

Barred Offenses - Regulated Child Care

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 contractor of a child care program who is involved in the care or supervision of clients.
- b. A person who has direct contact and 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.

Definition of a noncaregiver employee:

A person who provides services to a child care program as an employee or a contractor and is not a caregiver, but whose work at the child care program provides the ability to move freely throughout the premise and opportunities for interactions with clients of the 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; then subject to rehab. approval |
| 125.085(3)(a)2 | Make, alter, duplicate ID for money or compensation | Bar for 5 years after sentence completed; then subject to rehab. approval |
| 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; then subject to rehab. approval |
| 125.66(3) | Make or rectify intoxicating beverage without an appropriate permit | Bar for 5 years after sentence completed; then subject to rehab. approval |
| 125.68(12) | Recover, use, conceal or dispose of alcohol derived from denatured alcohol | Bar for 5 years after sentence completed; then subject to rehab. approval |
| 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)4., 5., 6., or 7. or (f)., (2j)(d) or (3m) | Bar for 5 years after sentence completed; then subject to rehab. approval |
| 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; then subject to rehab. approval |
| 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 |
| 940.19(2), (4), (5) or (6) (spouse victim) | Substantial or aggravated battery (if victim is the spouse of the person convicted) | Permanent Bar |

| Criminal Statute | Description of Crime | Action Key |
|---|---|---|
| 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; then subject to rehab. approval |
| 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 . Subject to rehab. approval |
| 940.203 | Battery or threat to a judge | Bar for 5 years after sentence completed; then subject to rehab. approval |
| 940.205 | Battery or threat to a Dept. of Revenue employee | Bar for 5 years after sentence completed; then subject to rehab. approval |
| 940.207 | Battery or threat to a Safety and Professional Services or Workforce Development employee | Bar for 5 years after sentence completed; then subject to rehab. approval |
| 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; then subject to rehab. approval |
| 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 |
| 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 |
| 943.02 | Arson of buildings; damage of property by explosives | Permanent Bar |
| 943.03 | Arson of property other than building | Permanent Bar |

| Criminal Statute | Description of Crime | Action Key |
|---|---|--|
| 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. Statute was expired under 2023 WI Act 10, and replaced with Statute 943.231(1) | Bar for 5 years after sentence completed; then subject to rehab. approval |
| 943.231(1) | Carjacking while possessing a dangerous weapon. | Bar for 5 years after sentence completed; then subject to rehab. approval |
| 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 |
| 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 |
| 948.081 | Patronizing a child | Permanent Bar |
| 948.21 | Neglecting a child (misdemeanor conviction) | Permanent Bar |
| 948.215 | Chronic child neglect | Permanent Bar |

| Criminal Statute | Description of Crime | Action Key |
|---|---|---|
| 948.22(2) | Failure to support | Bar for 5 years after sentence completed; then subject to rehab. approval |
| 948.53(2)(b)(1) | Child unattended in child care vehicle | Permanent Bar |
| 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; then subject to rehab. approval |

| Other Criminal Offenses | |
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| 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 |
| 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 | |
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| 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 |
| Listed on the Sex Offender Registry | 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 13.05 Wis. Admin. Codes.)

For Licensure or certification, employment and household member 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).

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 dcfclicreg@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.