

BARRED OFFENSES - REGULATED CHILD CARE

Effective October 1, 2018

The table below lists crimes and their impact on a person's ability to operate, reside in or work at a child care center. Violations of the law occurring outside Wisconsin (under the jurisdiction of the United States) that are comparable to any offense listed on this table will result in the same action as described.

Definition of a caregiver:

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.
- c. A person who has, or is seeking a license, certification, or contract to operate a child care program.

Criminal Statute	Description of Crime	Action Key
125.075(1)	Injury or death by providing alcohol to a person under age 18	Bar for 5 years after sentence completed
125.085(3)(a)2	Make, alter, duplicate ID for money or compensation	Bar for 5 years after sentence completed
125.105(2)(b)	Impersonate or abet impersonation of an inspector, agent or employee of Dept. of Revenue or Dept. of Justice	Bar for 5 years after sentence completed
125.66(3)	Make or rectify intoxicating beverage without an appropriate permit	Bar for 5 years after sentence completed
125.68(12)	Recover, use, conceal or dispose of alcohol derived from denatured alcohol	Bar for 5 years after sentence completed
346.63(1), (2), (5) or (6)	Operating or causing injury by intoxicated use of a motor vehicle that is a felony, excluding 346.65(2)(am)4, under Wis. Stat. § 346.65(2)(am)5., 6., or 7. or (f)., (2j)(d) or (3m)	Bar for 5 years after sentence completed
940.01	1st degree intentional homicide	Permanent Bar
940.02	1st degree reckless homicide	Permanent Bar
940.03	Felony murder	Permanent Bar
940.05	2nd degree intentional homicide	Permanent Bar
940.06	2nd degree reckless homicide	Permanent Bar
940.09	Homicide by intoxicated use of vehicle or firearm	Bar for 5 years after sentence completed
940.12	Assisting suicide	Permanent Bar
940.19(1)	Battery - causing bodily harm with intent to cause bodily harm	If substantially related may be denied

Criminal Statute	Description of Crime	Action Key
940.19(2), (4), (5) or (6) (spouse victim)	Substantial or aggravated battery (if victim is the spouse of the person convicted)	Permanent Bar
940.19(3) 1999 Stats. (spouse victim)	Substantial or aggravated battery (if victim is the spouse of the person convicted)	Permanent Bar
940.19(2), (4), (5) or (6)	Substantial or aggravated battery	Bar for 5 years after sentence completed
940.195	Battery, substantial battery, or aggravated battery to unborn child	If substantially related may be denied
940.20(1) or (1m) (spouse victim)	Battery by prisoners or battery by person subject to certain injunctions, if the victim is the spouse of the person convicted	Permanent Bar
940.20	Battery: special circumstance	Bar for 5 years after sentence completed, then if substantially related may be denied
940.203	Battery or threat to a judge	Bar for 5 years after sentence completed
940.205	Battery or threat to a Dept. of Revenue employee	Bar for 5 years after sentence completed
940.207	Battery or threat to a Safety and Professional Services or Workforce Development employee	Bar for 5 years after sentence completed
940.21	Mayhem	Permanent Bar
940.22(2) or (3)	Sexual exploitation by therapist; duty to report	Permanent Bar
940.225(1), (2) or (3)	1st, 2nd, 3rd degree sexual assault	Permanent Bar
940.23	Reckless injury	Permanent Bar
940.25	Injury by intoxicated use of a vehicle	Bar for 5 years after sentence completed
940.285(2)	Abuse of vulnerable adults (Misdemeanor or felony conviction)	Permanent Bar
940.29	Abuse of residents of a penal facility	Permanent Bar
940.295	Abuse or neglect of patients and resident (Misdemeanor or felony conviction)	Permanent Bar
940.302(2) if s. 940.302(2)(a)1.b. applies	Human trafficking for a commercial sex act	Permanent Bar
940.305	Taking hostages	Permanent Bar
940.31	Kidnapping	Permanent Bar

