendix I for instructions on obtaining department forms.

(k) For persons licensed or beginning work with children on or after January 1, 2009, a certificate from The Registry. Substitutes are not required to have a Registry certificate until they have worked for 240 hours.

A person has 6 months after becoming licensed or beginning to work with children to obtain a Registry Certificate. Information about obtaining a Registry certificate can be found on The Registry’s website: http://www.the-registry.org/

A Registry certificate issued before January 1, 2009, that indicates the person is qualified as a family child care provider is acceptable.

Course completion post cards for department-approved, non-credit entry-level training may not replace a Registry certificate that indicates a person’s placement level on the career ladder. An individual’s Registry learning record will be accepted if it documents the individual’s Registry level and the position(s) for which the individual is qualified.

A teaching license issued by the Wisconsin Department of Public Instruction or by another state may be used in place of a Registry certificate. Teaching licenses need not be current.

A person holding a substitute, paraprofessional or teaching assistant license issued by DPI must have a Registry certificate on file

(6) CHILDREN’S RECORDS.

(a) The licensee shall maintain a current written record at the center on each child enrolled, including the provider’s own children under age 7, and shall make the record available to the licensing representative on request. Each record shall include all of the following:

Electronic files are permitted as long as the file is available for review during a licensing visit. It is recommended that the licensee develop a procedure to ensure that emergency contact information, the child’s health history and infant / toddler-specific information is immediately available if needed.

Administrative rules do not prescribe the office management or record keeping techniques of a center. Required records must be maintained for the length of time the child is enrolled, be on the premises for children in care and be available to the licensing specialist for review.

It is recommended that the date of discharge be added to the child’s record and that the center retain records for 3 years after a child is discharged.

1. Enrollment information and health history on forms provided by the department. The enrollment information and health history shall be on file prior to the child’s first day of attendance.
Note: The department’s forms, Child Care Enrollment and the Health History and Emergency Care Plan, are used for recording enrollment and health history information. Information on how to obtain department forms is available on the department’s website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A. See s. DCF 250.07(6)(L)5. for information on sharing information related to a child’s special health care needs.

Enrollment information should include both parents if applicable. If parental access is denied, it is recommended that a current copy of the court order be on file at the center.

2. Parental authorization for the child to participate in and be transported for field trips and other activities if these are part of the program.

It is recommended that emergency information for the children be taken during field trips.

Note: The department’s form, Child Care Enrollment, includes a blanket authorization to take children on field trips. The department’s form, Field Trip or Other Activity Notification, or another type of notification such as a note to a parent may be used to provide specific information about a field trip. Information on how to obtain department forms is available on the department’s website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

3. A written agreement, signed by the parent, outlining the plan for a child to come to the center from school, home or other activities and to go from the center to school, home or other activities unless the child is accompanied by a parent or other authorized person or the child is transported by the center.

The provider should plan for situations when a child fails to arrive as scheduled from school or another activity. A parent may authorize other persons to drop-off or pick-up a child through a note or on the Child Care Enrollment form. If a child is transported by a school bus, taxi or transportation company that may have various individuals providing the transportation, then the written agreement should specify the transportation agency as the authorized pick-up or drop-off “person.”

Note: The licensee may use either the department’s form, Alternate Arrival/Release Agreement — Child Care, or the licensee’s own form for securing the parent’s signed agreement. Information on how to obtain the form is available on the department’s website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

4. Documentation of each child’s immunization history and, except for a school-aged child, the most recent physical examination.

Note: See DCF 250.07(6)(L)1. and 2. for information on frequency of health exams. The department’s form, Child Health Report — Child Care Centers, is used to document a child’s health exam. Information on how to obtain the department form is available on the department’s website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

The Department of Health Services form, Child Care Immunization Record, may be used to record immunizations. An electronic printout from the Wisconsin Immunization Registry or other registry maintained by a health care provider may be used in place of the Child Care Immunization Record form.

Under s. 252.04, Wis. Stats., and Ch. DHS 144, the immunization record for each child must be on file no later than 30 school days (6 calendar weeks) after the first day of a child’s attendance.

Evidence of a health exam may include a form or a printout from a child’s medical record that includes the date of the exam, the child’s name and the name of the health professional who conducted the exam. No exception is required for the use of a form that is not the department’s form Child Health Report or for an electronic health examination record.

5. Written permission from the parents under s. DCF 250.07(6)(k) for medical attention to be sought for the child if the child is injured.

6. For an infant or toddler, a current statement from the parent on a form provided by the department about the infant or toddler’s habits of eating, sleeping, toileting and communication, and specific techniques that appear to comfort the child.
Note: The department’s form, Intake for Child Under 2 Years, is used for recording the infant’s or toddler’s habits. Information on how to obtain the department’s form is available on the department’s website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

See 250.09(1)(c)1. Infant & Toddler – Individualized Care

(b) The licensee shall maintain a current, accurate written record of the daily attendance on a form prescribed by the department that includes the actual time of arrival and departure for each child for the length of time the child is enrolled in the program.

Note: The department’s form, Daily Attendance Record — Child Care, is used for recording a child’s daily attendance. Information on how to obtain the department’s form is available on the department’s website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

The Daily Attendance Record must be up-to-date and must include each time a child (including the provider’s own child under age 7) is checked in to and out of care at the facility throughout the day (e.g., preschool, swim lesson, etc.). It is acceptable to use a child’s first name and last initial on the attendance record instead of first and last name.

It is recommended that entries on the Daily Attendance Record be made in ink. If a time was entered incorrectly or by mistake, it is recommended that the incorrect information be struck through and initialed by the person correcting the error.

The child should be signed in for actual hours of care. If a center is licensed for more than 12 hours, times documented should include AM and PM designation.

When the center provides transportation, the attendance tracking requirements apply. There may be 2 attendance records kept when children are transported. One record could reflect attendance during transportation, and the other could reflect attendance while the child is at the center. Attendance records must include the actual time of pick up and/or drop off.

If the child is transported by means other than center-provided transportation, the transporter is responsible for the child until the child is received by, or placed in the vehicle by, center staff. If a child is not received directly by center or school staff, an authorization for this time when the child is not supervised must be signed by the parent/legal guardian. If more than 8 children are in care, regardless of whether some children are being transported and others are at the center, the center is considered over-capacity.

For questions related to requirements for retaining attendance records for WI Shares Child Care Subsidy Program purposes, contact the local child care coordinator.

(c) The licensee shall maintain a medical log book with pages that are lined and numbered and a stitched binding. A provider shall record in ink any injuries received by a child, evidence of unusual bruises, contusions, lacerations or burns received by a child in or out of center care or medication dispensed to a child in the medical log and sign or initial each entry. Pages may not be removed or lines skipped.

Not every injury will be apparent immediately. It is recommended to record every accident / incident. For example, a child bumps his/her head and no mark or bump is readily apparent but there is the potential for a mark, bump or bruise to develop. This accident should be recorded.

Any trauma to the head, which may or may not result in visible injury or bruising, may be serious, and it is recommended that parents be notified immediately.

Entries regarding a specific child made in a medical log book must be available to that child’s parent in accordance with DCF 250.04 (7)(b). To protect a child’s confidentiality, centers are strongly encouraged to have separate entries for each child involved in an incident such as biting. When parents ask to review the medical log book, the center should have a procedure for ensuring that a parent reviewing the record for his/her own child does not see information about another child in care.
250.04(6)(c) continued

In addition to providing accountability to the parents and the department, bound books and recording as specified may be admissible in court as evidence in case of civil suit.

The log should be kept as long as the center is in operation. For directions on maintaining a medical log, see Medical Log – Directions for Use. Instructions on how to obtain this document can be found on Appendix J Resources List.

See DCF 250.07(6)(k)1.-EMERGENCY MEDICAL AUTHORIZATION & INJURY NOTIFICATION.

Note: Licensees may obtain information about maintaining a medical log book by contacting the Child Care Information Center at phone number 800-362-7353.

Note: See sub. (8) of this section for requirements related to reporting suspected child abuse or neglect, and s. DCF 250.07(6)(b)2. for information on recording in the medical log book.

(7) CONFIDENTIALITY.

(a) The licensee is responsible for compliance by the center with s. 48.78, Stats., and this subsection.

It is recommended that the center have a policy regarding social media postings involving child care children.

(b) The licensee shall ensure that all of the following occur:

1. Persons having access to children’s records do not discuss or disclose personal information regarding the children and facts learned about the children and their relatives. This subdivision does not apply to any of the following:
   a. The parent or person authorized in writing by the parent to receive the information.
   b. Any agency assisting in planning for the child when informed written parental consent has been given.
   c. Agencies authorized under s. 48.78, Stats.

A licensed child care facility may give access to confidential information regarding an individual in care to a public school, social welfare or law enforcement agency or the Department of Children and Families. A social welfare agency is a county department of social or human services, an Indian tribal social service agency or agent or a licensed child welfare agency under contract with the county department. A law enforcement agency is a sheriff or police department.

2. A parent, upon request, has access to all records and reports maintained on his or her child.

Every parent has a right to their child’s school, medical and dental records. The only exceptions to this rule are if a court specifically orders that a parent does not have access to the child. It is recommended that a copy of such an order be on file at the center.

3. All records required by the department under this chapter for licensing purposes are available to the licensing representative.

(8) REPORTING CHILD ABUSE.

(a) A licensee or provider who knows or has reasonable cause to suspect that a child has been abused or neglected as defined in ss. 48.02(1) and 48.981(1), Stats., shall immediately contact the county department of social services or human services or local law enforcement agency in compliance with s. 48.981, Stats.

Licensees, employees and volunteers are mandated reporters under the law.

- A mandated reporter who witnesses or who has reasonable knowledge to suspect that a child has been abused or neglected is required to contact the proper authority (county department of social or health and human services or law enforcement) immediately.
- The witness or the person who has reasonable knowledge to suspect that a child has been abused or neglected should be the person to make the report.
- Because child-to-child contact may be determined to be abuse, child-to-child sexual contact must be reported.
- When in doubt, report the suspected abuse or neglect.
(b) The licensee shall document that each provider and substitute has received training at least every 2 years in all of the following:
   2. How to identify children who have been abused or neglected.
   3. The procedure for ensuring that all known or suspected cases of child abuse or neglect are immediately reported to the proper authorities.

The Department’s online training, “Mandated Reporter Online Training,” may be used to meet this requirement

Training may also be obtained from local child protective services, law enforcement or other agencies that provide continuing education experiences. See Appendix I for instructions on obtaining department forms. Training may be counted as continuing education.

“Darkness to Light” training and “Strengthening Families” training taken in-person after 07/01/2010 may be used to meet this requirement.

Note: Failure of the licensee to report known or suspected child abuse or neglect does not lessen the legal duty of a child care employee to report known or suspected cases of child abuse or neglect. Information related to child abuse may be obtained from the Child Care Information Center by calling 1-800-362-7353.

Note: See sub. (6)(c) of this section for information about logging evidence of unusual bruises, contusions, lacerations or burns received by a child in or out of center care in the center medical log book.
18
WISCONSIN ADMINISTRATIVE CODE

DCF 250.05 Staffing.

(1) RESPONSIBILITIES AND QUALIFICATIONS OF STAFF.

(a) Minimum age and competence. A family child care provider shall be physically, mentally and emotionally able to provide responsible care to all children, including children with disabilities, and shall be at least 18 years of age.

(b) Training.

An employee or volunteer who assists in the child care center but is not counted in the staff-to-child ratio is not considered a “provider” and is not required to meet the training requirements in this section.

If the licensee is a provider, a file is required.

Electronic files are permitted as long as the file is available for review during a licensing visit and contains all required information, including department-required forms. It is recommended that the licensee develop a procedure to ensure that staff emergency contact information and any pertinent health information is immediately available if needed.

See DCF 250.04 (6)(a) – STAFF FILES.

1.a. A provider shall have satisfactorily completed 3 credits of broad-based early childhood training or a non-credit course in caring for children approved by the department before receiving a license or working with children.

Note: The non-credit course called Introduction To The Child Care Profession is the non-credit course in caring for children that has been approved by the department. Acceptable broad-based early childhood education courses taken for credit include child development, child psychology or introduction to early childhood education. Information on agencies offering department-approved courses is available on the department’s website at http://dcf.wisconsin.gov.

b. A person licensed or beginning to work with children after January 1, 2009, shall have satisfactorily completed a non-credit course in operating a child care business approved by the department or its equivalent before becoming licensed or working with children.

Note: The non-credit course entitled Fundamentals of Family Child Care is the non-credit course in operating a child care business that has been approved by the department. Information on agencies offering the department-approved course is available on the department’s website at http://dcf.wisconsin.gov.

Equivalent courses could include a credit-based business training course, a course in the WI Child Care Administrator Credential or a course in center administration taken as part of an associates or bachelor’s degree in early childhood education.

If a person was qualified as a child care provider before January 1, 2009, the person remains qualified after January 1, 2009 without an exception. A Registry certificate issued before January 1, 2009, indicating the person is qualified as a family child care provider is acceptable documentation that the person has met the requirement for courses in early childhood education and the business of operating a family child care center.

If an individual is qualified as a family child care provider on the basis of completing the course “Early Childhood I,” it is recommended that the individual also complete the course “Fundamentals of Family Child Care,” which may be counted as continuing education.

2. If more than one provider is required to meet the staff-to-child ratios, each additional provider shall meet the training requirements as specified under this paragraph.

Second providers have 6 months after beginning work to complete the required training. At a minimum, the training consists of the courses “Introduction to the Child Care Profession” and “Fundamentals of Family Child Care.” If the second provider is a volunteer, see 3. below.
3. A substitute or volunteer used to meet staff-to-child ratios need not meet the training requirements specified in this section until the substitute or volunteer has worked in the center for 240 hours, except that the substitute or volunteer used to meet staff-to-child ratios shall complete department-approved training in shaken baby syndrome prevention before providing care and supervision to children under age 5.

The 240 hours is cumulative, not each year. Training must be complete at the time the individual reaches 240 hours. Documentation of the hours worked must be kept on file at the center. See DCF 250.04(5)(k)-STAFF FILE – REGISTRY CERTIFICATE.

4. A provider shall receive and document having received 15 hours of continuing education each year in child growth and development, early childhood education, caring for children with disabilities, or first aid as approved by the department. This training may include attendance at training events, workshops, conferences, consultation with community resource people or observation of child care programs. Up to 5 hours of independent reading or watching educational materials may be used to meet continuing education requirements.

Any 12-month period may be considered a continuing education year, provided this period is consistent from year to year.

Fifteen hours of continuing education each year may be documented by class card, certificate, transcript, or Registry bar code. The form, Staff Continuing Education Record, may be used to document continuing education hours.

The requirement for 15 hours of continuing education each year does not become effective until the regular license is issued. However, continuing education taken during the probationary period may be counted towards the first year's requirement.

Attendance at meetings such as support group meetings may be counted as continuing education if the meeting is related to training on a topic related to caring for children or operating a business. Only that portion of the meeting devoted to the training topic may be counted.

The required 10-hour Infant / Toddler, child abuse training and CPR course may be counted toward the continuing education requirement of 15 hours.

Technical assistance received as part of the YoungStar process may be counted as continuing education for the provider who was present during the time the technical assistance was received. Time spent during a formal rating evaluation visit for YoungStar may not be counted as continuing education.

Continuing education hours or credit courses may be used to meet the continuing education requirement during the year in which the hours are earned and for the following 2 years. Hours spent in observation in another program which results in college credits (such as in the mentor/protégé program) may not be counted, but the college credit will count. Credits should be converted to hours. For instructions on how to obtain Credit to Hour Conversion – Technical Colleges and Universities, see Appendix J Resources List.

The department does not approve agencies or trainers for continuing education. However, The Registry’s Professional Development Approval System (PDAS) provides a platform for ensuring that trainers have met certain qualifications and that training topics are taught by qualified instructors. To find continuing education training, see The Registry’s website: www.the-registry.org.

The Continuing Education Record – Independent Reading / Video Viewing form available on the department’s website may be used to document each child care-related book, magazine, article, DVD or video tape that is read/viewed as part of an employee’s continuing education effort. This may include time spent in study to develop a program and curriculum. It does not include time spent in the preparation of activities or instruction with children.
Time spent doing research in the child development associate credential (CDA) process can be counted as a part of the 5 allowed hours. Time spent assembling the portfolio in the CDA process does not count toward continuing education. The topic addressed by the continuing education experience must be one that would prepare a person to function better in their role as family child care provider and small business person.

**Note:** The licensee may use either the department’s form, Staff Continuing Education Record-Child Care Centers, or the licensee’s own form to document the completion of continuing education. Information on how to obtain the department’s form is available on the department’s website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

5. A provider shall obtain within 6 months of licensure or date of hire and maintain a current certificate of completion for a department-approved course in infant and child cardiopulmonary resuscitation including training in the use of an automated external defibrillator. The time spent obtaining or renewing cardiopulmonary resuscitation training may be counted towards the required continuing education hours.

The Department of Health Services, Bureau of Emergency Medical Services (BEMS) approves agencies to offer the CPR with Automated External Defibrillator (AED) training as required by statute. See the BEMS website [https://www.dhs.wisconsin.gov/ems/licensing/cpr.htm](https://www.dhs.wisconsin.gov/ems/licensing/cpr.htm) for a list of currently approved agencies. The training must result in a certificate of completion. If the certificate does not have a date specifying the length of time for which it is valid, the CPR training must be renewed every year. If the center does not serve infants, the CPR training could be child/adult CPR.

Substitutes and volunteers counted in staff-to-child ratio will need to have CPR training after they have worked in a center for 240 hours. Emergency back-up providers are not required to have CPR training.

6. Within 6 months of becoming licensed or working in a center licensed to care for children under age 2, a provider shall have completed at least 10 hours of department-approved training in the care of infants and toddlers.

Fundamentals of Infant and Toddler Care is the non-credit, department-approved training. Credit-based training in the care of children under age 2 is also acceptable.

If the only child under age 2 is the provider’s own child, and the center is not licensed to care for children under age 2, the training is not required. An exception to the age range on the license to care for his/her own child under age 2 should be in place. If a license is amended to include care of children under age 2, the training must be completed within 6 months of the license amendment date.

7. Before becoming licensed or providing care and supervision to children under age 5, a provider, substitute, volunteer, emergency back-up or any other person providing care and supervision to children in a family child care center shall have completed department-approved training in shaken baby syndrome prevention unless the person has documentation of completion of one of the non-credit, department-approved, entry-level courses that contain the required materials taken after July 1, 2005.

A Registry certificate that indicates Shaken Baby Syndrome (SBS) prevention training was completed is acceptable documentation.

See DCF 250.04(5)(h)-STAFF FILE – SHAKEN BABY SYNDROME PREVENTION TRAINING. SBS training is required for all vehicle drivers when children under age 5 are transported.

A certificate of completion used to document the required SBS prevention training must contain all of the following: printed (typed) name of student; printed (typed) name of training agency; printed (typed) date the training was completed; printed (typed) name of approved trainer; printed (typed) name of training; and signature of trainer.
Note: Introduction to the Child Care Profession and Fundamentals of Infant and Toddler Care are the names of the non-credit, department-approved, entry-level courses that contain the required shaken baby syndrome prevention materials. Information on agencies offering the department-approved courses is available on the department’s website at http://dcf.wisconsin.gov/.

(c) Volunteers. No person may offer child care training as specified in this section unless the person and the course have been approved by the department.

Note: Information on the approval process for non-credit courses is available on the department’s website, http://dcf.wisconsin.gov.

(2) STAFF DEVELOPMENT.

(a) Orientation of employees, volunteers and substitutes. Each employee, volunteer, or substitute shall receive an orientation before beginning work. The orientation shall be documented on a form provided by the department and kept in the employee file. The orientation shall cover all of the following:

Note: The current background check notification requirements affecting employees, volunteers, and substitutes are in s. DCF 12.08 (3).

Note: See s. DCF 250.04(2)(f) relating to a written plan for orientation.

1. Names and ages of all the children in care.
2. Current arrival and departure information for each child enrolled including the names of people authorized to pick up the child.
3. A review of children’s records including emergency contact information.
4. Specific information relating to children’s special health care needs including medications, disabilities or special health conditions.
5. Procedures to reduce the risk of sudden infant death syndrome, if the center is licensed to care for children under one year of age.
6. An overview of the daily schedule including meals, snacks, nap and any information related to the eating and sleep schedules of infants and toddlers enrolled in the center.
7. A review of the center’s procedures for dealing with emergencies.
8. The procedure for reporting suspected abuse and neglect of a child.
9. The plan for evacuating sleeping children, if the center is licensed to care for children between the hours of 9 PM and 5 AM.
10. The procedure to contact a parent if a child is absent from the center without prior notification of the absence from the parent.
11. Review of center policies required under s. DCF 250.04(2)(e).
12. Review of this chapter.
13. Review of s. DCF 12.07(1) which requires a provider to notify the licensee as soon as possible but no later than the provider’s next working day when any of the following occurs:

Effective 7/1/2016, DCF 12.08(3) is the administrative rule which requires a caregiver to notify the licensee if any offenses under DCF 12.08(3)(a) – (h) occur.

a. The provider has been convicted of a crime.
b. The provider has been or is being investigated by any governmental agency for any other act, offense, or omission, including an investigation related to the abuse or neglect, or threat of abuse or neglect, to a child or other client, or an investigation related to misappropriation of a client’s property.
c. The provider has a substantiated governmental finding against them for abuse or neglect of a child or adult or for misappropriation of a client’s property.
d. A professional license held by a provider has been denied, revoked, restricted or otherwise limited.

Note: The department’s form, Staff Orientation Checklist — Family Child Care Centers, is used to document completion of employee orientation. Information on how to obtain the form is available on the department’s website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(b) Orientation of emergency back-up providers. Each time an emergency situation occurs, each emergency back-up provider shall receive an orientation immediately before being left alone with the children. The orientation shall cover all of the following:

Note: See s. DCF 250.04(2)(f) relating to a written plan for orientation.
250.05(2)(b)1.

1. Names and ages of all the children in care.
2. Arrival and departure information for each child in care including the names of people authorized to pick up the child.
3. Location of children’s files including emergency contact information, consent for emergency medical treatment and any special health care needs.
4. Procedures to reduce the risk of sudden infant death syndrome, if the center is licensed to care for children under one year of age.

(3) SUPERVISION.

(a) A provider may not be engaged in any other activity or occupation during the hours of operation of the center, except for daily maintenance of the home.

Daily maintenance of the home does not include time-consuming tasks which would prevent the provider from supervising and interacting with children. Acceptable tasks include dusting, floor sweeping, meal preparation and clean up and laundry.

Home-based occupations may not be practiced during hours of operation (such as Mary Kay cosmetics, Avon, Tupperware, etc.).

HOME SCHOOLING or CHILDREN ATTENDING a VIRTUAL (ON-LINE) SCHOOL: Home schooling is defined as a program of educational instruction provided to a child by the child's parent or guardian or by a person designated by the parent or guardian. A virtual school or cyber school describes an institution that teaches courses entirely or primarily through online methods. The program must provide 875 hours of instruction in a sequentially-progressive curriculum of fundamental instruction in reading, language arts, mathematics, social studies, science and health each school year. Licensed family child care in a home where the provider's own children are receiving home-based education or virtual schooling may be permitted through an exception if the following conditions are met:

- The department is notified in writing that home-schooling or attendance through a virtual school is occurring.
- Home-schooling does not primarily take place during hours of center operation.
- Home-schooling and virtual attendance does not interfere with the family child care programming.

2. The licensee may not combine the care of children enrolled in the child care center with foster care of other non-related children or adults without the prior written approval of both licensing agencies.

Written approval must be obtained from the foster care licensing agency, and a stipulation must be signed by the licensee.

Combining treatment foster care and family child care will not be approved.

Care of adult family members will be reviewed on a case-by-case basis.

(b) A provider shall be awake whenever children are in care.

(c) No individual provider may take care of children for more than 12 hours in any 24-hour period.

A license may be granted for more than 12 hours in a 24-hour period if a second qualified provider cares for and supervises children after 12 hours.

See DCF 250.04(5)(d) – STAFF FILE – DAYS, HOURS WORKED.

(d) No child may be in care for more than 12 hours in any 24-hour period.

An exception may be granted to a child care center for a child or children to be in care for more than 12 hours in a 24-hour period if a local business or corporation operates a 12-hour work shift for their employees or if the department determines that granting an exception would support the circumstances and the family. The exception does not need to be individual to each child if the exception is granted in relation to employees of a specific business. A written parental request for care in excess of 12 hours must be on file at the center.
(e) Except when a substitute is providing care, at least one provider who has completed the training required under s. DCF 250.05(1)(b)1. shall supervise children at all times. Substitutes shall have completed the training in shaken baby syndrome prevention required under s. DCF 250.05(1)(b)7. before working as a substitute.

(f) No person under 18 years of age may be left in sole charge of the children.

(g) The center shall have a plan approved by the department for ensuring supervision of the children in an emergency or during a provider’s absence.

(h) A provider and any other adult in contact with children may not consume beverages containing alcohol or any non-prescribed controlled substance specified in ch. 961, Stats., or be under the influence of any alcohol or a non-prescribed controlled substance, during the hours of the center’s operation.

(i) Each child shall be closely supervised by a provider to guide the child’s behavior and activities, prevent harm and assure safety.

Electronic monitoring devices may be used for supervising sleeping children only. Consideration should be given to the quality of the device, proximity and accessibility of provider and noise levels that may interfere with the provider's ability to hear.

See 250.04(2)(e)3. POLICY SUBMITTED AND IMPLEMENTED – ABSENCES; 250.05(2)(b) EMERGENCY BACK-UP PROVIDER – ORIENTATION and 250.03(7) for the definition of emergency back-up provider.

(j) A provider shall be outside with children and provide sight and sound supervision of the children unless the children are playing inside the enclosed outdoor area on the premises, as specified under s. DCF 250.06(11)(b).

The provider may supervise school-age children in or outside of the enclosed area from within the house if the provider is within sight or sound and the children have been informed of the boundaries. The provider must be able to guide the behavior and activities of the children as specified in the definition of supervision under DCF 250.03(34).

It is expected that children will play inside any enclosed area on the premises. If children are riding tricycles or other riding toys on a driveway or sidewalk or using sidewalk play items such as sidewalk chalk, they may play outside the enclosed area on an occasional basis.

(k) A child may not be released to any person who has not been previously authorized by the parent to receive the child.

Centers may accept a fax, electronic communication or phone call from the parent with proper ID presented at time of pick up. The Department recommends documentation of the telephone call and that identification of the person picking up a child was checked.

(L) The licensee shall implement a procedure to ensure that the number, names and whereabouts of children in care are known to the provider at all times.

(m) A provider shall be outside with children providing sight and sound supervision of the children when a wading pool with water in it is present in the outdoor play space specified in s. DCF 250.06(11)(b).

(4) STAFFING AND GROUPING.

(a) At no time may more than 8 children be in the care of the center. This total includes:

1. All children under 7 years of age, including a provider’s own children.

All licensing rules apply to the provider’s own children under age 7 including 250.07(2)(a) GUIDING CHILDREN’S BEHAVIOR; 250.08(5) and (6) regarding transportation of children; 250.09 regarding care of infants and toddlers. See 250.03(28) for the definition of provider’s own children.
2. All children 7 years of age or older who are not a provider’s own children.

See DCF 250.03(9) for the definition of family child care center.

Overlap periods in which more than 8 children are in care is a violation of the rule.

If a child under age 18 is used as a volunteer, they must be outside the licensed age range and be able to go home at any time. The volunteer must meet all volunteer requirements and, as with any staff, the licensee is ultimately responsible for the care and supervision of the children.

VISITING CHILDREN: There may be times when neighborhood or school playmates age 7 or older are on the premises to visit the provider’s own children. There is no rule violation in these circumstances.

Children age 7 or older who visit the child care center to play with children in care (not the provider’s own children), or to act as a “helper” for the provider, are considered to be in the care of the provider. When children under age 7 are present to visit the provider’s own children without an accompanying adult to supervise them, the licensing specialist may ask for the name and telephone number of parents or caregivers for these children to help determine whether the children are actually in the care of the licensed provider.

There may be occasions when a non-resident adult will visit the child care center bringing along his/her own children under the age of 7. Children must be properly supervised when a provider is visiting with another adult. Appropriate consideration must be given to the children’s activities during these visits.

Individual situations will be evaluated on a case-by-case basis.

JOINT ACTIVITIES WITH MORE THAN ONE LICENSED/CERTIFIED PROVIDER: Licensing rules do not permit family child care centers to exceed the number for which the center is licensed.

As an alternative to meeting at a family child care center, it is recommended that providers planning activities for multiple groups of children use a location off the premises of a licensed family child care center, e.g., the public library or a local park. These types of activities off the premises of a licensed facility are considered field trips.

(b) The maximum number of children that one provider may care for is specified in Table 250.05.

A child who is enrolled in a 4 year old kindergarten (4K) program may be considered a school-age child once the child turns age 5, even if this occurs during the 4K school year.

An exception may never be granted to exceed the licensed capacity of 8 children.

(c) If the size of the group or the age distribution of the children exceeds the number that may be served by one provider, an additional qualified provider shall be present.

Note: For example, if there are 3 children under age 2 present at one time and 5 children between the ages of 2 years and 6 years present, a second provider is required. At no time may the maximum number of children in care exceed 8.

See DCF 250.05(1)(b)2. PROVIDER TRAINING – ADDITIONAL REQUIRED PROVIDER; DCF 250.04(5) STAFF FILE – MAINTENANCE & AVAILABILITY.

The qualified second provider may be a person under the age of 18 who has successfully completed the DPI approved Assistant Child Care Teacher course, documented by a certificate from DPI. This person may not be left in sole charge of children.
(d) Each provider may care for no more than 2 children under age 2 when care is provided on a level that is more than 6 feet above or below the ground level. A center may care for 3 or 4 children under age 2 when care is provided on a level that is more than 6 feet above or below the ground level only if there is more than one qualified provider.

*The number of children under the age of 2 years is per provider, not per level of the center.*

**Note:** Section DCF 250.06(4)(e) requires an interconnected smoke detection system in operating condition if one or more children under age 2 will be cared for on a level that is more than 6 feet above or below the ground level.

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<thead>
<tr>
<th>Children Under 2 Years of Age</th>
<th>Children 2 Years of Age and Older</th>
<th>Maximum Number of Additional School-age Children In Care For Fewer Than 3 Hours a Day</th>
<th>Maximum Number of Children</th>
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DCF 250.06 Physical plant and equipment.

(1) BUILDING.
(a) Conformance with building codes. Family child care centers located in a building that is not a one or 2-family dwelling shall conform to the applicable Wisconsin commercial building codes. A copy of a building inspection report evidencing compliance with the applicable building codes shall be submitted to the department prior to the department’s issuance of a license.

Note: The building inspection report should be sent to the appropriate regional office listed in Appendix A.

The Building Inspection Report – Child Care Centers form may be used to document compliance with the applicable Wisconsin Commercial Building Codes.

ZONING: S. 66.34, Wis. Stats., defines a family child care home as a “dwelling licensed as a child care center by the department of health and family services under s. 48.65 where care is provided for not more than 8 children.” The statute then states in pertinent part, “[n]o municipality may prevent a family child care home from being located in a zoned district in which a single family home is a permitted use. No municipality may establish standards or requirements for family child care homes different from the licensing standards established under s. 48.65. This subsection does not prevent a municipality from applying to a family child care home the zoning regulations applicable to other dwellings in the zoning district in which it is located.” This law gives a municipality the power to prevent a family child care center that is not used as a residence from being located in a district zoned for residential use unless the licensee is granted a conditional use permit. Some municipalities may also require that any home-based business have a conditional use permit to operate. This is also permitted under the law. It is recommended that you contact your local municipality prior to applying for licensure.

Individual communities may determine what a one- or two-family dwelling is. In some municipalities, a one- or two-family dwelling is defined as a building that was built as a home regardless of whether someone lives in that building. In other communities, a one- or two-family dwelling is defined as a building currently used as a residence. It is recommended that a licensee check with and obtain documentation from the local municipality specifying how a one- or two-family dwelling is defined to determine whether or not the commercial building codes apply.

(b) Space and temperature.
1. A center shall have at least 35 square feet of usable floor space per child. This space shall be exclusive of passageways, bathrooms, lockers, storage areas, the furnace room, that part of the kitchen occupied by stationary equipment, and space occupied by furniture that is not intended for children’s use.
2. The inside temperature of the center may not be less than 67 degrees Fahrenheit.

A minimum temperature of 67 degrees Fahrenheit is determined by a thermostat reading. In rooms without thermostats, 67 degrees Fahrenheit is to be determined as follows:
- Temperature is to be measured at 24 inches above the floor level.
- Infant and Toddler Rooms: Measure 6 inches above the floor.
- Room without windows: Temperature taken in center of a room.
- Room with windows: Temperature taken one foot away from windows and at the center of room and then averaged.
- Series of rooms with only one thermostat: The coldest room must comply with the 67 degrees Fahrenheit minimum.

3. If the inside temperature exceeds 80 degrees Fahrenheit, the licensee shall provide for air circulation with fans or other means if the center is not air conditioned.

Caution should be exercised regarding placement and condition of fans. Opening windows is not sufficient to circulate the air.
(2) PROTECTIVE MEASURES.

(a) Furnaces, water heaters, steam radiators, fireplaces, wood burning stoves, electric fans, electric outlets, electric heating units and hot surfaces such as pipes shall be protected by screens or guards so that children cannot touch them.

(b) Firearms, ammunition or other potentially dangerous items located on the premises shall be kept in locked storage and may not be accessible to children.

(c) Materials harmful to children, including power tools, flammable or combustible materials, insecticides, matches, drugs and any articles labeled hazardous to children, shall be in properly marked containers and stored in areas inaccessible to children.

(d) The center shall have at least one working telephone with a list of emergency telephone numbers, including telephone numbers for the local rescue squad, fire department, police department, law enforcement agency, poison control center and emergency medical service, posted near each telephone.

(e) The center’s indoor and outdoor child care space shall be free of hazards including any recalled products.
See 250.03(13m) for the definition of hazard. Licensing staff will not conduct a detailed review of equipment and materials to determine whether items in the center have been recalled. It is the licensee’s responsibility to ensure that they are aware of any recalled products and to remove them from the areas occupied by children.

**ASBESTOS:** If there is suspicion of asbestos, providers should be referred to the Wisconsin Department of Health Services for asbestos treatment and abatement procedures. For more information, see https://www.dhs.wisconsin.gov/asbestos/index.htm.

**MOLD:** If there is a musty odor or you can see mold growth, steps should be taken to identify the source of moisture causing the mold. The local public health department the Wisconsin Department of Health Services (https://www.dhs.wisconsin.gov/mold/index.htm) may be able to help find a consultant who specializes in building assessments to analyze the building and suggest remediation remedies.

**POISONOUS PLANTS:** See Appendix J Resource List, Common Plants – What’s Poisonous and What’s Not?

**RADON:** If care is provided in the basement, testing is recommended.

**WATER TEMPERATURES:** The maximum water temperature should not exceed 120 degrees Fahrenheit. Scald-prevention devices are recommended.

The Wisconsin Uniform Dwelling Code requires guardrails whenever a difference in elevation (indoors or outdoors) exceeds 24 inches in height. Railings and guardrails that are present in a facility, regardless of whether they are required, must meet the requirements specified in the rule.

If it is a commercially manufactured piece that meets American Society for Testing Materials (ASTM) standards, as proven by documentation regarding height requirement we would accept without exception. If it does not meet the ASTM standards then you must meet rule requirements.

(h) Smoking is prohibited anywhere on the premises of a center when children are present.

Use of electronic cigarettes or other smoking devices is prohibited on the premises when children are present.

**Note:** Section DCF 250.03(25) defines a “premise” as a building and the tract of land on which the building is located.

(i) A hot tub located in a room or area accessible to children shall have a visible, locked, rigid cover or be enclosed by a locked fence at least 4 feet tall. The lock shall be installed so that the lock is inaccessible to children.

(j) If a hot tub is located in a room or area that is not intended for use by children, access to the room or area shall be controlled through the use of a visibly locked door. The lock shall be installed so that the lock is inaccessible to children.

A lock that cannot be opened by children will be considered inaccessible to children.
(k) The premises shall have no flaking or deteriorating paint on exterior or interior surfaces in areas accessible to children. Lead-based paint or other toxic finishing material may not be used on any surface on the premises.

Administrative Rule DHS 163 applies to child care centers when renovation or repair is made to any surface where 6 sq. ft. or more of interior paint or 20 sq. ft. of exterior paint is disturbed in a building that was built prior to 1978. Any renovation or repair that involves windows in a building built prior to 1978 must also be conducted in accordance with DHS 163.

See Appendix J – Resources List, Guidance for Child Care Providers Regarding Lead-Based Paint Hazards in Child Care settings.

LEAD PAINT: Homes which were built prior to 1980 may contain lead-based paint. The licensee should check with the local city or county health department for the proper procedure to eliminate lead.

When painted surfaces (built-ins, walls, ceilings, floors, stairs) are torn out or old paint is sanded, it is strongly recommended that abatement practices be initiated. When painted surfaces are peeling or deteriorating, samples of paint chips may be analyzed by the Laboratory of Hygiene in Madison or another certified laboratory.

For more information on asbestos or lead regulations, training, certification, work practices, inspections, or other related questions, please contact the Division of Public Health, Bureau of Environmental & Occupational Health, Asbestos And Lead Unit, P.O. BOX 2659, MADISON WI 53701-2659, Phone: (608) 261-6876, Fax: (608) 266-9711, E-Mail: dhsasbestoslead@dhs.wisconsin.gov.

(3) EMERGENCIES. Each center shall have a written plan for taking appropriate action in the event of a fire or tornado, missing child or other emergency. The center shall practice the fire evacuation plan monthly and the tornado plan monthly from April though October with the children and document when the plans were practiced.

