

WISCONSIN
ADMINISTRATIVE CODE

Department of Children and Families
Division of Early Care and Education

DCF 252

**LICENSING RULES FOR
DAY CAMPS FOR CHILDREN**

effective January 1, 2009

PREFACE

**DCF 252
LICENSING RULES FOR DAY CAMPS**

Effective January 1, 2009

Section 48.65, Stats., requires that persons operating child care centers which provide care and supervision for 4 or more children under age 7 years for less than 24 hours a day be licensed. The statutes also require the Department of Children and Families to establish rules which must be met in order to qualify for a license and which protect and promote the health, safety and welfare of the children in the care of the child care center.

Chapter DCF 252 is the rule governing Day Camps, which provide care and supervision to 4 or more children three years of age and older in a seasonal program oriented to the out-of-doors for periods less than 24 hours a day. There are also other rules governing the out-of-home care of children. DCF 250 is the rule for Family Child Care Centers where care and supervision is provided for between 4 and 8 children under age 7. DCF 251 is the rule for Group Child Care Centers where care and supervision is provided for 9 or more children under age 7.

Licensing rules should not be confused with certification for public funding of child care providers who care for between 1 and 3 children under age 7.

Clearly, the fact that a day camp is licensed in no way diminishes the responsibility of parents for vigilance in ensuring that their children are receiving care which protects their physical well-being and encourages healthy intellectual and emotional development.

Whenever the rules in this chapter indicate that materials such as an application for licensure, a request for exception to a specific rule or a complaint about a center are to be sent to or requested from the Department, please refer to Appendix A which identifies the appropriate regional licensing office serving the county in which the center is located.

There is a header on each page that contains the rule cite for the section of the rule beginning on that page. A table of contents and an index are also included in this document as are appendices that contain key statutes related to the day camp rules and a copy of DHS 12 (administrative rules governing caregiver background checks).

This publication may be duplicated. It is available from the Department's web page <http://dcf.wisconsin.gov/childcare/licensed/Index.HTM>.

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Subchapter I — Day Camps for Children

DCF 252.01 Scope. Sections DCF 252.01 to 252.44 apply to day camps for children.

DCF 252.02 Authority and purpose.

(1) AUTHORITY. This subchapter is promulgated under the authority of s. 48.67, Stats., to establish licensing requirements under s. 48.65, Stats., for child care centers and day camps for children.

(2) PURPOSE. The purpose of this chapter is to protect and promote the health, safety and welfare of children being cared for in day camps in Wisconsin.

(3) CONSTRUCTION. This chapter shall be liberally construed to effect the objectives in sub. (2).

(4) EXCEPTION TO A REQUIREMENT. The department may grant an exception to a requirement of this chapter when it is demonstrated to the satisfaction of the department that granting the exception will not jeopardize the health, safety or welfare of the children served. A request for an exception shall be in writing, shall be sent to the department, and shall include justification for the requested action and an explanation of the alternative provisions planned to meet the intent of the requirement.

Note: A request for an exception to a requirement of this chapter should be sent to the appropriate regional office of the Department's Division of Early Care and Education. See Appendix A for addresses of those regional offices.

DCF 252.03 Included and excluded care arrangements. This chapter applies to all day camps but it does not include family child care centers regulated under ch. DCF 250, group child care centers regulated under ch. DCF 251 or to any of the following:

Note: Section 48.65, Stats., exempts parents, guardians and certain other relatives; public and parochial (private) schools; persons employed to come to the home of the child's parent to provide care for less than 24 hours per day; and counties, cities, towns, school districts and libraries that provide programs for children primarily intended for social or recreational purposes from the requirement for a license. As specified under s. 49.155(4), Stats., or s. DCF 201.04(1), programs, other than those operated by public schools, are required to be licensed by the department or certified by a county agency in order to be eligible to receive a child care subsidy.

(1) Group lessons to develop a talent or skill, such as dance or music lessons, social group meetings and activities, and group athletic activities.

(1m) Care and supervision of children in a program, including religious education classes, which operates no more than 4 hours a week.

(2) Care and supervision while the parents are on the premises and are engaged in shopping, recreation or other non-work activities.

(3) Seasonal programs of 10 days or less duration in any 3-month period, including day camps, vacation bible school and holiday child care programs.

(4) Care and supervision in emergency situations.

(5) Care and supervision while the parent is employed on the premises if the parent's child receives care and supervision for no more than 3 hours a day.

(6) Care and supervision at the site while the parent who is a recipient of temporary assistance to needy families or Wisconsin Works is involved in orientation, enrollment or initial assessment prior to the development of an employability plan.

DCF 252.04 Definitions. In this subchapter:

(2) “Base camp” means the permanent or temporary premises, public or private, on which the day camp is operated.

(3) “Camp director” means the individual on the campsite who is responsible for the administration of the camp, including program operations, staff supervision, business operations, food service, health service, and other supportive services.

(3g) “Camp-provided transportation” means transportation provided in a vehicle owned, leased or contracted for by the center or transportation provided in volunteer or staff-owned vehicles regardless of whether the driver is reimbursed for the use of the vehicle.

(4) “Care” means providing for the safety and the developmental needs of a child in a day camp.

(4m) “Caregiver background check” means the retrieval of information about an individual’s past criminal conduct pursuant to s. 48.685, Stats., and ch. DHS 12 that may bear on the suitability of that individual to assume a child caregiving role or have regular contact with children at the camp.

