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Governor Scott Walker  
Secretary Eloise Anderson

Division of Safety and Permanence

September 27, 2018

Child Welfare Licensing Memo 2018-44-Lic

To: Private Child Placing Agencies  
Residential Care Center Providers  
Group Home Providers  
Shelter Care Facilities  
Child Placing Agency Directors

From: Ron Hermes   
Bureau Director

RE: 2017 WISCONSIN ACT 59

The purpose of this memo is to notify child welfare providers of statute changes affecting licensed child welfare providers with regard to caregiver background checks. Wisconsin Act 59, the Biennial Budget Act, has several provisions, which become effective September 30, 2018.

Section 48.685(4m) (c), Wis. Stats affects all licensed child welfare providers that are required to complete caregiver background checks. This section deals with employing or contracting with an individual if a preliminary background check indicates the person is not in-eligible for employment while the complete background check is being performed. Under current law, the provider may employ that person, under supervision for up to 60 days. The revised statute changes the 60 days to 45 days.

Any employees or contractors hired after September 30, 2018 must comply with this new statutory requirement.

The current statute reads as follows:

**48.685(4m) (c)** If the background information form completed by a person under sub. (6) (am) indicates that the person is not ineligible to be employed or contracted with for a reason specified in par. (b) 1. to 5., an entity may employ or contract with the person for not more than 60 days pending the receipt of the information sought under sub. (2) (am) or (b) 1. If the background information form completed by a person under sub. (6) (am) indicates that the person is not ineligible to be permitted to reside at an entity or with a caregiver specified in sub. (1) (ag) 1. am. for a reason specified in par. (b) 1. to 5. and if an entity otherwise has no reason to believe that the person is ineligible to be permitted to reside at an entity or with that caregiver for any of those reasons, the entity may permit the person to reside at the entity or with the caregiver for not more than 60 days pending receipt of the information sought under sub. (2) (am) or (b) 1. An entity shall provide

supervision for a person who is employed, contracted with, or permitted to reside as permitted under this paragraph.

Effective 9.30.2018, the statute will read:

**48.685(m) (c)** If the background information form completed by a person under sub. (6) (am) indicates that the person is not ineligible to be employed or contracted with for a reason specified in par. (b) 1. to 5., an entity may employ or contract with the person for not more than 45 days pending the receipt of the information sought under sub. (2) (am) or (b). If the background information form completed by a person under sub. (6) (am) indicates that the person is not ineligible to be permitted to reside at an entity or with a caregiver specified in sub. (1) (ag) 1. am. for a reason specified in par. (b) 1. to 5. and if an entity otherwise has no reason to believe that the person is ineligible to be permitted to reside at an entity or with that caregiver for any of those reasons, the entity may permit the person to reside at the entity or with the caregiver for not more than 45 days pending receipt of the information sought under sub. (2) (am) or (b). An entity shall provide supervision for a person who is employed, contracted with, or permitted to reside as permitted under this paragraph.

If you have additional questions, please contact your licensing specialist directly.

CHILD WELFARE LICENSING  
SECTION CONTACT:

Child Welfare Program Specialist  
Bureau of Permanence and Out of Home Care  
(262) 446-7856

MEMO WEB SITE: <https://dcf.wisconsin.gov/cwportal/policy>

Attachment Link 2017 WISCONSIN ACT 59  
<http://docs.legis.wisconsin.gov/2017/related/acts/59>