Note: The licensee may use either the department’s form, Fire Safety and Emergency Response Documentation — Family Child Care Centers, or the licensee’s own form to document when the fire and tornado emergency plans were practiced. Information on how to obtain the department’s form is available on the department’s website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

It is recommended the center’s emergency plan address all emergencies that might occur at the center, as identified in DCF 250.03(6) – DEFINITION – EMERGENCY (e.g., if the center is not located in an area that is subject to floods, the emergency plan does not need to address floods).

The written plan should address exiting on all levels used by children in care. The plan should also address providing for the evacuation of children with special needs who may require additional assistance during an evacuation and an off-site evacuation and relocation site including a plan for family notification and reunification of children with their parents. Additionally, the plan should identify items that are recommended to be with the provider such as attendance list, emergency cards, flashlight, battery operated radio or cell phone. The recommended exit time during a fire drill is 2 minutes maximum. The tornado shelter area should be accessible and free of hazards during tornado season.

Licensing specialists may ask a center to conduct a fire and/or drill during a licensing visit.

Children are not required to exit the building completely during a fire drill in winter or inclement weather; however, they should be directed to proceed to the nearest exit and staff should review with the children how an actual fire would affect the program (e.g. children shall not take the time to put on their coats before evacuating a building).

See 250.10 ADDITIONAL REQUIREMENTS FOR NIGHT CARE.
(4) FIRE PROTECTION.
    (a) Smoke detectors shall be installed and maintained in operating condition on each level of the center and in all areas used for nap or rest periods. All smoke detectors shall be tested monthly and a record kept of the time, date and results of the test.

    Note: The licensee may use either the department’s form, Fire Safety and Emergency Response Documentation — Family Child Care Centers, or the licensee's own form to record the results of smoke detector tests. Information on how to obtain the department’s form is available on the department’s website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

For questions regarding the appropriate placement of smoke detectors, contact your local fire department.

An attached garage does not require a smoke detector unless it is identified as usable child care center space. If an attic is used only for storage, a smoke detector is not required.

If a second floor or other level of a house is rented to another occupant, statutes require each residence to have a smoke detector. See s. 101.645, Wis. Stats. If the center and the other occupant of the building have different addresses, DCF 250 does not apply to the 2nd address.

A door serving as a smoke barrier is not required between the basement and first floor. See 250.06(4)(e) SMOKE DETECTION SYSTEM – CARE PROVIDED ABOVE OR BELOW GROUND LEVEL.

AREAS USED FOR NAP OR REST: If bedroom doors are kept open, neither a battery-operated nor an interconnected smoke detector is required in the sleeping room. However, one is required in the immediate area. If bedroom doors are closed, one battery-operated smoke detector or the interconnected smoke detector must be in the room used for sleeping even if there is an interconnected system outside the room.

BEEPING OR CHIRPING ALARMS: If a smoke detector beeps or sounds another type of signal indicating a potential malfunction, the detector must be replaced or repaired and is not considered in operating condition at that time.

CARBON MONOXIDE DETECTORS: 2009 Wisconsin Act 158 requires a functional carbon monoxide detector be installed in all one or two family dwellings in the basement and on each floor, except the attic, garage or storage area. Either battery powered or wired detectors are acceptable. If a detector is wired to the dwelling electrical system, the detector must have a battery backup power supply. This requirement does not apply if the dwelling has no attached garage, no fire place, and no fuel-burning appliance such as a stove or furnace.

(b) An operable fire extinguisher with a minimum rating of 2A-10BC shall be provided for the kitchen and cooking area and inspected annually, and a provider shall know how to use it. Inspection tags are not required, but documentation of the inspection must be kept on file at the center.

Note: Licensees or a commercial fire extinguisher inspector may inspect fire extinguishers.

The provider may perform the annual inspection of the extinguisher by reading the gauge. It is recommended that the extinguisher be rotated slowly before checking the gauge. Professional inspection of the extinguisher is recommended. It is recommended that fire extinguishers be recharged or replaced every 5 years. It is recommended that the fire extinguisher be easily accessible in or near the kitchen.

Compliance with annual inspection requirements may be demonstrated by recording the inspection date on the tag of the extinguisher or on the Fire Safety and Emergency Response Documentation – Family Child Care Centers form. See Appendix I for instructions on obtaining department forms.

A larger extinguisher may be used without an exception.
(c) Unvented gas, oil or kerosene space heaters are prohibited.

If there are concerns regarding the installation of vented gas, oil, or kerosene space heaters, providers may be asked to obtain written documentation that it was properly installed.

Electric space heaters should have an automatic shut off.

Flammable materials should be kept away from space heaters.

See 250.06(2)(a)-ELECTRICAL OR HOT SURFACE PROTECTION.

(d) A woodburning stove may be used only if it meets standards specified under s. SPS 323.045.

If there are concerns regarding the installation of stoves, providers may be asked to obtain written documentation that it was properly installed. External wood burning furnaces do not need written approval. Treated or painted wood should not be burned because of the chemical fumes. Treated wood is green, yellow or brown.

Stoves located in areas of the center accessible to children that are hot to the touch when used should be guarded as specified in 250.06(2)(a) ELECTRICAL OR HOT SURFACE PROTECTION.

(e) The center shall be equipped with an interconnected smoke detection system in operating condition if one or more children under age 2 will be cared for on a level that is more than 6 feet above or below the ground level.

In this section, an interconnected smoke detection system means a system where smoke detectors located on each level of the building are connected so that all connected detectors sound an alarm when one detector is activated. The system does not necessarily need to be connected to the electrical system of the house or apartment (e.g., radio-controlled or battery-operated). An interconnected smoke detector is not required in the attic portion of a house. Additional battery-operated, stand-alone detectors may be used in addition to an interconnected system.

MEASUREMENTS TO DETERMINE WHETHER A LEVEL IS MORE THAN 6 FEET ABOVE OR BELOW THE GROUND LEVEL:

WINDOW EXITING (below ground level):

- If the window exits into a window well, the first measurement taken is from the floor of the child care space to the bottom of the exit window. The next measurement is on the outside of the building from the floor of the window well to the ground outside the window well. If these measurements combined are more than 6 feet, an interconnected smoke detection system is required.

- If the window exits directly to the ground (without a window well), the measurement is from the floor of the child care space to the bottom of the exit window. If the measurement is more than 6 feet between the floor of the child care space and the ground outside the window, an interconnected smoke detection system is required.

STAIR EXITING (above or below ground level): In cases where stairs are used for exiting you measure the riser height of one stair and multiply by the number of steps to get the total height (ex: each riser is 6” X 13 steps = 78”, 78” divided by 12” = 6 ½ feet which is more than 6 feet and therefore an interconnected smoke detector would be required.)

If any of these measurements totals less than 6 feet, the center may care for any number of children under two years per staff-to-child ratios without interconnected smoke detectors.

An exception is not required if a provider's own child under age 2 sleeps in his/her own bed on the second floor of the child care center and the center is not equipped with interconnected smoke detectors. The licensee should have a plan in the event that an emergency evacuation is necessary.
250.06(4)(c) continued

See 250.06(7)(a)7.a. CARE PROVIDED IN BASEMENT – PRIMARY EXIT; 250.06(7)(a)7.b. CARE PROVIDED IN BASEMENT – SECONDARY EXIT; 250.05(4)(d) STAFF-TO-CHILD RATIO – CARE PROVIDED ABOVE OR BELOW GROUND LEVEL and 250.06(1)(a) COMMERCIAL BUILDING CODE.

(5) SANITATION. The premises, furnishings and equipment shall be free from litter and vermin and maintained in a sanitary condition and in good repair.

Vermin is defined as any of various insects, bugs, or disease carrying animals such as mice, rats, weasels, flies or roaches. This list is illustrative and should not be considered all-inclusive.

An integrated pest management program is recommended to reduce unnecessary exposure to pesticides. See [https://datcp.wi.gov](https://datcp.wi.gov) for more information.

The exterior of the building should be free of openings around cables and utilities, under doors or broken windows. The garbage storage area should be free of litter, rubbish piles, burrow holes and animal droppings and should be rodent proof. Covered containers are recommended.

"In good repair" means that there are no situations such as, but not limited to, broken windows, doors, door latches, steps and railings; torn linoleum or missing tiles; leaking roofs; or flooding or leaking basements.

(6) WATER.

(a) If the center gets its water from a private well, water samples from the well shall be tested annually by a laboratory certified under ch. ATCP 77 and shall be found bacteriologically safe. The laboratory report shall be available to the department upon request.

(b) If the center is licensed to care for infants under 6 months of age, the center shall have nitrate levels in the water tested annually by a laboratory certified under ch. ATCP 77. Bottled water shall be used for infants under 6 months of age if the water tests above the maximum allowable levels of nitrates.

Note: Section NR 809.11 sets the maximum allowable level of nitrate-nitrogen in public drinking water at 10 milligrams per liter (10 parts per million).

This section applies to centers that utilize private well water. Centers that use city or municipal water are not required to test their water supply.

(c) If water test results indicate the water is bacteriologically unsafe, the water shall be appropriately treated and re-tested until it is determined to be safe. Bottled water shall be used until the water is determined to be safe.

Water samples may be tested at private laboratories or the State Lab of Hygiene, 465 Henry Mall, Madison, WI 53706; (608) 262-1293. Refer to [http://dnr.wi.gov](http://dnr.wi.gov) for list of certified labs.

If the test indicates that the water is bacteriologically unsafe, the licensee shall contact the local public health department or the DNR to come up with a suitable plan of correction. Use of bottled water is a temporary solution to a well that tests bacteriologically unsafe. Wells must be treated and re-tested until they are determined to be safe.

(7) EXITS, DOORS AND WINDOWS.

(a) Exits.

1. All exits shall be clear of obstructions.

Exits, including window wells that are accepted as exits, may not be blocked with snow or other obstructions.

Plastic sheeting that covers a window on the inside of the building is acceptable; however, plastic sheeting that covers a window from the outside is not permitted.
2. Each floor or level occupied by children shall have at least 2 exits.
3. Exits shall be located as far apart as practical.
4. The width of every exit door shall be at least 2 feet 6 inches.
5. The primary exit shall be a door or stairway providing unobstructed travel to the outside of the building at street or ground level.
6. The secondary exit shall be one of the following:
   a. A door or stairway that provides unobstructed travel to the outside of the building at street or ground level.
   b. A door or stairway leading to a platform or roof with railings complying with sub. (2)(g), which has an area of at least 25 square feet, is at least 4 feet long, and is not more than 15 feet above ground level.
   c. Except in an upstairs duplex, a window that is not more than 46 inches above the floor, capable of being opened from the inside without the use of tool or removal of a sash, and which has a nominal window opening size of at least 20 inches in width and 24 inches in height. A center located in the upstairs unit of a duplex shall have 2 exits leading directly to the ground floor or to a platform as described in subd. 6. a. and b.

7. If care is provided in a basement, all of the following apply:
   a. The primary exit shall be a door or stairway that provides unobstructed travel to the outside of the building at street or ground level.
   b. The secondary exit shall be either a door or stairway leading to the ground level or a window not more than 46 inches above the floor that is capable of being opened from the inside without the use of tool or removal of a sash, and which has a nominal window opening size of at least 20 inches in width and 24 inches in height. The window shall open directly to the ground or to a window well with an area of at least 6 square feet that is not more than 46 inches below the ground.

(b) Doors and windows.
1. Every closet door latch shall be capable of being opened by children from inside the closet.
2. Every toilet room door lock shall be designed to permit the locked door be opened from the outside in an emergency, and the opening device shall be readily accessible to a provider.
3. Windows that are capable of being opened and located in areas of the center that are accessible to children shall have screens.

If a window is locked or sealed shut and is not capable of being opened, it does not need a screen.
(8) Furnishings.
(a) Furnishings shall be durable and safe, with no sharp, rough, loose or pointed edges.
(b) The furnishings shall include all of the following:
1. Table space and seating for each child.

Highchairs and feeding tables for infants and toddlers are included in determining the required number of chairs.

Booster seats are recommended for smaller children using adult-sized chairs at a table.

2. Storage space for equipment, cots, if used, bedding, children’s clothing and personal belongings.

Examples of storage space for play equipment are drawers, shelves, cabinets and boxes.

Outer-garment storage may be on hooks, hangers, in a clothing cubby or on a bed that is not used by children for sleeping.

See DCF 250.07(4)(d) NAPS – BEDDING.

3. A safe, washable cot, bed, 2-inch thick mat or sleeping bag for each child one year of age or older who naps or sleeps.

4. A safe, washable crib or playpen for each child under one year of age who naps or sleeps.

Note: See Appendix D for information related to safe cribs.

All cribs must comply with federal safety standards in 16 CFR 1219 and 1220.

(9) Kitchens.
(a) Equipment and utensils for preparing, serving and storing food shall be clean and equipped for the safe handling of food. Eating surfaces shall be washed before use.

(b) Reusable eating and drinking utensils shall be thoroughly cleaned with detergent and hot water and rinsed after use. Single use articles such as food containers designed to be used only once and discarded including plastic silverware, paper or styrofoam cups and plates may not be reused.

A single-use plastic container may not be used to store food if it originally contained nonfood products. A single-use plastic container used by the processor to package food may be reused for food storage if the container is smooth, easily cleanable and durable. “Cool Whip” containers and deli containers are acceptable. Single-use food storage bags are acceptable. Bags with a zip-type closure are recommended.

(c) Food shall be clean, wholesome, free from spoilage and from adulteration and misbranding, and safe for human consumption.

Meat and poultry must be processed in a facility inspected by the USDA or the state.

Home-frozen foods are acceptable.

Home-canned foods may not be used for children in care except for high-acid foods including apples, apricots, berries, cherries, grapefruit, peaches, pineapple, rhubarb and tomatoes.

Fresh produce from a farmer or the provider's garden is acceptable. Home-raised eggs are acceptable by exception with parental notification and, if participating in the CACFP, food program permission.

See Appendix J – Resources List, Safe Food Storage.
(d) Food shall be covered and stored at temperatures that protect against spoilage. Refrigerators shall be maintained at 40 degrees Fahrenheit or lower and freezers shall be maintained at 0 degrees Fahrenheit or lower.

Thermometers are recommended for each cold storage compartment to ensure that the appropriate temperature is maintained.

Prepared food should not be allowed to sit out on counters for more than 2 hours. Frozen foods shall be thawed in the refrigerator, under cold running water or on the defrost setting in a microwave oven. No frozen potentially-hazardous food may be defrosted by leaving it at room temperature. Food should be maintained at temperatures below 40° F. or above 140° F. “Potentially-hazardous food” includes all custard-filled and cream-filled pastries, milk and milk products, meat, fish, shellfish, gravy, poultry stuffing and sauces, dressings, salads containing meat, fish, eggs, milk or milk products and any other food or food product likely to spoil quickly if not kept at the proper temperature.

See Appendix J – Resources List, Safe Food Storage.

(e) Leftovers shall be discarded after 36 hours unless frozen for later use.

(10) WASHROOMS AND TOILET FACILITIES.

(a) There shall be at least one toilet with plumbing and one sink with hot and cold running water available for use by the children.

The maximum hot water temperature should not exceed 120 degrees Fahrenheit. Scald-prevention devices are recommended.

When the only bathroom sink is on a second floor, the use of the kitchen sink for handwashing is not recommended but is not prohibited.

(b) Soap, toilet paper and a waste paper container shall be provided in the washroom and accessible to children.

Liquid soap is recommended. See DCF 250.07(6)(g)1. – AVAILABILITY OF INDIVIDUAL HAND TOWELS.

(11) OUTDOOR SPACE.

(a) Requirement for outdoor play space. A center shall have outdoor play space if any child is receiving care for more than 3 hours a day.

Three hours means three consecutive hours. When a program is exempt from meeting the requirement for outdoor space by virtue of three or fewer hours of operation, but chooses to provide an outdoor play period, rules on outdoor space apply.

(b) Required features of outdoor play space. Except when an exemption is requested and approved by the department under par. (c), a center shall comply with all of the following requirements for outdoor play space:

When family child care centers are licensed to operate on both sides/levels of a duplex or in adjoining apartments in a multi-unit apartment building they need to have a scheduled outdoor play time separate from the other group of children. Staff-to-child ratios must be maintained.

1. The outdoor play space shall be on the premises of the center.
2. There shall be at least 75 square feet of outdoor place space for each child using the space at a given time. A center with a licensed capacity of 8 children is required to have a minimum of 600 square feet.
3. The outdoor play space shall be well-drained and shall be free of hazards. Structures such as playground equipment, railings, decks and porches accessible to children and built with CCA-treated lumber shall be sealed with an oil-based sealant or stain. Wood treated with creosote, including railroad ties, may not be used in areas accessible to children.
See DCF 250.03(13m) – DEFINITION – HAZARD.

In an outdoor play area, hazards may include, but are not limited to, basement stairwells not protected by a fence or gate, lawn sprinkler valve boxes recessed several inches below ground with no cover, broken glass or cans, wood piles, and holes.

Fences and enclosures with openings that allow passage of an object with a diameter larger than 4 inches, sharp edges, or points near adjacent climbing equipment are also considered hazards.

“Well-drained” is related to the season and ground conditions.

It is recommended that providers keep a receipt, a label or a copy of a label which clearly indicates the product is oil based and the date the product was purchased.

Wood treated with the oil-based products creosote and pentachlorophenol (PCP) can also be toxic. These chemicals are typically found in railroad ties and utility poles. Structures made with these materials cannot be adequately sealed and will be considered a hazard. Children should not be permitted to come in contact with wood treated with either of these products.

When there are bodies of water such as a water garden, fishpond, etc. on the premises, or the body of water is within the fenced-in play area, an exception must be requested. The request for exception will need to include a detailed plan for the protection of the children. Some of the items to be considered when writing or evaluating the exception request include:

- The ages of the children as specified in the terms of the license
- The location of the water garden, fish pond, etc. in relation to the usual play area of the children
- The location of the exits from the building and the play area in relation to the water garden, fish pond, etc.
- Any other circumstances which may affect the safety of the children.
- The compliance history of the center with respect to supervision of the children and previous enforcement actions.

The exception request must include the condition that the provider or other adult be outdoors with the children under sight and sound supervision at all times. The exception request must be reviewed by the chief of the regional licensing office and shall be periodically reviewed by the licensing specialist and chief to ensure that the circumstances of the exception remain essentially the same. Exceptions may be granted on a case by case basis as determined by the licensing chief.

Failure to comply with the conditions of the exception could result in withdrawal of the exception and/or initiation of other enforcement actions such as forfeiture or revocation of the license.

See 250.06(12)(a) ON-PREMISE SWIMMING POOL – USE AND ENCLOSURE and 250.06(2)(i) HOT TUB – COVERED OR FENCED.

4. A permanent enclosure not less than 4 feet high shall be provided to protect the safety of children in care. Fencing, plants or landscaping may be used to create a permanent enclosure. Programs licensed prior to January 1, 2009, have until January 1, 2010, to install a permanent enclosure. The 4-foot minimum height requirement must be maintained. A fence or other permanent enclosure that has settled over time and is no longer a minimum of 4-feet in height must be repaired to meet the 4-foot requirement, as measured from inside the enclosure. Materials added to the ground on the inside of the fence may affect the 4-foot minimum height requirement by decreasing the height of the fence.

5. Concrete and asphalt are prohibited under climbing equipment, swings and slides.

The Consumer Product Safety Commission has a publication titled, “Outdoor Home Playground Safety Handbook”, available on their website: www.cpsc.gov. Energy-absorbing ground cover beneath slides, climbing equipment and swings is recommended to the depth of at least 6 inches and within a fall zone of at least 4 feet.
(c) Exemption for off-premises play space.

If on-premises play space is available, an exemption to use off-premises play space will not be approved. An exemption for the use of off-premises play space will not be granted based solely on a restriction by a community (a covenant) for installing a fence. The licensee has other options beyond installing a fence to enclose outdoor play space such as the use of landscaping and plants. See 250.06(11)(b)4.

1. In this paragraph, “main thoroughfare” means a heavily traveled street or road used by vehicles as a principal route of travel.
2. If a center has no outdoor play space available on the premises of the center, the licensee may request an exemption from the requirements under subd. 3. for the center’s outdoor play space.
3. A request for an exemption under subd. 2. shall be in writing and shall be accompanied by a plan for outdoor play space that does all the following:
   a. Identifies and describes the location to be used, the travel distance from the center to that location and the means of transporting the children to that location.
   b. Provides for adequate supervision of the children as specified in Table 250.05.
   c. Provides for daily vigorous exercise in the out-of-doors for the children.
   d. Describes the arrangements to meet the toileting and diapering needs of the children.
   e. Affirms the center’s compliance with the requirements included in subds. 4. to 7.

   Note: Send the request for an exemption, including the plan for the use of that space, to the licensing representative at the appropriate regional office of the Department’s Division of Early Care and Education. See Appendix A for addresses of the regional offices.
4. The off-premises outdoor play space shall be free of hazards such as bodies of water, railroad tracks, unfenced swimming pools, heavily wooded areas and nearby highways and main thoroughfares.
5. There shall be at least 75 square feet of play space for each child using the space at a given time.
6. No climbing equipment, swing or slide in the play space may have concrete or asphalt under it.
7. When the off-premises outdoor play space is reached by walking, the center shall transport children under 3 years of age in wheeled vehicles, such as strollers or wagons, with a seating capacity equal to the number of children under 3 years of age to be transported.
8. A center’s plan for use of an off-premises outdoor play space is subject to approval by the department. Within 30 days after receipt of a plan and request for an exemption from the requirements under par. (b), the department shall either approve the plan and grant the exemption or not approve the plan and deny the request for exemption. The department shall notify the center in writing of its decision and if it does not grant an exemption, shall state its reasons for not granting the exemption.
9. If any circumstance described in an approved plan for use of off-premises outdoor play space changes or if any condition for plan approval is not met, the department may withdraw its approval of the plan and cancel the exemption. A center with an approved plan shall immediately report to the department’s licensing representative any significant change in any circumstance described in the plan.

(12) Swimming areas.

(a) Swimming pools on the premises of the center may not be used by children in care. Swimming pools on the premises shall be surrounded by a permanent enclosure as specified under sub. (11)(b)4. In addition, the all of the following restrictions apply:

Swimming pools on the premises may be used by the provider’s own children over the age of 7 years during the hours of operation. The licensee must continue to maintain compliance with supervision and pool rules listed in this section when their own children are in the pool.

1. If access to the pool is through a gate, the gate shall be closed and locked during the center’s hours of operation.
2. If access to the pool is through a door, the door shall be closed, visibly locked and equipped with an alarm at the door that signals when someone has entered the pool area. The door may not be used as an exit.
3. Locks shall be located so that the locks cannot be opened by the children.
4. The free-standing wall of an above ground pool may not serve as an enclosure unless it is at least 4 feet in height and not climbable. If a ladder is present, the ladder shall be removed or raised up so that it is inaccessible to children.
5. The area around the pool enclosure shall be free of toys or equipment that would allow a child to climb or otherwise gain access to the pool.

(b) A wading pool on the premises may be used if the water is changed daily and the pool is disinfected daily. Supervision requirements and staff-to-child ratios under s. DCF 250.05(3) and (4) shall be met.

The American Academy of Pediatrics, in the book Caring for Our Children – National Health and Safety Performance Standards for Early Care and Education Programs, states that the use of wading pools for children is not recommended. Instead, sprinklers, hoses or water tables may be used as an alternative for water play. Standing water, in addition to posing a risk of drowning, is a breeding ground for bacteria and disease-carrying insects.

(c) A pool, wading pool, water attraction, or beach that is not located on center premises may be used by children if all of the following conditions are met:

ATCP 76.04(53) "Water attraction" means a public facility with design and operational features that provide patron recreational activity other than conventional swimming and involves partial or total immersion of the body. Types of water attractions include activity pools, interactive play attractions, leisure rivers, plunge pools, vortex pools, vanishing edge pools, waterslides, run-out slides, drop slides, pool slides, wave pools, zero-depth entry pools, and any public pool with play features except wading pools.

"Water attraction" does not include splash pads.

1. The construction and operation of the pool meet the requirements of chs. SPS 390 and ATCP 76 for public swimming pools and the beach complies with any applicable local ordinance.
2. Certified lifesaving personnel are on duty.

Lifeguards are required when children are in the water. Lifeguards may not be counted in the staff-to-child ratio.

3. While children are in the water of a pool, wading pool, water attraction, or beach, the following staff-to-child ratios for providers who can swim shall be met:

See Appendix I Instructions for Obtaining Department Forms for information on how to obtain a swimming staff-to-child ratio worksheet.

Swimming staff-to-child ratios do not apply to organized swim lessons, but regular staff-to-child ratios should be maintained in or near the pool area.

a. For children under 2 years of age: 1:1.
b. For children 2 and 3 years of age: 1:3.
c. For children 4 and 5 years of age: 1:6.
d. For children 6 years of age and older: 1:8.
4. When a mixed age group of children are swimming, the staff-to-child ratio shall be adjusted based on the number of children in the water and each child’s age.

Note: A worksheet to help calculate the staff to child ratio for mixed aged groupings during swimming is available from the department upon request. Requests may be made to the licensing representative or regional office in Appendix A.

5. A child shall be restricted to the area of the pool or beach that is within the child’s swimming ability.

Swimming ability may be determined by the parents or the center.

6. If some of the children are in the water and others are not, there shall be at least 2 providers supervising the children. One provider shall supervise the children who are in the water, and the other provider shall supervise the children who are not in the water.
### Program Planning and Scheduling

A provider shall plan activities so that each child may be or do all of the following:

1. **Be successful and feel good about himself or herself.**
   - **Examples of activities that will encourage self-esteem and positive self-image:**
     - Group activities such as games and songs where children's names are used.
     - Use of the child's name when speaking to the child or participating in group activities.
     - Display of children's art work with names at child's eye level. Display of photographs of children at their eye level.
     - Activities involving books, pictures and other authentically representative learning materials relating to minorities as well as majority enrollment of the community, and cultural, ethnic, sexual differences, and differing abilities. Dramatic-play activities involving the use of mirrors, multi-cultural dolls, dress-up clothes representing both sexes and other props.
     - Thoughtful verbal recognition of the child's ideas, expressions and contributions.

2. **Use and develop language.**
   - **Examples of activities that will encourage self-expression and communication skills:**
     - Non-directed creative-art experiences.
     - Asking questions to elicit responses from children.
     - Encouraging children to participate in discussions and give attention to each speaker, including, planning for the day, field trips, etc.
     - Providing opportunities throughout the day for children to converse and share ideas with others.
     - Activities that will allow a child to enlarge his/her listening and speaking vocabulary.
     - Use of stories, poems, nursery rhymes, picture and child-made books.
     - Language development activities.
     - Auditory discrimination games and activities.
     - Labeling of objects, feelings, actions, expressions.
     - Puppet play, flannel boards.
     - Creative dramatics.
     - Mealtime conversation.

3. **Use large and small muscles.**
   - **Examples of activities that will encourage large and small muscle development:**
     - Large Muscle: Use of large muscle equipment such as wooden hollow blocks, balls, climbing equipment, wheel toys, etc.; group activities (musical or non-musical) involving physical activity such as marching, skipping, jumping, dancing, physical fitness activities, tumbling, running; games that facilitate understanding of how our bodies move and that develop coordination, balance, strength, endurance.
     - Small Muscle: Use of equipment and materials requiring manipulative skill such as puzzles small interlocking blocks, peg and lacing boards, etc

4. **Use materials and take part in activities that encourage creativity.**
   - **Examples of activities that will encourage creative expression:**
     - Wide range of music, dance and movement activities.
     - Sand, water and block play.
     - Non-directive use of non-limiting materials such as clay, paint, crayons.
     - Woodworking.
     - Involvement with a variety of tools, materials, processes and techniques which involve the exploration of line, shape, color and texture.

5. **Learn new ideas and skills.**
   - **Examples of activities which encourage new ideas and skills:**
     - Science activities.
     - Sensory experience such as tactile, auditory, smelling activities.
250.07(1)(a)5. continued

- Discrimination activities involving symbols, shapes, colors, serration, categorizing, matching, etc.
- Reading and math readiness activities.
- Language development activities.
- Practical life experiences such as putting on-clothes, tying shoes, creating order in the room, and self-feeding.
- Activities involving problem solving and memory skills.
- Opportunities to explore the environment and find developmentally appropriate challenges.

6. Participate in imaginative play.

Examples of activities that will encourage imaginative play:
- Social-dramatic play such as housekeeping, store, truck/block role enactments such as astronaut, doctor, police officer.
- Self-selected cooperative play experiences which give children opportunities to interact.
- Mealtime conversation.
- For infants - proximity to one another outside of cribs.
- Selected activities for children age 3 and older in small groups as such cooking, science, nature, circle games.

7. Be exposed to a variety of cultures.

Examples of activities that allow children to be exposed to a variety of cultures:
- Books, pictures and other authentically representative learning materials relating to minorities as well as majority enrollment of the community, and cultural, ethnic, sexual differences, and differing abilities.
- Dramatic-play activities involving the use of mirrors, multi-cultural dolls, dress up clothes representing both sexes and other props.

8. Develop literacy skills.

Examples of activities that encourage literacy:
- Reading to children.
- Use of flannel board stories.
- Puppets.
- Reading readiness activities such as letter, name, color and shape recognition.
- Language development activities.
- Book making activities.
- Journaling and other writing opportunities.
- Labeling items in the classroom.

**Note:** The Wisconsin Model Early Learning Standards are voluntary standards that were designed to help centers develop programs and curriculum to help ensure that children are exposed to activities and opportunities that will prepare them for success in school and into the future. The Standards are primarily intended as guidance on developmentally appropriate expectations and are not intended to be used as a checklist to gauge a child’s progress. The Standards are based on scientific research. Copies of the Wisconsin Model Early Learning Standards are available on the Wisconsin Early Childhood Collaborating Partners website at http://www.collaboratingpartners.com/ or through the Child Care Information Center at 1-800-362-7353.

Wisconsin has an information and referral service for persons with questions or concerns about a child’s development called First Step that is available to the public 24 hours a day, 7 days a week. When a call is placed to First Step at 1-800-642-7837, the caller will learn about early intervention services as well as other related services in the area. When a provider or a parent has concerns about a child’s growth or development a referral to a Birth-to-Three agency or the local public school should be considered to determine if the child is eligible for special services. With parental consent and consultation, it is recommended that centers who care for children who have an Individualized Family Service Plan (IFSP) or an Individualized Education Program (IEP) coordinate programming activities with the local school district or Birth to Three agency.
(b) A provider shall plan daily activities according to the age and developmental level of each child in care and shall include a flexible balance of all of the following:

**The licensing specialist may monitor for compliance by talking with the provider or observation if a written activity plan is not available.**

A daily activities plan would include a schedule, a summary of the kinds of activities which will be planned such as outdoor play, group and individual activities, field trips, stories and other language development activities, music, art and time for child-selected free play.

If children under two years of age are in care, the plan should also include time for one-on-one interaction between the provider and the infants and toddlers.

1. Daily indoor and outdoor activities when a child is in care for more than 3 hours except that outdoor activities are not required during inclement weather or when not advisable for health reasons.

See 250.03(15) for definition of “inclement weather.” In the written health policy, the center determines the temperatures when children will go outside with no more than a 5 to 10 degree variation of the temperatures included in the definition. No exception is necessary as long as the variation is no more than 5 to 10 degrees. Consideration must be given to other conditions on the playground and include available shade, drinking water, protection from wind, etc.

The center may determine what would constitute a situation when it is not advisable to go outside for health reasons. Center policies should reflect what would prohibit a child from going outside for health reasons: i.e., a written request by a parent or a written statement by a medical professional. The family child care provider would need to determine how he/she is going to ensure that the other children in care are provided outdoor activities.

Daily physical activity is an important part of preventing excessive weight gain and childhood obesity. Some evidence also suggests that children may be able to learn better during or immediately after bursts of physical activity due to improved attention and focus. It is recommended that the center promote children’s active play every day. Children should have ample opportunity for vigorous activities such as running, climbing, dancing, skipping, and jumping. This could include two to three occasions of active play outdoors each day, weather permitting; two or more structured or caregiver/teacher/adult-led activities or games that promote movement over the course of the day—indoor or outdoor, and continuous opportunities to develop and practice age-appropriate gross motor and movement skills.

Center provided and maintained selection of warm outer garments is recommended for children whose parents do not provide appropriate clothing for out-of-doors.

2. Active and quiet play.

3. Protection from excess fatigue and over stimulation.

4. Individual and group activities.

(c) Television, including videocassettes and DVDs, may be used only to supplement the daily plan for children. No child may be required to watch television.

If used, television programs, videocassettes, and/or DVDs should complement the daily activities / curriculum, but should not constitute a major portion of the program for children. Media should be rated to the age and developmental level of the child. Soap operas, game shows, situation comedies, talk shows, etc. are not appropriate when children are present. See 250.07(1)(b) above.

(2) **CHILD GUIDANCE.**

(a) Each family child care center shall provide positive guidance and redirection for the children and shall set clearly specified limits for the children. A provider shall help each child develop self-control, self-esteem and respect for the rights of others.
(b) If a provider uses time-out periods to deal with unacceptable behavior, time-out periods may not exceed 5 minutes or be used for children under age 3. Time-out procedures shall be included in the center’s written child guidance policy.

See Appendix J, Resources List – Early Years Are Learning Years – Time Out for “Time-Out”.

Time out (by whatever name) is an interruption of unacceptable behavior by the removal of the child from the situation. Time out may be used if:
1. Use is identified in the center child guidance policy for specified types of behavior which child care workers wish to stop.
2. The behaviors are identified to children.
3. The child is within sight and sound and under the supervision of an adult.
4. The reason for the time out is explained to the child.
5. The time out is short, not more than one minute per year of age, not to exceed 5 minutes.

(c) Actions that may be psychologically, emotionally or physically painful, discomforting, dangerous or potentially injurious are prohibited. Examples of prohibited actions include all of the following:
1. Spanking, hitting, pinching, shaking, slapping, twisting, throwing, or inflicting any other form of corporal punishment on the child.
2. Verbal abuse, threats or derogatory remarks about the child or the child’s family.
   "Verbal abuse" is defined as profane, insulting or coarse language sometimes but not always delivered in a loud or threatening manner or language which is ego deflating, causing loss of self-esteem.
3. Physical restraint, binding or tying the child to restrict the child’s movement or enclosing the child in a confined space such as a closet, locked room, box or similar cubicle.
   See 250.03(23) DEFINITION – PHYSICAL RESTRAINT.

Physical restraint does not include:
• Briefly holding a child in order to calm or comfort the child.
• Guiding a child from one area to another.
• Moving a disruptive child who is putting him/herself/others in danger and is unwilling to leave the area when other methods such as talking to the child have been unsuccessful.
• Intervening or breaking up a fight.
• Use of a weighted vest or blanket that a child is able to remove him/herself whenever the child chooses.

Placing a child in a high chair, crib, or pack and play to restrict the child’s movement is prohibited.

If a child has an outburst that puts him/herself or another person in danger of harm, the center has the responsibility to protect the child and others from danger. Once a child has an outburst, it is recommended that the center work with the parents to develop a plan to help manage the child’s behavior in a way that does not include the use of a physical restraint. The center may consider referring the child/family to their pediatrician, the local Birth – 3 agency, the local public school system, or a mental health professional for an evaluation.

In limited circumstances, an exception for the use of a physical restraint of an individual child may be considered if the child has had an evaluation that resulted in an Individualized Family Service Plan (IFSP) or Individual Educational Plan (IEP). The following conditions must be met:
• The IFSP or IEP indicates the use of a physical restraint as one part of a plan to help the child learn to manage his/her behaviors.
• The center identifies a person(s) who will be assigned the responsibility of implementing the restraint.
• The person assigned to implement the restraint receives appropriate training in use of a restraint.
• The center documents the use of the restraint and the situation leading to the use of the restraint.
• The exception is reviewed and re-approved periodically (recommended every 3 – 4 months).
• A copy of the documentation related to a restraint is submitted to the department within 10 days of the use of the restraint.
• A copy of the IFSP or the IEP shall be available to all providers working with children.
4. Withholding or forcing meals, snacks or naps.

   *Children can be encouraged to try different foods, but they may not be forced to try all of their food or finish one food prior to receiving additional servings of other foods. Any component of the meal may not be withheld until the end of the meal or snack, including milk.*

5. Actions that are cruel, aversive, humiliating or frightening to the child.

   (d) A child may not be punished for lapses in toilet training.

   **Note:** See s. DCF 250.04(8) for information on reporting suspected child abuse and s. DCF 250.04(3)(i) for rules requiring that inappropriate discipline of a child be reported to the Department within 24 hours after the occurrence.

(3) EQUIPMENT.

   (a) Safe indoor and outdoor play equipment shall be provided and shall be all of the following:

   1. Scaled to the size and developmental level of the children.

   2. Of sturdy construction with no sharp, rough, loose, or pointed edges, in good operating condition, and anchored when necessary.

   **Examples of unsafe play equipment include toys or equipment that are broken, coming apart, rusting, or have protruding screws, or permanently installed outdoor equipment which is not safely anchored.**

   3. Placed so as to avoid danger of accident or collision and to permit freedom of action.

   (b) Various types of play equipment shall be provided to allow for large and small muscle activity, dramatic play, creative expression and intellectual stimulation.

   (c) Indoor play equipment shall be provided to allow each child a choice of at least 3 activities involving equipment when all children are involved in using equipment.

   (d) Outdoor play equipment shall be provided to allow each child at least one activity when all children are using equipment at the same time.

   **Outdoor equipment may be permanently installed or equipment may be taken outdoors from the inside or a combination of both.**

   (e) Trampolines and inflatable bounce surfaces on the premises shall not be in areas accessible to children and may not be used by the children in care.