(5) “Complaint” means an allegation that a provision of this chapter or of ch. 48, Stats., has been violated.

(8) “Counselor” or “camp counselor” means a staff member who works directly with children.

(9) “Day camp” or “camp” means a program regulated under this chapter that provides care and supervision to 4 or more children 3 years of age and older in a seasonal program oriented to the out-of-doors for periods less than 24 hours a day.

(11) “Department” means the Wisconsin department of children and families.

(11m) “Division” means the department’s division of early care and education.

(12) “Emergency” means a situation requiring immediate attention, such as fire; tornado; flood; extreme heat or cold; loss of building service, including, no heat, water, electricity, or telephone; threats to the camp or its occupants; lost or missing children; medical emergency, or illness.

(13) “Field trip” means any experience a child has away from the premises of the camp while under the care of camp staff whether the child walks or is transported.

(13m) “Fit and qualified” means displaying the capacity to successfully nurture and care for children and may include consideration of any of the following:

(a) Abuse of alcohol or drugs.

(b) A history of civil or criminal conviction or administrative rule violation that substantially relates to caring for children, as described in ch. DHS 12.

(c) Exercise of unsound judgment.

(d) A history of civil or criminal offenses or any other actions that demonstrate an inability to manage financial resources or the activities of a camp.

(14) “Group” means a specific number of children who have a regularly assigned counselor responsible for the children’s well-being and meeting the children’s basic needs.

(15) “Hazard” means a potential source of harm that can jeopardize the health, safety or well-being of children in care.

(15m) “In care” means enrolled in the camp, with the camp providing supervision, either on or off the premises, for the safety and developmental needs of the child or children.

(16) “Inclement weather” means stormy or severe weather such as any of the following:

- (a) Heavy rain.
- (b) Temperatures above 90 degrees Fahrenheit.
- (c) Wind chills of 0 degrees Fahrenheit or below.

(17) “Licensee” means the corporation, individual, partnership or non-incorporated association or cooperative which has legal and financial responsibility for the operation of a day camp and for meeting the requirements of this chapter.

(18) “Licensing representative” means a department employee responsible for licensing day camps.

(19) “Parent” means either “parent” as defined in s. 48.02(13), Stats., or “guardian” as defined in s. 48.02(8), Stats.

(21) “Parochial or private school” means an educational program which meets all the criteria specified under s. 118.165(1), Stats., or as determined by the superintendent of public instruction under s. 118.167, Stats.

(21g) “Pet” means an animal kept for amusement or companionship.

(21r) “Physical restraint” means the use of physical force to restrict the free movement of all or part of a child’s body.

(22) “Physician” has the meaning prescribed in s. 448.01(5), Stats.

(22m) “Pre-camp training” means a program developed by the licensee containing the elements specified in s. DCF 252.42(2)(a) and attended by camp staff prior to the opening of each year’s camp session.

(23) “Premises” means a tract of land on which the camp is located, including all buildings, structures, or shelters on that land.

(23m) “Regularly assigned counselor” means a person who meet the requirements of a counselor under s. DCF 252.42 and who is assigned to a specific group of children.

(24) “Shaken baby syndrome” or “SBS” means a severe form of brain injury that occurs when an infant or young child is shaken or thrown forcibly enough to cause the brain to rebound against his or her skull.

(25) “Supervision of children” means guidance of the behavior and activities of children for their health, safety and well-being by counselors who are close enough to prevent harm and assure safety.

(26) “Supervision of staff” means guidance of the behavior and activities of camp employees which may include provision of instructions to carry out activities for limited periods of time out of sight or hearing of the supervisor.

(27) “Universal precautions” mean measures taken to prevent transmission of infection from contact with blood or other potentially infectious material, as recommended by the U.S. public health services centers for disease control and adopted by the U.S. occupational safety and health administration (OSHA) as 29 CFR 1910.1030.

252.04(27)Note:

Note: “Standard precautions” for infection control measures incorporate universal precautions. Information on the OSHA requirements related to standard or universal precautions is available on the OSHA website at <http://osha.gov>. Information is also available from the Child Care Information Center, 1-800-362-7353.

(28) “Volunteer” means a person who agrees to give time, with or without reimbursement for expenses, to provide transportation or to work in a day camp.

(29) “Waterfront supervisor” means an adult present in a water activity area during times when children are using the water and who meets the requirements under s. DCF 252.44(7)(b).

DCF 252.05 Licensing administration.**(1) LICENSING PROCEDURES.**

(a) A person making an inquiry to the department about obtaining a license to operate a day camp shall be provided with all of the following:

1. A copy of this chapter.
2. Written procedures on how to obtain a day camp license.
- 2m. A copy of the Background Information Disclosure form.
3. An opportunity to meet with a licensing representative to discuss the materials.
4. The necessary forms if licensing is desired.
5. Assistance to complete the licensing process by a licensing representative.

Note: A packet of materials, including the License Application — Day Camp for Children form, is available from any of the regional offices listed in Appendix A.

(b) An applicant shall submit an application and other materials required for day camp licensure and license continuation on forms provided by the department at least:

1. Sixty days prior to the date proposed for the camp to begin operating.
2. Thirty days prior to the end of the current license continuation period.

