

## BARRED OFFENSES – REGULATED CHILD CARE Effective November 1, 2016

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

### Substantial Relationship:

Certain offenses identified in the table below require a substantially-related analysis if the conviction / adjudication occurred within the past five years as specified in section 48.685(2)(bb), Wis. Stats. The purpose of the substantially-related analysis is to determine whether a conviction / adjudication is substantially related to a person's ability to provide care to children or the activities of a child care program and to determine whether re-offense is reasonably likely. For information about conducting and documenting the substantially related analysis, see section DCF 12.06, Wis. Admin. Codes. The form, *Caregiver Background Checks Substantially Related Investigation Report* may be used to document the results of the analysis and is available from the department's website at <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

### Barred offense:

Certain offenses identified in the table below are permanent bars to licensure or certification. Certain other offenses are bars to licensure or certification only until the person becomes eligible for review, submits an application, and obtains rehabilitation review approval.

### Rehabilitation Review:

Effective November 1, 2016, rehabilitation review approval is required before a person may be licensed or certified to operate, reside in, or be employed by a child care center if that person has been convicted or adjudicated of an offense imposing a bar for five years after completion of a sentence including probation parole, extended supervision, or discharge by the Department of Corrections. The person is not eligible for rehabilitation review until after completion of the five year period. This new requirement does not apply to persons licensed, certified, residing in, or employed by a child care center prior to November 1, 2016. To begin the rehabilitation review process, the person must submit a Rehabilitation Review Application Packet. Applications are available on DCF's website <https://dcf.wisconsin.gov/rehab-review/rehab-review-main-page> or by contacting the Rehabilitation Review Coordinator at (608) 422-7041.

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 [dcfclireg@wisconsin.gov](mailto:dcfclireg@wisconsin.gov), 608-421-7550 (general), or the Wisconsin Relay Service (WRS) 711. For civil rights questions call 608-422-6889 (general) or the Wisconsin Relay Service (WRS) 711.

Statute	Conviction / Pending Charge OR Adjudicated Delinquent / Delinquency Petition on or after 12 <sup>th</sup> birthday	Action
48.685(2), (3), (4m)(b), or (6)	Providing false information or the intentional withholding of information from the department, a county department, an agency contracting under Wis. Stat. § 48.651(2), a school board, or an entity	Permanent Bar; rehabilitation review not permitted.
125.075(1)	Injury or death by providing alcohol to a person under age 18	Bar for 5 years after completion of sentence, including probation, parole or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
125.085(3)(a)2.	Make, alter, duplicate ID for money or compensation	Bar for 5 years after completion of sentence, including probation, parole or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
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 completion of sentence, including probation, parole or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.

Statute	Conviction / Pending Charge OR Adjudicated Delinquent / Delinquency Petition on or after 12 <sup>th</sup> birthday	Action
125.66(3)	Make or rectify intoxicating beverage without an appropriate permit	Bar for 5 years after completion of sentence, including probation, parole or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
125.68(12)	Recover, use, conceal or dispose of alcohol derived from denatured alcohol	Bar for 5 years after completion of sentence, including probation, parole or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
346.63(1), (2), (5) or (6)	Operating or causing injury by intoxicated use of a motor vehicle that is a felony under Wis. Stat. § 346.65(2)(am)5., 6., or 7., (2)(f), (2j)(d), or (3m)	Bar for 5 years after completion of sentence, including probation, parole or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
940.01	1 <sup>st</sup> degree intentional homicide	Permanent Bar; rehabilitation review not permitted.
940.02	1st degree reckless homicide	Permanent Bar; rehabilitation review not permitted.
940.03	Felony murder	Permanent Bar; rehabilitation review not permitted.
940.05	2nd degree intentional homicide	Permanent Bar; rehabilitation review not permitted.
940.06	2nd degree reckless homicide	Permanent Bar; rehabilitation review not permitted.
940.09	Homicide by intoxicated use of vehicle or firearm	Bar for 5 years after completion of sentence, including probation, parole or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
940.12	Assisting suicide	Bar unless rehabilitation review approval.
940.19(1)	Battery – causing bodily harm with intent to cause bodily harm	If conviction was within the last 5 years, contact clerk of court to obtain copies of the criminal complaint and judgment of conviction. Determine whether the offense is substantially related to the care of children or the activities of the child care program. If substantially related, the person is barred.
940.19(2), (4), (5), or (6) (spouse victim)	Substantial or aggravated battery (if victim is the spouse of the person convicted)	Permanent Bar; rehabilitation review not permitted.
940.19(3) 1999 Stats.(spouse victim)	Substantial or aggravated battery (if victim is the spouse of the person convicted)	Permanent Bar; rehabilitation review not permitted.
940.19(2), (4), (5) or (6)	Substantial or aggravated battery	Bar for 5 years after completion of sentence, including probation, parole or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
940.19(3) 1999 Stats. (non-spouse victim)	Substantial or aggravated battery	Bar unless rehabilitation review approval.
940.195	Battery, substantial battery, or aggravated battery to unborn child	If conviction was within the last 5 years, contact clerk of court to obtain copies of the criminal complaint and judgment of conviction. Determine whether the offense is substantially related to the care of children or the activities of the child care program. If substantially related, the person is barred.