Criminal Statute	Description of Crime	Action Key
941.20(2) or (3)	Endangering safety with use of a dangerous weapon (felony conviction only)	Permanent Bar
941.21	Disarming a peace officer	Permanent Bar
941.30	Recklessly endangering safety	If substantially related may be denied
942.08	Invasion of privacy	If substantially related may be denied
942.09(2)	Representations depicting nudity (felony conviction only)	Permanent Bar
943.04	Arson with intent to defraud	Permanent Bar
943.10(2)	Armed burglary or burglary with battery	Permanent Bar
943.201	Identity theft	Permanent Bar for Licensees or Certified operators
943.203	Theft of an entity's identity	Permanent Bar for Licensees or Certified operators
943.23(1g)	Operating a motor vehicle without the owner's consent while possessing a dangerous weapon	Bar for 5 years after sentence completed
943.32(2)	Robbery by use, or threat of use, of a dangerous weapon	Permanent Bar
943.34(1)	Receiving stolen property (felony conviction only)	Permanent Bar for Licensees or Certified operators
943.38(1) or (2)	Forgery (felony conviction only)	Permanent Bar for Licensees or Certified operators
943.395(1)	Fraudulent insurance or employee benefit program claim (felony conviction only)	Permanent Bar for Licensees or Certified operators
943.41(3)(e), (4)(a), (5), (6), or (6m)	Financial transaction card crime- theft, forgery, or fraudulent use of a financial transaction card (felony conviction only)	Permanent Bar for Licensees or Certified operators
943.45(1)	Theft of telecommunications service (felony conviction only)	Permanent Bar for Licensees or Certified operators
943.455(2)	Theft of commercial mobile service (felony conviction only)	Permanent Bar for Licensees or Certified operators
943.46(2)	Theft of video service (felony conviction only)	Permanent Bar for Licensees or Certified operators

Criminal Statute	Description of Crime	Action Key
943.47(2)	Theft of satellite cable programming (felony conviction only)	Permanent Bar for Licensees or Certified operators
943.50(1m)	Retail theft (felony conviction only)	Permanent Bar for Licensees or Certified operators
943.70(2)(a) or (am) or (3)(a)	Computer crime (felony conviction only)	Permanent Bar for Licensees or Certified operators
Subchapter IV of Chapter 943	Crimes against a financial institution, which covers all sections and subsections from 943.80 through 943.92 (felony conviction only)	Permanent Bar for Licensees or Certified operators
947.01(1)	Disorderly conduct	If substantially related may be denied
947.013	Harassment	If substantially related may be denied
948.21(1)(a)	Neglecting a child (misdemeanor conviction)	Permanent Bar
948.22(2)	Failure to support	Bar for 5 years after sentence completed
948.51(2)	Hazing if it results in great bodily injury or death [felony conviction under 948.51(3)(b) or (c)]	Bar for 5 years after sentence completed
Any other felony offense under Chapter 948	Crimes Against Children (felony convictions only)	Permanent Bar
Any other felony offense under Chapter 961	Uniform Controlled Substances Act (felony conviction only. This includes convictions under previous numbering Wis. Stats., 161)	Bar for 5 years after sentence completed
	Other criminal offenses	
	Any criminal 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 case subsidy under s. 49.155, Wis. Stats.	Permanent Bar
	Any criminal offense involving fraudulent activity as a recipient of Aid to Families with Dependent Children under s. 49.19, Wis. Stats.	Permanent Bar
	Any criminal offense involving fraudulent activity as a recipient of Medical Assistance under ch. 49, sub ch. IV, Wis. Stats.	Permanent Bar

Criminal Statute	Description of Crime	Action Key
	Any criminal offense involving fraudulent activity as a recipient of food stamp benefits under the Food Stamp program under 7 U.S.C., ss. 2011 to 2036.	Permanent Bar
	Any criminal offense involving fraudulent activity as a recipient of Supplemental Security Income payments for the support of children of Supplemental Security Income recipients under s. 49.775, Wis. Stats.	Permanent Bar
	Any criminal offense involving fraudulent activity as a recipient of health care benefits under Badger Care health care program under s. 49.665, Wis. Stats	Permanent Bar
	Other Non-criminal Offenses	
	Finding by a governmental agency of child abuse or neglect	Bar unless rehabilitation approval
	Finding by a governmental agency of neglect or abuse of a client or of misappropriation of a client's property	Bar unless rehabilitation approval

Substantial Relationship:

Under Wis. Stats. 48.686(5m), certain offenses identified in the table above require a substantially-related analysis. The purpose of the substantially-related analysis is to determine whether a crime, that is not a serious crime under Wis. Stat. §48.686(1)(c), is substantially related to the care of children. (See section DCF 12.06, Wis. Admin. Codes.)

For Licensure or certification, employment and non-client residency, if a conviction is not a serious crime as defined in 48.686(1)(c), but is, in the estimation of the entity, substantially related to the care of children, employment or non-client residency **may** be denied.

Under Wis. Stats. 940.20, except for 940.20(1) or (1m), If convicted within 5 years prior to the application, then bar. If post 5 year wait period, determine if substantially related.

Note: This appendix is based on Wis. Stat. §48.686(1)(c), (4m)(a)1 to 5, (5)(br) and (5m).

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