(c) An applicant for an initial day camp license or a licensee continuing a regular license shall submit all of the following materials to the department:

1. A clearly defined statement of purpose as it relates to the provision of child care services.
2. A signed statement by the applicant or licensee accepting legal responsibility for complying with this chapter.
3. The articles of incorporation and by-laws if the camp is organized as a corporation, association or cooperative.
4. A signed authorization which permits the department to make whatever investigation it considers necessary for the verification of pertinent application information.
5. A general description of the camp area, geographic location and size of the base camp or the proposed itinerary of field trips if a program will consist primarily of field trips.
6. A written delegation of administrative authority signed by the licensee. The delegation of administrative authority shall describe the organizational structure of the camp and identify by position or name those persons on the premises in charge of the camp for all hours of operation.
7. The name, address, and telephone number of the person to be contacted by the licensing representative for the pre-camp licensing review.
8. A statement from the state laboratory of hygiene or a state approved laboratory indicating that the water from a private well providing drinking water has been tested and found to be safe.
9. The license fee required under s. 48.65(3)(a), Stats.
10. A completed Background Information Disclosure form provided by the department for the applicant and if the camp will be located in a residence, any household member aged 10 and above.

Note: The form, Background Information Disclosure, is used for reporting background information. Information on how to obtain the form is available on the department’s website <http://dcf.wisconsin.gov>, or from any of the regional offices in Appendix A.

11. A statement from the applicant that indicates the camp is in compliance with this chapter.

12. A copy of all the policies required under s. DCF 252.41(1)(f) and (g) and a completed copy of the day camp policy checklist on a form provided by the department.

252.05(1)(c)12.Note:

Note: Information on how to obtain a copy of the form, Policy Checklist — Day Camp, is available on the department's website <http://dcf.wisconsin.gov>, or from any of the regional offices in Appendix A.

13. The test results from the water on any beach on the premises of the camp that will be used for waterfront activities by the children in care.

14. A report indicating that any building used primarily for day camp purposes is in compliance with applicable commercial building codes.

15. Any other materials determined by the department as necessary to complete the department's licensing investigation.

(d) Upon submission of a complete application, a licensing representative shall conduct an investigation to determine whether the applicant is eligible for a license.

(e) If the department determines that the applicant for an initial license is eligible for a license, the department shall issue a probationary license having a 6-month duration. A probationary license may be renewed for one 6-month period.

(f) If the department determines that an application for an initial license does not comply with the applicable requirements of this chapter or the department's investigation determines that the applicant is not eligible for a license, the department may deny the application.

(g) A regular license shall be valid indefinitely, unless suspended or revoked by the department or surrendered by the licensee.

(h) If the department determines that the licensee continuing a regular license has met the minimum requirements for a license under s. 48.67, Stats., has paid the applicable fees referred to in ss. 48.65 and 48.685(8), Stats., any forfeiture under s. 48.715(3)(a), Stats., and any penalty under s. 48.76, Stats., the department shall continue the license for an additional 2 years.

(2) AMENDMENT TO LICENSE. A written request for an amendment to the license shall be submitted to the department by the licensee before changes are made in the conditions of the current license such as a change in the licensed capacity of the camp, age range of children, hours, days of the week, months of the year in operation or change in the name of the camp.

(3) TERMS OF LICENSE.

(a) The number of children under 7 years of age in care of the center at any one time may not exceed the number for which the center is licensed.

(b) The age of children served may not be younger or older than the age range specified in the terms of the license.

(c) The hours, days and months of a center's operation may not exceed those specified in the license.

(4) ADDITIONAL LICENSE. A licensee seeking licensure for an additional day camp or child care center location shall demonstrate compliance with applicable parts of this chapter in the operation of the existing center. The licensee shall pay any fines, forfeitures or other fees due to the department under s. 48.715, Stats., on other facilities licensed by the department before the department issues an additional license.

(5) CONDITION OF LICENSURE. The department may deny a license or may suspend or revoke a license, initiate other enforcement actions specified in this chapter or in ch. 48, Stats., or place conditions on a license if the licensee, applicant or proposed or current employee, volunteer, household member or any other person having regular contact with children is, or has been any of the following:

(a) The subject of a pending criminal charge if the charge substantially relates to the care of children or activities of the camp.

(b) Convicted of a felony, misdemeanor or other offense which substantially relates to the care of children or activities of the camp.

(c) Determined to have abused or neglected a child pursuant to s. 48.981, Stats., or has been determined to have committed an offense which substantially relates to the care of children or the activities of the camp.

252.05(5)(d)

(d) The subject of a court finding that the person has abandoned his or her child, has inflicted sexual or physical abuse on a child or has neglected or refused, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of a child.

(e) The subject of a substantiated finding of misconduct in the department's nurse aide registry under s. DHS 129.10.

(f) Had a child care center license, day camp license or certification revoked or denied within the last 5 years.

(g) Violated any provision of this chapter or ch. 48, Stats., or fails to meet the minimum requirements of this chapter.

(h) Made false statements or withheld information.

(6) SUMMARY SUSPENSION OF A LICENSE.

(a) Under the authority of s. 227.51(3), Stats., the department may order the summary suspension of a license and, therefore, close a day camp when the department finds the public health, safety or welfare requires emergency action and incorporates a finding to that effect into its order. A finding of the requirement for summary suspension of the license may be based on any of the following:

1. Failure of the licensee to provide environmental protections for the children such as heat, water, electricity or telephone service.

2. The licensee, an employee, a volunteer, a household member or any other person in regular contact with the children in care has been convicted of or has a pending charge for a crime against life or bodily injury.

3. The licensee, an employee, a volunteer, a household member or any other person in regular contact with the children in care has been convicted of a felony, misdemeanor or other offense or has a pending criminal charge which substantially relates to the circumstances of caring for children or activities of the camp.