Statute	Conviction / Pending Charge OR Adjudicated Delinquent / Delinquency Petition on or after 12 <sup>th</sup> birthday	Action
940.20(1) or (1m)	Battery by prisoners or battery by persons subject to certain injunctions, if the victim is the spouse of the person convicted	Permanent Bar; rehabilitation review not permitted.
940.20	Battery: special circumstance	Bar for 5 years after completion of sentence, including probation, parole or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
940.203	Battery or threat to a judge	Bar for 5 years after completion of sentence, including probation, parole or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
940.205	Battery or threat to a Dept. of Revenue employee	Bar for 5 years after completion of sentence, including probation, parole or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
940.207	Battery or threat to Safety and Professional Services or Workforce Development employee	Bar for 5 years after completion of sentence, including probation, parole or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
940.21	Mayhem	Permanent Bar; rehabilitation review not permitted.
940.22(2) or (3)	Sexual exploitation by therapist; duty to report	Bar unless rehabilitation review approval.
940.225(1), (2) or (3)	1st, 2nd, 3rd degree sexual assault	Permanent Bar; rehabilitation review not permitted.
940.23	Reckless injury	Permanent Bar; rehabilitation review not permitted.
940.25	Injury by intoxicated use of a vehicle	Bar for 5 years after completion of sentence, including probation, parole or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
940.285(2)	Abuse of vulnerable adults (Misdemeanor or felony conviction)	Bar unless rehabilitation review approval.
940.29	Abuse of residents of a penal facility	Bar unless rehabilitation review approval.
940.295	Abuse or neglect of patients and resident (Misdemeanor or felony conviction)	Bar unless rehabilitation review approval.
940.302(2) if s. 940.302(2)(a)1.b. applies	Human trafficking for a commercial sex act	Bar unless rehabilitation review approval.
940.305	Taking hostages	Permanent Bar; rehabilitation review not permitted.
940.31	Kidnapping	Permanent Bar; rehabilitation review not permitted.
941.20(2) or (3)	Endangering safety with use of a dangerous weapon (felony conviction only)	Permanent Bar; rehabilitation review not permitted.
941.21	Disarming a peace officer	Permanent Bar; rehabilitation review not permitted.
941.30	Recklessly endangering safety	If conviction was within the last 5 years, contact clerk of court to obtain copies of the criminal complaint and judgment of conviction. Determine whether the offense is substantially related to the care of children or the activities of the child care program. If substantially related, the person is barred.

