Your Child Care – Is it Legal?

Entrusting the care of your child to another person is an important decision. Take time before you choose a child care program to make sure that it is legal care. Here is information that will help you determine whether your child care center must be licensed.

**STATE LAW – Chapter 48.65, WI Statutes**

No person may for compensation provide care and supervision for four or more children under the age of seven for less than 24 hours a day unless that person obtains a license to operate a child care center from the Department of Children and Families.

**WHEN THIS LAW APPLIES**

The law applies when there are four or more children under the age of seven at any one time and:

- The care takes place outside the child’s home
- The caregiver is a non-guardian
- The parents are off the premises
- The caregiver is paid or reimbursed for services
- The child care is less than 24 hours per day

**WHEN THIS LAW DOES NOT APPLY**

A license is not needed when:

- The care is given in the child’s home
- The caregiver is a parent, guardian, grandparent, great grandparent, stepparent, brother, sister, first cousin, nephew, niece, uncle, or aunt of a child, whether by blood, marriage, or legal adoption
- The parents are on the premises for shopping, recreation or other non-work activities
- Child care is sponsored by a public or private school
- Supervision is for occasional activities such as classes, clubs or sports activities
- Care is seasonal, such as vacation bible schools and holiday child care programs
- A county, city, town, school district or library provides recreational or social programs

**NO REGULATIONS APPLY TO**

- Anyone caring for one to three children in the provider’s own home (certification is a voluntary form of regulation but is not required to care for three or fewer children)
- Babysitters or nannies caring for children in the child’s home
- A babysitter who is a close relative or guardian
- Groups of school-age children, all of whom are age seven or older.

The Department of Children and Families is an equal opportunity employer and service provider. If you have a disability and need to access services, receive information in an alternate format, or need information translated to another language, please contact the Bureau of Early Care Regulation at dfcclicreg@wisconsin.gov or (608) 421-7550. Individuals who are deaf, hard of hearing, deaf-blind or speech disabled can use the free Wisconsin Relay Service (WRS) – 711 to contact the department.

DCF-P-PFS503 (R. 10/2019)