4. The licensee, an employee, a volunteer, a household member or any other person in regular contact with the children in care is the subject of a current investigation for alleged child abuse or neglect pursuant to s. 48.981, Stats., or has been determined by a child protected services agency or law enforcement agency to have abused or neglected a child.

Note: Examples of actions the department will consider in making determinations under s. DCF 252.05(5) and (6), are: abuse and neglect of children; sexual assault; abuse of residents of facilities; crimes against life and bodily security; kidnapping; abduction; arson of buildings or property other than buildings; robbery; receiving property from children; crimes against sexual morality, such as enticing a minor for immoral purposes or exposing minors to harmful materials and interfering with the custody of a child. The list is illustrative. It is not all-inclusive of the types of offenses that may be considered.

5. The licensee or a person under the supervision of the licensee has committed an action or has created a condition relating to the operation or maintenance of the day camp that directly threatens the health, safety or welfare of any child under the care of the licensee.

(b) An initial order summarily suspending the license and closing a day camp may be a verbal order by a licensing representative. The department shall within 72 hours of the closing either permit the reopening of the center or initiate proceedings in accordance with s. 227.51(3), Stats., for the revocation of the license to operate. A preliminary hearing on the revocation shall be conducted by the department of administration's division of hearings and appeals within 10 working days after the date of the initial order to close on the issue of whether the license shall remain suspended during revocation proceedings.

(7) LICENSE DENIAL OR REVOCATION.

(a) The department may deny or revoke a license, initiate other enforcement actions specified under this chapter or under ch. 48, Stats., or place conditions on a license if the applicant or licensee, a proposed or current employee, a volunteer or any other person having regular contact with the children, is any of the following:

1. The subject of a pending criminal charge for an action that substantially relates to the care of children or activities of the camp.

2. Convicted of a felony, misdemeanor or other offense that substantially relates to the care of children or activities of the camp.

252.05(7)(a)3.

3. Determined to have abused or neglected a child pursuant to s. 48.981, Stats., or has been determined to have committed an offense which substantially relates to the care of children or the activities of the camp.

4. The subject of a substantiated finding of misconduct in the department's nurse aide registry under s. DHS 129.10.

5. The subject of a court finding that the person has abandoned his or her child, has inflicted sexual or physical abuse on a child or has neglected or refused, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter for his or her child or ward or a child in his or her care so as to seriously endanger the physical health of the child.

6. Determined to have had a child care center license, day camp license or certification revoked or denied within the last 5 years.

7. Determined to have violated any provision of this chapter or ch. 48, Stats., or fails to meet the minimum requirements of this chapter.

8. Determined to have made false statements or withheld information.

(b) The department may deny, revoke, refuse to renew or suspend a license, initiate other enforcement actions specified in this chapter or in ch. 48, Stats., or place conditions on the license if the applicant or licensee is not fit and qualified as determined under sub. (10)(a).

Note: See DCF 252.04(13m) for the definition of fit and qualified. Examples of charges, actions or offenses the department will consider in making a determination under this paragraph that an act substantially relates to the care of children include but are not limited to: abuse or neglect of a child; sexual assault; abuse of a resident of a facility; a crime against life and bodily security; kidnapping; abduction; arson of a building or of property other than a building; robbery; receiving stolen property from a child; a crime against sexual morality, such as enticing a minor for immoral purposes or exposing a minor to harmful materials, interfering with the custody of a child; or civil or criminal actions demonstrating an inability to manage financial resources or activities of the camp. The list is illustrative. Other types of offenses may be considered.

(c) The department may not license a person if the department has received certification pursuant to s. 49.857(2), Stats., from the department of workforce development that the applicant or licensee has failed to pay court-ordered payments of child or family support or expense related to the support of a child or former spouse or has failed to comply with a subpoena or warrant issued by the department of workforce development or a county child support agency related to paternity or child support proceedings. Notwithstanding s. 48.72, Stats., an action taken under this subsection is subject to review only as provided under s. 49.857, Stats., and not as provided in s. 48.72, Stats.

(d) The department may not license a person if the department has received certification pursuant to s. 73.0301, Stats., from the department of revenue certifying that the applicant or licensee has a delinquent tax liability. An action taken under this paragraph is subject to review only as provided under s. 73.0301(5), Stats., and not as provided in s. 48.72, Stats.

(8) EFFECT OF NOTICE TO REVOKE OR DENY A LICENSE.

(a)1. If the department decides under sub. (7) to deny a license or to revoke a license, the department shall notify the applicant or licensee in writing of its decision and the reasons for that decision.

2. If the department revokes a license, the effective date of the revocation shall be either immediately or 30 days after the date of the notice, based on the criteria under s. 48.715(4m)(a) and (b), Stats., unless the decision is appealed under sub. (9).

(b) Upon receipt of the notice under par. (a) and during any revocation or denial procedures which may result, a day camp may not accept for care any child not enrolled as of the date of receipt of the notice without the written approval of the department.

252.05(9)

(9) APPEAL OF DECISION TO DENY OR REVOKE A LICENSE. Any person aggrieved by the department's decision to deny a probationary or regular license or to revoke a license may request a hearing on that decision under s. 227.42, Stats. The request for a hearing shall be in writing and submitted to the department of administration's division of hearings and appeals. The request for a hearing shall be sent to the division of hearings and appeals within 10 days after the date of the notice under sub. (8). A request for a hearing is considered filed upon its receipt by the division of hearings and appeals. A request for a hearing transmitted by facsimile to the division of hearings and appeals shall be considered filed on the date and time imprinted by the division's facsimile machine on the transaction report that accompanies the document. Documents received by facsimile after midnight local time shall be deemed filed on the first following business day.