   **Bouncy chairs or inflatable items not intended for bouncing such as inflatable slides may be used. Care should be taken to ensure that children are properly supervised and the item is being used according to the manufacturer’s recommendation.**

   **Trampolines not located in areas accessible to children in care may be used by the provider’s own children over the age of 7 during the hours of center operation.**

   **Note:** Lists suggesting kinds and numbers of equipment for centers are available from the Child Care Information Center by calling 1-800-362-7353.

(4) REST PERIODS.

   (a) Children under 5 years of age in care for more than 4 consecutive hours shall have a nap or rest period.

   (b) A provider shall permit children who do not sleep after 30 minutes and children who wake up early to get up and shall help them to have a quiet time through the use of equipment or activities which do not disturb other children.

   **Children who are awake shall be supervised by the child care provider and children who do not sleep or who awaken before other children must be allowed off their sleeping surface and given a choice of activities in a reasonably lighted area.**
(c) Each child who has a nap or rest period shall be provided with a bed, cot, mat at least 2 inches thick, sleeping bag, crib or playpen which is placed at least 2 feet from the next sleeping child.

Cots, sleeping bags, and padded mats shall be long enough so the child’s head or feet do not rest off the cot, sleeping bag, or mat.

Cots and cots may be placed end to end if a solid partition separates the children.

Mats may be stacked to reach the required 2 inch thickness.

Sofas may be used provided the child has a sleeping bag or sheet and blanket so that the child does not sleep directly on the sofa.

All children under 1 year of age must be placed to sleep on his or her back in a crib or playpen; however, once a child is able to roll over unassisted, the child may assume the sleep position that is most comfortable to him/her. If a child falls asleep in a swing or car seat, the child must be removed from the swing or car seat and placed to sleep on his or her back in a crib. Only the child’s physician may authorize a sleep position other than the back in a crib or playpen for a child under 1 year of age.

Bassinettes may be used in accordance with the manufacturer’s specifications.

See DCF 250.03(4m) – DEFINITION – CRIB and DCF 250.03(31) - DEFINITION – SLEEPING BAG.

(d) Each child shall be provided with an individually identified sheet and blanket or sleeping bag that may be used only by that child until it is washed. Sleeping bags and bedding shall be stored in a sanitary manner and washed at least after every 5 uses or as soon as possible if wet or soiled.

Each mat, cot or crib mattress shall be covered with the child’s individual sheet for exclusive use by that child. No child shall sleep on a bare, uncovered surface. A large adult-sized blanket may be used as both sheet and blanket on a bed, cot, mat, or sofa used as a bed if it is placed under and over the child. If family beds are used, the sleeping bag or sheet and blanket should be placed over the family bedding.

Seasonally appropriate coverings such as sheets or blankets that are sufficient to maintain adequate warmth shall be provided to the child while on the bed, cot, or mat. Blanket sleepers or sleep sacks may be used in lieu of a blanket covering.

Storage in a "clean and sanitary manner" means protection from dust and dirt, particularly the surface that would come in contact with the child. Care should be taken so that bedding for one child does not touch another child’s bedding.

Cots that are stacked should not have bedding for an individual child hanging over the edge of the cot. If bedding is not stored on the cot, the center must have alternate manner to keep the bedding stored in such a manner that the sleeping surface is not exposed. Stacked cots should be covered with a clean sheet, blanket, or other cover that is not used as bedding for a child during times when the cots are not in use. Sleeping bags should be rolled up so that the inside sleeping surface is not exposed. Sleeping bags do not need to be stored inside an individual storage bag or container. Pillows should be stored on a child’s individual cot or rolled up in the child’s sleeping bag. If bedding is provided by parents, a supply of center-provided sleeping bags or sheets and blankets should be available for emergencies such as illness or soiling.

Bedding used by an ill child is considered soiled.

See DCF 250.03(31) – DEFINITION – SLEEPING BAG.
(e) Infants shall sleep alone in cribs or playpens. Two related children may share a double bed. No more than one child may occupy a single size bed, cot, mat or sleeping bag. 

**Note:** See also s. DCF 250.06(8)(b)3. and 4. which require that the cot, bed, mat, sleeping bag, crib or playpen be safe and washable.

(5) MEALS AND SNACKS.

(a) Food shall be provided based on the amount of time children are present, as specified in Table 250.07.

<table>
<thead>
<tr>
<th>Time Present</th>
<th>Number of Meals and Snacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>At least 2½ but less than 4 hours</td>
<td>1 snack</td>
</tr>
<tr>
<td>At least 4 but less than 8 hours</td>
<td>1 snack and 1 meal</td>
</tr>
<tr>
<td>At least 8 but less than 10 hours</td>
<td>2 snacks and 1 meal</td>
</tr>
<tr>
<td>10 or more hours</td>
<td>2 meals and 2 or 3 snacks</td>
</tr>
</tbody>
</table>

(b) Food shall be served at flexible intervals, but no child may go without nourishment for longer than 3 hours. 

The 3-hour time determination is from the beginning of a snack or meal to the beginning of the next snack or meal.

(c) Each meal and snack shall meet the U.S. department of agriculture child and adult care food program minimum meal requirements.

According to changes to the minimum meal requirements specified by the USDA, milk served to children over age 2 must be 1% or fat-free (skim) milk. Only beverages that are 100% fruit or vegetable juice may be served to meet USDA Child and Adult Care Food Program (CACFP) requirements for a fruit or vegetable serving. Other beverages may be served (such as water) in addition to the required components.

When a program that operates for fewer than 2-1/2 hours chooses to serve a snack or has a snack provided by parents for all children, the snack must meet the USDA food program requirements.

**Note:** See Appendices B and C for United States Department of Agriculture child and adult care food program minimum meal requirements. You may also contact the Department of Public Instruction Community Nutrition Services for information on the United States Department of Agriculture child and adult care food program at 608-267-9123.

(d) Accurate records of meals and snacks served to children shall be available for review by parents and the licensing representative. Written records of meals and snacks served to children must be kept for 3 months.

Documentation could be attained through food program records, written menus or a calendar listing meals and snacks served. Menus are not required to be posted. For providers participating in the CACFP, the USDA master plan is acceptable as long as it reflects meals actually served. The record must contain the meal number and the center must have a list of the meal numbers available for review by parents and the licensing staff. If the provider changes items on the plan, those changes must be documented on the meal record. If children bring their own lunch, no documentation is required.
(e) Enough food shall be prepared for each meal so second portions of vegetables, fruit, bread and milk are available to children.

The amounts indicated on the CACFP minimum meal requirements are used for determining amounts of food that must be prepared and are not considered “helpings.” It is recommended that small portions of all food items be served and that seconds be available.

If meals are served pre-plated all the required food items and amounts of food are served to the child at the same time. For example, a 4-year-old child must receive at the minimal on his/her plate for a noon meal the following: 1 ½ ounce meat/meat alternate; a total of ½ cup of at least 2 different fruit/vegetable items (e.g., ¼ cup peaches and ¼ cup mashed potatoes); ½ slice bread; and ¾ cup milk. The milk must be served with the meal and may not be withheld.

If meals are served family style, all the required food items amounts must be made available. For example, there are ten 4-year-old children present which requires a total of 2 ½ cups each of two types of fruit/vegetable. The menu has broccoli so at a minimal there should be 2 ½ cups cooked broccoli available. Since the children may not consume the entire 2 ½ cups, the center may bring 2 cups to the dining area, and keep the remaining ½ cup cooked broccoli in the kitchen in case the children want it. Milk must be served with the meal and may not be withheld.

(f) When food for a child is provided by the child’s parent, the licensee shall give the parents information about the requirements for food groups and quantities specified by the U.S. department of agriculture child and adult care food program minimum meal requirements.

For information regarding CACFP minimum meal requirements for infants, see: https://fns-prod.azureedge.net/sites/default/files/cacfp/CACFP_infantmealpattern.pdf.

For information regarding meal requirements for children, see: https://fns-prod.azureedge.net/sites/default/files/cacfp/CACFP_childmealpattern.pdf.

(g) A child enrolled in school who is in attendance at the center when a meal or snack is served shall be offered the meal or snack.

(h) A special diet based on a medical condition, excluding food allergies, but including nutrient concentrates and supplements, may be served only upon written authorization of a child’s physician and upon the request of the parent.

Examples of special diets based on a medical condition are: feeding tubes, diabetic, gluten free, lactose intolerance, etc. Pediasure or Ensure may be used as part of a special diet.

(i) A special diet based on a food allergy may be served upon the written request of the parent.

(6) HEALTH.

(a) Contact with others who are ill.

1. A licensee, provider, household member, employee, volunteer, visitor or parent who has symptoms of illness or of a communicable disease that may be transmitted through normal contact may not be in contact with the children in care.

2. a. A licensee, provider, household member, employee, volunteer, visitor or parent whose behavior with respect to any child, adult, animal or property, on or off the center’s premises, raises reasonable concern for the safety of the children, may not be in contact with the children in care.

   b. The department may require a licensee, provider, household member or other adult in contact with the children whose behavior gives reasonable concern for the safety of children to submit to an examination by a licensed mental health professional as a condition of licensure or employment.

   Note: See also s. DCF 250.11(2)(e) which requires a written statement from a physician or licensed mental health professional as a condition of licensure or employment.

3. No person with a health history of typhoid, paratyphoid, dysentery or other diarrheal disease may work in a center until it is determined by appropriate medical tests that the person is not a carrier of the disease.
(b) Observation of children.

1. Each child upon arrival at the center shall be observed for symptoms of illness. For a child who appears to be ill, the licensee shall follow the procedure under par. (c).

2. A provider shall note in a medical log book any injury or evidence of unusual bruises, contusions, lacerations or burns received by a child in or out of the center and any incidents requiring the services of medical personnel.

It is recommended the provider document any comments made by a parent or children regarding injuries or bruises noted.

See Appendix J Resources List: Center Medication and Injury Log – Directions for Use.

Note: See s. DCF 250.04(6)(c) for information on maintaining a medical log book.

(c) Ill child. Unless a center has been previously authorized to care for mildly ill children under par. (d), any child who appears to be ill shall be moved to a separate room or area and shall be provided with a bed, crib or cot and a sheet and blanket or sleeping bag. The licensee shall notify the parent or emergency contact and arrange to remove the child from the center as soon as possible.

A child may rest on a sleeping bag only, or on a bed, crib, mat, or cot equipped with a sheet and blanket.

Examples of illnesses or conditions which may affect the health of other persons and may require a child to be sent home until medical evaluation allows inclusion include: unusual lethargy, uncontrolled coughing, persistent crying, difficulty breathing, wheezing, or other unusual signs. It is recommended the center’s health policy specify symptoms which would require removal of the child from the facility.

See Appendix J Resources List: Exclusion Guidelines for Ill Children in Child Care.

(d) Care of a mildly ill child. A child who is mildly ill may be cared for at the center when all of the following conditions are met:

Care of ill children at the center must be specifically authorized as a condition in the letter of license transmittal. Care of ill children may occur in a separate licensed center location or in a separate room which is designed specifically and solely for the care of ill children.

If a program for ill children exists in a hospital, the program need not be licensed if the hospital admits the sick children as outpatients on a daily basis.

See Appendix J Resources List: Wisconsin Childhood Communicable Disease Chart.

See DCF 250.03(20) – DEFINITION – MILDLY ILL.

1. The space for the care of a mildly ill child is a self-contained room that is separate from children who are well.

2. The parent consents in writing.

3. The written health policy of the center allows a mildly ill child to remain at the center.

4. The center follows and implements procedures in a written plan for the provision of care to mildly ill children that has been approved and signed by a licensed physician, a family nurse practitioner or a pediatric nurse practitioner, and which covers all of the following:
   a. Admissions and exclusions.
   b. Staffing.
   c. Staff training.
   d. Monitoring and evaluation.
   e. Programming.
   f. Infectious disease control.
   g. Emergency procedures.
5. Medical consultation is available from a physician or local health department in establishing policy for the management of mildly ill children.

(c) Communicable disease.

1. When it is determined that a person in contact with children or a child attending the center has a reportable communicable disease under ch. DHS 145, such as German measles, infectious hepatitis, measles, mumps, or meningitis, the local public health officer, the department and parents of all the enrolled children shall be notified.

Only those diseases indicated on the Communicable Disease Chart as being reportable on the WI Childhood Communicable Diseases Chart must be reported to the department and local health officer. Parents of exposed children are not required to be notified if the disease is not reportable to the local public health officer and the department. There are penalties for disclosure of HIV antibody test results without consent. See s. 146.025, Wis. Stats. A person’s HIV status is confidential and may not be shared with others.

The center must work with the health department to ensure that all necessary measures are taken to protect the children in care.

2. A licensee, provider, household member, employee, volunteer, visitor or parent or a child in care may be readmitted to the family child care center if there is a written statement from a physician that the condition is no longer contagious or if the person has been absent for a period of time equal to the longest usual incubation period for the disease as specified by the department in ch. DHS 145.

Note: The Wisconsin Department of Health Services, Division of Public Health, has developed materials that identify those communicable diseases that are required to be reported to the local public health officer. These materials also provide additional guidance on the symptoms of each disease and information on how long an infected child shall be excluded from the center. The materials include a communicable disease chart and exclusion guidelines for child care centers. Copies of the communicable disease chart or the exclusion guidelines for child care centers are available from the Child Care Information Center 800-362-7353.

(f) Medications.

1. A provider may give prescription or non-prescription medications such as pain relievers, teething gels or cough syrup to a child only under the following conditions:

These rules allow prescription and non-prescription medication to be administered by the center under controlled circumstances as specified. The center health policy may be more stringent than the rule, such as—allowing no medication or only prescription medication. This policy should be included in the written health policy that is shared with parents upon admission. A written authorization from the parent is required for each medication and is time limited.

Any over-the-counter topical, non-medicated lotion, cream, lip balm, or salve preparation may be applied to children upon authorization from the parent. The application information for non-medicated topical preparations does not need to be recorded in the center medical log.

Centers should ensure they meet any requirements of the Americans with Disabilities Act.

a. A completed written authorization on a form provided by the department, dated and signed by the parent is on file. Authorizations that exceed the period of time specified on the label are prohibited.

It is recommended that medication authorization forms be kept with the medication during the specified time period. After the administration time period has passed, the authorization form should be placed in the child’s file.

Medication used to treat chronic illnesses or conditions such as asthma or diabetes may be authorized by a physician for an unspecified length of time. No separate doctor’s authorization for a chronic condition or illness, other than the prescription label, is required.
The authorization from the parent should be reviewed and re-signed and dated when there are any changes. The parent should include information on the specific triggers that may signify the necessity for the authorized medication on the child’s health history form.

Medications used to treat an ongoing condition may not exceed the period of time specified on the label, unless it is prescribed or authorized in writing by the child’s physician.

Note: The department’s form, Authorization to Administer Medication — Child Care Centers, is used to obtain the parent’s authorization to provide medications. Information on how to obtain the form is available on the department’s website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

b. The medication is in the original container and labeled with the child’s name and with dosage and administration directions.

The rule requires that the dosage instructions must be included on the medication label. For some types of over the counter medications, such as Tylenol or cold syrup, the label instructions indicate that a physician should be consulted for children under a certain age (typically under age 2).

The Authorization to Administer Medication form includes a statement to be initialed by the child’s parent indicating the child’s physician has been consulted and the dosage instructions are consistent with the physician’s recommendation. A parent’s authorization may not exceed the time specified on the label of the medication (usually 7 – 10 days).

The American Academy of Pediatrics recommends that over-the-counter multi-symptom cold products not to be used for children under the age of 6 years.

c. A written record, including the name of the child, type of medication given, dosage, time, date and the initials or signature of the person administering the medication shall be made in the medical log on the same day that the medication is administered.

Note: See s. DCF 250.04(6)(c) about maintaining a medical log book.

2.a. Sunscreen and insect repellent may only be applied upon the written authorization of the parent. The authorization shall include the brand and ingredient strength of the sunscreen or insect repellent. If parents provide the sunscreen or insect repellent, the sunscreen or repellent shall be labeled with the child’s name. Authorizations shall be reviewed periodically and updated as necessary. The recording of the application of sunscreen or insect repellent is not required.

Alternatives to traditional insect repellants (e.g. Skin-so-soft, repellants containing citronella or homeopathic ingredients, etc) may be used if authorized in writing by the parent.

The center health policy should address at what age children will be allowed to self-apply these items and the procedure for ensuring that the application is completed in a way that will protect children.

b. Children shall be protected from sunburn with protective clothing, if not protected by sunscreen.

3. Medications shall be stored so that they are not accessible to children.

4. Medications requiring refrigeration shall be kept in the refrigerator in a separate, covered container clearly labeled “medications.”

Medications should be stored at temperatures in accordance with label instructions.

5. No medication intended for use by a child in the care of the center may be kept at the center without a current medication administration authorization from the parent.

Leftover medication or medication past its expiration date should be returned to the parent or discarded in a safe manner after the duration of the illness.
250.07(6)(f)6. Medication for a child in care shall be administered by the center as directed on the label and as authorized by the parent.

If a medication authorization from the parent conflicts with the label instructions, the label instructions take precedence unless there is written authorization from the physician indicating a different dose or time frame.

A medication past the expiration date as indicated on the label may not be administered to a child. It is recommended that medications kept on hand for chronic conditions, such as asthma inhalers, allergy epinephrine auto-injectors, seizure medications, etc., should be reviewed periodically for expiration dates.

(g) Personal cleanliness.
1. a. A child’s hands shall be washed with soap and warm running water before meals or snacks and after toileting or diapering. A child’s hands and face shall be washed after meals. Persons working with children shall wash their hands with soap and warm running water before handling food and after assisting with toileting. Towels and washcloths shall be individual to each person and used only once.

   Washing in a common bucket or pan is allowed after certain activities, such as finger painting, if this preliminary washing to eliminate excess paint is immediately followed up by individual hand washing under running water with soap.

   Infants’ hands may be washed with a single-use fabric, cloth, or paper wipe containing soap and water. Children age one year and over must use soap and running water to wash hands.

   It is recommended that children wash their hands after touching an animal.

   Liquid soap is recommended.

   The maximum hot water temperature should not exceed 120 degrees Fahrenheit. Scald-prevention devices are recommended.

   See 250.09(4)(f) INFANT & TODDLER - PROVIDER HANDWASHING WHEN DIAPERING & TOILETING and 250.09(4)(i) INFANT & TODDLER - CHILD HANDWASHING AFTER DIAPERING.

   b. If running water is not immediately available when outdoors or on field trips, soap and water-based wet wipes may be used. When running water becomes available, hands shall be washed immediately with soap and running water.

   c. Disinfecting hand sanitizers may not replace the use of soap and water for washing hands.

   2. Bodily secretions from a child shall be wiped with a disposable tissue. Whoever does the wiping shall wash his or her hands immediately.

   Examples of bodily secretions are vomit, blood, nasal discharge, etc.

   3. All providers shall use universal precautions when exposed to blood or bodily fluids or discharges containing blood.

   4. All persons exposed to blood or bodily fluids containing blood or other types of bodily discharges shall wash their hands immediately with soap and warm running water.

   5. Single use disposable gloves shall be worn if there is contact with blood-containing body fluids or tissue discharges. Hands shall be washed with soap and warm water after removal of gloves. Gloves shall be discarded in plastic bags.

   Single use disposable gloves means non-porous gloves without obvious seams made out of latex, natural rubber or plastic in various forms.
(h) **Disinfecting surfaces.** Surfaces containing bodily secretions shall be washed with soap and water and disinfected with a solution of one tablespoon bleach to one quart of water, made fresh daily, or a quaternary ammonia-based disinfectant prepared according to the label instructions, or a commercially prepared disinfectant containing bleach or a quaternary ammonia product. Hands shall be washed immediately.

(i) **Prohibition against sharing utensils.** Cups, eating utensils, or toothbrushes may not be shared.

| Toothbrushes are not required. However, if a center chooses to have children brush their teeth, toothbrushes must be labeled and/or stored so that they do not touch each other, and each child must use his/her own brush each time. |

(j) **Clothing and diaper changing.**

1. Wet or soiled clothing or diapers shall be changed promptly from an available supply of clean clothing or diapers.

| Changes of clothing may be provided by the parent or may be supplied by the center providing it is clean, gender appropriate and in a variety of sizes. If parents do not supply the clothing, the center is responsible for providing an emergency supply of clothing. |

2. **Section DCF 250.09(4) shall apply when a child 2 years of age or older needs attention for diapering or toileting.**

(k) **Injuries.**

1. Written permission from the parent to call the child’s physician or refer the child for medical care in case of injury shall be on file at the center. A provider shall contact a parent of the injured child as soon as possible after an emergency has occurred or, if the injury is minor, when the child is picked up.

| Any trauma to the head, which may or may not result in visible injury or bruising, may be serious and it is recommended that parents be notified immediately. |

| A minor injury is one that can be treated at the center, such as bruises, scrapes, slivers, etc. |

| It is recommended that a reputable children's first aid manual or chart be readily available in the center for use by staff. |

| See Appendix J Resource List, Situations That Require Medical Attention Right Away. |

| Note: See DCF 250.04(3)(a) regarding reporting injuries that require medical attention to the Department within 48 hours after the occurrence. |

| Note: The department’s form, Child Care Enrollment, includes authorization for the center to obtain emergency medical care for a child. Information on how to obtain forms is available on the department’s website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A. |

2. **Superficial wounds shall be cleaned with soap and water only and protected with a bandaid or bandage.**

| Since the administering of non-prescriptive medication must be at specific parent direction for each incident, no medication (including anti-bacterial creams or ointments) may be given to the child by the center for injuries. |

3. **Suspected poisoning shall be treated only after consultation with a poison control center.**

| The statewide poison control number is (800) 222-1222. Calling 911 does not automatically connect the caller with poison control. See Appendix J Resources List, Common Plants – What’s Poisonous. |

| Activated charcoal or any other vomit-inducing substance may only be used if advised by the poison control center. |
250.07(6)(k)4.

4. The licensee shall designate a planned source of emergency medical care, such as a hospital emergency room, clinic or other constantly staffed facility and shall advise parents about that designation.

The center may advise parents about the designated emergency medical facility by posting this information in a visible place at the center or putting the information in policies or handbooks shared with parents.

5. A daily record of injuries including the child’s name, date and time of injury and a brief description of the facts surrounding the injury shall be kept in the center medical log book.

See commentary under 250.04(6)(c) MEDICAL LOG BOOK – MAINTENANCE.

See Appendix J Resource list: Center Medication and Injury Log – Directions for Use.

Note: See s. DCF 250.04(6)(c) about maintaining a medical log book.

(L) Health examination and history.

1. Each child under 2 years of age, including each provider’s child in care, shall have an initial health examination not more than 6 months prior to nor later than 3 months after being admitted to the center, and a follow-up examination at least once every 6 months thereafter.

2. Each child 2 years of age or older, including a provider’s own children in care, shall have an initial health examination not more than one year prior to nor later than 3 months after being admitted to a center, and a follow-up health examination at least once every 2 years thereafter. School-age children are not required to have a health exam.

Under this rule, a school-age child includes all children 5 years and older.

3. The health examination report shall be made on an electronic printout from a licensed physician, physician assistant, or HealthCheck provider or on a form provided by the department that is signed and dated by a licensed physician, physician assistant, or HealthCheck provider.

The use of the department’s form “Child Health Report – Child Care Centers” is not required if there is other evidence of a health exam in the child’s file. Other evidence of a health exam may include a HealthCheck provider form or a printout from a child’s medical record that includes the date of the exam, the child’s name and the name of the health professional who conducted the exam. No exception is required for the use of a form or report that is not the department’s form.

Doctors of Osteopathy may perform physical examinations. Chiropractors are prohibited by statute from performing physical examinations.

Note: The department’s form, Child Health Report — Child Care Centers, or an electronic printout from a medical professional may be used to document a health examination. Information on how to obtain the department’s form is available on the department’s website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

4. The health examination requirement under subd. 2. does not apply if the parents of a child request in writing that the department grant an exemption based upon the parents’ adherence to religious belief in exclusive use of prayer or spiritual means for healing in accordance with the teachings of a bona fide religious sect or denomination.

5. A health history for each child, including school age children and a provider’s own children, completed by the parent shall be on file at the center by the child’s first day of attendance. Information relating to a child’s special health care needs shall be shared with any person caring for children including emergency back-up providers and substitutes. The health history shall be recorded on a form provided by the department.

Note: The department’s form, Health History and Emergency Care Plan, is used to record each child’s health history. Information on how to obtain the form is available on the department’s website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(m) Immunization. The center shall maintain a record of immunizations for each child to document compliance with s. 252.04, Stats., and ch. DHS 144.
Note: The department of health services form, Day Care Immunization Record, is used to record immunization information. An electronic printout from the Wisconsin Immunization Registry, or other registry maintained by a health provider may be used in place of DPH-4192 or DPH-4192S. Information on how to obtain the form is available on the department’s website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

Under s. 252.04, Wis. Stats., and ch. DHS 144, the immunization record for each child must be on file no later than 30 school days (6 calendar weeks) after the first day of a child’s attendance.

Immunization records are required to be on file for school-age children unless the child care center is operated on school premises and the child care center has approved access to the school’s vaccination records. The Student Immunization Law s. 252.04(2), Stats., sets minimum requirements for children attending child care centers. The immunization history must indicate that the child has received at least the first dose of each required vaccine or that the immunization requirement is waived for that child.

If a religious or personal conviction exemption is claimed, the form must indicate the exemption with a parent signature. Immunization requirements may also be waived upon signature of a physician that the child should not be immunized for health reasons. Providers may wish to use the department of health services form, Child Care Immunization Record, for children who have an immunization waiver.

For children whose immunization record is not submitted within 30 school days of admission; whose record at 30 school days after admission indicates that they do not have at least the first dose of each required vaccine; or who fall behind schedule (i.e., do not obtain an immunization which their health care provider has indicated is due on a certain date), there are two courses of action for the center:

- As required by Wisconsin law and administrative rule, the center will notify the district attorney that a child has failed to comply with immunization requirements.

OR

- The child who fails to comply with immunization requirements will be discharged (excluded) from the center until such time as immunization requirements are met.

(7) PETS AND ANIMALS.

Therapy animals are considered pets and this section applies.

(a) Animals shall be maintained in good health and appropriately immunized against rabies. Rabies vaccinations shall be documented with a current certificate from a veterinarian.

Dogs, cats and ferrets must be vaccinated against rabies as documented by a current vaccination certificate. Other immunizations frequently given to dogs and cats are to prevent diseases that are not communicable to children. Initial rabies immunization should be administered by five months of age and within one year after the initial immunization. Subsequent immunizations are to be administered at intervals stated on the certificate of vaccination. If no date is specified, the dog shall be vaccinated within three years of the previous vaccination, as specified in s. 95.21 (2) Wis. Stats. Wisconsin law does not allow persons to vaccinate their own animals for rabies.

Pets suspected of being ill or infested with external lice, fleas and ticks or internal worms shall be removed from the center.

Barn cats that do not come in contact with child care children are not required to be vaccinated.

(b) Animals that pose any risk to the children shall be restricted from the indoor and outdoor areas used by children.

Due to the risk of exposing children to salmonella and other diseases, chickens and ducks may not be in areas accessible to children under age 5 years unless access to the animals is controlled, the parents acknowledge in writing that the children will be allowed to have contact with the animals, and the children wash their hands immediately after touching the animals.
(c) Licensees shall ensure that parents are aware of the presence of pets and animals in the center. If pets and animals are allowed to roam in areas of the center occupied by children, written acknowledgement from the parents shall be obtained. If pets are added after a child is enrolled, parents shall be notified in writing prior to the pets’ addition to the center.

Documentation may be a signature sheet on the policies or other form developed by the provider. The sheet should contain the name and breed of the animal and what kind of access the animal will have with the children. The licensee may keep this information with the pet records.

Visits to petting zoos are permitted. Pets or animals brought into the center for the purpose of exposing the children to animals must be handled carefully to ensure that the children and animals are protected.

(d) Reptiles, amphibians, ferrets, poisonous animals, psittacine birds, exotic and wild animals may not be accessible to children.

“Not accessible” means the animal may not have any physical contact with the children, including the children reaching over or through a barrier to touch the animal. A kennel, cage, or gate in the child care area that has any opening large enough for a child’s fingers to get through is considered accessible and may not be used to separate an animal from the children.

Note: Psittacine birds are hooked bill birds of the parrot family that have 2 toes forward and 2 toes backward, including macaws, grays, cockatoos and lovebirds.

(e) All contact between pets or animals and children shall be under the sight and sound supervision of a provider who is close enough to remove the child immediately if the pet or animal shows signs of distress or aggression or the child shows signs of treating the animal inappropriately.

In the event that an animal bites a child, the parent shall be notified and a veterinarian shall be contacted by center personnel to determine a course of action in the diagnosis of possible rabies in the animal. Procedures for emergency care of children shall be followed. Parents shall be notified of any action taken by the veterinarian, as well as the name, address and telephone number of the veterinarian who was consulted.

Examples of aggressive behaviors include showing teeth, growling, hissing, excessive barking, hair standing up on the animals back, or tail between legs.

It is recommended that whenever children handle a pet or other animal, they wash their hands afterwards with soap and water. If soap and water is not available, the children may use soap and water-based wet wipes or hand sanitizer to clean hands until soap and water is available.

(f) Pets are prohibited in any food preparation or serving area when food is being prepared or served unless the pet is confined in a cage or kennel. Litter boxes are prohibited in any food preparation, storage or serving areas. Litter boxes and animal feeding dishes, excluding water dishes, may not be placed in areas accessible to children.

Fish in an aquarium may be located in a kitchen or food service area without an exception.

(g) Indoor and outdoor areas accessible to children shall be free of pet and animal excrement.

All areas accessible to children during hours of operation, including entrance/exit areas, must be free of pet and animal excrement.
(h) Proof of liability insurance on the child care business indicating the number of children covered and the dates of coverage from an insurance carrier specifically covering the presence of dogs and cats shall be on file with the pertinent regional licensing office in appendix A if dogs or cats are allowed in areas of the center accessible to children.

A declaration page, endorsement page, certificate of insurance or a renewal sheet will all be considered “proof of insurance”. This can be an e-mail or written correspondence from the insurance agent, but it must show effective dates of insurance.

Some homeowners or rental insurance policies will not cover a business operation such as child care or will not cover the presence of cats or dogs in a child care setting. Other policies limit coverage to 6 or fewer children. The policy must specify that the coverage includes the number of children in the licensed capacity.

Note: Documentation could be included as a rider on a homeowner policy or a separate insurance policy on the child care business. A certificate of insurance or other documentation from the insurance company that indicates the number of children covered, dates of coverage and types of pets covered is acceptable. Service animals used to assist persons with disabilities are not considered pets when functioning as a service animal.

(i) Licensees shall ensure that the center is in compliance with all applicable local ordinances regarding the number, types and health status of pets and animals.
DCF 250.08 Transportation.

(1) APPLICABILITY. This subsection applies to all center-provided transportation of children in care, including both regularly scheduled transportation to and from the center and field trip transportation.

When transportation is provided by the center, a child is considered to be in the care of the center from the time the child is placed in the vehicle at the pick-up location until the child is dropped off at his/her final location at the end of the child care day. Daily attendance records must include the actual time of pick-up and drop-off.

See DCF 250.04(3) DEFINITION – CENTER PROVIDED TRANSPORTATION
See 250.04(6)(b) CURRENT, ACCURATE DAILY ATTENDANCE RECORD.

Note: The department’s form, Transportation Permission — Child Care Centers, may be used to obtain parental consent for transportation when regularly scheduled transportation between the center and the child’s residence or other location is provided. Information on how to obtain a copy of the department form is available on the department’s website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(2) EMERGENCY INFORMATION. All of the following emergency information shall be carried in the vehicle for each child transported:

(a) An address and telephone number where a parent or other adult can be reached in an emergency.
(b) The name, address and telephone number of the child’s health care provider.
(c) Written consent from the child’s parent for emergency medical treatment.

Note: The licensee must use the department’s form, Child Care Enrollment, to obtain consent of the child’s parent for emergency medical treatment. Information on how to obtain the department’s form is available on the department’s website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(3) DRIVER.

(a) The driver of a vehicle used to transport children in care shall be at least 18 years of age and shall hold a valid Wisconsin operator’s license for the type of vehicle driven.

A valid driver’s license from the person’s state of residence meets this requirement.

A person may have a driver’s license card that has not expired but still have the license suspended or revoked. The only way to ensure that a driver’s license has not been suspended or revoked (and is still valid) is through a check of the person’s driving record maintained by the Wisconsin Department of Transportation, wisconsindot.gov, or by the department of transportation for the person’s state of residence.

(b) The licensee shall obtain a copy of the driving record for each driver annually and place the record in the staff file. The licensee shall review each driving record to ensure that the driver has no accidents or traffic violations that would indicate that having children ride with the driver could pose a threat to the children.

It is recommended that the licensee obtain a copy of the driving record prior to the person beginning to drive to ensure there is nothing on the driving record that would indicate a concern.
Examples of offenses that indicate a driver could pose a threat to the children include, but are not limited to, the following: multiple violations for speeding or moving vehicle violations, convictions in the past 2 years for operating under the influence of alcohol or a controlled substance, refusal to submit to chemical testing, reckless or inattentive driving. Other offense may also be considered when determining whether a driver poses a threat to the children.

Parents and volunteers who transport children are not required to have a driving record on file.

(c) A driver whose driving record poses a threat to the children may not transport children.

Note: Information on how to obtain driving records may be obtained by contacting the Department of Transportation at (608) 261-2566 or http://dot.wisconsin.gov/drivers/drivers/points/abstract2.htm.
(4) **VEHICLE.**

(a) The licensee shall ensure that each vehicle, including a licensed contract motor carrier vehicle, such as a hired school bus, that is used to transport children is all of the following:

- Registered with the Wisconsin department of transportation.
- Clean, uncluttered and free of obstruction on the floors, aisles and seats.
- Enclosed. Children may not be transported in a truck except in the cab.
- In safe operating condition.

(b) At 12-month intervals the licensee shall provide the department with evidence of a vehicle’s safe operating condition on a form provided by the department.

The Vehicle Safety Inspection form is to be signed by the owner/employee of a bona fide repair business such as a garage, auto repair shop or service station. The name of the repair business should appear on the form in addition to the signature. Signatures of persons not associated with a firm doing repair business with the public will not be acceptable. If the inspection report indicates needed repairs, the vehicle must be repaired, and the inspection form must note the necessary repair or replacement has been completed.

New and used vehicles purchased from an authorized dealer with inspection report will be accepted for one year.

Note: The department’s form, Vehicle Safety Inspection, is used to record evidence of the vehicle’s safe operating condition. Information on how to obtain a copy of the department’s form is available on the department’s website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(c) Hired or contracted school buses used to transport children shall be in compliance with ch. Trans 300.

(5) **SEAT BELTS.**

(a) Each child who is less than 1 year of age or who weighs less than 20 pounds being transported in a vehicle shall be properly seated and restrained in a rear-facing individual child car safety seat when being transported in a vehicle as specified in s. 347.48, Stats.

(b) Each child who is at least one year old but less than 4 years of age or who weighs at least 20 pounds but less than 40 pounds shall be properly restrained in a forward-facing individual child car safety seat when being transported in a vehicle as specified in s. 347.48, Stats.

(c) Each child who is at least 4 years old but less than 8 years of age, who weighs less than 80 pounds or who is 4 feet 9 inches tall or less shall be properly restrained in a shoulder-positioning child booster seat when being transported in a vehicle as specified in s. 347.48, Stats.

(d) Each child who is not required to be in an individual child car safety seat or booster seat required under par. (a), (b) or (c) when being transported shall be properly restrained by a seat belt. Each adult in the vehicle shall be properly restrained by a seat belt. Seat belts may not be shared.

(e) Children transported in school buses or vehicles built to school bus standards shall be properly seated according to the manufacturer’s specifications.

Seat belts are not required in some vehicles even though these vehicles have a capacity of 15 or fewer people. This includes taxicabs, mopeds, motorcycles, snowmobiles and vehicles designed for 2 persons if there are 2 persons 4 years of age or older in the vehicle.

If a center owns, leases or contracts for a school bus, seat belts or car safety seats are not required because these vehicles were constructed to carry children without such devices.

If seat belts are present in a vehicle, seat belts must be used to restrain children being transported.

Most child safety seats have an expiration date embossed in plastic on the bottom of the seat. Seats may not be used past their expiration date.
An integrated child safety seat may be used by children who meet the age, height and/or weight requirements identified by the manufacturer of the vehicle.

See Appendix J Resource List: Car Safety Seat Information. Information on recalled car safety seats can be found at www.nhtsa.gov

LIST OF RESTRAINTS: A list of currently approved child safety restraints and recalls may be obtained from the Wisconsin Information Network for Safety (715) 843-1890 or from the web site www.safekidswi.org.

For additional information, contact the NHTSA Vehicle Safety Hotline at (888) 327-4236.

(6) VEHICLE CAPACITY AND SUPERVISION.
   (a) Children may not be left unattended in a vehicle.
   (b) Children under age 13 years who are in the care of the center may not ride in the front seat of a vehicle.
      The provider’s own children who are 7 years of age or older are not considered to be “in care.”
      Children in care between the ages of 13 – 17 may ride in the front seat.

   (c) When children are transported in a vehicle, there shall be at least one adult supervisor in addition to the driver whenever there are more than 3 children who are either under 2 years of age or who have a handicap which limits their ability to respond to an emergency.

   (d) After transporting a child to his or her destination, an adult shall ensure the child is in the custody of a provider, a parent, or other adult designated by the parent. A parent of a school age child may authorize a child to enter a building unescorted.

