

# FULL FAITH & CREDIT FOR TRIBAL SELF- REGULATED CHILD CARE

## REQUESTED ACTION

As part of DCF's 2024-2025 Tribal Consultation Action Plan, Tribal Nations shared concerns that there are barriers to the WI state child care regulation process causing them to explore and utilize self-regulation options. DCF committed to exploring full faith and credit for tribal self-regulated child care programs so these programs can access Wisconsin Shares subsidy funding.

## PRACTICE IN OTHER STATES

Throughout this process, DCF has learned of other states, including New York, Michigan, and Oklahoma, whose statutes and state Child Care Development Fund (CCDF) plans recognize tribal self-regulated programs to participate in their CCDF-funded child care subsidy program (known as Wisconsin Shares locally).

## LEGAL CONSIDERATIONS

### *Wisconsin State Law*

Statutory amendments are needed to fully recognize Tribal Self-Regulated child care programs.

- Section 49.155(1)(ag) will need to be amended to recognize Tribally regulated providers.
- Section 49.155(4)(a) will need to be amended to include Tribally licensed or certified providers as a choice for parents.
- Statutory changes will also be needed to support child care background checks that are conducted by a Tribal Background Check Unit (or Tribal entity).

### *Wisconsin Administrative Code*

Rules governing Shares, Certification, Licensing, and background checks may all require amendments to address statutory and policy changes.

### *CCDF State Plan*

The Wisconsin CCDF State Plan will need to be updated to include State assurances and certifications related to Tribal regulation.

## DCF NEXT STEPS

- State law, administrative code, and the CCDF State Plan will need to be updated.
- In partnership with Tribal Nations, continue to research implications for other child care policies and programming, such as Head Start and YoungStar, which may be impacted by any proposed changes.
- Begin and maintain conversations with Tribal Nations surrounding implementation for any proposed changes.

## IMPLICATIONS FOR BACKGROUND CHECKS

Background checks are both an independent issue and interrelated when we talk about:

- Full Faith and Credit in terms of a Tribal Background Check Unit (or Tribal entity) being included as an option in state statute in the future.
- Viability of TAP machines or other fingerprinting machines' ability to be used for child care background checks.



Wisconsin Department of  
Children and Families