Note: A request for hearing should be submitted by mail to the Division of Hearings and Appeals, P.O. Box 7875, Madison, Wisconsin 53707-7875, or should be delivered to the Division at 5005 University Ave., Room 201, Madison, Wisconsin. Hearing requests may be faxed to 608-264-9885. A copy of the request should be sent to the appropriate regional licensing office listed in Appendix A.

(10) GENERAL CONDITIONS FOR APPROVAL OF A LICENSE.

(a) Persons licensed to operate a day camp shall be responsible, mature individuals who are fit and qualified. In determining whether an applicant is fit and qualified, the department shall consider any history of civil or criminal violations or other offenses substantially related to care of children by the applicant, owner, manager, representative, employee, camp resident, or other individual directly or indirectly participating in the operation of the day camp. A determination of being unfit and unqualified includes substantiated findings of child abuse or neglect under ch. 48, Stats., or substantiated abuse under ch. 50, Stats., or under similar statutes in another state or territory whether or not it results in a criminal charge or conviction.

(b) The department shall issue a day camp license to an applicant within 60 working days after receipt and department approval of a properly completed application, satisfactory department investigation and determination that the applicant is fit and qualified. Continued licensure requires a licensee to remain fit and qualified.

Note: See DCF 252.04(13m) for the definition of "fit and qualified."

(c) A facility that provides care on a regular basis to 4 or more children under the age of 7 years shall be deemed to be providing care for compensation and shall be licensed.

(d) Prior to receiving a license, an applicant for a license under this chapter shall complete all application forms truthfully and accurately and pay all fees and forfeitures due to the department.

(e) The department may refuse to issue or continue a license if another program operated by the licensee is in substantial non-compliance with the licensing rules or has any outstanding fines or forfeitures.

(f) If the department has reason to believe that the physical or mental health of any person associated with the care of children at the camp or any household member of the camp might endanger children in care, the department may require that a written statement be submitted by a physician or, if appropriate, by a licensed mental health professional that shall certify the condition of the individual and the possible effect of that condition on the day camp or children in care.

(g) The department may deny or revoke the license if the examination specified under par. (f) gives the department reasonable concern for the care of children.

(h) The department may not process an application for a license if the applicant has had a license or certification to operate a day camp or child care center revoked or denied within the last 2 years. An applicant is deemed ineligible to submit an application for a license and a licensee may not hire an employee within 2 years from the date an applicant or employee had a child care or day camp license or certification revoked or denied.

(i) The department shall consider a licensee who fails to submit any of the materials described in sub. (1)(c) by the expiration or continuation date of a license to have surrendered his or her license and to no longer hold title to the license. The former licensee may not continue to operate the day camp.

DCF 252.06 Complaints, inspections and enforcement actions.

(1) COMPLAINTS. Anyone having a complaint about a licensed or illegally operating day camp may submit that complaint to the department by telephone, letter, e-mail, fax or personal interview. Every complaint shall be investigated by a licensing representative. A written report of the findings of the investigation shall be sent to the complainant upon request.

Note: A complaint should be sent, phoned or delivered to the appropriate regional licensing office listed in Appendix A.

(2) INSPECTION. Pursuant to s. 48.73, Stats., the department may visit and inspect any day camp at any time during licensed hours of operation. A department licensing representative shall have unrestricted access to the premises, either temporary or permanent, identified in the license; children served; staff records and any other materials or other individuals as determined by the department.

(3) ENFORCEMENT ACTION. The department may order any sanction or impose any penalty on a licensee in accordance with s. 48.685, 48.715 or 48.76, Stats.

DCF 252.07 Non-discrimination, confidentiality and reporting child abuse.**(1) DISCRIMINATION PROHIBITED.**

(a) The licensee shall ensure that the day camp does not discriminate in employment against properly qualified individuals in a manner prohibited in ss. 111.31 to 111.395, Stats.

(b) The licensee shall ensure that the day camp does not discriminate against any enrolled child and family or any applicant for enrollment in admission, privilege of enrollment, or discharge condition on the basis of age, race, color, sex, sexual orientation, creed, disability, national origin, or ancestry as provided in s. 106.52, Stats.

(2) CONFIDENTIALITY OF RECORDS.

(a) The licensee is responsible for the day camp's compliance with s. 48.78, Stats., and this subsection.

(b) Persons who have access to children's records may not discuss or disclose personal or other information about a child or a child's relatives. This paragraph does not apply to any of the following:

1. The parent or a person authorized in writing by the parent to receive such information.
2. An agency that is assisting in planning for the child if the parent has given consent.
3. An agency authorized under s. 48.78, Stats., to have access to children's records.

(c) If a parent requests a record or report on the parent's child, the day camp shall make the record or report accessible to the parent upon request.

(d) All records required by the department for licensing purposes shall be made available to licensing representatives upon request.

(3) REPORTING CHILD ABUSE.

(a) A licensee who knows or has reasonable cause to suspect that a child has been abused or neglected as defined in s. 48.981(1), Stats., shall immediately contact the county welfare agency, or local law enforcement agency in compliance with s. 48.981, Stats.