      Note: Form, Transportation Permission — Child Care Centers, may be used to designate an adult to receive a child being transported. Information on how to obtain a copy of this form is available on the department’s website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

   (e) The licensee shall develop and implement a procedure to ensure that all children exit the vehicle after being transported to a destination.

(7) SMOKING. Smoking is prohibited in the vehicle while children are being transported.

(8) CHILD CARE VEHICLE SAFETY ALARM
   (a) A vehicle shall be equipped with a child safety alarm that prompts the driver to inspect the vehicle for children before exiting if all of the following conditions apply:
      1. The vehicle is owned or leased by a licensee or a contractor of a licensee.
      2. The vehicle has a seating capacity of 6 or more passengers plus the driver. The seating capacity of the vehicle shall be determined by the manufacturer.
      3. The vehicle is used to transport children in care.
   (b) No person may shut off a child safety alarm unless the driver first inspects the vehicle to ensure that no child is left unattended in the vehicle.
   (c) The child safety alarm shall be in good working order each time the vehicle is used for transporting children to or from a center.

      Note: Information on the required vehicle safety alarm is available in the “child care licensing/information for providers” section of the department website at http://dcf.wisconsin.gov.
**DCF 250.09 Additional requirements for infant and toddler care.**

(1) APPLICABILITY, QUALIFICATIONS AND GENERAL REQUIREMENTS.

(a) Family child care centers providing care and supervision to infants and toddlers shall comply with the additional requirements of this section.

(c) General requirements.

1. A provider shall use information obtained on a department-provided form for children under 2 years of age to individualize the program of care for each child. The information shall be at the center before the child is left for care on the child’s first day of attendance. A provider and the child’s parents shall periodically discuss the child’s development and routines.

*Note: The department’s form, Intake for Children under 2 Years, is used to record information for individualizing the program of care for each child. Information on how to obtain the form is available on the department’s website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A. Wisconsin has an information and referral service for persons with questions or concerns about a child’s development called First Step that is available to the public 24 hours a day, 7 days a week. When a call is placed to First Step at 1-800-642-7837, the caller will learn about early intervention services as well as other related services in the area. When a provider or a parent has concerns about a child’s growth or development a referral to a Birth-to-Three agency should be considered to determine if the child is eligible for special services. With parental consent and consultation, it is recommended that centers who care for children who have an Individualized Family Service Plan (IFSP) coordinate program activities with the local Birth-to-Three agency.*

2. Cribs and playpens shall contain a tight fitting mattress and any mattress covering shall fit snugly over the mattress. Waterbeds may not be used by children under age 2.

3. Sheets or blankets used to cover the child shall be tucked tightly under the mattress and shall be kept away from the child’s mouth and nose. Use of blanket sleepers or sleep sacks is recommended.

*Swaddling of infants is permitted if requested by the parent and noted on the infant intake form. Swaddling is an age-old practice of wrapping infants snugly in swaddling cloths, blankets or similar cloth so that movement of the limbs is tightly restricted. Swaddling is only effective for the first few weeks after birth. Swaddling an infant is not recommended after one month of age.*

If the child pulls the blanket out during nap time, the provider should either remove the blanket or re-tuck the blanket to ensure the blanket is kept away from the child’s mouth and nose.

4. Children under one year of age may not sleep in a crib or playpen that contains soft materials such as sheepskins, pillows, fluffy blankets, bumper pads or stuffed animals.

5. Safety gates shall be used at open stairways when children are awake.

(2) DAILY PROGRAM.

(a) Child care providers shall respond promptly to a crying child’s needs.

(b) Each infant and toddler shall be allowed to form and follow his or her own patterns of sleeping and waking.

*Meals should be served related to the child’s sleeping schedule rather than the schedule of the center. There shall be no specifically scheduled nap time for all infants as a group. As children begin to mature, a child’s schedule will slowly be changed to eliminate the a.m. nap and begin to integrate the child into the center schedule. Priority will continue to be given to the individual eating and sleep needs of the child.*
(c) Each child under one year of age shall be placed to sleep on his or her back in a crib unless otherwise specified in writing by the child’s physician. The child shall be allowed to assume the position most comfortable to him or her when able to roll over unassisted.

If a child falls asleep in a swing, bouncy seat, car seat, or on the floor, the child must be removed from that area and be placed to sleep on his or her back in the crib assigned to him/her.

(d) Emphasis in activities shall be given to play as a learning and growth experience.

(e) Throughout the day, each infant and toddler shall receive physical contact and attention such as being held, rocked, talked to, sung to and taken on walks inside and outside the center.

(f) Routines related to activities such as taking a nap, eating, diapering and toileting shall be used as occasions for language development and other learning experiences.

(g) When a non-mobile child is awake, a provider shall change the child’s body position and location in the room periodically. Non-mobile awake children shall be placed on their stomach occasionally throughout the day.

(h) Each non-walking child who can creep or crawl shall be given opportunities each day to move freely in a safe, clean, open, warm and uncluttered area.

(i) A provider shall encourage infants and toddlers to play with a wide variety of safe toys and objects.

Family child care centers are to be equipped with play equipment according to the developmental level of the children in care. Since children under 2 years of age are not always able to select their own playthings from shelves, play equipment should be made available to them. Play equipment may be commercially made or homemade.

See 250.07(1)(b) DAILY ACTIVITIES – PLAN FOR AGE & DEVELOPMENT LEVELS.

(j) Infants and toddlers shall be taken outdoors for part of each day except during inclement weather or when this is not advisable for health reasons.

There is no definite set of guidelines that would prevent a child from going outside for health reasons. Center policies should reflect the center’s definition of what would prohibit a child from going outside for health reasons: e.g., a written request by a parent or a written statement by a medical professional.

If one or more children are unable to go outdoors, the provider shall ensure other children are taken outdoors and supervision requirements are maintained.

Center-provided and maintained selection of warm outer garments is recommended for children whose parents do not provide appropriate clothing for out-of-doors.

See DCF 250.05(15) DEFINITION – INCLEMENT WEATHER.

See 250.07(1)(b) DAILY ACTIVITIES – PLAN FOR AGE & DEVELOPMENT LEVELS.

(3) FEEDING. A PROVIDER SHALL DO ALL OF THE FOLLOWING:

(a) Feed each infant and toddler on the child’s own feeding schedule.

A written authorization signed by the parent and the child’s physician is needed if the child is to be fed on a schedule that is not the child’s own schedule.

(b) Ensure that food and formula brought from home is labeled with the child’s name and dated, and is refrigerated if required.

Breast milk is considered food and each bottle or bag must be labeled with the child’s name and dated. A formula container will usually indicate a “use by” date. To ensure the formula remains in good condition and maintains the required nutritional value, any unused formula MUST be discarded after the “use by” date on the container. Pre-made bottles should be dated to ensure they are used according to manufacturer’s directions.
(c) Ensure that formula provided by the center is of the commercial, iron-fortified type and mixed according to the manufacturer’s directions.
(d) Provide formula or breast milk to all children under 12 months of age.
(e) Provide another type of milk or milk substitute only on the written direction of the child’s physician.
(f) Discard leftover milk or formula after each feeding, and rinse bottles after use.

At the parent’s request, any unused formula or breast milk may be returned to the parent.

It is recommended that once a feeding has been initiated, the milk or formula, (whether served in a bottle or in a cup) be consumed within 2 hours or the contents discarded.

(g) Refrain from heating breast milk in a microwave oven.

Breast milk should be defrosted in the refrigerator if frozen, and then heated briefly in bottle warmers or under warm running water, so the temperature does not exceed 98.6 degrees F. After warming, bottles should be mixed gently, not shaken.

(h) Offer drinking water to infants over 6 months of age and toddlers several times daily.

It is recommended that water not be given to infants under six months of age unless authorized by the child’s physician. Older infants and toddlers may be offered water several times a day, especially if outside in the summer or in a very hot environment while inside. Offering water at meals, in addition to the required milk or juice, is appropriate.

(i) Hold a child unable to hold a bottle whenever a bottle is given. Bottles may not be propped.
(j) Hold or place a child too young to sit in a highchair or feeding table in an infant seat during feeding. Wide-based highchairs with safety straps or feeding tables with safety straps shall be provided for children who are not developmentally able to sit at tables and chairs.

Booster seats used in accordance with manufacturer instructions and recommendations meet the highchair requirement.

This requirement for a safety strap is intended to prevent the child from standing up in the high chair and falling out and to prevent a child from slipping down and under the tray. If the highchair or booster seat comes with safety straps, the straps must be used in accordance with manufacturer instructions and recommendations.

(k) Ensure that eating utensils and cups are scaled to the size and developmental level of the children.

(4) DIAPERING AND TOILETING. A provider shall do all of the following:
(a) Change wet or soiled diapers and clothing promptly.
(b) Change the child on an easily cleanable surface which is cleaned with soap and water and a disinfectant solution after each use with a chlorine bleach solution of one quart water to one tablespoon bleach, made fresh daily or a product containing quaternary ammonia prepared according to the label directions or a commercially prepared disinfectant that contains bleach or quaternary ammonia.

An easily cleanable surface may be a changing table, a plastic covered mat, a plastic covered mattress or any other surface that is impervious to water and capable of being disinfected with a bleach solution.

A disinfectant solution that is not bleach or a quaternary ammonia product may be used without an exception if it is registered with the U.S. Environmental Protection Agency as a disinfectant solution and is used according to label instructions.

Some bleach is now being sold with a higher concentration of sodium hypochlorite than was previously available (8.25% sodium hypochlorite versus the formerly available bleach concentration of 5.25 %). If a program uses a bleach solution with a higher concentration of sodium hypochlorite to disinfect diaper-changing surfaces, it must be an EPA-registered product and it must be diluted based on label instruction for disinfection.
250.09(4)(b) continued

All products must be used in a two-step procedure. First soap and water to rid the surface of any organic material and then the disinfectant is to be used. Products containing both a cleaner and a bleach or quaternary ammonia, such as Clorox cleanup products, must be applied using the 2-step process.

See Appendix J Resources List.

Note: A quaternary ammonia product is any of a group of compounds in which a central nitrogen atom is joined to four organic radicals and one acid radical, used as antiseptics and disinfectants. Benzalkonium chloride, dimethyl benzyl ammonium chloride, and dodecyl dimethyl ammonium chloride are the names of some common ammonium compounds that might identify a product as a quaternary ammonium product. The chemical name for bleach is sodium hypochlorite.

(c) If the diapering surface is above floor level, provide a strap, restraint or other structural barrier to prevent falling. A child may not be left unattended on the diapering surface.

(d) Place soiled cloth diapers in a plastic bag labeled with the name of the child and send them home daily.

The Center for Disease Control and the American Academy of Pediatrics recommend that soiled cloth diapers and training pants never be rinsed. The fecal contents may be placed in the toilet, but diapers and training pants should not be rinsed.

Bags containing soiled clothing must be kept out of the reach of children.

Reusable waterproof coverings (wrap or pullover) used with cloth diapers must be changed if soiled.

(e) Place soiled disposable diapers in a plastic-lined, covered container and dispose of them daily.

(f) Wash his or her hands with soap and warm running water before and after each diapering or assistance with toileting routines.

(g) Apply lotions, powders or salves to the child during diapering only at the specific direction of a parent or the child’s physician.

(h) Wash the child during diapering with a disposable towel used only once.

(i) Wash the child’s hands with soap and warm running water after diapering. The hands of children under one year of age may be washed with soap and a wet fabric or paper washcloth, used once and discarded.
DCF 250.095 Additional requirements when the licensee is not providing care to children at least 50% of the licensed hours of center operation. A licensee who does not provide care and supervision to children at least 50% of the hours of a center’s operation shall comply with the following requirements:

(1) The licensee shall complete at least one course from the Wisconsin Professional Credential for Child Care Administrators program within one year from the initial date that the licensee is not providing care and supervision for at least 50% of the hours of the center’s operation.

A course in program administration taken as part of an associate’s or bachelor’s degree in early childhood education is acceptable in lieu of a course in the Wisconsin Child Care Administrator Credential. A business-related course is acceptable. See Appendix J Resources List; Wisconsin Child Care Administrator Credential.

(2) The licensee shall be responsible for the following:

(a) Management, finance, physical plant, and day-to-day operations of the center.
(b) Supervision of the planning and implementation of the center’s program for children.
(c) Supervision of center staff, including the following duties:
   1. Implement and maintain a written job description for each staff position.
   2. Implement and maintain a written personnel policy that addresses hours of work, lunch and break times, holidays, vacations, sick leaves, leaves of absence, probationary periods, performance evaluations, grievance procedures, and the disciplinary process. The personnel policy shall contain a procedure that requires staff to notify the licensee and the licensee to notify the department as soon as possible, but no later than the next business day, when any of the following occurs:
      a. The employee has been convicted of a crime.
      b. The employee has been or is being investigated by any governmental agency for any other act, offense, or omission, including an investigation related to the abuse or neglect or threat of abuse or neglect, to a child or other client, or an investigation related to misappropriation of a client’s property.
      c. The employee has a substantiated governmental finding against them for abuse or neglect of a child or adult or for misappropriation of a client’s property.
      d. A professional license held by the employee has been denied, revoked, restricted, or otherwise limited.

Effective 7/1/2016, DCF 12.08(3) is the administrative rule which requires a caregiver to notify the licensee if any offenses under DCF 12.08(3)(a) – (h) occur.

3. Ensure that each employee is familiar with the employee’s job description, personnel policies, and applicable licensing rules.
4. Conduct staff meetings at least 9 times in a calendar year and document that the meetings have been held.
5. Ensure staff compliance with continuing education requirements.

(3) The licensee shall be at the center for at least 30 hours per month for the exclusive purpose of carrying out licensee responsibilities in sub. (2).

The licensee may be counted in the staff-to-child ratio during the time s/he is present at the center. Documentation of the hours the licensee is present at the center could be kept on the Daily Attendance Record form or on a calendar or other record.
DCF 250.10 Additional requirements for night care.

(1) APPLICABILITY. Family child care centers which operate during any period of time between 9:00 p.m. and 5:00 a.m. shall comply with the requirements of this section.

(2) GENERAL REQUIREMENTS.
   (a) When the same premises are used for the operation of both day care and night care, the number of children during any overlapping of the day care and night care periods may not exceed the maximum licensed capacity of the center.
   (b) Minimum staff-child ratios and group sizes as specified in Table DCF 250.05 shall be maintained during night care.
   (c) The parent or center shall provide each child in night care with an individually labeled sleeping garment and a toothbrush.

This rule does not apply if the center is not licensed past 10:00 p.m.

(3) PROGRAM.
   (a) Child care staff shall ascertain from a child’s parent a child’s typical family activities during the period the child is at the center for night care and strive to replicate those activities with the child.

Written documentation is not required. It is recommended that the provider address this in the center’s policies. See DCF 250.09(2)(b) – INFANT TODDLER SLEEP SCHEDULE and 250.09(3)(a) – INFANT TODDLER EATING SCHEDULE.

   (b) A center offering night care shall provide a self-contained room away from sleeping children where an awake child may engage in activities.
   (c) An evening and morning schedule of program activities shall be planned for the hours that children in night care are awake.
   (d) School-age children shall have an opportunity to read or do school work.

(4) PREVENTIVE MEASURES.
   (a) A provider shall develop, submit to the department for approval and implement a plan to evacuate sleeping children in an emergency. Review of the plan shall be part of orientation under s. DCF 250.05(2).
   (b) Centers operating during hours of darkness shall have emergency lighting, such as an operable flashlight, readily available to a provider.
   (c) Providers shall be awake, available, within call and able to respond to the needs of the children whenever children are in care.

(5) FEEDING.
   (a) Breakfast shall be served to all children in care for the night, unless the parent specifies otherwise.
   (b) A nighttime snack shall be available to all children in care.
   (c) A child present at the time the evening meal is served shall be served the evening meal.

(6) SLEEP.
   (a) Children who attend the center for the evening hours but not the whole night shall have an opportunity to sleep, as needed.
   (b) Sleep routines for individual children shall be based on information provided by the parents.
   (c) A bed, crib or cot with sheets and blankets individual to each child shall be provided for children spending the night.
   (d) The center shall maintain a supply of extra sleeping garments and bedding for emergencies and accidents.
   (e) Children under 2 years of age in night care shall sleep in cribs.

See 250.03(4m) DEFINITION – CRIB. See Appendix D, SAFE CRIB INFORMATION. Center must follow the manufacturer’s height and weight specifications for cribs.
DCF 250.11 Licensing administration.

(1) LICENSING REQUIREMENT. If a person provides care on a regular basis to 4 or more children under the age of 7 years, that person shall be deemed to be providing care for compensation and shall be licensed.

(2) GENERAL CONDITIONS FOR APPROVAL OF LICENSE.
   (a) Prior to receiving or continuing a license, an applicant for a license under this chapter shall complete all application forms truthfully and accurately and pay all fees and forfeitures that are due to the department.
   (b) The department may refuse to issue or continue a license if another center operated by the licensee is in substantial non-compliance with the licensing rules or has any outstanding fines or forfeitures.
   (c) Persons licensed to operate a family child care center shall be responsible, mature individuals who are fit and qualified. In determining whether an applicant is fit and qualified, the department shall consider any history of civil or criminal violations or other offenses substantially related to the care of children by the applicant, owner, manager, representative, employee, center resident or other individual directly or indirectly participating in the operation of the family child care center. A determination that a person is unfit and unqualified includes substantiated findings of child abuse or neglect under ch. 48, Stats., or substantiated abuse under ch. 50, Stats., or under similar statutes in another state or territory whether or not the abuse or neglect results in a criminal charge or conviction.
   (d) The department shall issue a family child care license to an applicant within 60 working days after receipt and department approval of a properly completed application, satisfactory department investigation and determination that the applicant is fit and qualified. Continued licensure requires a licensee to remain fit and qualified.

   Note: See DCF 250.03(11) for the definition of “fit and qualified.”
   (e) If the department has reason to believe that the physical or mental health of any person associated with the care of children at the center or any household resident of the center may endanger children in care, the department may require that a written statement be submitted by a physician or, if appropriate, by a licensed mental health professional that certifies the condition of the individual and the possible effect of that condition on the family child care center or the children in care.
   (f) The department may deny or revoke the license if the examination specified under par. (e) gives the department reasonable concern for the care of children.
   (g) The department may not process an application for a license if the applicant has had a license or certification to operate a child care center revoked or denied within the last 2 years prior to the date of the application. An applicant is deemed ineligible to submit an application for a license and a person may not hire an employee within 2 years from the date an applicant or employee had a child care license or certification revoked or denied.
   (h) The department shall consider a licensee who fails to submit any of the materials described in sub. (4) or (5) by the expiration or continuation date of a license to have surrendered the license and to no longer hold title to the license. The former licensee may not continue to operate the child care center.

(3) INITIAL APPLICATION FOR A PROBATIONARY LICENSE.
   (a) An applicant for a license shall have obtained pre-licensing technical assistance that results in a completed initial licensing study checklist from a representative of the department prior to submitting an application for a license.

   Note: 1. Information on how to obtain pre-licensing technical assistance is available from the appropriate regional office in Appendix A. The Department will provide the application form to an applicant upon completion of the pre-licensing technical assistance.

   Note: 2. An initial licensing study checklist includes a list of those rules that must be met before a license can be issued. A copy of the checklist is available from a representative of the Department or the appropriate regional office in Appendix A.
(b) An applicant for a license shall submit an application at least 60 days before the date proposed for the center to begin operating.

c) An applicant for an initial license shall include all the following with the application form:
   1. The license fee required under s. 48.65(3)(a), Stats.
   2. A completed background information disclosure form provided by the department for the applicant and, if the center will be located in a residence, any household member aged 10 and above and any applicable fees.

   Effective 9/30/2018, the Background Information Disclosure (BID) form has been replaced with the Background Check Request (BCR) form, DCF-F-5296. The BCR form is required for individuals age 10 and older. See Appendix G Chapter DCF 12 Caregiver Background Checks and the department’s website [https://dcf.wisconsin.gov/cclicensing/cbc](https://dcf.wisconsin.gov/cclicensing/cbc) for additional information regarding caregiver background checks.

   3. A statement from a representative of the department that details the results of any pre-licensing technical assistance.
   4. A statement from the applicant that indicates the center is in compliance with all applicable items in this chapter.
   5. Results of a water test if the center has a private well.
   6. Results of a vehicle safety inspection if the center will transport children.
   7. Documentation of liability insurance on the child care business required under s. DCF 250.04(2)(g) if the center has cats or dogs that are in areas accessible to children.
   8. A copy of all center policies as specified under s. DCF 250.04(2)(e).
   9. Any other materials determined by the department as necessary to complete the department’s licensing investigation.

(d) Upon submission of a complete application, the department shall conduct an investigation to determine whether the applicant is eligible for a license.

(e) If the department determines that the applicant is eligible for a license, the department shall issue a probationary license having a 6 month duration. A probationary license may be renewed for one 6-month period.

(f) If the department determines that an application does not comply with the applicable requirements of this chapter or the department’s investigation determines that the applicant is not eligible for a license, the department may deny the application.

(4) OBTAINING A REGULAR LICENSE.

(a) At least 30 days before the expiration date of a probationary license, an applicant for license renewal shall submit to the department the following materials:
   1. A completed license application.
   2. Any completed Background Information Disclosure forms including any applicable fees required under s. 48.685(6)(a), Stats., and s. DCF 250.04(2)(L) and (m).

   Effective 9/30/2018, the Background Information Disclosure (BID) form has been replaced with the Background Check Request (BCR) form, DCF-F-5296. The BCR form is required for individuals age 10 and older. This information is not required to be submitted at the end of a probationary license period for individuals whose background check was completed as part of the initial application process.

   3. The license renewal fee under s. 48.65(3)(a), Stats., and any forfeitures due and owing under s. 48.715(3), Stats., or penalties under s. 48.76, Stats.
   4. Any changes to center policies, if not previously submitted.
   5. Results of a water test if the center has a private well.
   6. Results of a vehicle safety inspection if the center will transport children.
   7. Documentation of liability insurance on the child care business required under s. DCF 250.04(2)(g) if the center has cats or dogs that are in areas accessible to children.
   8. Any other materials determined by the department as necessary to complete the department’s licensing investigation.
(b) If the department determines that the applicant has met the minimum requirements for a license under s. 48.67, Stats., and if the applicant has paid any applicable fees under ss. 48.65 and 48.685(8), Stats., any forfeiture under s. 48.715(3)(a), Stats., and any applicable penalty under s. 48.76, Stats., the department shall issue the applicant a regular license. Regular licenses shall be reviewed and continued for a 2-year period.

Section 48.686(2)(ag)3., Wis. Stats., requires an applicant to pay applicable fees for caregiver background checks.

(5) CONTINUING A REGULAR LICENSE.

(a) A regular license shall be valid indefinitely, unless suspended or revoked by the department or surrendered by the licensee.

(b) At least 30 days before the continuation review date of the license, an applicant for license renewal shall submit to the department the following materials:

1. A completed license continuation application.
2. Any completed Background Information Disclosure forms including any applicable fees required under s. 48.685(6)(a), Stats., and s. DCF 250.04(2)(L) and (m).

Effective 9/30/2018, the Background Information Disclosure (BID) form has been replaced with the Background Check Request (BCR) form, DCF-F-5296. The BCR form is required for individuals age 10 and older. This information is not required to be submitted at the time of license continuation.

Section 48.686(2)(ag)3. Requires an applicant to pay applicable fees for caregiver background checks.

3. The license renewal fee under s. 48.65(3)(a), Stats., and any forfeiture due and owing under s. 48.715(3), Stats., or penalty under s. 48.76, Stats.
4. Any changes to center policies, if not previously submitted.
5. Results of a water test if the center has a private well.
6. Results of a vehicle safety inspection if the center will transport children.
7. Documentation of the liability insurance on the child care business required under s. DCF 250.04(2)(g) if the center has cats or dogs that are in areas accessible to children.
8. Any other materials determined by the department as necessary to complete the department’s licensing investigation.

(c) If the department determines that the licensee has met the minimum requirements for a license under s. 48.67, Stats., has paid the applicable fees referred to in ss. 48.65 and 48.685(8), Stats., any forfeiture under s. 48.715(3)(a), Stats., and any penalty under s. 48.76, Stats., the department shall continue the license for an additional 2 years.

(6) AMENDING A LICENSE.

(a) A licensee shall submit to the department a written request for an amendment to the license if the licensee wishes to change any of the following aspects of the license:

1. A change in the number of children served.
2. The age range of the children.
3. The hours of the center’s operation.
4. The days of the week the center is in operation.
5. The months of the year the center is in operation.
6. The name of the center.

(b) A licensee may not make a change that affects a condition of the license identified under par. (a) without the prior written approval of the department.

(c) A licensee may not move the center to a new location or change ownership of the center without notifying the department at least 30 days prior to the change. A new application and license is required when a center moves or changes ownership.

Note: The Department’s form CFS-0067, Family Day Care License Application, is used to apply for a new license. The Department will provide an application prior to the continuation date for a new license.
(7) ADDITIONAL LICENSE. A licensee applying for a license for an additional center location shall demonstrate compliance with this chapter in the operation of any existing center he or she operates and compliance with rules for any other facility licensed by the department and operated by the licensee. The licensee shall pay any fines, forfeitures or other fees due and owing under s. 48.715, Stats., or s. 48.65, Stats., on other facilities licensed by the department before the department issues an additional license.

(8) LICENSE DENIAL OR REVOCATION.

(a) The department may deny, revoke or suspend a license, initiate other enforcement actions specified in this chapter or in ch. 48, Stats., or place conditions on the license if the applicant or licensee, a proposed or current employee, a volunteer, a household member or any other person having regular contact with the children is, has or has been any of the following:
   1. The subject of a pending criminal charge for an action that substantially relates to the care of children or activities of the center.
   2. Convicted of a felony, misdemeanor or other offense that substantially relates to the care of children or activities of the center.
   3. Determined to have abused or neglected a child pursuant to s. 48.981, Stats., or has been determined to have committed an offense which substantially relates to the care of children or the activities of the center.
   4. The subject of a substantiated finding of misconduct in the department’s nurse aide registry under s. DHS 129.10.
   5. The subject of a court finding that the person has abandoned his or her child, has inflicted sexual or physical abuse on a child or has neglected or refused, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter for his or her child or ward or a child in his or her care so as to seriously endanger the physical health of the child.
   6. Had a child care license or certification revoked or denied within the last 5 years.
   7. Violated any provision of this chapter or ch. 48, Stats., or fails to meet the minimum requirements of this chapter.
   8. Made false statements or withheld information.

(b) The department may deny, revoke, refuse to renew or suspend a license, initiate other enforcement actions specified in this chapter or in ch. 48, Stats., or place conditions on the license if the applicant or licensee is not fit and qualified as determined under sub. (2).

Note: See s. DCF 250.0(11) for the definition of “fit and qualified.” Examples of charges, actions or offenses the Department will consider when making a determination under this paragraph that an act substantially relates to the care of children include but are not limited to the following: abuse or neglect of a child; sexual assault; abuse of a resident of a facility; a crime against life and bodily security; kidnapping; abduction; arson of a building or of property other than a building; robbery; receiving stolen property from a child; a crime against sexual morality, such as enticing a minor for immoral purposes or exposing a minor to harmful materials; and interfering with the custody of a child. This list is illustrative. Other types of offenses may be considered.

(c) The department shall deny or refuse to continue or revoke a license if the applicant or licensee has failed to pay court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse or for the failure of the applicant or licensee to comply, after appropriate notices, with a subpoena or warrant issued by the department or a county child support agency under s. 59.53(5), Stats., and related to paternity or child support proceedings, as provided in a memorandum of understanding entered into under s. 49.857, Stats. Notwithstanding s. 48.72, Stats., an action taken under this subsection is subject to review only as provided in the memorandum of understanding entered into under s. 49.857, Stats., and not as provided in s. 48.72, Stats.

(d) The department shall deny an application for the issuance or continuation of a license or revoke a license if the department of revenue certifies under s. 73.0301, Stats., that the applicant or licensee is liable for delinquent taxes. An action taken under this subsection is subject to review only as provided under s. 73.0301(5), Stats., and not as provided in s. 48.72, Stats.

(9) EFFECT OF NOTICE TO DENY OR REVOKE A LICENSE.

(a) If the department decides under sub. (8) to deny the grant of a license or to revoke a license, the department shall notify the applicant or licensee in writing of its decision and the reasons for that decision.
2. If the department revokes a license, the effective date of the revocation shall be either immediately or 30 days after the date of the department notice in subd. 1., based on the criteria under s. 48.715(4m)(a) and (b), Stats., unless the decision is appealed under sub. (11).

(b) Upon receipt of the notice in par. (a) and during any revocation or denial procedures that may result, a family child care center may not accept for care any child not enrolled as of the date of receipt of the notice without the written approval of the department.

(10) SUMMARY SUSPENSION OF A LICENSE.

(a) Under the authority of s. 227.51(3), Stats., the department shall summarily suspend a license and close a family child care center when the department finds that the public health, safety or welfare requires emergency action and incorporates a finding to that effect into its order. A finding of a requirement for summary suspension of the license may be based on any of the following:

1. Failure of the licensee to provide environmental protections for the children, such as heat, water, electricity or telephone service.

2. The licensee, an employee, a volunteer or any other person in regular contact with the children in care has been convicted of or has a pending charge for a crime against life or bodily security.

3. The licensee, an employee, a volunteer or any other person in regular contact with the children or activities of the center or has a pending charge which substantially relates to the care of children or activities of the center.

4. The licensee, employee, volunteer or any other person in regular contact with the children in care is the subject of a current investigation for alleged child abuse or neglect pursuant to s. 48.981, Stats., or has been determined by a child protective services agency or law enforcement agency to have abused or neglected a child.

5. The licensee or a person under the supervision of the licensee has committed an action or has created a condition relating to the operation or maintenance of the child care center that directly threatens the health, safety or welfare of any child under the care of the licensee.

(b) An order summarily suspending a license and closing a family child care center may be a verbal order by a licensing representative of the department. Within 72 hours after the order takes effect, the department shall either permit the reopening of the center or proceed under subs. (8) or (9) to revoke the license. A preliminary hearing shall be conducted by the department of administration’s division of hearings and appeals, within 10 working days after the date of the initial order to close, on the issue of whether the license shall remain suspended during revocation proceedings.

(11) APPEAL OF DECISION TO DENY OR REVOKE A LICENSE.

(a) Any person aggrieved by the department’s decision to deny an initial license or the renewal of a license or to revoke a license may request a hearing on that decision under s. 227.42, Stats. The request for a hearing shall be in writing and submitted to the department of administration’s division of hearings and appeals. The request for a hearing shall be sent to the division of hearings and appeals within 10 days after the date of the notice under sub. (9). A request for a hearing is considered filed upon its receipt by the division of hearings and appeals. A request for a hearing transmitted by facsimile to the division of hearings and appeals shall be considered filed on the date and time imprinted by the division’s facsimile machine on the transmission report that accompanies the document.

Note: A request for a hearing may be mailed to Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707–7875 or faxed to (608) 264–9885. A copy of the request should be sent to the appropriate regional licensing office listed in Appendix A.

(b) The division of hearings and appeals shall conduct an administrative hearing under s. 227.42, Stats., within 30 calendar days after receipt of the request for the administrative hearing, unless any of the following occurs:

1. The aggrieved person consents to an extension of that time period.

2. The petitioner withdraws the request in writing.

3. The petitioner agrees in writing to accept an informal resolution of the appeal.
4. The petitioner abandons the hearing request. The division of hearings and appeals shall determine that abandonment has occurred when the petitioner, without good cause, fails to appear personally or by representative at the time and place set for the hearing or scheduled pre-hearing matters. Abandonment may also be deemed to have occurred when the petitioner or the authorized representative fails to respond within a reasonable time to correspondence from the division regarding the hearing or when the petitioner is not at an agreed-upon telephone number at the agreed time.

(c) The division of hearings and appeals:
1. Shall consider and apply all standards and requirements of this chapter.
2. Issue a decision no later than 30 calendar days after holding the hearing, unless both parties agree to a later date.
3. May dismiss the petition if it determines that the petitioner has abandoned the request pursuant to par. (b) 4.

(d) If, under s. HA 3.09, the division of hearing and appeals issues a proposed decision, both parties may file comments on the decision with the division of hearings and appeals within 15 calendar days from the date of the proposed decision’s issuance. At the close of the comment period, the division shall forward a decision and comments to the secretary for issuance of a final decision, and the secretary shall issue the final decision within 30 calendar days thereafter. The decision of the division of hearings and appeals administrative law judge, if adopted by the secretary, constitutes the final decision of the department.
DCF 250.12 Complaints, inspections and enforcement actions.

(1) **COMPLAINTS.**
(a) Anyone having a complaint about a licensed or illegally operating family child care center may submit that complaint to the department by telephone, letter or personal interview. A representative of the department shall investigate every complaint. If requested by the complainant, the department shall provide the complainant a written report of the investigation findings.

*Note:* A complaint should be sent, phoned or delivered to the appropriate Division of Early Care and Education regional office listed in Appendix A.

(b) The licensee may not discharge an employee because the employee has reported violations of this chapter to the licensing representative.

(2) **INSPECTION.**
(a) Pursuant to s. 48.73, Stats., the department may visit and inspect any family child care center at any time during licensed hours of operation. A department licensing representative shall have unrestricted access to the premises identified in the license, including access to children served and staff and child records and any other materials or other individuals having information on the family child care center’s compliance with this chapter.

(b) At least once per year, the department shall inspect each vehicle that is required to have a child safety alarm under s. DCF 250.08(8)(a) to determine whether the child safety alarm is in good working order.

(3) **ENFORCEMENT ACTION.** The department may order any sanction or impose any penalty on a licensee in accordance with s. 48.685, 48.715 or 48.76, Stats.

*Effective 9/30/2018, s. 48,686, Wis. Stats., replaces s. 48.685, Wis. Stats., as the applicable statute related to criminal history and child abuse record search; child care.*
APPENDIX A
REGIONAL OFFICES OF THE DIVISION OF EARLY CARE AND EDUCATION

Chapter DCF 250
APPENDIX A

Regional Offices of the Division of Early Care and Education

The Department of Children and Families licenses child care centers through five Division of Early Care and Education regional offices. Below are addresses and phone numbers of the regional offices and related counties.

<table>
<thead>
<tr>
<th>Regions</th>
<th>Counties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northeastern Regional Office</td>
<td>Brown, Calumet, Door, Fond du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Ozaukee, Shawano, Sheboygan, Washington, Waupaca, Waushara, Wisconsin</td>
</tr>
<tr>
<td>Northern Regional Office</td>
<td>Ashland, Bayfield, Florence, Forest, Iron, Langlade, Lincoln, Marathon, Oneida, Portage, Price, Sawyer, Taylor, Vilas, Wood</td>
</tr>
<tr>
<td>Southeastern Regional Office</td>
<td>Kenosha, Milwaukee, Racine, Waukesha</td>
</tr>
<tr>
<td>Southern Regional Office</td>
<td>Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Juneau, Lafayette, Richland, Rock, Sauk, Walworth</td>
</tr>
<tr>
<td>Western Regional Office</td>
<td>Barron, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Jackson, La Crosse, Monroe, Pepin, Pierce, Polk, Rusk, St. Croix, Trempealeau, Vernon, Washburn</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The Wisconsin Administrative Code on this web site is updated on the 1st day of each month, current as of that date. See also Are the Codes on this Website Official?
# APPENDIX B

## CACFP MEAL PATTERN REQUIREMENTS - AGES 1 to 12

### Chapter DCF 250

#### APPENDIX B

<table>
<thead>
<tr>
<th>CACFP MEAL PATTERN REQUIREMENTS – AGES 1 to 12</th>
<th>Age 1 &amp; 2</th>
<th>Age 3, 4 &amp; 5</th>
<th>Age 6 up to 12</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BREAKFAST</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Milk, fluid</td>
<td>1/2 cup</td>
<td>3/4 cup</td>
<td>1 cup</td>
</tr>
<tr>
<td>2. Juice or fruit or vegetable or</td>
<td>1/4 cup</td>
<td>1/2 cup</td>
<td>1/2 cup</td>
</tr>
<tr>
<td>Fruit or vegetable(s)</td>
<td>1/4 cup</td>
<td>1/2 cup</td>
<td>1/2 cup</td>
</tr>
<tr>
<td>3. Grains/Breads:</td>
<td>1/2 slice</td>
<td>1/2 slice</td>
<td>1 slice</td>
</tr>
<tr>
<td>Bread</td>
<td>1/2 serving</td>
<td>1/2 serving</td>
<td>1 serving</td>
</tr>
<tr>
<td>Cornbread, biscuits, rolls, muffins, etc.</td>
<td>1/4 cup or 1/3 oz.</td>
<td>1/4 cup or 1/2 oz.</td>
<td>3/4 cup or 1 oz.</td>
</tr>
<tr>
<td>Cereal:</td>
<td>1/4 cup total</td>
<td>1/4 cup</td>
<td>1/2 cup</td>
</tr>
<tr>
<td>Cold dry</td>
<td>1/4 cup</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hot cooked</td>
<td>1/4 cup</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cooked pasta or noodle products</td>
<td>1/4 cup</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>LUNCH OR SUPPER</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Milk</td>
<td>1/2 cup</td>
<td>3/4 cup</td>
<td>1 cup</td>
</tr>
<tr>
<td>2. Meat or meat alternate:</td>
<td>1 oz</td>
<td>1 1/2 oz</td>
<td>2 oz</td>
</tr>
<tr>
<td>Meat, poultry, fish, cheese</td>
<td>1 oz</td>
<td>1 1/2 oz</td>
<td>2 oz</td>
</tr>
<tr>
<td>Alternate protein products</td>
<td>4 oz or 1/2 cup</td>
<td>6 oz or 1 1/4 cup</td>
<td>8 oz or 1 cup</td>
</tr>
<tr>
<td>Yogurt, plain or flavored, unsweetened or</td>
<td>1/2 egg</td>
<td>3/4 egg</td>
<td>1 egg</td>
</tr>
<tr>
<td>sweetened</td>
<td>1/4 cup</td>
<td>3/8 cup</td>
<td>3/4 cup</td>
</tr>
<tr>
<td>Egg</td>
<td>2 Tbsp</td>
<td>3 Tbsp</td>
<td>4 Tbsp</td>
</tr>
<tr>
<td>Cooked dry beans or peas</td>
<td>1/2 oz = 50 g</td>
<td>1/4 oz = 50 g</td>
<td>1 oz = 50 g</td>
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<tr>
<td>Peanut butter or other nut or seed butter</td>
<td>3/4 cup total</td>
<td>1/2 cup total</td>
<td>3/4 cup total</td>
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<tr>
<td>Peanuts or soy nuts or tree nuts or seeds</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Vegetable and/or fruit (at least two)</td>
<td>1/2 slice</td>
<td>1/2 slice</td>
<td>1 slice</td>
</tr>
<tr>
<td>4. Grains/Breads:</td>
<td>1/2 serving</td>
<td>1/2 serving</td>
<td>1 serving</td>
</tr>
<tr>
<td>Bread</td>
<td>1/4 cup total</td>
<td>1/4 cup</td>
<td>1/2 cup</td>
</tr>
<tr>
<td>Cornbread, biscuits, rolls, muffins, etc.</td>
<td>1/4 cup or 1/3 oz.</td>
<td>1/4 cup or 1/2 oz.</td>
<td>3/4 cup or 1 oz.</td>
</tr>
<tr>
<td>Cereal, Cold dry</td>
<td>1/4 cup</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cooked pasta or noodle products</td>
<td>1/4 cup</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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Register November 2008 No. 635
CACFP MEAL PATTERN REQUIREMENTS – AGES 1 to 12

SUPPLEMENT
Select two of the following four components:

1. Milk
2. Juice or fruit or vegetable or fruit(s) or vegetable(s)
3. Grains/Bread
4. Meat or meat alternate:
   - Meat, poultry, fish, cheese
   - Alternate protein products
   - Egg, Large
   - Cooked dry beans or peas
   - Peanut butter or other nut or seed butter
   - Peanuts or soybeans or tree nuts or seeds
   - Yogurt, plain or flavored, unsweetened or sweetened

<table>
<thead>
<tr>
<th>Component</th>
<th>1/2 cup</th>
<th>1/2 cup</th>
<th>1/2 cup</th>
<th>1/2 cup</th>
<th>1/2 cup</th>
<th>1/4 cup</th>
<th>1/4 cup</th>
<th>1/4 cup</th>
<th>1/4 cup</th>
</tr>
</thead>
<tbody>
<tr>
<td>Milk</td>
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<tr>
<td>Juice</td>
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<tr>
<td>Fruit(s)</td>
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<tr>
<td>Vegetable(s)</td>
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<tr>
<td>Bread</td>
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<td>Cereal</td>
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<td>Meat</td>
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<td>Nut</td>
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<tr>
<td>Soybean</td>
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<td></td>
<td></td>
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<td>Tree</td>
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<td></td>
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<tr>
<td>Nut(s)</td>
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<tr>
<td>Yogurt</td>
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<td></td>
</tr>
</tbody>
</table>

* Must be full strength fruit or vegetable juice.

b Bread, pasta or noodle products, and cereal grains shall be whole grain or enriched, combread, biscuits, rolls, muffins, etc., shall be made with whole grain or enriched meal or flour.

