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, village, 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 dcfcclicreg@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.