(b) The licensee shall ensure that every day camp worker who comes in contact with the children at the day camp has received annual pre-camp training in all of the following:

1. Child abuse and neglect laws;
2. Identification of children who have been abused or neglected; and
3. The process for reporting known or suspected cases of child abuse or neglect.

Note: Failure of the licensee to report known or suspected incidents of child abuse or neglect does not lessen the legal duty of the child care worker to report known or suspected cases of child abuse or neglect.

DCF 252.08 Pets and other animals.

(1) Pets that are kept on the premises of a day camp shall be maintained in good health and appropriately vaccinated against rabies. Rabies vaccinations shall be documented with a current certificate from a veterinarian.

(2) A pet that is suspected of being ill, or infested with external lice, fleas, ticks or internal worms shall be removed from the camp.

(3) In the event that an animal bites a child, the parent shall be notified and a veterinarian shall be contacted by center personnel to determine a course of action in the diagnosis of possible rabies in the animal. Procedures for emergency care of children shall be followed. Parents shall be notified of any action taken by the veterinarian.

(4) Turtles, skunks, exotic animals, wild animals and poisonous reptiles may not be kept as pets on the premises of the day camp.

(5) Animal pens shall be kept clean.

(6) All contact between pets or animals and children shall be under the supervision of a camp counselor who is close enough to remove the child immediately if the pet or animal shows signs of distress or the child shows signs of treating the pet or animal inappropriately. Pets shall be kept and handled in a manner which protects the well-being of both children and pets.

(7) Pets in rooms used by children shall be confined in cages while food is being prepared or served. Pets, cages and litter boxes are prohibited in kitchens, lunch rooms and other food storage areas. Pet and animal feeding dishes and litter boxes may not be placed in areas accessible to children.

(8) No horses or other livestock may be permanently quartered closer than 500 feet from any building in which the day camp is located.

(9) Pets that pose any risk to the children shall be restricted from the areas used by children.

(10) Procedures to be followed when children have contact with animals, other than pets, while in the care of the camp shall be included in the camp's health policy.

Note: Service animals used by a person with a disability to assist that person are not considered pets under this rule while they are working as a service animal.

DCF 252.09 Transportation. The following requirements apply to all camp-provided transportation of children, including both regularly scheduled transportation to and from the camp and field trip transportation:

(1) GENERAL.

(a) The camp shall assume responsibility for a child between the time the child is placed in a vehicle until the child reaches his or her destination and is released to a person responsible for the child.

(c)1. Whenever the camp contracts with a firm for the provision of transportation, the camp shall ensure that the firm complies with all applicable requirements of this subsection.

2. When services for transportation are contracted, the name, address and telephone number of the contracting firm and the name of a representative of the firm who may be contacted after hours shall be on file at the camp.

(d) When children are transported in school buses as defined in s. 340.01(56), Stats., the school buses shall comply with ch. Trans 300.

(e) When regularly scheduled transportation is provided by the camp, the name of each driver, type of license held and the date of expiration of the license shall be on file at the camp.

(f) The camp shall maintain a written plan for regularly scheduled transportation of children between the children's homes or camp pick-up and drop-off locations and the camp, which shall include:

1. A list of children transported and the method of taking daily attendance;
2. The transportation route and scheduled stops;
3. The name and address of the person authorized to receive the child if the child is dropped off at a place other than the child's residence; and
4. Procedures to be followed when the parent or designated authorized adult is not at home to receive the child.

(g) The camp shall have written safety precautions to be followed when transporting children with disabilities or children who have a limited ability to respond to an emergency.

(h) The following information shall be carried in the vehicle for each child being transported:

1. An address and telephone number where a parent or other adult can be reached in an emergency.
2. The name, address, and telephone number of the child's physician or medical facility.
3. Written consent from the child's parent for emergency medical treatment.

Note: The licensee may use either the department's form, Child Care Center Transportation Permission, or the licensee's own form to obtain consent of the child's parent for emergency medical treatment. Forms may be obtained from the department's website, <http://dcf.wisconsin.gov>, or from any regional licensing office in Appendix A.

(i) Smoking is prohibited in the vehicle while children are being transported.

(2) DRIVER.

(a) The driver of a vehicle used to transport children enrolled in the camp shall have a valid Wisconsin operator's license for the type of vehicle being driven.

(b) The camp shall have a copy of the driver's driving record on file before that person may drive a camp-provided vehicle. The licensee shall annually obtain and review each driver's driving record to ensure that the driver has no accidents or traffic violations that would indicate that having children ride with the driver could pose a threat to the children.

Note: Information on how to obtain driver license records can be obtained by calling the Department of Transportation at 608-261-2566 or via the Internet at <http://www.dot.wisconsin.gov/drivers/drivers/points/abstract.htm>.

(c) The driver of a vehicle shall be at least 18 years of age and have at least one year of experience as a licensed driver.

(3) VEHICLE.

(a) All vehicles used to transport children shall be registered by the state of Wisconsin.

(b) All vehicles used to transport children shall be in safe operating condition, and at 12-month intervals the licensee shall provide the department with evidence of the vehicle's safe operating condition on a form provided by the department.

Note: Form, Vehicle Safety Inspection, may be obtained from the department's website at <http://dcf.wisconsin.gov> or from any regional office listed in Appendix A.

(c) Vehicles used to transport children shall be equipped with a first aid kit.

(d) All vehicles shall be clean, uncluttered, and free of obstructions on the floors, aisles and seats.

(e) All vehicles shall be enclosed. Children may not be transported in a truck except in the cab.