4 Either volume (cup) or weight (oz.), whichever is less.

5 No more than 50% of the requirement shall be met with tree nuts or seeds. Tree nuts and seeds shall be combined with another meat/meat alternate to fulfill the requirement. For purpose of determining combinations, 1 oz. of nuts or seeds is equal to 1 oz. of cooked lean meat, poultry or fish.

6 Serve 2 or more kinds of vegetables and/or fruit(s). Full strength vegetable or fruit juice may be counted to meet not more than one-half of this requirement.

f Juice may not be served when milk is the only other component.

8 Alternate protein products may be used as acceptable meat alternates.

b One-half egg meets the required minimum amount (one-ounce or less) of meat alternate.
# Appendix C

## CACFP Meal Pattern Requirements – Birth Through 11 Months

The infant meal pattern shall contain, as a minimum, each of the following components in the amounts indicated for the specific age group.

The minimum quantity of food shall be provided to the infant, but may be served during a span of time consistent with the infant’s eating habits.

<table>
<thead>
<tr>
<th>Birth Through 3 Months</th>
<th>4 Through 7 Months</th>
<th>8 Through 11 Months</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BREAKFAST</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4–6 fl. oz. formula&lt;sup&gt;1&lt;/sup&gt; or breast milk&lt;sup&gt;5,6&lt;/sup&gt;</td>
<td>4–8 fl. oz. formula&lt;sup&gt;1&lt;/sup&gt; or breast milk&lt;sup&gt;5,6&lt;/sup&gt;</td>
<td>6–8 fl. oz. formula&lt;sup&gt;1&lt;/sup&gt; or breast milk&lt;sup&gt;5,6&lt;/sup&gt;</td>
</tr>
<tr>
<td></td>
<td>0–3 T. infant cereal&lt;sup&gt;2&lt;/sup&gt; (optional)</td>
<td>2–4 T. infant cereal&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td><strong>LUNCH OR SUPPER</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4–6 fl. oz. formula&lt;sup&gt;1&lt;/sup&gt; or breast milk&lt;sup&gt;5,6&lt;/sup&gt;</td>
<td>4–8 fl. oz. formula&lt;sup&gt;1&lt;/sup&gt; or breast milk</td>
<td>6–8 fl. oz. formula&lt;sup&gt;1&lt;/sup&gt; or breast milk&lt;sup&gt;5,6&lt;/sup&gt;</td>
</tr>
<tr>
<td></td>
<td>0–3 T. infant cereal&lt;sup&gt;2&lt;/sup&gt; (optional)</td>
<td>2–4 T. infant cereal&lt;sup&gt;2&lt;/sup&gt; and/or</td>
</tr>
<tr>
<td></td>
<td>0–3 T. fruit and/or vegetable (optional)</td>
<td>1–4 T. meat, fish, poultry, egg yolk, or cooked dry beans or peas, or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1–4 T. fruit and/or vegetable</td>
</tr>
<tr>
<td><strong>SNACK</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4–6 fl. oz. formula&lt;sup&gt;1&lt;/sup&gt; or breast milk&lt;sup&gt;5,6&lt;/sup&gt;</td>
<td>4–6 fl. oz. formula&lt;sup&gt;1&lt;/sup&gt; or breast milk&lt;sup&gt;5,6&lt;/sup&gt;</td>
<td>2–4 fl. oz. formula&lt;sup&gt;1&lt;/sup&gt;, breast milk, or fruit juice&lt;sup&gt;3&lt;/sup&gt;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0–1/2 bread or</td>
</tr>
</tbody>
</table>

<sup>1</sup> Shall be iron-fortified infant formula.

<sup>2</sup> Shall be iron-fortified dry infant cereal.

<sup>3</sup> Shall be full-strength fruit juice.

<sup>4</sup> Shall be from whole-grain or enriched meal or flour.

<sup>5</sup> It is recommended that breast milk be served in place of formula from birth through 11 months.

<sup>6</sup> For some breast-fed infants who regularly consume less than the minimum amount of breast milk per feeding, a serving of less than the minimum amount of breast milk may be offered, with additional breast milk offered if the infant is still hungry.

### Required Guidelines for Infant Meal Pattern

**Definition of Infant.** Any child less than 12 months of age.

**Definition of Infant Formula.** Infant formula defined by USDA as "any iron-fortified infant formula intended for dietary use as a sole source of food for normal healthy infants served in liquid state at manufacturer’s recommended dilution.”

**Infant Formula/Breast Milk.** The decision regarding feeding infants breast milk or the type of infant formula is one for the infant’s doctor and parents/guardian to make together.

**Definition of Optional.** Optional foods must be served as each infant becomes developmentally ready for the specified foods.
Chapter DCF 250

APPENDIX D

CONSUMER PRODUCTS SAFETY COMMISSION (www.cpsc.gov)

Your Used Crib Could Be DEADLY

CPSC Document # 5020

An unsafe used crib could be very dangerous for a baby. Each year, about 50 babies suffocate or strangle when they become trapped between broken crib parts or in cribs with older, unsafe designs.

A safe crib is the best place to put a baby to sleep. Look for a crib with a certification seal showing that it meets national safety standards.

If a crib does not meet these guidelines, it may not be used by children enrolled in your child care center. To protect all children, destroy it and replace it with a safe crib.

A safe crib has:

- No missing, loose, broken, or improperly-installed screws, brackets, or other hardware on the crib or the mattress support.
- No more than 2 3/8 inches between crib slats so a baby’s body cannot fit through the slats.
- A firm, snug-fitting mattress so a baby cannot get trapped between the mattress and the side of the crib.
- No corner posts over 1/16 of an inch above the end panels (unless they are over 16 inches high for a canopy) so a baby cannot catch clothing and strangle.
- No cutout areas on the headboard or footboard so a baby’s head cannot get trapped.
- A mattress support that does not easily pull apart from the corner posts so a baby cannot get trapped between mattress and crib.
- No cracked or peeling paint to prevent lead poisoning.
- No splinters or rough edges.
APPENDIX E
REQUIRED ITEMS FOR FAMILY CHILD CARE CENTERS

A. Items to be Submitted to Regional Office at Time of Initial Application

1. All fees and forfeitures due to the department. [250.11(2)(a)]
2. Completed form, Initial License Application – Family Child Care Centers and all requested supporting documentation. [250.11(3)(b)]
3. The license fee required under s. 48.65(3)(a), Stats. [250.11(3)(c)1.]
4. Supporting documentation regarding organization structure: [250.11(3)(c)9.]
   • Articles of Organization and Operating Agreement AND a list of the full name and address of each partner / member if the applicant is organized as a partnership or limited liability company.
   • Articles of Incorporation AND a list that provides the name, title, address, telephone number and dates of office of each member of the board of directors, its committees and its officers if the applicant is organized as a corporation or church.
5. Completed form, Background Check Request (BCR), for the legally responsible individual and, if the center will be located in a residence, any household member aged 10 and above and any applicable fees. [250.11(3)(c)2.; s. 48.686(6)(ag)3.] Note: An applicant who fails to submit a complete BCR form, who knowingly provides false information on the BCR form, or who knowingly omits information from the BCR form may be subject to denial of the application for regulatory approval. [DCF 12.09(2)]
   • If your business type is Individual / Sole Proprietor or Limited Liability Company – Sole Proprietor, the legally responsible individual is the individual who is applying for the child care license.
   • If your business type is Corporation or Church, the legally responsible individual is the president of the governing board.
   • If your business type is Limited Liability Company – Corporation, Limited Liability Company – Partnership, or Partnership, all members of the LLC or Partnership are required to fulfill this requirement unless the Articles of Organization or Operating Agreement identifies a manager on whom the CBC will be run.
6. A completed and signed Request for Taxpayer Identification Number and Certification (IRS W-9). See the instructions on the back of the form if you have questions when filling it out. [250.11(3)(c)9.]
7. A copy of all center policies as specified under s. DCF 250.04(2)(e) along with a completed form, Policy Checklist – Family Child Care Centers. [250.11(3)(c)8. & 9.]
8. Completed form, Initial Licensing Checklist – Family Child Care Centers, that has been signed not more than 30 days prior to submitting, that details the results of any prelicensing technical assistance, and indicates the center is in compliance with all applicable rules. Include all supporting documentation listed on the last page of the checklist. [250.11(3)(a); 250.11(3)(c)3.; 250.11(3)(c)4.]
9. If the center has a private well, a copy of the results of the water test for bacteria. Include nitrate level test if you will provide care for infants under 6 months of age. [250.06(6); 250.11(3)(c)5.]
10. A diagram of the outdoor play space which indicates dimensions, enclosures, and the location of all buildings and bodies of water. [250.11(3)(c)5.]
11. A diagram of the floor plan of the total interior space which indicates all spaces that will be used by the center, the dimensions, exits and room usage. [250.11(3)(c)5.]
12. If the center has cats or dogs that are in areas accessible to children, proof of liability insurance on the child care business required under s. DCF 250.04(2)(g). [250.11(3)(c)7.]
13. If dogs, cats, or ferrets are on the premises, current rabies immunization certificates from a veterinarian. [250.07(7)(a); 250.11(3)(c)9.]
14. If transportation will be provided by the center, completed form, Vehicle Safety Inspection, and proof of vehicle liability insurance for each vehicle used to transport children in care. [250.11(3)(c)6.; 250.11(3)(c)9.]

An applicant for a license shall submit an application at least 60 days before the date proposed for the center to begin operating. [250.11(3)(b)]

The department may not process an application for a license if the applicant has had a license or certification to operate a child care center revoked or denied within the last 2 years prior to the date of the application. [250.11(2)(g)]

The department may deny a license or a probationary license to any person who has had a license or a probationary license revoked within the previous 5 years. [250.11(7)(a)6.]

The department may refuse to issue a license if another center operated by the licensee is in substantial non-compliance with the licensing rules or has any outstanding fines or forfeitures. [250.11(2)(b)]
B. **Items to be Submitted to Regional Office at Time of License Continuation**

1. All fees and forfeitures due to the department. [250.11(2)(a)]

2. The license renewal fee under s. 48.65(3)(a), Stats., and any forfeiture due and owing under s.48.715(3), Stats., or penalty under s. 48.76, Stats. [250.11(4)(a)3.; 250.11(5)(b)3.]

3. Completed form, *License Continuation*, and all requested supporting documentation. [250.11(4)(a)1.; 250.11(5)(b)1.]

4. Completed form, *Background Check Request (BCR)*, for any persons aged 10 and above who live in the center / home where care is provided but are not already listed in the Household Members section of the license continuation application form, and any applicable fees. [12.08(2)(b); 250.11(4)(a)2.; 250.11(5)(b)2.; s. 48.686(2)(ag)3.]

5. If you are organized as a corporation or church, a list that provides the name, title, address, telephone number and dates of office of each member of the board of directors / governing board. [12.08(2)(a); 250.11(4)(a)8.; 250.11(5)(b)8.]

6. A current list of all program and support staff (e.g. substitutes, emergency back-up providers, cooks, maintenance personnel, etc.) that provides each person’s name, title, birthdate and date of hire. [250.11(4)(a)8.; 250.11(5)(b)8.]

7. If you have made changes, but have not yet submitted them to the department, the most current copy of the center’s policies that reflect current practices and a completed form, *Policy Checklist – Family Child Care Centers*. [250.11(4)(a)4.; 250.11(5)(b)4.]

8. If the center gets its water from a private well, a copy of the results of the current tests for bacteria and nitrates. Nitrate test is only required if you provide care for infants under 6 months of age. Tests are required annually [250.11(4)(a)5.; 250.11(5)(b)5.]

9. If there are pets on the premises, a current certificate from a veterinarian documenting rabies immunization for each cat, dog or ferret located on the premises of the center. [250.11(4)(a)8.; 250.07(7)(a)]

10. Documentation of the liability insurance on the child care business required under s. DCF 250.04(2)(g) if the center has cats or dogs that are in areas accessible to children. [250.11(4)(a)7.; 250.11(5)(b)7.]

11. If transportation is provided by the center, completed form, *Vehicle Safety Inspection*, and proof of vehicle liability insurance for each vehicle used to transport children. [250.07(7)(h); 250.08(4)(b); 250.11(4)(a)6.; 250.11(5)(b)6.]

An applicant for license continuation shall submit the requested materials at least 30 days before the expiration / continuation of the license. [250.11(4)(a); 250.11(5)(b)]

The department may refuse to continue a license if another center operated by the licensee is in substantial non-compliance with the licensing rules or has any outstanding fines or forfeitures. 250.11(2)(b)

C. **Items to be Kept in Children’s Files**

1. Completed form, *Intake for Child Under 2 Years – Child Care Centers*, for each child under age 2 years. The information shall be at the center before the child is left for care on the child’s first day of attendance, and the provider and the child’s parents shall periodically discuss the child’s development and routines. [250.04(6)(a)6.; 250.09(1)(c)1.] Note: Although written evidence of the periodic discussions is not required, the department recommends documenting the updates on the intake form every 3 months for infants and every 6 months for toddlers.

2. Completed form, *Child Care Enrollment*. The enrollment form shall be on file prior to the child’s first day of attendance. [250.04(6)(a)1.] Note: The enrollment form should include information for both parents if applicable. If parental access is denied, it is recommended that a current copy of the court order be on file at the center.

3. Parental authorization for the child to participate in and be transported for field trips and other activities if these are part of the program. [250.04(6)(a)2.] Note: If the field trip authorization is checked on the form, *Child Care Enrollment*, nothing additional is required. The form, *Field Trip or Other Activity Notification / Permission – Child Care Centers*, may also be used for this requirement.

4. Written permission from the parents under s. DCF 250.07(6)(k) for medical attention to be sought for the child if the child is injured. [250.04(6)(a)5.] Note: If the emergency medical care authorization is checked on the form, *Child Care Enrollment*, nothing additional is required.

5. Completed form, *Health History and Emergency Care Plan*. The health history form shall be on file prior to the child’s first day of attendance. [250.04(6)(a)1.]
6. A written agreement, signed by the parent, outlining the plan for a child to come to the center from school, home or other activities and to go from the center to school, home or other activities unless the child is accompanied by a parent or other authorized person or the child is transported by the center. [250.04(6)(a)3.] Note: The department’s form, Alternating Arrival/Release Agreement – Child Care Centers, may be used for this requirement.

7. Documentation of each child’s immunization history. [250.04(6)(a)4.] Note: The Department of Health Services form, Day Care Immunization Record, or an electronic printout from the Wisconsin Immunization Registry or other registry maintained by a health care provider may be used for this requirement. Under s. 252.04, Wis. Stats., and ch. DHS 144, the immunization record must be on file no later than 30 school days (6 calendar weeks) after the first day of a child’s attendance.

8. Documentation of the results of the most recent physical exam (required every 6 months for children under age 2 and every 2 years for children over age 2, except that school age children enrolled in public or private school do not need a physical exam report). [250.04(6)(a)4.; 250.07(6)(L)] Note: The form, Child Health Report – Child Care Centers, signed and dated by an approved health care provider or a form or printout from a child’s medical record that includes the date of the exam, the child’s name and the name of the health professional who conducted the exam may be used for this requirement.

9. Completed form, Authorization to Administer Medication, dated and signed by the parent if the center will administer prescription or non-prescription medication. A written authorization from the parent is required for each medication and is time limited. Authorizations that exceed the period of time specified on the label are prohibited. Blanket authorizations are not allowed for non-prescription pain relievers, cough and cold remedies, etc. and may not be pre-signed by parents. The medication authorization must be time specific and follow the guidelines given on the medication container. [250.07(6)(f)1.a.]

10. Written parental consent to discuss or disclose personal information regarding the children and facts learned about the children and their relatives if the center will work with an agency assisting in planning for the child. [250.04(7)(b)1.b.]

11. Written parental consent for the center to care for the child when mildly ill if the center is licensed to care for mildly ill children. [250.07(6)(d)2.]

12. Written authorization from the parent to apply sunscreen or insect repellant. Authorization shall include the brand and ingredient strength. Authorizations shall be reviewed periodically and updated as necessary. Note: The department recommends they be reviewed at least every 6 months. [250.07(6)(f)2.a.]

13. Written authorization from child’s physician if a child under age 1 is to be put to sleep in a position other than on his or her back in a crib. [250.09(2)(e)]

14. Written authorization from the child’s physician if an infant or toddler must be provided with another type of milk or milk substitute other than formula or breast milk. [250.09(3)(e)]

15. Written authorization from the child’s physician if the child is on a special diet based on a medical condition, excluding food allergies, but including nutrient concentrates and supplements. [250.07(5)(h)]

16. Written request from the parent if the child is on a special diet based on a food allergy. [250.07(5)(i)]

17. Written acknowledgement from the parent that they are aware of the presence of pets and animals in the center if pets and animals are allowed to roam in areas of the center occupied by children. [250.07(7)(c)]

The licensee shall maintain a current written record at the center on each child enrolled including the provider’s own children under age 7, and shall make the record available to the licensing representative on request. [250.04(6)(a)] Note: The required records must be maintained for the length of time the child is enrolled. The department recommends that the date of discharge be added to the child’s record, and that the center retain records for 3 years after a child is discharged.

Recommendations:
1. If parental access is prohibited or restricted by court order, it is recommended that the center have a copy of the court order on file at the center.
2. If children who are five years of age and older sleep at the parent’s request, it is recommended that the parent’s request for a nap period be written and kept in the child’s file.

D. Items to be Kept in Staff Files
The licensee shall maintain a file for each provider, employee, or substitute and make the file available for review by the licensing representative. [250.04(5)] Note: If the licensee is a provider, a file is required.

1. Completed form, Staff Record – Child Care Centers. [250.04(5)(a)]

2. Caregiver background check information for employees.
   • Preliminary and final eligibility determination notices resulting from the Department’s caregiver background check. [250.04(5)(c)]
3. The Registry certificate for persons licensed or beginning work with children on or after January 1, 2009. [250.04(5)(k)] Note: If The Registry certificate is not required, then a. and b. must be in the file.
   • Documentation of the entry-level training required under DCF 250.05(1)(b). [250.04(5)(g)]
   • Documentation of the training required under 250.05(1)(b)7. in shaken baby syndrome prevention if center is licensed to care for children under age 5. [250.04(5)(h)]

4. Form, Staff Health Report – Child Care Centers, that was completed within 12 months prior to, or 30 days after, the person became licensed to, or began working with, children. [250.04(5)(e)]

5. Documentation of the actual hours a provider, substitute, employee or volunteer has worked and whose time is used to meet the applicable staff-to-child ratio under Table DCF 250.05. [250.04(5)(d)]

6. For persons who transport children, a copy of the person’s driver’s license and driving record that is obtained by the licensee under s. DCF 250.08(3)(b). [250.04(5)(i)]

7. Completed form, Staff Orientation Checklist – Family Child Care Centers, documenting orientation for any child care provider or substitute who is not the licensee. [250.05(2)(a)]

8. Documentation of continuing education required under s. DCF 250.05(1)(b)4. and 5. [250.04(5)(j)] Note: Form Staff Continuing Education Record can be used to help document completion of this requirement.
   • 15 hours of continuing education in child growth and development, early childhood education, caring for children with disabilities, or first aid as approved by the department. [250.05(1)(b)4]
   • Certificate of completion for infant and child cardiopulmonary resuscitation (must be obtained within 6 months of licensure or date of hire and kept current). [250.05(1)(b)5]

9. Documentation of completion of at least 10 hours of department-approved training in the care of infants and toddlers if the center is licensed to care for children under age 2 (must be obtained within 6 months of licensure or date of hire). [250.05(1)(b)6]

10. Documentation of receipt of training at least every 2 years in all of the following: 250.04(8)(b)
   • Child abuse and neglect laws.
   • How to identify children who have been abused or neglected.
   • The procedures for ensuring that all known or suspected cases of child abuse or neglect are immediately reported to the proper authorities.

11. If the licensee is not providing care and supervision for at least 50% of the hours of the center’s operation, documentation that the licensee has completed at least one course from the Wisconsin Profession Credential for Child Care Administrators program (must be obtained within one year from the initial date that the licensee is not providing care and supervision for at least 50% of the hours of the center’s operation). [250.095(1)]

E. Items to be Provided to Parents

   1. A summary of Chapter DCF 250 Family Child Care Centers. Note: Paper copies of the brochure “Your Guide to Licensed Child Care – Your Summary of the Child Care Rules” may be obtained from the Child Care Information Center by calling 1-800-362-7353, and the PDF print-on-demand version is available from the department’s website at https://dcf.wisconsin.gov. [250.04(4)(b)]

   2. A copy of the center policies required under DCF 250.04(2)(e).

   3. Written information regarding whether you have insurance coverage on the premises and on the child care business. Liability insurance on the child care business is required if cats or dogs are allowed in areas accessible to children during the hours of operation as specified in s. DCF 250.07(7)(h). [250.04(2)(g)]

   4. Information about the requirements for food groups and quantities specified by the USDA child and adult care food program minimum meal requirements when food is provided by a child’s parent. [250.07(5)(f)]

F. Items Required to be Posted in an Area of the Center Accessible to Parents

   1. The Family Child Care license certificate. [250.04(2)(h)]

   2. The results of the most recent licensing inspection. [250.04(2)(i)]
   • Noncompliance Statement and Correction Plan
   • Compliance Statement

   3. Any notice of enforcement action. [250.04(2)(i)]
   • Order to Comply with Licensing Rules
   • Forfeiture Letter
   • Notice of Revocation
   • Notice to Deny

   4. Any stipulations, conditions, exceptions, or exemptions that affect the license. [250.04(2)(i)]
G. Notifications to Parents

1. Illness / Injury:
   • If a child appears to be ill, the licensee shall notify the parent or emergency contact and arrange to
     remove the child from the center as soon as possible. [250.07(6)(c)]
   • If a child is or has been exposed to a diagnosed or suspected communicable disease reportable under
     ch. DHS 145 as specified under s. DCF 250.07(6). [250.04(4)(c)1.; 250.07(6)(e)]
   • If a child becomes ill or is injured seriously enough to require professional medical treatment, the
     parent shall be notified as soon as possible. [250.04(4)(c)2.; 250.07(6)(k)]
   • If a child has sustained a minor injury that does not appear to require professional medical treatment.
     [250.04(4)(c)3.]

2. If a child is absent from the center without prior notification from the parent. [250.04(2)(e)3.]

3. Of the date, time, and destination of any field trip as specified in 250.04(6)(a)2. [250.04(4)(c)4.]

4. If pets are added after a child is enrolled, parents shall be notified in writing prior to the pets’ addition to
   the center. [250.07(7)(c)]

H. Other Required Items

1. Current, accurate written record of the daily attendance on form, Daily Attendance Record – Child Care
   Centers, that includes the actual time of arrival and departure for each child for the length of time the
   child is enrolled in the program. [250.04(6)(a)6(b)]

2. Medication and injury log book with a stitched binding and lined and numbered pages. [250.04(6)(c)]

3. If the center will be licensed to care for mildly ill children, a written plan for the provision of care to mildly
   ill children that has been approved and signed by an approved health care provider. [250.07(6)(d)4.]

4. A written plan that has been approved by the department for ensuring supervision of the children in an
   emergency or during a provider’s absence. [250.05(3)(g)]

5. A written plan for taking appropriate action in the event of a fire or tornado or other emergency. [250.06(3)]

6. Completed form, Fire and Safety and Emergency Response Documentation – Family Child Care Centers,
   or the licensee’s own form for documenting:
   • Documentation of the monthly smoke detector tests that includes times, dates and the results. [250.06(4)(a)]
   • Documentation of annual fire extinguisher inspection. [250.06(4)(b)]
   • Documentation of monthly practice of the fire and tornado plans. [250.06(3)]

7. Accurate records of meals and snacks served shall be available for review by parents and the licensing
   representative. Records must be kept for 3 months. [250.07(5)(d)]

8. At 12-month intervals, the licensee shall provide the department with a completed form, Vehicle Safety
   Inspection – Child Care Centers, for each vehicle used to transport children in care. [250.08(4)(b)]

9. Current rabies vaccination certificates from your veterinarian for all cats, dogs, and ferrets on the
   premises. [250.07(7)(a)]

10. Emergency telephone numbers posted near each telephone—including the local rescue squad, fire
    department, police department, law enforcement agency, poison control center, and emergency medical
    service. [250.06(2)(d)]

I. Reporting to the Department All information provided to the department shall be current and accurate.
    [250.04(2)(c)]

1. DCF 250.04(3) requires that certain circumstances be reported to the department. Initial reports for these
   items can be made by telephone, but a written report is required within 5 business days of the incident.
   Written reports can be made by fax, email, or letter.
   • Any death of a child in the care of the center or any incident or accident that occurs while the child is in
     the care of the center that results in an injury that requires professional medical treatment within 48
     hours of the licensee becoming aware of the medical treatment. [250.04(3)(a)]
   • Any damage to the premises which may affect compliance with Chapter DCF 250 within 24 hours after
     the occurrence. [250.04(3)(b)]
   • Any construction or remodeling on the premises that has the potential to affect an area accessible to
     children or a condition of the license before the construction or remodeling begins. [250.04(3)(c)]
   • If requested by the department, a plan of correction for cited violations of DCF 250 or ch. 48, Stats., in
     a format specified by the department. [250.04(3)(d)]
   • Any known convictions, pending charges or other offenses of the licensee, a provider, household
     member, or other person subject to a caregiver background check which could potentially relate to the
     care of children at the center or activities of the center by the department’s next business day.
     [250.04(3)(e); 250.095(2)(c)2.] Note: See DCF 12.08 Reporting requirements.
• Any incident related to a child who leaves the premises of the center without the knowledge of a provider or any incident that results in a provider not knowing the whereabouts of a child in attendance at the center within 24 hours of the incident. [250.04(3)(f)]

• Any incident involving law enforcement within 24 hours after the occurrence that:
  a. Involves a licensee, a household resident or an employee of the center in an incident that causes, or threatens to cause, physical or serious emotional harm to an individual, including a child in the care of the center. [250.04(3)(g)1.]
  b. Involves any traffic-related incident where a person responsible for the violation transports children in the care of the center. [250.04(3)(g)2.]

• Any change in room usage, such as using rooms not previously approved for use at least 20 working days prior to the change. Changes in room usage shall be approved by the department prior to the change. [250.04(3)(h)]

• Any suspected abuse or neglect of a child by a provider, volunteer or household member that was reported under sub. (8)(a), or any inappropriate discipline of a child by a provider, volunteer or household member including any incident that results in a child being forcefully shaken or thrown against a hard or soft surface during the child’s hours of attendance within 24 hours after the incident. [250.04(3)(i)]

• A change in transportation services at least 5 calendar days prior to the change. A change in transportation services shall be approved by the department. [250.04(3)(j)]

• Seasonal closings at least 5 calendar days before the closing. [250.04(3)(L)]

• Any confirmed case of a communicable disease reportable under ch. DHS 145 in a child enrolled in the child care center or a person in contact with children at the center within 48 hours. [250.04(3)(m)]

2. If the licensee plans to combine the care of children enrolled in the child care center with foster care of other non-related children or adults, prior written approval of both licensing agencies must be obtained. [250.05(3)(a)2.]

3. Effective 9/30/2018, licensees are required to submit Background Check Request (BCR) information for prospective household members age 10 years and older PRIOR to the individual residing at the center. The information may be submitted electronically through the Child Care Provider Portal (CCPP), or the BCR form (DCF-F-5296) may be completed and submitted to the DCF regional office. Licensees are reminded to remove an individual from their facility’s profile in CCPP when the individual no longer resides at the center. Failure to do so may result in continued caregiver background checks being conducted on the individual.

4. The licensee shall report as soon as possible, but no later than the department’s next business day, when a current household member turns 10 years of age. Notification must include a completed form, Background Check Request. DCF will contact the licensee and request a Background Check Request form when a household member turns age 10. Licensees should verify that all household members age 10 years and older are entered into the Child Care Provider Portal (CCPP).

5. The licensee shall report as soon as possible, but no later than the department’s next business day, when a current household member turns 18 years of age. Notification must include a completed form, Background Check Request. DCF will contact the licensee and request the fingerprint-based background check when a household member turns age 18.

6. The licensee shall report as soon as possible, but no later than the department’s next business day, when a corporation or limited liability company designates a new person to be subject to the caregiver background check. Notification must include a completed form, Background Check Request. Providers must submit a BCR for individuals through the Child Care Provider Portal or by submitting a copy to the regional licensing office. The form must be submitted initially and reviewed at the time the five-year check is due.

7. The licensee shall report as soon as possible, but no later than the department’s next business day, when a caregiver under s. DCF 12.02(4)(a) or a household member changes his or her name. [12.08(2)(a)5.]

8. A center with an approved plan for use of off-premises outdoor play space shall immediately report to the department any significant change in any circumstance described in the plan. [250.06(11)(c)9.]

9. A licensee may not make a change that affects a condition of the license identified under DCF 250.11(6)(a) without submitting a written request for an amendment and receiving the prior written approval of the department. [250.11(6)]

10. A licensee may not move the center to a new location or change ownership of the center without notifying the department at least 30 days prior to the change. A new application and license is required when a center moves or changes ownership. [250.11(6)(c)]
48.02 Definitions. [2017]

(8) "Guardian" means the person named by the court having the duty and authority of guardianship.

(13) "Parent" means a biological parent, a husband who has consented to the artificial insemination of his wife under s. 891.40, or a parent by adoption. If the child is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, "parent" includes a person acknowledged under s. 767.805 or a substantially similar law of another state or adjudicated to be the biological father.

"Parent" does not include any person whose parental rights have been terminated. For purposes of the application of s. 48.028 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, "parent" means a biological parent, an Indian husband who has consented to the artificial insemination of his wife under s. 891.40, or an Indian person who has lawfully adopted an Indian child, including an adoption under tribal law or custom, and includes, in the case of a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, a person acknowledged under s. 767.805, a substantially similar law of another state, or tribal law or custom to be the biological father or a person adjudicated to be the biological father, but does not include any person whose parental rights have been terminated.

(15) "Relative" means a parent, stepparent, brother, sister, stepbrother, stepsister, half brother, half sister, brother-in-law, sister-in-law, first cousin, 2nd cousin, nephew, niece, uncle, aunt, stepuncle, stepaunt, or any person of a preceding generation as denoted by the prefix of grand, great, or great-great, whether by blood, marriage, or legal adoption, or the spouse of any person named in this subsection, even if the marriage is terminated by death or divorce. For purposes of the application of s. 48.028 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, "relative" includes an extended family member, as defined in s. 48.028(2)(am), whether by blood, marriage, or adoption, including adoption under tribal law or custom. For purposes of placement of a child, "relative" also includes a parent of a sibling of the child who has legal custody of that sibling.

48.48 Authority of department. [2015] The department shall have authority: (10) To license child welfare agencies and child care centers as provided in s. 48.66(1)(a).

48.65 Child care centers licensed; fees. [2017]

(1) No person may for compensation provide care and supervision for 4 or more children under the age of 7 for less than 24 hours a day unless that person obtains a license to operate a child care center from the department. To obtain a license under this subsection to operate a child care center, a person must meet the minimum requirements for a license established by the department under s. 48.67, meet the requirements specified in s. 48.686, and pay the license fee under sub. (3). A license issued under this subsection is valid until revoked or suspended, but shall be reviewed every 2 years as provided in s. 48.66(5).

(2) This section does not include any of the following:

(a) A parent, grandparent, greatgrandparent, stepparent, brother, sister, first cousin, nephew, niece, uncle, or aunt of a child, whether by blood, marriage, or legal adoption, who provides care and supervision for the child.

(b) A guardian of a child who provides care and supervision for the child.

(c) A person employed to come to the home of the child’s parent or guardian for less than 24 hours a day.

(d) A county, city, village, town, school district or library that provides programs primarily intended for recreational or social purposes.

(3)(a) Except as provided in par. (c), before the department may issue a license under sub. (1) to a child care center that provides care and supervision for 4 to 8 children, the child care center must pay to the department a biennial fee of $60.50. Except as provided in par. (c), before the department may issue a license under sub. (1) to a child care center that provides care and supervision for 9 or more children, the child care center must pay to the department a biennial fee of $30.25, plus a biennial fee of $16.94 per child, based on the number of children that the child care center is licensed to serve. A child care center that wishes to continue a license issued under sub. (1) shall pay the applicable fee under this paragraph by the continuation date of the license. A new child care center shall pay the applicable fee under this paragraph no later than 30 days before the opening of the child care center.

(b) A child care center that wishes to continue a license issued under par. (a) and that fails to pay the applicable fee under par. (a) by the continuation date of the license or a new child care center that fails to pay the applicable fee under par. (a) by 30 days before the opening of the child care center shall pay an additional fee of $5 per day for every day after the deadline that the child care center fails to pay the fee.

(c) An individual who is eligible for a fee waiver under the veterans fee waiver program under s. 45.44 is not required to pay a fee under par. (a) for a license under sub. (1).
(2) The department shall prescribe application forms to be used by all applicants for licenses from it. The application forms prescribed by the department shall require that the social security numbers of all applicants for a license to operate a child welfare agency, group home, shelter care facility, or child care center who are individuals, other than an individual who does not have a social security number and who submits a statement made or subscribed under oath or affirmation as required under sub. (2m)(a)2., be provided and that the federal employer identification numbers of all applicants for a license to operate a child welfare agency, group home, shelter care facility, or child care center who are not individuals be provided.

(2m)(a)1. Except as provided in subd. 2, the department shall require each applicant for a license under sub. (1)(a) to operate a child welfare agency, group home, shelter care facility, or child care center who is an individual to provide that department with the applicant's social security number, and shall require each applicant for a license under sub. (1)(a) to operate a child welfare agency, group home, shelter care facility, or child care center who is not an individual to provide that department with the applicant's federal employer identification number, when initially applying for or applying to continue the license.

2. If an applicant who is an individual does not have a social security number, the applicant shall submit a statement made or subscribed under oath or affirmation to the department of corrections that the applicant does not have a social security number. The form of the statement shall be prescribed by the department. A license issued in reliance upon a false statement submitted under this subdivision is invalid.

(b) If an applicant who is an individual fails to provide the applicant's social security number to the department or if an applicant who is not an individual fails to provide the applicant's federal employer identification number to the department with the applicant's social security number, the applicant shall submit a statement made or subscribed under oath or affirmation as required under par. (a)2.