Division of Early Care and Education

Statute	Conviction / Pending Charge OR Adjudicated Delinquent / Delinquency Petition on or after 12 <sup>th</sup> birthday	Action
942.08	Invasion of privacy	If conviction was within the last 5 years, contact clerk of court to obtain copies of the criminal complaint and judgment of conviction. Determine whether the offense is substantially related to the care of children or the activities of the child care program. If substantially related, the person is barred.
942.09(2)	Representations depicting nudity (felony conviction only)	Bar unless rehabilitation review approval.
943.10(2)	Armed burglary or burglary with battery	Permanent Bar; rehabilitation review not permitted.
943.201	Identity theft	Permanent Bar for licensee or certified operator; rehabilitation review not permitted.
943.203	Theft of an entity's identity	Permanent Bar for licensee or certified operator; rehabilitation review not permitted.
943.23(1g)	Operating a motor vehicle without the owner's consent while possessing a dangerous weapon	Bar for 5 years after completion of sentence, including probation, parole or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
943.32(2)	Robbery by use, or threat of use, of a dangerous weapon	Permanent Bar; rehabilitation review not permitted.
943.34(1)	Receiving stolen property (felony conviction only)	Permanent Bar for licensee or certified operator; rehabilitation review not permitted.
943.38(1) or (2)	Forgery (felony conviction only)	Permanent Bar for licensee or certified operator; rehabilitation review not permitted.
943.395(1)	Fraudulent insurance or employee benefit program claim (felony conviction only)	Permanent Bar for licensee or certified operator; rehabilitation review not permitted.
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 licensee or certified operator; rehabilitation review not permitted.
943.45(1)	Theft of telecommunications service (felony conviction only)	Permanent Bar for licensee or certified operator; rehabilitation review not permitted.
943.455(2)	Theft of commercial mobile service (felony conviction only)	Permanent Bar for licensee or certified operator; rehabilitation review not permitted.
943.46(2)	Theft of video service (felony conviction only)	Permanent Bar for licensee or certified operator; rehabilitation review not permitted.
943.47(2)	Theft of satellite cable programming (felony conviction only)	Permanent Bar for licensee or certified operator; rehabilitation review not permitted.
943.50(1m)	Retail theft (felony conviction only)	Permanent Bar for licensee or certified operator; rehabilitation review not permitted.
943.70(2)(a) or (am) or (3)(a)	Computer crime (felony conviction only)	Permanent Bar for licensee or certified operator; rehabilitation review not permitted.
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 licensee or certified operator; rehabilitation review not permitted.
947.01(1)	Disorderly conduct	If conviction was within the last 5 years, contact clerk of court to obtain copies of the criminal complaint and judgment of conviction. Determine whether the offense is substantially related to the care of children or the activities of the child care program. If substantially related, the person is barred.

Division of Early Care and Education

Statute	Conviction / Pending Charge OR Adjudicated Delinquent / Delinquency Petition on or after 12 <sup>th</sup> birthday	Action
947.013	Harassment	If conviction was within the last 5 years, contact clerk of court to obtain copies of the criminal complaint and judgment of conviction. Determine whether the offense is substantially related to the care of children or the activities of the child care program. If substantially related, the person is barred.
948.21(1)(a)	Neglecting a child (misdemeanor conviction)	Bar unless rehabilitation review approval.
948.22(2)	Failure to support	Bar for 5 years after completion of sentence, including probation, parole or extended supervision, or discharge by Dept. of Corrections unless the person has paid all arrearages due and is meeting his or her current support obligation. Rehabilitation review approval required after end of 5 year bar.
948.51(2)	Hazing if it results in great bodily injury or death [felony conviction only under 948.51(3)(b) or (c)]	Bar for 5 years after completion of sentence, including probation, parole or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
948.53(2)(b)1.	Child unattended in a vehicle (misdemeanor conviction)	Bar unless rehabilitation review approval.
Any other felony offense under Chapter 948	Crimes against children [felony conviction only except as noted for 948.22(2) or 948.51(2) above]	Permanent Bar; rehabilitation review not permitted.
Any felony offense under Chapter 961	Uniform Controlled Substances Act (felony conviction only. This includes convictions under previous numbering in Wis. Stats., Chapter 161.	Bar for 5 years after completion of sentence, including probation, parole or extended supervision, or discharge by Dept. of Corrections. Rehabilitation review approval required after end of 5 year bar.
<b>OTHER OFFENSES</b>		
Any 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, Wis. Stats.		Permanent Bar, rehabilitation review not permitted.
Any offense involving fraudulent activity as a recipient of Aid to Families with Dependent Children under s. 49.19, Wis. Stats.		Permanent Bar, rehabilitation review not permitted.
Any offense involving fraudulent activity as a recipient of Medical Assistance under ch. 49, subch. IV, Wis. Stats.		Permanent Bar, rehabilitation review not permitted.
Any 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, rehabilitation review not permitted.
Any 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, rehabilitation review not permitted.
Any offense involving fraudulent activity as a recipient of health care benefits under the Badger Care health care program under s. 49.665, Wis. Stats.		Permanent Bar, rehabilitation review not permitted.
Finding by a governmental agency of child abuse or neglect		Bar unless rehabilitation review approval.
Finding by a governmental agency of neglect or abuse of a client or of misappropriation of a client's property		Bar unless rehabilitation review approval.