(f) Children transported in school buses or vehicles built to school bus standards shall be properly seated according to the manufacturer's specifications.

(g) 1. Each child under 4 years of age or who weighs less than 40 pounds being transported in a vehicle shall be properly restrained in a forward-facing child car safety seat as specified in s. 347.48, Stats.

2. Each child who is at least 4 years of age but less than 8 years, weighing not more than 80 pounds or taller than 4 feet 9 inches shall be properly restrained in a shoulder-positioning child booster seat before being transported in a vehicle as specified in s. 347.48, Stats.

3. Each child not required to be transported in an individual child car safety seat or booster seat shall be properly restrained by a seat belt. Each adult in a vehicle shall be properly restrained by a seat belt. Seat belts may not be shared.

252.09(3)(h)

(h) Doors shall be locked at all times when the vehicle is moving.

(i) A copy of any accident report shall be submitted to the department within 5 days after the occurrence of an accident involving a vehicle transporting children.

(4) VEHICLE CAPACITY AND SUPERVISION.

(a) Children may not be left unattended in the vehicle.

(b) When children are transported in a vehicle there shall be at least one adult supervisor in addition to the driver whenever there are more than 3 children who have a disability or limited ability to respond to an emergency.

(c) There shall be at least one adult supervisor in addition to the driver when there are more than 10 children under 5 years of age in the vehicle.

(d) There shall be at least one adult supervisor in addition to the driver when there are more than 17 children 5 years and older in the vehicle.

(e) After transporting a child to his or her destination, the driver shall wait until the child enters the building or is in the hands of an adult designated by the parent, unless otherwise authorized by the parent.

Note: The licensee may use either the department's form, Alternate Arrival/Release Agreement — Child Care Centers, or the licensee's own form for securing the parent's signed authorization. Information on how to obtain the department's form is on the department's website at <http://dcf.wisconsin.gov> or from any regional office in appendix A.

(f) A seat shall be provided for each child. In a vehicle not required to have seat belts, the camp shall follow the manufacturer's recommendation regarding the capacity of the vehicle.

(g) The driver or adult supervisor shall be responsible for seeing that children remain seated while the vehicle is in motion.

(h) Children under age 13 may not ride in the front seat.

(i) The camp shall implement a procedure to ensure that all children exit the vehicle after transportation to a destination.

DCF 252.41 Operational requirements for day camps.

(1) ADMINISTRATION. The licensee shall do all of the following:

(a) Comply with all laws governing the camp and its operation.

(b) Comply with all requirements in this chapter.

(c) Designate, in writing, as part of the application under s. DCF 252.05(1), a Wisconsin resident who is responsible on behalf of the licensee for ensuring compliance with all requirements in this chapter, if the licensee resides in another state.

(d) Meet, upon request, with the licensing representative on matters pertaining to licensing.

(e) Provide documentation of insurance coverage by the submission of a certificate of insurance reflecting current dates of coverage for:

1. General liability insurance which provides coverage with limits of not less than \$25,000 for each person and total limits of \$75,000 for each occurrence.

2. Vehicle liability insurance, when transportation is provided, with minimums no less than those specified in s. 121.53, Stats.

3. Non-owned vehicle liability insurance when transportation is provided by other than camp-owned vehicles.

4. Specific adventure-based activities identified in s. DCF 252.44(13) when offered as part of the camp program.

(f) Develop written policies and procedures on the following subjects, submit them to the department for review and implement them:

1. Discharge of enrolled children.

2. Fee payments and refunds.

3. Personnel policies including job descriptions, hours of work, lunch and break times, holidays, vacations, sick leaves, leaves of absence, probationary periods, performance evaluations, grievance procedures and the disciplinary process. The personnel policy shall also contain a procedure requiring staff to notify the licensee and the licensee to notify the department as soon as possible but no later than the next working day when any of the following occurs:

- a. The employee has been convicted of a crime.
- b. The employee has been or is being investigated by any governmental agency for any other act, offense, or omission, including an investigation related to the abuse or neglect or threat of abuse or neglect, to a child or other client, or an investigation related to misappropriation of a client's property.
- c. The employee has a governmental finding substantiated against them of abuse or neglect of a child or adult or of misappropriation of a client's property.
- d. When a professional license held by a provider has been denied, revoked, restricted or otherwise limited.
 - (g) Develop, submit to the department for approval, and implement approved written policies and procedures on all the following subjects:
 1. Admission, including a procedure to contact a parent if a child is absent from the camp without prior notification from the parent.
 2. Program objectives and a description of activities designed to carry out the program objectives.
 3. Transportation if children may be transported to and from the camp or for field trips. The policy shall include a procedure to ensure that no child has been left unattended in a vehicle.
 4. Plans to be followed in the event of a fire, tornado, missing child or other emergency. If an open-sided shelter is used as a base camp, the plan shall identify the location of a designated tornado shelter and the procedure to ensure the camp receives information about tornado watches or warnings. The plan shall include a procedure to ensure that children reach the tornado shelter in a timely fashion.
 5. The plan for providing pre-camp training to staff.
 6. The plan for supervising children during water activities and waterfront activities including emergency procedures to be carried out if a child participating in water activities cannot be found.
 7. Child guidance, including ways to manage crying, fussing or distraught children.
 8. Health, including procedures to be followed when there is contact with animals.
 9. Nutrition.
 - (h) Make available to the parents, on request, a copy of the applicable parts of this chapter and a copy of the child care policies of the camp. Personnel, in-service training and orientation policies need not be included.
 - (i) Ensure that all published statements such as brochures and publicity are accurate.
 - (j) Include a reference to the religious component in any publicity and program objectives if religious training is part of the camp program. This information shall be shared with parents.
 - (k) Post the day camp license at the base camp in an area visible to parents and the public.
 - (L) Post next to the day camp license the results of the most recent licensing inspection, including any rule violations cited by the department and any notice of enforcement action, including license revocation or denial, and any stipulations, conditions, or exceptions that affect the license.
 - (m) Ensure that any action, by commission or omission, or any condition or occurrence relating to the operation or maintenance of the day camp does not adversely affect the health, safety or welfare of any child under the care of the licensee.
 - (n) Submit to the department by the department's next business day a completed Background Information Disclosure form and appropriate caregiver background check fees when there is a change in board chairperson or a person aged 10 and above becomes a camp household member.
 - (o) Submit to the department by the department's next business day a completed Background Information Disclosure form for each current camp household member who turns age 10.
- Note:** For more information about caregiver background checks refer to the administrative rule under ch. DHS 12. Information on how to obtain a copy of the Background Information Disclosure form is available from the department's website, <http://dcf.wisconsin.gov>, or any regional licensing office in Appendix A.
- (p) Submit a written delegation of administrative authority signed by the licensee. The delegation of administrative authority shall describe the organizational structure of the camp and identify by position or name, those person on the premises of the camp who are in charge of the camp for all hours of operation.