(c) The subunit of the department that obtains a social security number or a federal employer identification number under par. (a)1. may not disclose that information to any person except to the department of revenue for the sole purpose of receiving certifications under s. 73.0301 and to the department of workforce development for the sole purpose of requesting certifications under s. 108.227 or on the request of the subunit of the department that administers the child and spousal support program under s. 49.22(2m).

3. The department shall prescribe the form and content of records to be kept and information to be reported by persons licensed by it.

(5) A child welfare agency, group home, child care center, or shelter care facility license, other than a probationary license, is valid until revoked or suspended, but shall be reviewed every 2 years after the date of issuance as provided in this subsection. At least 30 days prior to the continuation date of the license, the licensee shall submit to the department an application for continuance of the license in the form and containing the information that the department requires. If the minimum requirements for a license established under s. 48.67 are met, the application is approved, the applicable fees referred to in ss. 48.68(1), 48.685(8), and 48.686(2)(ag) are paid, and any forfeiture under s. 48.715(3)(a) or penalty under s. 48.76 that is due is paid, the department shall continue the license for an additional 2-year period, unless sooner suspended or revoked. If the application is not timely filed, the department shall issue a warning to the licensee. If the licensee fails to apply for continuance of the license within 30 days after receipt of the warning, the department may revoke the license as provided in s. 48.715(4) and (4m)(b).

48.67 Rules governing child welfare agencies, child care centers, foster homes, group homes, shelter care facilities, and county departments. [2015] The department shall promulgate rules establishing minimum requirements for the issuance of licenses to, and establishing standards for the operation of, child welfare agencies, child care centers, foster homes, group homes, shelter care facilities, and county departments. Those rules shall be designed to protect and promote the health, safety, and welfare of the children in the care of all licensees. The department shall consult with the department of safety and professional services, the department of public instruction, and the child abuse and neglect prevention board before promulgating those rules. For foster homes, those rules shall include the rules promulgated under s. 48.62(8). Those rules shall include rules that require all of the following:

1. That all child care center licensees, and all employees and volunteers of a child care center, who provide care and supervision for children under one year of age receive, before the date on which the license is issued or the employment or volunteer work commences, whichever is applicable, training in the most current medically accepted methods of preventing sudden infant death syndrome. The rules shall provide that any training in those methods that a licensee has obtained in connection with military service, as defined in s. 111.32(12g), counts toward satisfying the training requirement under this subsection if the licensee demonstrates to the satisfaction of the department that the training obtained in that connection is substantially equivalent to the training required under this subsection.

2. That all child care center licensees, and all employees and volunteers of a child care center, who provide care and supervision for children under 5 years of age receive, before the date on which the license is issued or the employment or volunteer work commences, whichever is applicable, the training relating to shaken baby syndrome and impacted babies required under s. 253.15(4)(a) or (c).

3. (a) That all child care center licensees, and all employees of a child care center, who provide care and supervision for children have current proficiency in the use of an automated external defibrillator, as defined in s. 256.15(1)(cr), achieved through instruction provided by an individual, organization, or institution of higher education that is approved under s. 46.03(38) to provide such instruction or through instruction obtained by the licensee in connection with military service, as defined in s. 111.32(12g), if the licensee demonstrates to the satisfaction of the department that the instruction obtained in that connection is substantially equivalent to the instruction provided by a person approved under s. 46.03(38).

48.68 Investigation of applicant; issuing of license. [2017]

(1) After receipt of an application for a license, the department shall investigate to determine if the applicant meets the minimum requirements for a license adopted by the
department under s. 48.67 and meets the requirements specified in s. 48.685 or 48.686, whichever is applicable. In determining whether to issue or continue a license, the department may consider any action by the applicant, or by an employee of the applicant, that constitutes a substantial failure by the applicant or employee to protect and promote the health, safety, and welfare of a child. Upon satisfactory completion of this investigation and payment of the fee required under s. 48.615(1)(a) or (b), 48.625(2)(a), 48.653(3)(a), or 938.227(b), the department shall issue a license under s. 48.661(a) or, if applicable, a probationary license under s. 48.69 or, if applicable, shall continue a license under s. 48.66(5). At the time of initial licensure and license renewal, the department shall provide a foster home licensee with written information relating to the monthly foster care rates and supplemental payments specified in s. 48.62(4), including payment amounts, eligibility requirements for supplemental payments, and the procedures for applying for supplemental payments.

48.686 Criminal history and child abuse record search; child care. [2017]

(1) In this section:
   (ag) “Caregiver” means any of the following:
      1. A person who is any of the following:
         a. An employee or independent contractor of a child care program.
         b. Involved in the care or supervision of clients of a child care program or has unsupervised access to clients of a child care program.
      2. A person who has, or is seeking, a license, certification, or contract to operate a child care program.
   (aj) “Child care program” means a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14), a child care provider that is certified under s. 48.651, or a temporary employment agency that provides caregivers to another child care program.
   (am) “Client” means a person who receives direct care from a child care program, from an entity under s. 48.685(1)(b) or from a caregiver specified in s. 48.68(1)(ag)1. am., including all of the following:
      1. An adopted child for whom adoption assistance payments are being made under s. 48.975.
      2. A child for whom subsidized guardianship payments are being made under s. 48.623.
      3. A person who is 18 to 21 years old, is receiving independent living services under 42 USC 677(a) from an agency, is no longer placed in out-of-home care, and is residing in the foster home in which he or she was previously placed.
   (ar) “Contractor” means, with respect to a child care program, a person, or that person’s agent, who provides services to the child care program under an express or implied contract or subcontract.
   (bm) “Nonclient resident” means a person who is age 10 or older, who resides, or is expected to reside, at a child care program, and who is not a client of the child care program or caregiver.
   (br) “Reservation” means land in this state within the boundaries of a reservation of a tribe or within the bureau of Indian affairs service area for the Ho-Chunk Nation.
   (c) “Serious crime” means any of the following:
      1. A violation of s. 940.12, 940.22(2) or (3), 940.285(2), 940.29, 940.295, or 942.09(2).
      2. A violation of s. 940.302(2) if s. 940.302(2)(a)1. b. applies.
      3. An offense under ch. 948 that is a felony, other than a violation of s. 948.22(2).
      4. A violation of s. 940.19(3), 1999 stats., or of s. 940.19(2), (4), (5), or (6) or 940.20(1) or (1m), if the victim is the spouse of the person.
      5. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.21, 940.225(1), (2), or (3), 940.23, 940.305, 940.31, 941.20(2) or (3), 941.21, 943.04, 943.10(2), 943.32(2), or 948.21(1)(a).
      6. Only for a caregiver, as defined in par. (ag)2., a violation of s. 943.201, 943.203, or 943.38(1) or (2); a violation of s. 943.34(1), 943.395(1), 943.41(3)(e), (4)(a), (5), (6), or (6m), 943.45(1), 943.455(2), 943.46(2), 943.47(2), 943.50(1m), or 943.70(2)(a) or (am) or (3)(a) that is a felony; or an offense under subch. IV of ch. 943 that is a felony.
      7. A violation of sub. (2) or s. 48.685(2), (3), (4m)(b), or (6), 2015 stats., if the violation involves the provision of false information to or the intentional withholding of information from, the department, a county department, an agency contracting under s. 48.651(2), a school board, or a child care program.
      8. An offense involving fraudulent activity as a participant in the Wisconsin Works program under ss. 49.141 to 49.161, including as a recipient of a child care subsidy under s. 49.155, or as a recipient of aid to families with dependent children under s. 49.19, medical assistance under subch. IV of ch. 49, food stamps benefits under the food stamp program under 7 USC 2011 to 2036, supplemental security income payments under s. 49.77, payments for the support of children of supplemental security income recipients under s. 49.775, or health care benefits under the Badger Care health care program under s. 49.665.
      9. A violation of s. 125.075(1), 125.085(3)(a)2., 125.105(2)(b), 125.66(3), 125.68(12), 940.09, 940.19(2), (4), (5), or (6), 940.20, 940.203, 940.205, 940.207, 940.25, or 943.23(1g), a violation of s. 948.51(2) that is a felony under s. 948.51(3)(b) or (c), a violation of s. 346.63(1), (2), (5), or (6) that is a felony under s. 346.65(2)(am)5., 6., or 7. or (f), (2)(d), or (3m), or an offense under ch. 961 that is a felony, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the department of corrections, less than 5 years before the date of the investigation under sub. (2)(am).
      10. A violation of s. 948.22(2), if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the department of corrections, less than 5 years before the date of the investigation under sub. (2)(am), unless the person has paid all arrears due and is meeting his or her current support obligations.
      11. A violation of the law of any other state or United States jurisdiction that would be a violation listed in subd. 1. to 10. if committed in this state.
      12. A violation of the laws of another state or United States jurisdiction that would constitute a violation listed in subd. 1. to 12. if committed in this state.
background information request to the department.

(ab) Each child care program shall submit a request to the department for a criminal background check for each potential caregiver and potential nonclient resident prior to the date on which an individual becomes a caregiver or nonclient resident, and at least once during every 5-year period for each existing caregiver or nonclient resident, except if all of the following apply:

1. The caregiver, potential caregiver, nonclient resident, or potential nonclient resident has received a background check as described in par. (am) while employed or seeking employment by another child care program within the state within the last 5 years.

2. The department provided to the child care program under subd. 1. a qualifying background check result for the caregiver, potential caregiver, nonclient resident, or potential nonclient resident.

3. The caregiver, potential caregiver, nonclient resident, or potential nonclient resident is employed by or resides at a child care program within the state or has been separated from employment or residence at a child care program within the state for a period of not more than 180 consecutive days.

(ag)1. A request for a background check to the department under par. (a) or (ab) shall be in the manner and on forms prescribed by the department, and shall include all of the following:

a. Fingerprints of the subject that meet the standards of the department.

b. Any additional information that the department deems necessary to perform the criminal background check.

c. The state-based child abuse and neglect registry and database.

d. The state criminal registry or repository.

e. The state sex offender registry or repository.

(f) Upon receipt of the background check request, the department shall require the person who is the caregiver, potential caregiver, nonclient resident, or potential nonclient resident to provide all of the following with respect to a caregiver or nonclient resident who is not under 10 years of age:

1. A fingerprint-based criminal history search from the records maintained by the department of justice.

2. Information that is contained in the registry under s. 146.40(4g) regarding any findings against the person.

3. Information maintained by the department of safety and professional services regarding the status of the person's credentials, if applicable.

4. Information maintained by the department regarding any final determination under s. 48.981(3)(c)5m. or, if a contested case hearing is held on such a determination, any final decision under s. 48.981(3)(c)5p. that the person has abused or neglected a child.

5. Information maintained by the department of health services under s. 48.685 regarding any denial to the person of a license, continuation or renewal of a license, certification, or a contract to operate an entity or a child care program, for a reason specified in s. 48.685(4m)(a)1. to 10. and at any time that the department considers appropriate, the department may request the information specified in sub. (3)(am)1. to 10. for all caregivers under sub. (1)(ag)2., nonclient residents of such a caregiver, and caregivers under sub. (1)(ag)1. who have direct contact with clients. For the purposes of this paragraph, “direct contact” means face-to-face physical proximity to a client that affords the opportunity to commit abuse or neglect of a client or to misappropriate the property of a client.

(bm) Annually, by January 1, the department shall submit
a report to the appropriate standing committees of the legislature under s. 13.172 (3) describing the report prepared under sub. (4p)(a) with respect to caregivers specified in sub. (4m)(a) to be licensed, certified, or contracted to operate a child care program, and describing any action taken in response to the receipt of information under sub. (2)(am) indicating that such a caregiver is so ineligible.

4. That a final determination has been made under s. 13.172 (3) describing the report prepared under sub. (4p)(a) with respect to caregivers specified in sub. (4m)(a) to be licensed, certified, or contracted to operate a child care program, and describing any action taken in response to the receipt of information under sub. (2)(am) indicating that such a caregiver is so ineligible.

(4p)(a) The department shall provide the results of the criminal background check to the child care program in a written report that indicates only that the individual on whom the background check was conducted is eligible or ineligible for employment or to reside at the child care program, without revealing any disqualifying crime or other information regarding the individual.

(b) The department shall provide the results of the criminal background check to the individual on whom the background check was conducted in a written report that indicates whether the individual is eligible or ineligible for employment or to reside at the child care program. If the individual is ineligible for employment or to reside at the child care program, the department's report shall include information on each disqualifying crime and information on the right to appeal.

(c) Before the department completes its report under par. (a), a caregiver under sub. (1)(ag) 2. may submit a written request to the department for a preliminary report indicating whether a potential caregiver or nonclient resident is eligible to work or reside at a child care program under sub. (4m)(c). If the department receives such a request, it shall provide a written preliminary report to that caregiver indicating whether the individual is barred from employment as a caregiver or residence as a nonclient resident on the basis of a background check under sub. (2)(am) 1. or 7. If the individual is ineligible for employment or residence at a child care program based on the results of the preliminary report, the department shall also provide a preliminary report to the individual containing information related to each disqualifying crime.

(d) The results of a report under par. (c) may not be appealed by the individual until receipt of the department's report under par. (b) following completion of all components of the criminal background check.

(4s)(a) An individual who is the subject of the department's report on the results of a criminal background check may appeal the department's decision. Only the person who is the subject of the department's report may appeal the department's decision. Neither the child care program nor any other person may appeal the department's decision.

(b) An appeal request shall be submitted to the department at the address, e-mail address, or fax number identified in the statement of appeal rights no later than 60 days after the date of the department's decision, unless the appellant requests, and the department grants, an extension for a specific amount of time prior to expiration of the 60 day appeal period. Extensions may be granted for good cause shown.

(c) An appeal shall be submitted in the manner and on forms prescribed by the department, and must include all of the following information:
1. The information or issue disputed by the individual.
2. Any information known to the individual, or available to the individual through the exercise of reasonable diligence, that supports the individual's position.
3. The current or last known names, addresses, telephone numbers, and electronic mail addresses of any persons known or believed to have information relevant to determination of the appeal.
4. Copies of any documents or other materials in the possession of the individual, or reasonably available to the individual, that support the individual's position regarding the disputed information.
(e) The department shall attempt to verify the accuracy of the information challenged by the appellant, including making reasonable good faith efforts to locate any missing information regarding the disqualifying crime that is relevant to the issue identified for appeal.
(f) The department shall sustain the results of its criminal background check report if supported by a preponderance of the available evidence.
(g) The department shall issue its appeal decision in writing. If the results of the original report are sustained upon review, the decision shall indicate the department's efforts to verify the accuracy of the information challenged by the individual. The decision shall also indicate any additional reconsideration and appeal rights available to the appellant.
(h) An appellant under this subsection may seek reconsideration of the department's decision under par. (g) by the secretary or the secretary's designee.
(i) A request for reconsideration detailing the basis for the request must be sent to the secretary at the address, e-mail address, or fax number identified in the department's decision no later than 30 days after the date of the department's decision.
(j) The secretary or secretary's designee shall issue his or her reconsideration decision in writing and shall include information about any additional appeal rights available to the individual.
(k) A denial of reconsideration under this subsection is a final decision of the department, and the appellant has a right to a contested case hearing under ch. 227.
(L) The appeal and reconsideration process set forth in this subsection is the exclusive method for disputing a criminal history background report issued by the department. The department's decision may not be appealed in a ch. 68 or 227 proceeding challenging the denial of a license, certification, or contract to operate a child care program based on the department's criminal history background check report or challenging any other child care regulatory action taken in reliance upon that report.
(m) Notwithstanding s. 19.35, the department may not publicly release or disclose the results of any criminal individual background report it issues, except that the department may release aggregated data by crime as listed in sub. (1)(c) from criminal background check results so long as the data does not contain personally identifiable information. The department may disclose and use information obtained in conducting criminal background checks as necessary during an appeal or reconsideration under this subsection.
(5)(a) Subject to par. (br), the department may license to operate a child care program, the department in a county having a population of 750,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may certify under s. 48.651, and a school board may contract with under s. 120.13 (14) a person who otherwise may not be so licensed, certified, or contracted with for a reason specified in sub. (4m)(a) 1. to 8., and a child care program may employ, contract with, or permit to reside at the child care program a person who otherwise may not be so employed, contracted with, or permitted to reside for a reason specified in sub. (4m)(a) 1. to 8., if the person demonstrates to the department, the county department, the contracted agency, or the school board or, in the case of a child care program that is located within the boundaries of a reservation, to the person or body designated by the Indian tribe under sub. (5d)(a) 3., by clear and convincing evidence and in accordance with procedures established by the department by rule or by the tribe that he or she has been rehabilitated.
(b) No person who has been convicted or adjudicated delinquent on or after his or her 10th birthday for committing any of the offenses identified in sub. (1)(c) 1. to 8. or 12. or for a violation of the law of any other state or United States jurisdiction that would be a violation listed in sub. (1)(c) 1. to 8. if committed in this state or who is the subject of a pending criminal charge or delinquency petition alleging that the person has committed any of those offenses on or after his or her 10th birthday may be permitted to demonstrate that he or she has been rehabilitated.
(cm) Notwithstanding sub. (4m)(a) 1., if a person was convicted or adjudicated delinquent on or after his or her 10th birthday for committing any of the offenses listed in sub. (1)(c) 9. or 10. and the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the department of corrections, 5 or more years before the date of the investigation under sub. (2)(am), then the conviction or delinquency adjudication alone does not make the person ineligible to be licensed as a child care center under s. 48.651, contracted as a child care provider under s. 48.651, contracted with under s. 120.13 (14), or employed by, contracted with, or permitted to reside at a child care program and, with respect to that conviction or delinquency adjudication, the person need not demonstrate that he or she has been rehabilitated under par. (a) before being so licensed, certified, contracted with, employed, or permitted to reside.
(5m)(a) Any person who is permitted but fails under sub. (5)(a) to demonstrate to the department that he or she has been rehabilitated may appeal to the secretary or his or her designee under this paragraph has a right to a contested case hearing under ch. 227.
(b) Any person who is permitted but fails under sub. (5)(a) to demonstrate to a county department or an agency contracted with under s. 48.651 (2) that he or she has been rehabilitated may appeal to the director of the county department or his or her designee. Any person who is adversely affected by a decision of the director or his or her designee under par. (a) before being so licensed, certified, contracted with, employed, or permitted to reside.
(5n)(a) Any person who is permitted but fails under sub. (5)(a) to demonstrate to a county department or an agency contracted with under s. 48.651 (2) that he or she has been rehabilitated may appeal to the state superintendent of public instruction or his or her designee. Any person who is adversely affected by a decision of the state superintendent or his or her designee under this paragraph has a right to appeal the decision under ch. 68.
(c) Any person who is permitted but fails under sub. (5)(a) to demonstrate to a school board that he or she has been rehabilitated may appeal to the superintendent of public instruction or his or her designee. Any person who is adversely affected by a decision of the superintendent or his or her designee under this paragraph has a right to appeal the decision under ch. 227.
(5d)(a) Any Indian tribe that chooses to conduct rehabilitation reviews under sub. (5) shall submit to the department a rehabilitation review plan that includes all of the following:
1. The criteria to be used to determine if a person has been rehabilitated.
2. The title of the person or body designated by the Indian tribe to whom a request for review must be made.
3. The title of the person or body designated by the Indian tribe to determine whether a person has been rehabilitated.
3m. The title of the person or body, designated by the Indian tribe, to whom a person may appear an adverse decision made by the person specified under subd. 3, and whether the Indian tribe provides any further rights to appeal.

4. The manner in which the Indian tribe will submit information relating to a rehabilitation review to the department so that the department may include that information in its report to the legislature required under sub. (5g).

5. A copy of the form to be used to request a review and a copy of the form on which a written decision is to be made regarding whether a person has demonstrated rehabilitation.

(b) If, within 90 days after receiving the plan, the department does not disapprove the plan, the plan shall be considered approved. If, within 90 days after receiving the plan, the department disapproves the plan, the department shall provide notice of that disapproval to the Indian tribe in writing, together with the reasons for the disapproval. The department may not disapprove a plan unless the department finds that the plan is not rationally related to the protection of clients. If the department disapproves the plan, the Indian tribe may, within 30 days after receiving notice of the disapproval, request that the secretary review the department's decision. A final decision under this paragraph is not subject to further review under ch. 227.

(5g) On January 1 of each year, the department shall submit a report to the legislature under s. 13.172 (2) that specifies the number of persons in the previous year who have requested to demonstrate that they have been rehabilitated under sub. (5)(a), the number of persons who successfully demonstrated that they have been rehabilitated under sub. (5)(a), and the reasons for the success or failure of a person who has attempted to demonstrate that he or she has been rehabilitated.

(5m) Notwithstanding s. 111.335, the department may refuse to license a person to operate a child care center, the department in a county having a population of 750,000 or more, a county department, or an agency contracted with under s. 48.65 (2) may refuse to certify a child care provider under s. 48.65, a school board may refuse to contract with a person under s. 120.13 (14), and a child care program may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the child care program if the person has been convicted of or adjudicated delinquent on or after his or her 10th birthday for an offense that is not a serious crime, but that is, in the estimation of the department, substantially related to the care of a client. The department shall notify the provider and the individual of the results of a substantially related determination pursuant to the process set forth in sub. (4p) for criminal background check determinations. The individual shall have the same appeal rights as set forth in sub. (4s), and the same appeal procedures apply.

(7) The department shall conduct throughout the state periodic training sessions that cover procedures and uses of criminal background investigations; reporting and investigating misappropriation of property or abuse or neglect of a client; and any other material that will better enable entities to comply with the requirements of this section.

(8) The department may promulgate any rules necessary for the administration of this section.

48.69 Probationary licenses. [2009] Except as provided under s. 48.715 (6) and (7), if any child welfare agency, shelter care facility, group home, or child care center that has not been previously issued a license under s. 48.66 (1)(a) applies for a license, meets the minimum requirements for a license established under s. 48.67, and pays the applicable fee referred to in s. 48.68 (1), the department shall issue a probationary license to that child welfare agency, shelter care facility, group home, or child care center. A probationary license is valid for up to 6 months after the date of issuance unless renewed under this section or suspended or revoked under s. 48.715. Before a probationary license expires, the department shall inspect the child welfare agency, shelter care facility, group home, or child care center holding the probationary license and, except as provided under s. 48.715 (6) and (7), if the child welfare agency, shelter care facility, group home, or child care center meets the minimum requirements for a license established under s. 48.67, the department shall issue a license under s. 48.66 (1)(a). A probationary license issued under this section may be renewed for one 6-month period.

48.70 Provisions of licenses. [2009]

(1) GENERAL. Each license shall state the name of the person licensed, the premises included under the license, the maximum number of children who can be received and their age and sex and such additional information and special conditions as the department may prescribe.

48.715 Sanctions and penalties. [2017]

(1) In this section, “licensee” means a person who holds a license under s. 48.66 (1)(a) or a probationary license under s. 48.69 to operate a child welfare agency, shelter care facility, group home, or child care center.

(2) If the department provides written notice of the grounds for a sanction, an explanation of the types of sanctions that may be imposed under this subsection and an explanation of the process for appealing a sanction imposed under this subsection, the department may order any of the following sanctions:

(a) That a person stop operating a child welfare agency, shelter care facility, group home, or child care center if the child welfare agency, shelter care facility, group home, or child care center is without a license in violation of s. 48.66 (1)(a) or a probationary license in violation of s. 48.69.

(b) That a person who employs a person who has had a license under s. 48.66 (1)(a) or a probationary license under s. 48.69 revoked within the previous 5 years terminate the employment of that person within 30 days after the date of the order. This paragraph includes employment of a person in any capacity, whether as an officer, director, agent or employee.

(c) That a licensee stop violating any provision of licensure under s. 48.70(1) or rule promulgated by the department under s. 48.658 (4)(a) or 48.67.

(d) That a licensee submit a plan of correction for violation of any provision of licensure under s. 48.70(1) or rule promulgated by the department under s. 48.658(4)(a) or 48.67.

(e) That a licensee implement and comply with a plan of correction provided by the department or previously submitted by the licensee and approved by the department.

(f) That a licensee close the intake of any new children until all violations of the provisions of licensure under s. 48.70 (1) and the rules promulgated by the department under s. 48.658(4)(a) or 48.67 are corrected.

(g) That a licensee provide training for the licensee's staff members as specified by the department.

(3) If the department provides written notice of the grounds for a penalty, an explanation of the types of penalties that may be imposed under this subsection, and an explanation of the process for appealing a penalty imposed under this subsection, the department may impose any of the following penalties against a licensee or any other person who violates a provision of licensure under s. 48.70 (1) or rule promulgated
by the department under s. 48.658 (4)(a) or 48.67 or who fails to comply with an order issued under sub. (2) by the time specified in the order:

(a) A daily forfeiture amount per violation of not less than $10 or more than $1,000. All of the following apply to a forfeiture under this paragraph:

1. Within the limits specified in this paragraph, the department may, by rule, set daily forfeiture amounts and payment deadlines based on the size and type of facility or agency and the seriousness of the violation. The department may set daily forfeiture amounts that increase periodically within the statutory limits if there is continued failure to comply with an order issued under sub. (2).

2. The department may directly assess a forfeiture imposed under this paragraph by specifying the amount of that forfeiture in the notice provided under this subsection.

3. A person against whom the department has assessed a forfeiture shall pay that forfeiture to the department within 10 days after receipt of notice of the assessment or, if that person contests that assessment under s. 48.72, within 10 days after receipt of the final decision after exhaustion of administrative review or, if that person petitions for judicial review under ch. 227, within 10 days after receipt of the final decision after exhaustion of judicial review. The department shall remit all forfeitures paid under this subdivision to the secretary of administration for deposit in the school fund.

4. The attorney general may bring an action in the name of the state to collect any forfeiture imposed under this paragraph that has not been paid as provided in subd. 3. The only contestable issue in an action under this subdivision is whether or not the forfeiture has been paid.

(b) Suspension of the license for not more than 2 weeks.

(c) Refusal to continue a license or a probationary license.

(d) Revocation of a license or a probationary license as provided in sub. (4).

(4) If the department provides written notice of revocation and the grounds for revocation as provided in sub. (4m) and an explanation of the process for appealing a revocation under this subsection, the department may revoke a license issued under s. 48.66 (1)(a) or a probationary license issued under s. 48.69 for any of the following reasons:

(a) The department has imposed a penalty on the licensee under sub. (3) and the licensee or a person under the supervision of the licensee either continues to violate or resumes violation of a rule promulgated under s. 48.658 (4)(a) or 48.67, a provision of licensure under s. 48.70 (1), or an order under this section forming any part of the basis for the penalty.

(b) The licensee or a person under the supervision of the licensee has committed a substantial violation, as determined by the department, of a rule promulgated under s. 48.658 (4)(a) or 48.67, a provision of licensure under s. 48.70 (1), or an order under this section.

(c) The licensee or a person under the supervision of the licensee has committed an action or has created a condition relating to the operation or maintenance of the child welfare agency, shelter care facility, group home, or child care center that directly threatens the health, safety, or welfare of any child under the care of the licensee.

(d) The licensee or a person under the supervision of the licensee has violated, as determined by the department, a rule promulgated under s. 48.658 (4)(a) or 48.67, a provision of licensure under s. 48.70 (1), or an order under this section that is the same as or similar to a rule promulgated under s. 48.658 (4)(a) or 48.67, a provision of licensure under s. 48.70 (1), or an order under this section that the licensee or a person under the supervision of the licensee has violated previously.

(e) The licensee has failed to apply for a continuance of the license within 30 days after receipt of the warning under s. 48.66 (5).

(4m)(a) If a person who has been issued a license under s. 48.66 (1)(a) or a probationary license under s. 48.69 to operate a child care center is convicted of a serious crime, as defined in s. 48.686 (1)(c), if a caregiver specified in s. 48.686 (1)(ag)1. or a nonclient resident, as defined in s. 48.686 (1)(bm), of the child care center is convicted or adjudicated delinquent for committing a serious crime on or after his or her 10th birthday, or if the results of a criminal background check conducted under s. 48.686 indicate that the person, caregiver, or nonclient resident is not eligible to be licensed, certified, or employed or to reside at a child care program, the department shall revoke the license of the child care center immediately upon providing written notice of revocation and the grounds for revocation and an explanation of the process for appealing the revocation.

(b) If a person who has been issued a license under s. 48.66 (1)(a) or a probationary license under s. 48.69 to operate a child care center is the subject of a pending criminal charge alleging that the person has committed a serious crime, as defined in s. 48.686 (1)(c), or if a caregiver specified in s. 48.686 (1)(ag)1. or a nonclient resident, as defined in s. 48.686 (1)(bm), of the child care center is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime on or after his or her 10th birthday, the department shall immediately suspend the license of the child care center until the department obtains information regarding the final disposition of the charge or delinquency petition indicating that the person is not ineligible to be licensed to operate a child care center.

(4m)(b) For a revocation under sub. (4)(a) or (d), the department shall provide to the licensee written notice of the revocation and the grounds for revocation not less than 30 days before the date of the revocation. The revocation will take effect only if the violation on which the revocation is based remains substantially uncorrected at the end of the 30-day notice period.

(b) For revocations under sub. (4)(b), (c) or (e), the department may revoke the license or probationary license immediately upon written notice to the licensee of the revocation and the grounds for revocation.

(5) The department may deny a license under s. 48.66 (1)(a) or a probationary license under s. 48.69 to any person who has had a license under s. 48.66(1)(a) or a probationary license under s. 48.69 revoked within the previous 5 years.

(6) The department shall deny, suspend, restrict, refuse to renew, or otherwise withhold a license under s. 48.66(1)(a) or a probationary license under s. 48.69 to operate a child welfare agency, group home, shelter care facility, or child care center, and the department of corrections shall deny, suspend, restrict, refuse to renew, or otherwise withhold a license under s. 48.66(1)(b) to operate a secured residential care center for children and youth, for failure of the applicant or licensee to pay court-ordered payments of child or family support, maintenance, birth expenses, medical expenses, or other expenses related to the support of a child or former spouse or for failure of the applicant or licensee to comply, after appropriate notice, with a subpoena or warrant issued by the department or a county child support agency under s. 59.53(5) and related to paternity or child support proceedings, as provided in a memorandum of understanding entered into under s. 49.857. Notwithstanding s. 49.72, an action taken under this subsection is subject to review only as provided in the memorandum of understanding entered into under s.
49.857 and not as provided in s. 48.72.

(7) The department shall deny an application for the issuance or continuation of a license under s. 48.66(1)(a) or a probationary license under s. 48.69 to operate a child welfare agency, group home, shelter care facility, or child care center, or revoke such a license already issued, if the department of revenue certifies under s. 73.0301 that the applicant or licensee is liable for delinquent taxes or if the department of workforce development certifies under s. 108.227 that the applicant or licensee is liable for delinquent unemployment insurance contributions. An action taken under this subsection is subject to review only as provided under s. 73.0301(5) or 108.227(5) and not as provided in s. 48.72.

48.72 Appeal procedure. [2005] Except as provided in s. 48.715(6) and (7), any person aggrieved by the department's refusal or failure to issue, renew, or continue a license or by any action taken by the department under s. 48.715 has the right to an administrative hearing provided for contested cases in ch. 227. To receive an administrative hearing under ch. 227, the aggrieved person shall send to the department a written request for a hearing under s. 227.44 within 10 days after the date of the department's refusal or failure to issue, renew, or continue a license or the department's action taken under s. 48.715. The department shall hold an administrative hearing under s. 227.44 within 30 days after receipt of the request for the administrative hearing unless the aggrieved person consents to an extension of that time period. Judicial review of the department's decision may be had by any party in the contested case as provided in ch. 227.

48.73 Inspection of licensees and school district child care programs. [2017] The department may visit and inspect each child welfare agency, foster home, group home, and child care center licensed by the department, and for that purpose shall be given unrestricted access to the premises described in the license. The department may visit and inspect each child care program established or contracted for under s. 120.13(14) that receives payment under s. 49.155 for the child care provided, and for that purpose shall be given unrestricted access to the premises used for the child care program.

48.735 Immunization requirements; child care centers. [2009] The department, after notice to a child care center licensee, may suspend, revoke, or refuse to continue a child care center license in any case in which the department finds that there has been a substantial failure to comply with the requirements of s. 252.04.

48.737 Lead screening, inspection and reduction requirements; child care centers. [2009] The department, after notice to a child care provider certified under s. 48.651, or a child care center that holds a license under s. 48.65 or a probationary license under s. 48.69, may suspend, revoke, or refuse to renew or continue a license or certification in any case in which the department finds that there has been a substantial failure to comply with any rule promulgated under s. 254.162, 254.168, or 254.172.

48.74 Authority of department to investigate alleged violations. [1979] Whenever the department is advised or has reason to believe that any person is violating any of the provisions of ss. 48.60, 48.62, 48.625 or 48.65, it shall make an investigation to determine the facts. For the purposes of this investigation, it shall have authority to inspect the premises where the violation is alleged to occur. If it finds that the person is violating any of the specified sections, it may either issue a license if the person is qualified or may institute a

48.76 Penalties. [1993] In addition to the sanctions and penalties provided in s. 48.715, any person who violates s. 48.60, 48.62, 48.625, 48.63 or 48.65 may be fined not more than $500 or imprisoned for not more than one year in county jail or both.

48.77 Injunction against violations. [1979] In addition to the penalties provided in s. 48.76, the circuit courts shall have jurisdiction to prevent and restrain by injunction violations of s. 48.60, 48.62, 48.625, 48.63 or 48.65. It shall be the duty of the district attorneys, upon request of the department, to institute action for such injunction under ch. 813.

48.78 Confidentiality of records. [2017] (1) Definition. In this section, unless otherwise qualified, “agency” means the department, a county department, a licensed child welfare agency, or a licensed child care center.

(2) Confidentiality: exceptions. (a) No agency may make available for inspection or disclose the contents of any record kept or information received about an individual who is or was in its care or legal custody, except as provided under sub. (2m) or s. 48.371, 48.38(5)(b) or (d) or (5m)(d), 48.396(3)(bm) or (c) 1r., 48.432, 48.433, 48.48(17)(bm), 48.57(2m), 48.66(6), 48.93, 48.981(7), 938.396(2m)(c) 1r., 938.51, or 938.78 or by order of the court.

(ag) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, upon the request of the parent, guardian, or legal custodian of the child who is the subject of the record or upon the request of the child, if 14 years of age or over, or to the parent, guardian, legal custodian, or child, unless the agency determines that inspection of the record by the child, parent, guardian, or legal custodian would result in imminent danger to anyone.

(ap) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, upon the request of a parent, guardian, or legal custodian of a child expectant mother of an unborn child who is the subject of the record, upon the request of an expectant mother of an unborn child who is the subject of the record, if 14 years of age or over, or upon the request of an unborn child's guardian ad litem, to the parent, guardian, legal custodian, expectant mother, or unborn child's guardian ad litem, unless the agency determines that inspection of the record by the parent, guardian, legal custodian, expectant mother, or unborn child's guardian ad litem would result in imminent danger to anyone.

(aj) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, upon the request of a parent, guardian, or legal custodian of a child expectant mother of an unborn child who is the subject of the record, upon the request of an expectant mother of an unborn child who is the subject of the record, if 14 years of age or over, or upon the request of an unborn child's guardian ad litem, to the parent, guardian, legal custodian, expectant mother, or unborn child's guardian ad litem, to the parent, guardian, legal custodian, expectant mother, or unborn child's guardian ad litem, unless the agency determines that inspection of the record by the parent, guardian, legal custodian, expectant mother, or unborn child's guardian ad litem would result in imminent danger to anyone.

(am) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, upon the written permission of the parent, guardian, or legal custodian of the child who is the subject of the record or upon the written permission of the child, if 14 years of age or over, to the person named in the permission if the parent, guardian, legal custodian, or child specifically identifies the record in the written permission, unless the agency determines that inspection of the record by the person named in the permission would result in imminent danger to anyone.

(ap) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, upon the written permission of the parent, guardian, or legal custodian of a child expectant mother of an unborn child who is the subject of the record, or of an expectant mother of an unborn child who is the subject of the record, if 14 years of
age or over, and of the unborn child's guardian ad litem, to the
person named in the permission if the parent, guardian, legal
custodian, or expectant mother, and unborn child's guardian ad
litem, specifically identify the record in the written permission,
unless the agency determines that inspection of the record by
the person named in the permission would result in imminent
danger to anyone.

(b) Paragraph (a) does not apply to the confidential
exchange of information between an agency and another social
welfare agency, a law enforcement agency, a health care
provider, as defined in s. 146.81 (1)(a) to (p), a public school,
or a private school regarding an individual in the care or legal
custody of the agency. A social welfare agency that obtains
information under this paragraph shall keep the information
confidential as required under this section and s. 938.78. A law
enforcement agency that obtains information under this
paragraph shall keep the information confidential as required
under ss. 48.396 (1) and 938.396 (1)(a). A health care provider
that obtains information under this paragraph shall keep the
information confidential as required under s. 146.82. A public
school that obtains information under this paragraph shall keep the
information confidential as required under s. 118.125, and
a private school that obtains information under this paragraph
shall keep the information confidential in the same manner as
is required of a public school under s. 118.125. Paragraph (a)
does not apply to the confidential exchange of information
between an agency and officials of a tribal school regarding an
individual in the care or legal custody of the agency if the
agency determines that enforceable protections are provided
by a tribal school policy or tribal law that requires tribal school
officials to keep the information confidential in a manner at
least as stringent as is required of a public school official under
s. 118.125.

(c) Paragraph (a) does not prohibit the department or a
county department from using in the media a picture or
description of a child in the guardianship of the department or
a county department for the purpose of finding adoptive
parents for that child.

(d) Paragraph (a) does not prohibit the department of
health services or a county department from disclosing
information about an individual formerly in the legal custody
or under the supervision of that department under s. 48.34
(4m), 1993 stats., or formerly under the supervision of that
department or county department under s. 48.34 (4n), 1993
stats., to the department of corrections, if the individual is at
the time of disclosure any of the following:
1. The subject of a presentence investigation under s.
972.15.
2. Under sentence to the Wisconsin state prisons under s.
973.15.
4. On probation to the department of corrections under s.
973.09.
5. On parole under s. 302.11 or ch. 304 or on extended
supervision under s. 302.113 or 302.114.

(e) Notwithstanding par. (a), an agency shall, upon
request, disclose information to authorized representatives of
the department of corrections, the department of health
services, the department of justice, or a district attorney for use
in the prosecution of any proceeding or any evaluation
conducted under ch. 980, if the information involves or relates
to an individual who is the subject of the proceeding or
evaluation. The court in which the proceeding under ch. 980 is
pending may issue any protective orders that it determines are
appropriate concerning information made available or
disclosed under this paragraph. Any representative of the
department of corrections, the department of health services,
the department of justice, or a district attorney may disclose
information obtained under this paragraph for any purpose
consistent with any proceeding under ch. 980.

(g) Paragraph (a) does not prohibit an agency from
disclosing information about an individual in its care or legal
custody on the written request of the department of safety and
professional services or of any interested examining board or
affiliated credentialing board in that department for use in any
investigation or proceeding relating to any alleged misconduct
by any person who is credentialled or who is seeking
credentialing under ch. 448, 455 or 457. Unless authorized by
an order of the court, the department of safety and professional
services and any examining board or affiliated credentialing
board in that department shall keep confidential any
information obtained under this paragraph and may not
disclose the name of or any other identifying information
about the individual who is the subject of the information
disclosed, except to the extent that redisclosure of that
information is necessary for the conduct of the investigation or
proceeding for which that information was obtained.

(h) Paragraph (a) does not prohibit the department, a
county department, or a licensed child welfare agency from
entering the content of any record kept or information received
by the department, county department, or licensed child
welfare agency into the statewide automated child welfare
information system established under s. 48.47 (7g) or the
department from transferring any information maintained in
that system to the court under s. 48.396 (3)(bm). If the
department transfers that information to the court, the court
and the director of state courts may allow access to that
information as provided in s. 48.396 (3)(c).

(i) Paragraph (a) does not prohibit an agency from
disclosing information to a relative of a child placed outside of
his or her home only to the extent necessary to facilitate the
establishment of a relationship between the child and the
relative or a placement of the child with the relative or from
disclosing information under s. 48.21 (5)(e), 48.355 (2)(cm),
or 48.357 (2)(v)(d). In this paragraph, “relative” includes a
relative whose relationship is derived through a parent of the
child whose parental rights are terminated.

(j) Paragraph (a) does not prohibit an agency from
disclosing information to any public or private agency in this
state or any other state that is investigating a person for
purposes of licensing the person to operate a foster home or
placing a child for adoption in the home of the person.

(k) Paragraph (a) does not prohibit the department of
children and families from providing to the department of
revenue, upon request, information concerning a recipient of
payments under s. 48.57 (3m) or (3n) or aid under s. 48.645,
including information contained in the electronic records of
the department of children and families, solely for the
purposes of administering state taxes, including verifying a
claim for a state tax refund or a refundable state tax credit, and
collecting debts owed to the department of revenue. Any
information obtained by the department of revenue under this
paragraph is subject to the confidentiality provisions specified in
s. 71.78.

(L)1. In this paragraph, “qualified independent
researcher” means a faculty member of a university who
satisfies all of the following:
a. The faculty member has an approved protocol from an
institutional review board for human subjects research to work
with data containing personal information for the purposes of
evaluating the program under s. 119.23.
b. The faculty member has received from the state and
properly managed data containing personal information for the
purposes of evaluating the program under s. 119.23 before
July 14, 2015.
2. Notwithstanding par. (a), the department shall permit a
qualified independent researcher to have access to any
database maintained by the department for the purpose of cross-matching information contained in any such database with a database that both is in the possession of the qualified independent researcher and contains information regarding pupils participating in the program under s. 119.23. The department may charge a fee to the qualified independent researcher for the information that does not exceed the cost incurred by the department to provide the information.

48.981 Abused or neglected children and abused unborn children. [2017]

(2) PERSONS REQUIRED TO REPORT.
(a) Any of the following persons who has reasonable cause to suspect that a child seen by the person in the course of professional duties has been abused or neglected or who has reason to believe that a child seen by the person in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall, except as provided under subs. (2m) and (2r), report as provided in sub. (3):
1. A physician.
2. A coroner.
3. A medical examiner.
4. A nurse.
5. A dentist.
6. A chiropractor.
7. An optometrist.
8. An acupuncturist.
9. A medical or mental health professional not otherwise specified in this paragraph.
10. A social worker.
11. A marriage and family therapist.
12. A professional counselor.
13. A public assistance worker, including a financial and employment planner, as defined in s. 49.141 (1)(d).
15. A school administrator
16m. A school employee not otherwise specified in this paragraph.
17. A mediator under s. 767.405.
18. A child care worker in a child care center, group home, or residential care center for children and youth.
19. A child care provider.
20. An alcohol or other drug abuse counselor.
21. A member of the treatment staff employed by or working under contract with a county department under s. 46.23, 51.42, or 51.437 or a residential care center for children and youth.
22. A physical therapist.
22m. A physical therapist assistant.
23. An occupational therapist.
25. A speech-language pathologist.
27. An emergency medical services practitioner.
28. An emergency medical responder, as defined in s. 256.01 (4p).
29. A police or law enforcement officer.
30. A juvenile correctional officer.
(e) No person making a report under this subsection in good faith may be discharged from employment, disciplined or otherwise discriminated against in regard to employment, or threatened with any such treatment for so doing.

(3) REPORTS; INVESTIGATION.
(a) Referral of report.
1. A person required to report under sub. (2) shall immediately inform, by telephone or personally, the county department or, in a county having a population of 750,000 or more, the department or a licensed child welfare agency under contract with the department or the sheriff or city, village, or town police department of the facts and circumstances contributing to a suspicion of child abuse or neglect or of unborn child abuse or to a belief that abuse or neglect will occur.

(4) IMMUNITY FROM LIABILITY. Any person or institution participating in good faith in the making of a report, conducting an investigation, ordering or taking of photographs or ordering or performing medical examinations of a child or of an expectant mother under this section shall have immunity from any liability, civil or criminal, that results by reason of the action. For the purpose of any proceeding, civil or criminal, the good faith of any person reporting under this section shall be presumed. The immunity provided under this subsection does not apply to liability for abusing or neglecting a child or for abusing an unborn child.

(6) PENALTY. Whoever intentionally violates this section by failure to report as required may be fined not more than $1,000 or imprisoned not more than 6 months or both.

66.1017 Family child care homes. [2009]

(1) In this section:
(a) "Family child care home" means a dwelling licensed as a child care center by the department of children and families under s. 48.65 where care is provided for not more than 8 children.
(b) "Municipality" means a county, city, village or town.
(2) No municipality may prevent a family child care home from being located in a zoned district in which a single-family residence is a permitted use. No municipality may establish standards or requirements for family child care homes that are different from the licensing standards established under s. 48.65. This subsection does not prevent a municipality from applying to a family child care home the zoning regulations applicable to other dwellings in the zoning district in which it is located.

73.0301 License denial, nonrenewal, discontinuation, suspension and revocation based on tax delinquency. [2017]

(2) DUTIES AND POWERS OF LICENSING DEPARTMENTS.
(a) Each licensing department and the supreme court, if the supreme court agrees, shall enter into a memorandum of understanding with the department of revenue under sub. (4)(a) that requires the licensing department or supreme court to do all of the following:
1. Request the department of revenue to certify whether an applicant for a license or license renewal is liable for delinquent taxes. With respect to an applicant for a license granted by a credentialing board, the department of safety and professional services shall make a request under this subdivision. This subdivision does not apply to the department of transportation with respect to licenses described in sub. (1)(d) 7.
2. Request the department of revenue to certify whether a license holder is liable for delinquent taxes. With respect to a holder of a license granted by a credentialing board, the department of safety and professional services shall make a request under this subdivision.
(b) Each licensing department and the supreme court, if the supreme court agrees, shall do all of the following:
1. a. If, after a request is made under par. (a) 1. or 2., the department of revenue certifies that the license holder or
applicant for a license or license renewal or continuation is liable for delinquent taxes, revoke the license or deny the application for the license or license renewal or continuation. The department of transportation may suspend licenses described in sub. (1)(d) 7. in lieu of revoking those licenses. A suspension, revocation or denial under this subd. 1. a. is not subject to administrative review or, except as provided in subd. 2. and sub. (5)(am), judicial review. With respect to a license granted by a credentialing board, the department of safety and professional services shall make a revocation or denial under this subd. 1. a. With respect to a license to practice law, the department of revenue shall not submit a certification under this subd. 1. a. to the supreme court until after the license holder or applicant has exhausted his or her remedies under sub. (5)(a) and (am) or has failed to make use of such remedies.

b. Send a notice of suspension, revocation, or denial under subd. 1. a. to the license holder or applicant. The notice shall include a statement of the facts that warrant the suspension, revocation, or denial and a statement that the license holder or applicant may, within 30 days after the date on which the notice of denial, suspension, or revocation is sent, file a written request with the department of revenue to have the certification of tax delinquency on which the suspension, revocation, or denial is based reviewed at a hearing under sub. (5)(a). With respect to a license granted by a credentialing board, the department of safety and professional services shall send a notice under this subd. 1. b. With respect to a license to practice law, the department of revenue shall send a notice under this subd. 1. b., and the notice shall indicate that the license holder or applicant may request a hearing under sub. (5)(a) and (am) and that the department of revenue shall submit a certificate of delinquency to suspend, revoke, or deny a license to practice law to the supreme court after the license holder or applicant has exhausted his or her remedies under sub. (5)(a) and (am) or has failed to make use of such remedies. A notice sent to a person who holds a license to practice law or who is an applicant for a license to practice law shall also indicate that the department of revenue may not submit a certificate of delinquency to the supreme court if the license holder or applicant pays the delinquent tax in full or enters into an agreement with the department of revenue to satisfy the delinquency.

2. Except as provided in subd. 2m., if notified by the department of revenue that the department of revenue has affirmed a certification of tax delinquency after a hearing under sub. (5)(a), affirm a suspension, revocation or denial under subd. 1. a. A license holder or applicant may seek judicial review under ss. 227.52 to 227.60, except that the review shall be in the circuit court for Dane County, of an affirmation of a revocation or denial under this subdivision. With respect to a license granted by a credentialing board, the department of safety and professional services shall make an affirmation under this subdivision.

2m. With respect to a license to practice law, if notified by the department of revenue that the department of revenue has affirmed a certification of tax delinquency after any requested review under sub. (5)(a) and (am), decide whether to suspend, revoke, or deny a license to practice law.

3. If a person submits a nondelinquency certificate issued under sub. (5)(b) 1., reinstate the license or grant the application for the license or license renewal or continuation, unless there are other grounds for suspending or revoking the license or for denying the application for the license or license renewal or continuation. If reinstatement is required under this subdivision, a person is not required to submit a new application or other material or to take a new test. No separate fee may be charged for reinstatement of a license under this subdivision. With respect to a license granted by a credentialing board, the department of safety and professional services shall reinstate a license or grant an application under this subdivision.

4. If a person whose license has been suspended or revoked or whose application for a license or license renewal or continuation has been denied under subd. 1. a. submits a nondelinquency certificate issued under sub. (3)(a) 2., reinstate the license or grant the person's application for the license or license renewal or continuation, unless there are other grounds for not reinstating the license or for denying the application for the license or license renewal or continuation. With respect to a license granted by a credentialing board, the department of safety and professional services shall reinstate a license or grant an application under this subdivision.

(c) 1. Each licensing department and the supreme court may require a holder of a license to provide the following information upon request:

a. If the license holder is an individual and has a social security number, the license holder's social security number.

b. If the license holder is an individual and does not have a social security number, a statement made or subscribed under oath or affirmation that the applicant does not have a social security number. The form of the statement shall be prescribed by the department of children and families. A license issued in reliance upon a false statement submitted under this subd. 1. am. is invalid.

c. If the license holder is not an individual, the license holder's federal employer identification number.

2. A licensing department may not disclose any information received under subd. 1. a. or b. to any person except to the department of revenue for the purpose of requesting certifications under par. (a) 1. or 2. in accordance with the memorandum of understanding under sub. (4) and administering state taxes, to the department of workforce development for the purpose of requesting certifications under s. 108.227 (2)(a) 1. or 2. in accordance with the memorandum of understanding under s. 108.227 (4) and administering the unemployment insurance program, and to the department of children and families for the purpose of administering s. 49.22.

(5) HEARING.

(a) The department of revenue shall conduct a hearing requested by a license holder or applicant for a license or license renewal or continuation under sub. (2)(b) 1. b. or by an applicant for certification or recertification or a certificate holder under s. 73.03(50) or 73.09(7m)(b) to review a certification or determination of tax delinquency that is the basis of a denial or revocation of a license in accordance with this section or of a certificate, certification or recertification under s. 73.03(50) or 73.09(7m). A hearing under this paragraph is limited to questions of mistaken identity of the license or certificate holder or applicant and of prior payment of the delinquent taxes for which the department of revenue certified or determined the license or certificate holder or applicant is liable. At a hearing under this paragraph, any statement filed by the department of revenue, the licensing department or the supreme court, if the supreme court agrees, may be admitted into evidence and is prima facie evidence of the facts that it contains. Notwithstanding ch. 227, a person entitled to a hearing under this paragraph is not entitled to any other notice, hearing or review, except as provided in par. (am) and sub. (2)(b) 2.

(am) If a person who holds a license to practice law or who is an applicant for a license to practice law receives a hearing under par. (a) to review a certification or determination of tax delinquency that is the basis for a denial, suspension, or revocation of a license to practice law and such certification or
determination is affirmed as a result of the hearing under par. (a), the person may seek judicial review of the certification or determination of tax delinquency under ss. 227.52 to 227.60, except that the review shall be in the circuit court for Dane County.

(b) After a hearing conducted under par. (a) or, in the case of a determination related to a license to practice law, after a hearing under par. (a) or, if the hearing is appealed, after judicial review under par. (am), the department of revenue shall do one of the following:

1. Issue a nondelinquency certificate to a license holder or an applicant for a license or license renewal or continuation if the department determines that the license holder or applicant is not liable for delinquent taxes. For a hearing requested by an applicant for certification or recertification or a certificate holder under s. 73.03 (50) or 73.09 (7m)(b), the department shall grant a certification or recertification or reinstate a certification if the department determines that the applicant or certificate holder is not liable for delinquent taxes, unless there are other grounds for denying the application or revoking the certification.

2. Provide notice that the department of revenue has affirmed its certification of tax delinquency to a license holder; to an applicant for a license, a license renewal or a license continuation; and to the licensing department or the supreme court, if the supreme court agrees. For a hearing requested by an applicant for certification or recertification or a certificate holder under s. 73.03(50) or 73.09 (7m)(b), the department of revenue shall provide notice to the applicant or certificate holder that the department of revenue has affirmed its determination of tax delinquency.

101.123 Smoking prohibited. [2015]

(2) PROHIBITION AGAINST SMOKING.

(a) Except as provided in sub. (3), no person may smoke in any of the following enclosed places:


8d. Common areas of multiple-unit residential properties.

(b) No person may smoke at any of the following outdoor locations:

2. Anywhere on the premises of a child care center when children who are receiving child care services are present.

(8) PENALTIES.

(d) Except as provided in par. (dm) or (em), any person in charge who violates sub. (2m)(b) to (d) shall be subject to a forfeiture of $100 for each violation.

253.15 Shaken baby syndrome and impacted babies. [2015]

(4) Training for child care providers.

(a) Before an individual may obtain a license to operate a child care center under s. 48.65 for the care and supervision of children under 5 years of age or enter into a contract to provide a child care program under s. 120.13 (14) for the care and supervision of children under 5 years of age, the individual shall receive training relating to shaken baby syndrome and impacted babies that is approved or provided by the department or that is provided by a nonprofit organization arranged by the department to provide that training.

(c) Before an employee or volunteer of a child care center licensed under s. 48.65, a child care provider certified under s. 48.651, or a child care program established under s. 120.13 (14) may provide care and supervision for children under 5 years of age, the employee or volunteer shall receive training relating to shaken baby syndrome and impacted babies that is approved or provided by the department or the certifying county department or agency contracted with under s. 48.651(2) or that is provided by a nonprofit organization arranged by the department or that county department or contracted agency to provide that training.

347.48 Safety belts and child safety restraint systems. [2011]

(4) CHILD SAFETY RESTRAINT SYSTEMS REQUIRED; STANDARDS; EXEMPTIONS.

(a) In this subsection:

"Child booster seat" means a child passenger restraint system that meets the applicable federal standards under 49 CFR 571.213 and is designed to elevate a child from a vehicle seat to allow the vehicle's safety belt to be properly positioned over the child's body.

"Designated seating position" has the meaning given in 49 CFR 571.3.

"Properly restrained" means any of the following:

a. With respect to par. (as) 1. and 2., fastened in a manner prescribed by the manufacturer of the child safety restraint system which permits the system to act as a body restraint but does not include a system in which the only body restraint is a safety belt of the type required under sub. (1).

b. With respect to par. (as) 3., wearing a safety belt consisting of a combination lap belt and shoulder harness approved by the department under sub. (2) and fastened in a manner prescribed by the manufacturer of the safety belt so that the safety belt properly fits across the child's lap and the center of the child's chest in a manner appropriate to the child's height, weight, and age that permits the safety belt to act as a body restraint.

c. With respect to par. (as) 4., fastened in a manner prescribed by the manufacturer of the system which permits the system to act as a body restraint.

(2m) No person may transport a child under the age of 8 in a motor vehicle unless the child is restrained in compliance with par. (as) in a safety restraint system that is appropriate to the child's age and size and that meets the standards established by the department under this paragraph. The department shall, by rule, establish standards in compliance with applicable federal standards, including standards under 49 CFR 571.213, for child safety restraint systems.

(as) A child under the age of 8 years who is being transported in a motor vehicle shall be restrained as follows:

1. If the child is less than one year old or weighs less than 20 pounds, the child shall be properly restrained in a rear-facing child safety restraint system, positioned at a designated seating position in a back passenger seat of the vehicle if the vehicle is equipped with a back passenger seat.

2. Subject to subd. 1., if the child is at least one year old and weighs at least 20 pounds but is less than 4 years old or weighs less than 40 pounds, the child shall be properly restrained as provided in subd. 1. or properly restrained in a forward-facing child safety restraint system, positioned at a designated seating position in a back passenger seat of the vehicle if the vehicle is equipped with a back passenger seat.

3. Subject to subds. 1. and 2., if the child is at least 4 years old but less than 8 years old, weighs at least 40 pounds but not more than 80 pounds, and is not more than 57 inches in height, the child shall be properly restrained as provided in subd. 2. or properly restrained in a child booster seat.

4. Subject to subds. 1. to 3., if the child is less than 8 years old, the child shall be properly restrained as provided in subds. 1. to 3. or properly restrained in a safety belt approved by the department under sub. (2).

(b) The department may, by rule, exempt from the requirements under pars. (am) and (as) any child who because of a physical or medical condition or body size cannot be placed in a child safety restraint system, child booster seat, or...
safety belt.

(c) This subsection does not apply if the motor vehicle is a motor bus, school bus, taxicab, moped, motorcycle or is not required to be equipped with safety belts under sub. (1) or 49 CFR 571.

(d) Evidence of compliance or failure to comply with pars. (am) and (as) is admissible in any civil action for personal injuries or property damage resulting from the use or operation of a motor vehicle but failure to comply with pars. (am) and (as) does not by itself constitute negligence.

948.53 Child unattended in child care vehicle. [2009]

(1) DEFINITIONS. In this section:

(a) "Child care provider" means a child care center that is licensed under s. 48.65(1), a child care provider that is certified under s. 48.651, or a child care program that is established or contracted for under s. 120.13(14).

(b) "Child care vehicle" means a vehicle that is owned or leased by a child care provider or a contractor of a child care provider and that is used to transport children to and from the child care provider.

(2) NO CHILD LEFT UNATTENDED.

(a) No person responsible for a child's welfare while the child is being transported in a child care vehicle may leave the child unattended at any time from the time the child is placed in the care of that person to the time the child is placed in the care of another person responsible for the child's welfare.

(b) Any person who violates par. (a) is guilty of one of the following:

1. A Class A misdemeanor.
2. A Class I felony if bodily harm is a consequence.
3. A Class H felony if great bodily harm is a consequence.
4. A Class G felony if death is a consequence.
DCF 12.01 Purpose and scope.
(1) This chapter is promulgated under the authority of ss. 48.67 (intro.), 48.685, 49.155 (1d), and 227.11(2)(a), Stats., to specify procedures necessary to implement background checks required under s. 48.685, Stats., for caregivers and nonclient residents at an entity or with a caregiver specified in s. DCF 12.02(4)(c).

Note: For further information on the scope of the caregiver background check, see s. DCF 12.02 for definitions of terms used in this subsection.

(2) Sections DCF 12.05 to 12.08 do not apply to an entity that facilitates delegations of the care and custody of children under s. 48.979, Stats., unless the entity is also licensed by the department.

Note: The department recommends that an unlicensed entity voluntarily comply with relevant provisions in ss. DCF 12.05, 12.06, and 12.08.

DCF 12.02 Definitions. In this chapter:
(1) “Agency” means the department, a county department, a certification agency, a child−placing agency, or a school board that establishes or contracts for a child care program under s. 120.13(14), Stats.

(2) “Background information disclosure” means the form prescribed by the department on which a person provides information for purposes of the caregiver background check.

Note: DCF−F−2978−E, Background Information Disclosure, is available in the forms section of the department’s website at http://dcf.wisconsin.gov or from an agency or entity.

(3) “Bar” means any of the following:
(a) A barrier to a person’s eligibility for regulatory approval, employment, or contract as a caregiver.
(b) A barrier to a person’s nonclient residency at an entity or with a caregiver specified in s. DCF 12.02(4)(c).

(4) “Caregiver” means any of the persons specified in s. 48.685(1)(ag), Stats., and any of the following:
(a) A person who has, or is seeking, regulatory approval.
(b) A person who is, or is expected to be, an employee, a temporary employee, a student participating in a clinical or practicum at an entity as part of his or her curriculum, or a contractor of an entity if all of the following apply:
1. The person is, or is expected to be, under the control of the entity.
2. The person has, or is expected to have, regular, direct contact with clients of the entity.
(c) A person to whom delegation of the care and custody of a child under s. 48.979, Stats., has been, or is expected to be, facilitated by an entity.

Note: Section 48.685(1)(ag)2., Stats., provides that “caregiver” does not include an emergency medical technician or a first responder.

(5) “Caregiver background check” means the requirements in s. 48.685, Stats.

(6) “Certification agency” means the department in a county having a population of 750,000 or more or any county, person, or tribe that has a contract with the department to certify child care providers under s. 48.651(2), Stats., in a particular county or tribal area.

(7) “Child−placing agency” means a person that is licensed under ch. DCF 54.

Note: A child−placing agency is an entity and may also be an agency. A tribe may be licensed as a child−placing agency under ch. DCF 54 or may provide similar services under tribal law.

(8) “Client” means a person who receives direct care or treatment services from an entity or from a caregiver specified in s. DCF 12.02(4)(c). “Client” includes all of the following:
(a) An adopted child for whom adoption assistance payments are being made under s. 48.975, Stats.
(b) A child for whom subsidized guardianship payments are being made under s. 48.623, Stats.
(c) A person who is 18 to 21 years old, is receiving independent living services under 42 USC 677(a) from an agency, is no longer placed in out−of−home care, and is residing in the foster home in which he or she was previously placed.

Note: Most types of “clients” are not specified in this definition because the phrase “a person who receives direct care or treatment services from an entity” clearly applies to them. For further information, see the definition of “entity” in s. DCF 12.02(14).

(9) “Contractor” means, with respect to an entity, a person, or that person’s agent, who provides services to the entity under an express or implied contract or subcontract. “Contractor” includes a person who has staff privileges at the entity and a person to whom delegation of the care and custody of a child under s. 48.979, Stats., has been facilitated by the entity.

(10) “County department” means a county department of social services established under s. 46.22, Stats., or a county department of human services established under s. 46.23, Stats.

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

(12) “Direct contact” means face−to−face physical proximity to a client that affords the opportunity to commit abuse or neglect of a client or to misappropriate the property of a client.

(13) “Division of hearings and appeals” means the division of hearings and appeals within the department of administration.

(14) “Entity” means any of the following:
(a) A residential care center for children and youth that is required to be licensed as a child welfare agency under s. 48.60, Stats., and is licensed under ch. DCF 52 to provide care and maintenance for children and youth in its physical
or legal custody.
(b) A child−placing agency.
(c) A foster home.
(d) An interim caretaker who receives subsidized guardianship payments under s. 48.623(6)(am), Stats., and s. DCF 55.12.
(e) A person who meets all of the following conditions:
1. The person is seeking payments under s. 48.623(6)(bm), Stats.
2. The person has entered into a subsidized guardianship agreement under s. 48.623(2), Stats., following the death or incapacity of a guardian who had named the person as a prospective successor guardian.
3. The person has not been appointed as a successor guardian by a court under s. 48.977(5m), Stats.
(f) A group home that is required to be licensed under s. 48.625, Stats., and is licensed under ch. DCF 57.
(g) A shelter care facility licensed under s. 938.22, Stats., and ch. DCF 59.
(h) A child care center that is licensed under s. 48.66, Stats.
(i) A child care provider that is certified under s. 48.651, Stats.
(j) A child care program established or contracted for under s. 120.13(14), Stats.
(k) A temporary employment agency that provides caregivers to another entity.
(l) An organization that facilitates delegations of the care and custody of children under s. 48.979, Stats., except as provided in s. DCF 12.01(2).
(m) Any other entity included in s. 48.685(1)(b), Stats.

Note: See s. 48.57(3p), Stats., for information on background checks required for kinship care.

(15) “Final substantiated finding” means all of the following:
(a) A final determination made after January 1, 2015, that a person has abused or neglected a child under s. 48.981(3)(c) 5m., Stats., and s. DCF 40.04 if the final determination has not been reversed or modified on appeal.
(b) A determination made before January 1, 2015, that a person has abused or neglected a child under s. 48.981(3)(c)4., 2011 Stats., if the determination has not been reversed or modified on appeal.

Note: The date in a statutory citation means that was
the last edition of the statutes in which that provision appears.

(16) “Foster home” means a facility operated by a person who is required to be licensed under s. 48.62, Stats., and is licensed under ch. DCF 56, including a home operated by a person seeking adoption assistance under s. 48.975, Stats., and a home operated by a person seeking subsidized guardianship payments under s. 48.623, Stats.

(17) “Home study” means an assessment to determine whether an applicant is fit and qualified to care for a child and whether the physical environment of the applicant’s home is safe and healthy for all occupants.

(18) “Nonclient resident” means a person who meets all of the following criteria:
(a) The person is 12 years of age or over.
(b) The person resides, or is expected to reside, at an entity or with a caregiver specified in s. DCF 12.02(4)(c).
(c) The person is not a client of the entity or of the caregiver specified in s. DCF 12.02(4)(c).
(d) The person has, or is expected to have, regular, direct contact with clients of the entity or of the caregiver specified in s. DCF 12.02(4)(c).

Note: Examples of “nonclient residents” include household members in foster homes, family child care centers, and certified child care homes.

(19) “Person” has the meaning specified in s. 990.01(26), Stats.

Note: Section 990.01(26), Stats., provides that “person” includes all partnerships, associations and bodies politic or corporate.

(20) “Regular, direct contact with clients” means contact that is scheduled, planned, expected, or otherwise a result of the person’s role or relationship with the client.

(21) “Regulatory approval” means any of the following:
(a) Issuance, continuation, or renewal of a license by the department under s. 48.66, Stats.
(b) Issuance or renewal of a license to operate a foster home by the department, a county department, or a child−placing agency under s. 48.75, Stats.
(c) Issuance or renewal of certification by a certification agency under s. 48.651, Stats.
(d) Approval of the person subject to the caregiver background check for a child care program to be established or contracted for by a school board under s. 120.13(14), Stats.
(e) Approval of a person to be an interim caretaker who receives subsidized guardianship payments under s. 48.623(6)(am), Stats., and s. DCF 55.12.
(f) Approval of a person who is seeking to be a successor guardian and to receive subsidized guardianship payments under s. 48.623(6)(bm), Stats.
(g) Approval of pre−adoptive applicants for a home study for the purpose of adopting a child.
(b) Approval of a home study by the department, a county department, a child−placing agency, or a tribe for a person seeking adoption assistance under s. 48.975, Stats.

(22) “Rehabilitation review” means an agency process under which a person who has a bar may seek approval for any of the following:
(a) Regulatory approval.
(b) Employment or contract with an entity to be a caregiver for the entity.
(c) Residency at an entity or with a caregiver specified in s. DCF 12.02(4)(c).

(23) “School board” means the board that has the powers specified in s. 120.13, Stats., for the schools of a school district.

(24) “Serious crime” means the offenses specified in s. 48.685(c), Stats., and all of the following:
(a) The offenses specified in s. 48.685(5)(bm), Stats., if any of the following apply:
1. The affected entity is a foster home.
2. The affected person is an interim caretaker who is receiving, or is seeking, subsidized guardianship payments under s. 48.623(6)(am), Stats., and s. DCF 55.12.
3. The affected person is seeking payment under s. 48.623(6)(bm), Stats.
4. The subject of the background check is seeking regulatory approval of a home study under sub. (21)(g) or (h) or is a nonclient resident of a person seeking regulatory approval of a home study.

(b) For entities and approvals specified in par. (a)1., 2., and 3., “serious crime” includes the offenses specified in s. 48.685(5)(bm), Stats., after the waiting period for eligibility to demonstrate rehabilitation, unless the person has demonstrated rehabilitation under s. DCF 12.13 or 12.14.

This paragraph applies to all of the following:
1. A person seeking regulatory approval to be a caregiver specified in s. DCF 12.02(4)(a) on or after July 1, 2016 if the regulatory approval is not a continuation or renewal of an approval the person has on July 1, 2016.
2. A person seeking employment or a contract to be a
Caregiver specified in s. DCF 12.02(4)(b) with an entity on or after July 1, 2016 if the person is not employed or contracted as a caregiver with that same entity on July 1, 2016.

3. A person seeking nonclient residency at an entity if the person is not a nonclient resident at that entity on July 1, 2016.

(c) For a child care center that is licensed under s. 48.66, Stats.; a child care provider that is certified under s. 48.651, Stats.; and a child care program established or contracted for under s. 120.13(14), Stats., “serious crime” includes the offenses specified in s. 48.685(5)(br)6. and 7., Stats., after the waiting period for eligibility to demonstrate rehabilitation, unless a person has demonstrated rehabilitation under s. DCF 12.13 or 12.14. This paragraph applies to the persons specified in par. (b)1., 2., and 3.

Note: Tables that list serious crimes applicable to each program are available in the program regulatory sections of the department website at http://dcf.wisconsin.gov.

For group homes, residential care centers, child−placing agencies, and shelter facilities, see the child welfare licensing/background checks section of the department website.

For foster homes, adoption home studies, adoption assistance, and subsidized guardianship, see the foster care/related statutes and administrative rules section of the department website.

For child care, see the child care regulation/child care licensing or child care certification sections of the department website.

(25) “Tribe” means a federally−recognized American Indian tribe or band in this state.

(26) “Under the control of the entity” means that an entity does all of the following:

(a) Determines whether a person who is employed by or under express or implied contract with the entity and who has regular, direct contact with clients served by the entity may provide care, treatment, or other similar support service functions to clients.

(b) Directs or oversees one or more of the following:

1. The policies or procedures the person must follow in performing his or her duties.

2. The conditions under which the person performs his or her duties.

3. The tasks the person performs.

4. The person’s work schedule.

5. The supervision or evaluation of the person’s work or job performance, including imposing discipline and rewarding performance.

6. The compensation the person may receive for performing his or her duties.

DCF 12.03 Background information disclosure. In this chapter:

1. REQUIRED FORM. Each agency and entity shall use and require use of the background information disclosure prescribed by the department to be completed to obtain information about a person’s background from the person as provided in s. 48.685(6), Stats.

Note: DCF−F−2978−E, Background Information Disclosure, is available in the forms section of the department’s website at http://dcf.wisconsin.gov or from an agency or entity.

2. CHILD WELFARE ENTITIES. Each agency and entity specified in s. DCF 12.02(14)(a) to (g) shall require the background information disclosure to 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), Stats.

(3) MAINTAINING CONFIDENTIALITY. Each agency and entity shall retain all completed department background information disclosures in a manner that ensures prompt retrieval of the forms for inspection and shall comply with applicable federal and state confidentiality laws.

DCF 12.04 Contracting for caregiver background checks. (1) CONTRACT. An entity may enter into a contract with any other entity or with a person, temporary employment agency, college, university, or vocational school to obtain the information required under s. 48.685(2), (3), or (6), Stats.

(2) DOCUMENTATION.

(a) An entity that enters into a contract under sub. (1) shall retain a copy of the agreement.

(b) An entity that enters into a contract under sub. (1) shall obtain from the entity, person, temporary employment agency, college, university, or vocational school that conducts the search for information required under s. 48.685(2) or (3), Stats., all of the following for each person who is the subject of a search:

1. A copy of the completed background information disclosure if completion of the background information disclosure is required under s. 48.685(6), Stats.

2. The results of the search required under s. 48.685(2) or (3), Stats.

(c) The entity shall retain the most recent documentation received under par. (b) for caregivers that the entity employs or contracts with, so the documentation may be promptly retrieved and reviewed by the agency that regulates the entity.

Note: For child−placing agencies, the record retention period in par. (c) only applies to contracting for background checks of employees and contractors of the agency. Different record retention requirements apply for records on foster parents.

DCF 12.05 Obtaining armed forces information.

1. If a person who is the subject of a caregiver background check served in a branch of the U.S. armed forces within the previous 3 years, including any reserve component, the agency or entity shall make every reasonable effort to obtain the discharge status of that person, either from the discharge papers issued to the person or from the armed forces branch in which the person served.

2. The agency or entity shall document the efforts made to obtain the discharge status of the person.

3. If the discharge status of the person is other than honorable, the agency or entity shall obtain information on the nature and circumstances of the discharge.

Note: The information from the armed forces may include relevant military court findings or information relevant to making a determination of whether an applicant is fit and qualified.

DCF 12.06 Determining whether other offenses are substantially related.

1. CAREGIVERS. To determine whether a caregiver’s conviction or delinquency adjudication for an offense that is not a serious crime is substantially related to the care of a client or the activities of a program for purposes of s. 48.685(5m), Stats., an agency or entity shall consider all of the following:

(a) In relation to the job or caregiving role, all of the following:

1. The nature and scope of the caregiver’s client...
contact.
2. The scope of the discretionary authority and independent judgment the caregiver has to make decisions or take actions that affect the care of clients.
3. The opportunity caregiving presents for committing similar crimes.
4. The extent to which acceptable caregiving performance requires the trust and confidence of clients and the parents or guardians of clients.
5. The amount and type of supervision received.

(b) In relation to the criminal conviction or delinquency adjudication, all of the following:
1. Whether intent is an element of the crime.
2. Whether the elements or circumstances of the crime are related to the job or caregiving duties.
3. Any pattern of criminal convictions or delinquency adjudications
4. The extent to which the crime relates to clients or other vulnerable persons
5. Whether the crime involves violence or a threat of harm
6. Whether the crime is of a sexual nature
7. In relation to the person, all of the following:
   1. The number and type of crimes for which the person has been convicted or adjudicated delinquent.
   2. The length of time between the conviction or delinquency adjudication and the determination affecting nonclient residency.
   3. The person’s participation in or completion of pertinent programs of a rehabilitative nature.
   4. The person’s probation, extended supervision, or parole status.
   5. The age of the person on the date the crime was committed.

(3) DOCUMENTATION.
   (a) An agency shall document how it reached the determination under sub. (1) that the criminal conviction or delinquency adjudication of a caregiver under s. DCF 12.02(4)(a) is or is not substantially related to care of a client or activities of the program.
   (b) An agency shall document how it reached the determination under sub. (2) that the criminal conviction or delinquency adjudication of a nonclient resident is or is not substantially related to access to clients or activities of a program.
   (c) An entity shall document how it reached a determination under sub. (1) that a criminal conviction or delinquency adjudication of a caregiver specified in s. DCF 12.02(4)(b) is or is not substantially related to the care of a client or activities of a program.

Note: Form DCF—F—CFS2261—E, Caregiver Background Checks Substantially Related Investigation Report, is available, but is optional, for documentation of the determination as required in sub. (3). If a home study is required for foster care licensure, subsidized guardianship, or adoption approval, county departments and child placing agencies must include documentation of the determination in the home study.

An agency or entity is required to determine whether a criminal conviction or delinquency adjudication for an offense that is not a “serious crime” as defined in s. DCF 12.02(24) is substantially related to the care of children or the activities of the program. It may be helpful to contact the appropriate clerk of court to obtain a copy of the criminal complaint and judgment of conviction as part of that investigation and determination. Section 48.685(2)(bb), Stats., requires an agency or entity to contact the appropriate clerk of court to obtain a copy of the criminal complaint and judgment of conviction for a violation of s. 940.19(1), 940.195, 940.20, 941.30, 942.08, 947.01(1), or 947.013, Stats., if the conviction was within the past 5 years.

A person who was refused employment or who had his or her employment terminated and believes he or she may have been discriminated against, may file a complaint under s. 111.335, Stats., with the Equal Rights Division, Department of Workforce Development, P.O. Box 8928, Madison, WI 53708–8928 or telephone 608–266–6860.

DCF 12.07 Child welfare denial and revocation information. Each county department and child placing agency shall provide the department with written information about each person for whom the county department or child placing agency denied or revoked regulatory approval specified in s. DCF 12.02(21)(b), (e), (f), (g), or (h) for a reason specified in s. 48.685(4m), Stats. The county department or child placing agency shall provide the information in an automation system prescribed by the department or on a form prescribed by the department.

Note: County departments and child placing agencies with direct access to eWiSACWIS, the department’s child welfare automation system, enter the information into the system. Child placing agencies that do not have direct
access to eWiSACWIS provide the information on Form DCF−F−CF2191, Negative Action Notice, which is available in the forms section of the department’s website, dcf.wisconsin.gov. Send the completed form to Out−of−Home Care Section, DCF/DSP, P.O. Box 8916, Madison, WI 53708−8916.

**DCF 12.08 Reporting requirements.**

(1) ENTITY REPORTING OF OFFENSE. An entity shall report to the agency that gave regulatory approval as soon as the entity knows, or should have known, that any of the following apply to a caregiver or nonclient resident at the entity:

(a) The person is the subject of a delinquency petition alleging that the person committed a serious crime on or after his or her 12th birthday.

(b) The person has been adjudicated delinquent on or after his or her 12th birthday for committing any crime.

(c) The person is the subject of a pending criminal charge alleging that the person committed a serious crime.

(d) The person has been convicted of any crime.

(e) A final substantiated finding has been made that the person abused or neglected a client.

(f) A finding that is comparable to a final substantiated finding has been made in any other jurisdiction.

(g) A unit of government or a state agency as defined in s. 16.61(2)(d), Stats., made a finding that the person has abused or neglected a client or misappropriated the property of a client.

(h) If a position requires a person to be credentialed by the department of safety and professional services, the person has been denied a credential or had a credential restricted or otherwise limited.

(2) OTHER ENTITY REPORTING.

(a) An entity shall report to the agency that gave regulatory approval as soon as possible, but no later than the agency’s next working day, if any of the following occur regarding an entity, the entity shall submit a new person to be subject to the caregiver background check:

1. A person who is 12 years old is not a client

2. A person who is residing at the entity and is not a client

3. A nonclient resident turns 18 years of age.

4. A corporation or limited liability company designates a new person to be subject to the caregiver background check.

5. A caregiver under s. DCF 12.02(4)(a) or a nonclient resident at the entity changes his or her name.

(b)真 when a change specified under par. (a) 1. to 4. occurs regarding an entity, the entity shall submit a completed background information disclosure for the new person subject to the caregiver background check to the agency as soon as possible, but no later than the agency’s next business day.

2. Notwithstanding par. (a) 3., a nonclient resident in a child care center licensed under s. 48.66, Stats., or with a child care provider certified under s. 48.651, Stats., is not required to complete a background information disclosure if all of the following apply:

a. The nonclient resident is turning, or has recently turned, 18 years of age.

b. The nonclient resident previously submitted a completed background information disclosure to the department or certification agency.

(3) ENTITY POLICY. An entity shall include in its personnel or operating policies a provision that requires a person who is a caregiver specified in s. DCF 12.02(4)(b) to notify the entity as soon as possible, but no later than the entity’s next working day, if any of the following apply:

(a) The person is the subject of a delinquency petition alleging that the person committed a serious crime on or after his or her 12th birthday.

(b) The person has been adjudicated delinquent on or after his or her 12th birthday for committing any crime.

(c) The person is the subject of a pending criminal charge alleging that the person committed a serious crime.

(d) The person has been convicted of any crime.

(e) A final substantiated finding has been made that the person abused or neglected a child.

(f) A finding that is comparable to a final substantiated finding has been made in any other jurisdiction.

(g) A unit of government or a state agency as defined in s. 16.61(2)(d), Stats., has made a finding that the person has abused a client or misappropriated the property of a client.

(h) If a position requires a person to be credentialed by the department of safety and professional services, the person has been denied a credential or had a credential restricted or otherwise limited.

**DCF 12.09 Sanctions.**

(1) ENTITY.

(a) An entity that commits any of the following acts may be subject to one or more of the sanctions specified in par. (b):

1. Hires, employs, or contracts with a caregiver or permits a nonclient resident to reside at an entity or with a caregiver specified in s. DCF 12.02(4)(c) if the entity knows, or should know, that the caregiver or nonclient resident is barred under s. 48.685(4m)(b) or that a nonclient resident is ineligible for residency under s. 48.685(5m), Stats.

2. Violates any provision in s. 48.685, Stats., or this chapter regarding caregivers specified in s. DCF 12.02(4)(b) or (c), including requiring completion of a background information disclosure as required under s. 48.685(6), and conducting the caregiver background check as required under s. 48.685(2) and (3), Stats.

3. Knows, or should know, that a nonclient resident at the entity failed to complete and submit the background information disclosure to the applicable agency as required under s. 48.685(6), Stats., or that a nonclient resident knowingly gave false information on or knowingly omitted information from the background information disclosure submitted to the applicable agency.

b. Knows, or should know, that a nonclient resident of a caregiver specified in s. DCF 12.02(4)(c) failed to complete and submit the background information disclosure to the entity specified in s. DCF 12.02(14)(L) as required under s. 48.685(6), Stats., or that a nonclient resident knowingly gave false information on or knowingly omitted information from the background information disclosure submitted to the entity specified in s. DCF 12.02(14)(L).

4. Fails to complete and submit the background information disclosure to the applicable agency as required under s. 48.685(6), Stats.

5. Knowingly gives false information on or knowingly omits information from the background information disclosure submitted to the applicable agency.

6. Fails to comply with applicable reporting requirements under s. DCF 12.08(1) or (2).

7. Fails to have a policy on reporting changes as required in s. DCF 12.08(3).

(b) Any of the following sanctions may be imposed on an entity that commits any of the acts described in par. (a):

1. Denial, revocation, nonrenewal, suspension, or termination of regulatory approval.

2. Specific conditions or limitations placed on the regulatory approval.
3. A forfeiture of not more than $1,000.
4. A requirement that the entity develop a written plan that specifies corrections that will be made to personnel screening practices, obtain agency approval of the correction plan, and implement the correction plan.
5. Attendance at agency—designated training on personnel screening or other appropriate training at entity expense.

(2) APPLICANT. An applicant for regulatory approval who does any of the following may be subject to denial of an application for regulatory approval:

(a) Fails to complete and submit a background information disclosure to the appropriate agency.

(b) Knowingly provides false information on or knowingly omits information from the background information disclosure submitted to the agency.

**DCF 12.10 Rehabilitation reviews by agencies.**

(1) An agency shall conduct a rehabilitation review for a person who requests a rehabilitation review if the person is eligible under 48.685(5), Stats., and s. DCF 12.11 and is any of the following:

(a) A person who has, or is seeking, regulatory approval from the agency as a caregiver specified in s. DCF 12.02(4)(a).

(b) A person who is, or is expected to be, a caregiver specified in s. DCF 12.02(4)(b) for an entity that is regulated by the agency.

(c) A person who is, or is expected to be, a nonclient resident at an entity that is regulated by the agency.

(2) Notwithstanding sub. (1), the department shall conduct rehabilitation reviews for a person who requests a rehabilitation review if the person is eligible under s. 48.685(5), Stats., and s. DCF 12.11 and is any of the following:

(a) A person to whom delegation of the care and custody of a child under s. 48.979 has been, or is expected to be, facilitated by an entity.

(b) A person who is, or is expected to be, a nonclient resident of a person specified in par. (a).

**DCF 12.11 Eligibility to request rehabilitation review.**

(1) A person who is not eligible under s. 48.685(4m), Stats., to receive regulatory approval, to be employed as a caregiver, to contract with an entity to be a caregiver, or to reside at an entity or with a caregiver specified in s. DCF 12.02(4)(c) may request a rehabilitation review, unless any of the following apply:

(a) The person is not permitted to demonstrate rehabilitation for the applicable offense under s. 48.685(5)(bm) or (br), Stats.

(b) The person is not permitted to demonstrate rehabilitation for the applicable offense under s. 48.685(5)(bm) or (br), Stats., during a waiting period that has not ended.

**Note:** Tables listing barring offenses and the availability of rehabilitation review for each offense are in the applicable program regulatory sections of the department website at http://dcf.wisconsin.gov.

For group homes, residential care centers, child-placing agencies, and shelter facilities, see the child welfare licensing/background checks section of the department website.

For foster homes, adoption home studies, and subsidized guardianship, see the foster care/related statutes and administrative rules section of the department website.

For child care, see the child care regulation/child care licensing or child care certification sections of the department website.

(c) Within the preceding 12 months, an agency denied the person’s request for rehabilitation approval, and the new request is for the same type of regulatory approval, job function, or nonclient resident status with the same level of direct contact with clients or unsupervised access to clients.

**DCF 12.12 Applying for rehabilitation review.** To apply for rehabilitation review, a person who is eligible to request rehabilitation review under s. DCF 12.11 shall do all of the following:

(1) Obtain a rehabilitation review application on a form prescribed by the department and submit the completed application to the applicable agency.

**Note:** Form DCF–F–419 Rehabilitation Review Application Instructions, is available in the forms section of the department website, http://dcf.wisconsin.gov.

(2) Submit any supporting documents and information required by the rehabilitation review application to the applicable agency.

**DCF 12.13 Agency rehabilitation review process.** In this chapter:

(1) **TIME FRAME.** If the application is not complete or any supporting documents or information required in the application are not submitted within 90 days after the date the application was first received by the applicable agency, the request for a rehabilitation review shall be denied, unless the person requesting the rehabilitation review provides a good cause explanation.

(2) **REHABILITATION REVIEW PANEL.** If a person who is eligible for rehabilitation review under s. DCF 12.11 submits an application that is complete under s. DCF 12.12 no later than the deadline in sub. (1), the applicable agency shall appoint a review panel of at least 2 persons to review the information submitted. The panel may request additional information from the person requesting the review or from other agencies or persons familiar with the person.

(3) **REQUESTER APPEARANCE.**

(a) The person requesting the rehabilitation review shall have an opportunity to appear before the review panel to present information and answer any questions the panel members may have.

(b) The person’s appearance before the review panel may be in person, by telephone, or other technology approved by the agency.

(4) **REHABILITATION DECISION FACTORS.** After reviewing the information obtained, the review panel shall decide whether the person who is the subject of the rehabilitation review has demonstrated by clear and convincing evidence that he or she is rehabilitated for purposes of receiving regulatory approval, employment as a caregiver, contracting with an entity to be a caregiver, or residing at an entity or with a caregiver specified in s. DCF 12.02(4)(c). The panel shall consider at least the following factors, as applicable:

(a) Personal references and comments from employers, persons, and agencies familiar with the applicant and statements from therapists, counselors, and other professionals.

(b) Evidence of successful adjustment to, compliance with, or proof of successful completion of parole, extended supervision, probation, incarceration, or work release privileges.

(c) Any investigations or enforcement actions by a regulatory agency for substantial noncompliance with applicable laws.
(d) Any subsequent contacts with law enforcement agencies, including arrests, charges, convictions, pending criminal or civil arrest warrants, civil judgments, or other legal enforcement actions or injunctions against the person.
(e) Any aggravating or mitigating circumstances surrounding the barring crime, act, or offense.
(f) Evidence of rehabilitation, such as public or community service, volunteer work, recognition by other public or private authorities for accomplishments or efforts or attempts at restitution, and demonstrated ability to develop positive social interaction and increased independence or autonomy of daily living.
(g) The age of the person at the time of the offense and the amount of time between the crime, act, or offense and the request for rehabilitation review.
(h) Whether the person is on the sexual offender registry under s. 301.45, Stats., or on a similar registry in another jurisdiction.
(i) A victim’s impact statement, if appropriate.
(j) The person’s employment history, including evidence of acceptable performance or competency and dedication to the person’s profession.
(k) The nature and scope of the person’s contact with clients in the position requested.
(l) The degree to which the person would be directly supervised or working independently in the position requested.
(m) The opportunity presented for someone in the position to commit similar offenses.
(n) The number, type, and pattern of offenses committed by the person.
(o) Successful participation in or completion of recommended rehabilitation, treatment, or programs.
(p) Unmet treatment needs.
(q) The person’s veracity.

(5) REVIEW PANEL DECISION.
(a) Scope. An agency may grant rehabilitation approval only within the scope of its regulatory authority.
(b) Deferral. A review panel may defer a final decision for a period of not more than 6 months, unless the person who is the subject of the rehabilitation review agrees to a longer time period.
(c) Written decision. The review panel shall issue a written decision that includes the following information, as applicable:
1. ‘Approval.’ An approval shall state all of the following:
   (a) The type of entity to which the decision applies.
   (b) The types of approval that were requested and are approved in the decision, such as regulatory approval, employment as a caregiver, contract to be a caregiver, or nonclient residency at an entity.
   (c) Any conditions or limitations placed on the approval.

   Note: Examples of limited approval include approval for employment doing only certain job functions or approval to care for a specific child only.
2. ‘Deferral.’ A deferral shall state the reason for the deferral and the date that the review panel will reconvene to review any new information affecting the request.
3. ‘Denial.’ A denial shall include all of the following:
   (a) The type of entity to which the decision applies.
   (b) The types of approval that were requested and are denied in the decision, such as regulatory approval, employment as a caregiver, contract to be a caregiver, or nonclient residency at an entity.
   (c) The reason for the denial.
   (d) Notice that the person may appeal the denial and a summary of the appeal process under s. 48.685(5c), Stats., and s. DCF 12.14.

(6) REVIEW PANEL DECISION DISTRIBUTION.
(a) The review panel shall send its decision to the person who is the subject of the rehabilitation review and, if requested, a copy to entities specified by that person.
(b) Within 10 days after sending a rehabilitation review decision to the person who is the subject of the rehabilitation review, the review panel for an agency shall send all of the following to the department:
1. A copy of the review panel’s decision.
2. A copy of the person’s application under s. DCF 12.12(1).
3. A completed rehabilitation review panel decision report on a form prescribed by the department.

Note: Form DCF—F-418-E, Rehabilitation Review Panel Decision Report, is available in the forms section of the department website at http://dfc.wisconsin.gov. The materials should be sent to the Office of Legal Counsel, Department of Children and Families, P. O. Box 8916, Madison, WI 53708—8916.

(7) RETENTION OF REHABILITATION DECISION DOCUMENTATION.
(a) The agency shall retain a copy of the written decision by the rehabilitation review panel and any decisions from filed appeals that may result.
(b) The agency shall retain a copy of the rehabilitation review request and all materials or information obtained or notes made as part of the rehabilitation review decision for at least 10 years after the decision is made and any appeals are finalized.

DCF 12.14 Appealing a rehabilitation review panel’s denial.
(1) (a) A person who is denied rehabilitation approval may submit a written request for review of the decision under s. 48.685(5c), Stats., within 10 days after the date of the written decision by the rehabilitation panel. No new evidence may be submitted.
(b) A person who appeals under this subsection shall bear the burden of proving, by a preponderance of the evidence, that the rehabilitation review panel for the agency erroneously exercised its discretion in deciding that the person did not show sufficient evidence to demonstrate that he or she is rehabilitated.

Note: Pursuant to s. 48.685(5c), Stats., submit an appeal to the following, as appropriate:
1. To appeal a denial by a rehabilitation review panel for the department, a certification agency, or a child-placing agency, send the request to the Department of Children and Families, Office of Legal Counsel, P. O. Box 8916, Madison, WI 53708—8916.
2. To appeal a denial by a rehabilitation review panel for a county department, send the request to the director of the appropriate county department or his or her designee.
3. To appeal a denial by a rehabilitation review panel for the school board, send the request to the Superintendent of the Department of Public Instruction, 125 South Webster Street, Madison, WI 53703; or call (608) 266-3390.

(2) A person who receives an adverse decision from the secretary of the department or his or her designee under sub. (1) may request a contested case hearing under ch. 227, Stats., and ch. HA 1 within 10 days after the date of the written decision by the department.

Note: Send a request for a contested case hearing to the Division of Hearings and Appeals, 5005 University Avenue, Room 201, Madison, Wisconsin, 53705—5400. The fax number of the division is (608) 264—9885.
(3) A person who receives an adverse decision from a county department director or his or her designee has the right to appeal the decision under ch. 68, Stats.

**DCF 12.15 Withdrawal of rehabilitation approval.**

(1) **COMPLIANCE WITH APPROVAL CONDITIONS.** A person whose rehabilitation is approved shall comply with any conditions and limitations imposed with that approval.

(2) **CRITERIA FOR WITHDRAWAL.** An agency that granted a person a rehabilitation approval may withdraw the rehabilitation approval if the person has done any of the following:

(a) The person has failed to comply with or abide by any conditions or limitations imposed with the rehabilitation approval.

(b) The person knowingly submitted false information or withheld pertinent information that could have or would have affected the review panel’s decision to grant the rehabilitation approval.

(3) **INFORMING THE GRANTING AGENCY.** An entity or agency that becomes aware that a person has violated the conditions or limitations of a rehabilitation approval that was granted by another agency shall inform the agency that granted the approval of the violation.

(4) **WITHDRAWAL NOTICE.** If an agency withdraws a rehabilitation approval, it shall issue a written notice that explains the reasons for the withdrawal and informs the person whose approval has been withdrawn that he or she may appeal as provided in s. DCF 12.14.

(5) **REPORTING TO THE DEPARTMENT.** If an agency withdraws rehabilitation approval and the withdrawal results in a bar to regulatory approval, employment as a caregiver, contracting with an entity to be a caregiver, or residing at an entity, the agency that withdraws the rehabilitation approval shall immediately report the withdrawal to the department.

**Note:** Send reports of withdrawn rehabilitation approval to Department of Children and Families, Office of Legal Counsel, P.O. Box 8916, Madison, WI 53708–8916.

**DCF 12.16 Permissive acceptance of a rehabilitation approval.** In this chapter:

(1) **SCOPE.**

(a) An agency may accept a rehabilitation approval granted to a person by another agency if the previous rehabilitation approval applies to the same type of entity and the same type of approval.

**Note:** For example, a certification agency in County B may accept a rehabilitation approval to be a nonclient resident in a certified child care home if a certification agency in County A granted the same type of approval.

(b) A certification agency may accept a rehabilitation approval granted to a person by the department if the previous rehabilitation approval applies to the same type of approval for a child care center that is licensed to care for 4 to 8 children under s. 48.66, Stats.

(c) An agency that accepts a rehabilitation approval granted by another agency shall enforce any limitations or conditions that were included in the approval if the conditions or limitations imposed by the agency that granted the approval have not been terminated or have not expired.

(d) A rehabilitation approval granted by a tribe that conducts rehabilitation reviews pursuant to a plan approved under s. 48.685(5d), Stats., may not be accepted.

**Note:** Rehabilitation approvals granted by a tribe under this chapter may be accepted.

(2) **PROCESS.**

(a) If an agency learns that a person has had a previous rehabilitation review, the agency shall contact the department to request a copy of the rehabilitation decision and information on the status of any rehabilitation approval.

(b) If the previous rehabilitation review decision was an approval and the approval has not been withdrawn, the agency shall determine whether the approval is eligible to be accepted under sub. (1).

(c) If the previous rehabilitation approval is eligible to be accepted under sub. (1), the agency shall determine whether to accept or deny the previous approval.

(3) **INELEGIBILITY OR DENIAL.** If an agency determines that a person’s previous rehabilitation approval may not be accepted under sub. (1) or the agency denies an eligible rehabilitation approval under sub. (2)(c), the agency shall inform the person of his or her right to submit an application for a new rehabilitation review under s. DCF 12.12 and shall process a submitted application under s. DCF 12.13.
## Daily Attendance Record Form

### Name - Child

<table>
<thead>
<tr>
<th>Week 1</th>
<th>Week 2</th>
<th>Week 3</th>
<th>Week 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday</td>
<td>Tuesday</td>
<td>Wednesday</td>
<td>Thursday</td>
</tr>
<tr>
<td>Friday</td>
<td>Saturday</td>
<td>Sunday</td>
<td>Monday</td>
</tr>
</tbody>
</table>

### Weekly Attendance Record

- **Child's Name**: [Name]
- **Parent/ Guardian's Name**: [Name]
- **Parent's Phone Number**: [Number]

### Monthly Attendance Report

- **Month**: [Month]
- **Number of Days Present**: [Number]
- **Days Absent**: [Number]

### Additional Notes

- Any additional notes or comments about the child's attendance.

---

### Daily Attendance Record Form

- **Date**: [Date]
- **Time In**: [Time]
- **Time Out**: [Time]

---

### Instructions

- Fill in the appropriate boxes for each day's attendance.
- Keep record updated and accurate for each child.

---

### Contact Information

- **Parent/ Guardian's Name**: [Name]
- **Parent's Phone Number**: [Number]

---

### Application Details

- This form is to be used for the daily attendance record of children enrolled in the center. It is to be kept for at least 3 years for compliance with regulations.

---

### Department of Children and Families

- **Agencies**: [Agencies]
- **Program**: [Program]

---

### Wisconsin Administrative Code

- **Chapter**: [Chapter]
- **Section**: [Section]

---

### Appendix H

- **Title**: [Title]
- **Purpose**: [Purpose]

---

### Daily Attendance Record Form

- **Date**: [Date]
- **Time In**: [Time]
- **Time Out**: [Time]
SECTION C - Provider Schedule: Enter the name and position for each provider. Additional providers included on or before the program who worked with the children during the week. The work in the row corresponding to the provider’s name, record the actual hours the provider worked for each provider. Include the provider’s actual hours or percentage of enrollment. Provide a detailed explanation of how the provider was counted in each row.

<table>
<thead>
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<th>Provider B</th>
<th>Provider C</th>
<th>Provider D</th>
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<tbody>
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<tr>
<td>Monday</td>
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<td>Saturday</td>
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Total Daily Attendance

<table>
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<th>Age of Child</th>
<th>2 or Older</th>
<th>Under 2</th>
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</thead>
<tbody>
<tr>
<td>12</td>
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<td>3</td>
<td>4</td>
</tr>
<tr>
<td>10</td>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>

Percentage of Child in Out (12/31/2020)
# Instructions for Obtaining Forms

**Group Child Care (GCC) and Family Child Care (FCC) Centers**

Listed below are some of the most frequently used forms and publications for licensed child care centers. There are two categories: 1) forms that are required to be used with licensing rules, and 2) forms that are not required to be used with licensing rules but have been designed to contain all the required information and are recommended for use. Several of our forms and publications are also available in Spanish and Hmong.

To access our forms and publications, visit the Bureau of Early Care Regulation Child Care Licensing Forms & Publications page at [https://dcf.wisconsin.gov/olclicensing/rfcforms.aspx](https://dcf.wisconsin.gov/olclicensing/rfcforms.aspx). If you can’t find what you are looking for on the BECR page, check the Department of Children and Families forms repository at [https://dcf.wisconsin.gov/forms](https://dcf.wisconsin.gov/forms) or the publications repository at [https://dcf.wisconsin.gov/publications](https://dcf.wisconsin.gov/publications). To open documents on these websites, you will need Microsoft Word or Adobe Acrobat.

If you do not have access to the Internet, or if you can’t find the item you are looking for, contact your regional licensing office.

<table>
<thead>
<tr>
<th>FORM NO.</th>
<th>FORM TITLE</th>
<th>REQUIRED</th>
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<tbody>
<tr>
<td>DCF-F-FFS0104</td>
<td>Alternate Arrival / Release Agreement – Child Care Centers</td>
<td>FCC</td>
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<td>DCF-F-CF50009</td>
<td>Authorization to Administer Medication – Child Care Centers</td>
<td>FCC, GCC</td>
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<td>DCF-F-5296</td>
<td>Background Check Request – Child Care Centers</td>
<td>FCC</td>
</tr>
<tr>
<td>DCF-F-CF2344</td>
<td>Building Inspection Report – Child Care Centers</td>
<td>FCC, GCC</td>
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<td>DCF-F-CF5002</td>
<td>Child Care Enrollment – Child Care Centers</td>
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<td>Child Health Report – Child Care Centers</td>
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<td>DCF-F-CF1675</td>
<td>Child Record Checklist – Child Care Centers</td>
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<td>DCF-F-CF5005A</td>
<td>Continuing Education Record – Child Care Centers</td>
<td>FCC</td>
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<td>DCF-F-CF2114</td>
<td>Continuing Education Record – Independent Reading / Video Viewing</td>
<td>FCC</td>
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<td>Daily Attendance Record – Child Care Centers</td>
<td>FCC</td>
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<td>F-44192</td>
<td>Day Care Immunization Record – Child Care Centers</td>
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<td>Entry-Level Non-Credit Courses for Licensed Child Care</td>
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<td>DCF-P-FS006</td>
<td>Entry-Level Training Requirements – Group Child Care Centers</td>
<td>FCC, GCC</td>
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<td>DCF-F-CF5008</td>
<td>Field Trip or Other Activity Notification / Permission – Child Care Centers</td>
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<td>DCF-F-CF2346</td>
<td>Health History and Emergency Care Plan – Child Care Centers</td>
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<td>DCF-F-CF5007</td>
<td>Incident Report – Child Care Centers</td>
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<td>Informed Consent for Observation or Testing by an Outside Agency – Child Care Centers</td>
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<td>DCF-F-CF5001</td>
<td>Intake for Child Under 2 Years – Child Care Centers</td>
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<td>It Shouldn’t Hurt To Be A Child. . . But Sometimes It Does – Child Care Centers</td>
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<tr>
<td>DCF-F-CF5009</td>
<td>Licensing Checklist – Family Child Care Centers DCF 250</td>
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<td>Licensing Checklist – Group Child Care Centers DCF 251</td>
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<td>Policy Checklist – Family Child Care Centers</td>
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<td>DCF-F-CF2255</td>
<td>Staff Orientation Checklist – Family Child Care Centers</td>
<td>FCC, GCC</td>
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<td>DCF-F-CF2256</td>
<td>Staff Orientation Checklist – Group Child Care Centers</td>
<td>FCC, GCC</td>
</tr>
<tr>
<td>DCF-F-CF2251</td>
<td>Staff Record Checklist – Family Child Care Centers</td>
<td>FCC, GCC</td>
</tr>
<tr>
<td>DCF-F-CF1675A</td>
<td>Staff Record Checklist – Group Child Care Centers</td>
<td>FCC, GCC</td>
</tr>
<tr>
<td>DCF-F-CF5003</td>
<td>Staff Record – Child Care Centers</td>
<td>FCC</td>
</tr>
<tr>
<td>DCF-F-2465</td>
<td>Staff-To-Child Ratio While Swimming Worksheet – Group and Family Child Care</td>
<td>FCC</td>
</tr>
<tr>
<td>DCF-F-CF5007</td>
<td>Staff-To-Child Ratio Worksheet – Group Child Care Centers</td>
<td>FCC</td>
</tr>
<tr>
<td>DCF-F-CF5005</td>
<td>Transportation Permission – Child Care Centers</td>
<td>FCC</td>
</tr>
<tr>
<td>DCF-F-CF5002</td>
<td>Vehicle Safety Inspection – Child Care Centers</td>
<td>FCC, GCC</td>
</tr>
<tr>
<td>DCF-F-CF5027</td>
<td>Volunteer Training Confirmation – Group Child Care Centers</td>
<td>FCC, GCC</td>
</tr>
</tbody>
</table>

**Only required when policies are created or revised and copies are submitted to the department.**

**Department will accept electronic printouts from physician’s office and WI Immunization Registry in place of the department forms.**

The Department of Children and Families (DCF) is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format, or need it translated to another language, contact the Bureau of Early Care Regulation at dcflicoreg@wisconsin.gov, 608-421-7550 (general), or the Wisconsin Relay Service (WRS) 711. For civil rights questions call 800-422-8898 (general) or the Wisconsin Relay Service (WRS) 711.
To obtain copies of the materials listed below, see the Child Care Information Center (CCIC) website: https://dcf.wisconsin.gov/ccic

1. DCF Approved Agencies Offering Non-Credit Child Care Courses (DCF-P-5202)
2. Credit To Hours Conversion – Technical Colleges And Universities
3. Caregiver Background Check (CBC) FAQ – Licensed Child Care
4. Collaborative Child Care Programs – Frequently Asked Questions
5. Wisconsin Child Care Administrator Credential
6. The Registry Career Levels
8. It Shouldn’t Hurt To Be A Child (DCF-P-PFS0101)
9. Center Medication and Injury Log – Directions For Use
10. Suggested Procedures for Warming Refrigerated Infant Formula
11. Get Medical Help Immediately (Situations that Require Medical Attention Right Away)
12. Communicable Diseases Chart
13. Car Safety Seat Information
15. Fact Sheet On Universal Precautions & Standard Precautions for Child Care Centers
16. OSHA Regulations on Bloodborne Pathogens
17. Transportation of Children In 10+ Passenger Vans To and From School
18. Early Years Are Learning Years – Time Out for “Time Out”
19. Managing Crying, Fussing Or Distraught Children (information packet)
20. Child Care Weather Watch – Wisconsin
21. Cleaning, Sanitizing and Disinfecting in Child Care Centers (DCF-P-5201)
22. Renovate Right – Important Lead Hazard Information for Families, Child Care Providers and Schools
23. Safe Food Storage
24. Entry Level Courses – Early Childhood Professionals
25. Entry Level Courses – School-age Professionals
26. Ten Steps to Breastfeeding Friendly Child Care Centers
INDEX

A

Absence ......................................................................................................................... 7

Activities

Age................................................................................................................................. 6, 65

Address Change ............................................................................................................. 67

Accident Reporting ....................................................................................................... 9

Additional Center .......................................................................................................... 68

Administration ............................................................................................................. 6, 65

AED ................................................................................................................................. 20

See Automated External Defibrillator

Age

Child care provider ........................................................................................................ 18

Person left in charge ..................................................................................................... 23

Terms of the license ...................................................................................................... 6

Alcohol ............................................................................................................................ 23

Amending a License ....................................................................................................... 67

Application

Continuation application ............................................................................................... 67

Initial application ........................................................................................................... 65

Attendence Record ....................................................................................................... 15

Automated External Defibrillator .................................................................................. 20

B

BandAids ......................................................................................................................... 51

Bedding ............................................................................................................................ 44, 64

Beds

Furnishings ......................................................................................................................... 34

III child ............................................................................................................................... 47

Night care .......................................................................................................................... 64

Rest periods ....................................................................................................................... 44

Sharing ............................................................................................................................... 45

Waterbeds .......................................................................................................................... 59

Blanket

III child ............................................................................................................................... 47

Infants and toddlers ........................................................................................................ 59

Night care .......................................................................................................................... 64

Rest periods ....................................................................................................................... 44

Bottles ................................................................................................................................. 61

Building ............................................................................................................................ 26

C

Capacity ............................................................................................................................. 6

Night care ........................................................................................................................... 64

Vehicles ............................................................................................................................. 58

Care of Mildly Ill Child Policy ........................................................................................... 48

Caregiver Background Check

Definition ............................................................................................................................ 2

Staff file .............................................................................................................................. 11

Submit to department ...................................................................................................... 8

Certificate

CPR ................................................................................................................................. 20

Insurance ......................................................................................................................... 55

Rabies vaccination .......................................................................................................... 53

The Registry ..................................................................................................................... 13

Change

Center location ..................................................................................................................... 67

Center policies .................................................................................................................. 67

Off-licenses play space plan ........................................................................................... 37

Ownership of the center ................................................................................................. 67

Room usage ....................................................................................................................... 9

Terms of the license ........................................................................................................ 67

Transportation services ................................................................................................. 9

Child Abuse

Prohibited actions .......................................................................................................... 42

Reporting .......................................................................................................................... 16

Reporting to department ............................................................................................... 9

Staff training ..................................................................................................................... 17

Child Guidance

Policy ................................................................................................................................. 7, 42

Prohibited actions .......................................................................................................... 42

Time outs ......................................................................................................................... 42

Child Safety Restraint .................................................................................................... 57

Children’s Records ........................................................................................................ 13

Cleanliness

Clothing and diapers ...................................................................................................... 51

Diaper changing surface ............................................................................................... 61

Kitchens ............................................................................................................................ 34

Personal .............................................................................................................................. 50

Vehicle ................................................................................................................................. 57

Commercial Building Codes .......................................................................................... 26

Communicable Disease .................................................................................................. 10, 46, 48

Complaint Investigation and Reporting ......................................................................... 71

Confidentiality .................................................................................................................. 16

Continuing Education

Documentation in staff file ............................................................................................ 13

Licensee responsibility .................................................................................................... 63

Requirement ...................................................................................................................... 19

Controlled Substance ..................................................................................................... 23

Cot

Furnishings ......................................................................................................................... 34

III child ............................................................................................................................... 47

Night care .......................................................................................................................... 64

Rest periods ....................................................................................................................... 44

Sharing ............................................................................................................................... 45

CPR ................................................................................................................................. 20

Creativity .......................................................................................................................... 39

Crib

III child ............................................................................................................................... 47

Night care .......................................................................................................................... 64

Rest periods ....................................................................................................................... 44

Sharing ............................................................................................................................... 45

Soft materials ..................................................................................................................... 59

Tight-fitting mattress ...................................................................................................... 59

Cultural Diversity ............................................................................................................ 40
<table>
<thead>
<tr>
<th>S</th>
<th>T</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety Gates...</td>
<td>Tables..........</td>
</tr>
<tr>
<td>Safety Inspection - Vehicle</td>
<td>Telephone</td>
</tr>
<tr>
<td>Sanitation</td>
<td>Temperature</td>
</tr>
<tr>
<td>Bedding</td>
<td>Food storage</td>
</tr>
<tr>
<td>Hand sanitizers</td>
<td>Indoor</td>
</tr>
<tr>
<td>Premises, furnishings, equipment</td>
<td>Outdoor</td>
</tr>
<tr>
<td>SBS...See Shaken Baby Syndrome</td>
<td>Terms of License</td>
</tr>
<tr>
<td>Screens</td>
<td>The Registry</td>
</tr>
<tr>
<td>Seat Belt</td>
<td>Toilet</td>
</tr>
<tr>
<td>Seating</td>
<td>Toilet Paper</td>
</tr>
<tr>
<td>Self-control</td>
<td>Toilet Training</td>
</tr>
<tr>
<td>Shaken Baby Syndrome prevention</td>
<td>Tornado Drill</td>
</tr>
<tr>
<td>Sink</td>
<td>Towels</td>
</tr>
<tr>
<td>Sleeping Bag...</td>
<td>Toys</td>
</tr>
<tr>
<td>Small Muscle</td>
<td>Training</td>
</tr>
<tr>
<td>Equipment</td>
<td>Child abuse and neglect</td>
</tr>
<tr>
<td>Programming</td>
<td>Continuing education</td>
</tr>
<tr>
<td>Smoke Detectors</td>
<td>CPR</td>
</tr>
<tr>
<td>Smoking</td>
<td>Entry-level</td>
</tr>
<tr>
<td>Snacks</td>
<td>Policy</td>
</tr>
<tr>
<td>Handwashing</td>
<td>Requirements</td>
</tr>
<tr>
<td>Night care</td>
<td>Staff Qualifications</td>
</tr>
<tr>
<td>Prohibited actions</td>
<td>Volunteer</td>
</tr>
<tr>
<td>Requirements</td>
<td>Staff Records</td>
</tr>
<tr>
<td>Soap</td>
<td>Staff-To-Child Ratio</td>
</tr>
<tr>
<td>Space</td>
<td>Storage</td>
</tr>
<tr>
<td>Indoor</td>
<td>Bedding</td>
</tr>
<tr>
<td>Outdoor</td>
<td>Food</td>
</tr>
<tr>
<td>Staff Development</td>
<td>Medication</td>
</tr>
<tr>
<td>Child abuse and neglect training</td>
<td>Potentially dangerous items</td>
</tr>
<tr>
<td>Continuing education</td>
<td>Requirements</td>
</tr>
<tr>
<td>CPR</td>
<td>Substitute</td>
</tr>
<tr>
<td>Infant and toddler care</td>
<td>Summary of Chapter</td>
</tr>
<tr>
<td>Orientation of emergency back-up provider</td>
<td>Summary Suspension</td>
</tr>
<tr>
<td>Orientation of employee, volunteer, substitute</td>
<td>Sunscreen</td>
</tr>
<tr>
<td>Staff Qualifications</td>
<td>Supervision</td>
</tr>
<tr>
<td>Staff Records</td>
<td>General</td>
</tr>
<tr>
<td>Staff-To-Child Ratio</td>
<td>Pets or animals</td>
</tr>
<tr>
<td>Storage</td>
<td>Swimming</td>
</tr>
<tr>
<td>Bedding</td>
<td>Vehicle</td>
</tr>
<tr>
<td>Food</td>
<td>Vehicle Safety Alarm</td>
</tr>
<tr>
<td>Medication</td>
<td>Vehicle Safety Inspection</td>
</tr>
<tr>
<td>Potentially dangerous items</td>
<td>Volunteer</td>
</tr>
<tr>
<td>Requirements</td>
<td>Wading Pool</td>
</tr>
<tr>
<td>Substitute</td>
<td>Washroom</td>
</tr>
<tr>
<td>Summary of Chapter</td>
<td>Waste Paper Container</td>
</tr>
<tr>
<td>Summary Suspension</td>
<td>Water</td>
</tr>
<tr>
<td>Sunscreen</td>
<td>Water Test</td>
</tr>
<tr>
<td>Supervision</td>
<td>Weather</td>
</tr>
<tr>
<td>General</td>
<td>Wet Wipes</td>
</tr>
<tr>
<td>Pets or animals</td>
<td>Windows</td>
</tr>
<tr>
<td>Swimming</td>
<td>32, 35, 50, 61</td>
</tr>
<tr>
<td>Vehicle</td>
<td>3, 41, 60</td>
</tr>
<tr>
<td>Swimming</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>33</td>
</tr>
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