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(2) REPORTS. The licensee shall report to the department all of the following. If the report was made via telephone, the licensee shall submit a written report to the appropriate regional licensing office within 5 business days. Fax, e-mail and letter are acceptable ways of filing a written report:

(a) The death of a child in care or any accident or incident that occurs while the child is in the care of the camp that results in professional medical treatment, within 48 hours of the licensee becoming aware of the medical treatment.

Note: The licensee may use either the department's form, Child Care Accident Report, or the licensee's own form to report accidents. Information on how to obtain forms is available from the department's website, <http://dcf.wisconsin.gov>, or any regional licensing office in Appendix A.

(b) Any damage to the base camp which may affect compliance with this chapter within 24 hours after the occurrence.

(d) A change of the day camp director, within 7 days after the change.

(e) Statistical data required by the department on forms provided by the department.

(f) Any known convictions, pending charges or other offenses of the licensee, day camp employees or other persons subject to a caregiver background check which could potentially relate to the care of children at the camp or the activities of the camp by the department's next business day.

(g) Any suspected abuse or neglect of a child by a staff member that was reported under s. DCF 252.07(3)(a) or any inappropriate discipline of a child, including any incident that results in a child being forcefully shaken or thrown against a surface, hard or soft, by a staff member during the child's hours of attendance, within 24 hours after the occurrence.

(h) Any incident involving law enforcement within 24 hours after the occurrence in which any of the following occurs:

1. A licensee, a household member or an employee of the camp is involved in an incident that causes, or threatens to cause, physical or serious emotional harm to an individual, including a child in the care of the camp.

2. A person responsible for transporting children is involved in a traffic-related incident.

(i) Any change in room usage in the base camp, such as using rooms or areas not previously approved for use by children at least 20 working days prior to the change. Changes in room usage shall be approved by the department prior to the change.

(j) Any incident related to a child who leaves the premises of the camp without the knowledge of a counselor or any incident which results in a counselor not knowing the whereabouts of a child in attendance at the camp within 24 hours after the occurrence.

(k) If requested by the department, a plan of correction for cited violations of this chapter or ch. 48., Stats., in a format specified by the department. The department shall receive the plan of correction by the date the department specifies and the plan shall be approved by the department licensing representative.

Note: The licensing representative will notify the licensee if a plan of correction is required and provide the plan of correction format with the notification.

(L) Any construction or remodeling on the premises that has the potential to affect an area accessible to children or a condition of the license. Notification shall be in writing before the construction or remodeling begins.

Note: It is recommended that the licensee check with the local municipality to determine whether a building permit is required before beginning any construction or remodeling.

(3) STAFF RECORDS. The licensee shall:

(a) Maintain a file on each employee which is available for examination by the licensing representative. Each employee's file shall include all of the following:

1. The employee's name, address, date of birth, education, position, previous experience in child care including the reason for leaving previous positions and the name, address, and telephone numbers of persons to be notified in an emergency.

Note: The licensee may use the department's form, Staff Record — Child Care Centers, or the licensee's own form for recording staff information. Information on how to obtain the department's form is available from the department's website, <http://dcf.wisconsin.gov>, or any regional licensing office in Appendix A.

252.41(3)(a)2.

2. Documentation of any pertinent certification or training required for the position; including department-approved training in shaken baby syndrome prevention and the effects of shaking an infant or young child, taken before to beginning to work with children, if the person will provide care to children under age 5 years.

3. A Background Information Disclosure form, completed before the employee's first day of employment and every 4 years thereafter.

Note: The department's form, Background Information Disclosure is used for reporting background information. Information on how to obtain the form is available from the department's website, <http://dcf.wisconsin.gov>, or any regional licensing office in Appendix A.

4. A complete caregiver background check as specified in s. 48.685, Stats., and ch. DHS 12 including the results of any subsequent investigation related to information obtained as part of the background check within 60 days of employment and every 4 years thereafter.

5. Documentation of successful completion of pre-camp training.

Note: The licensee may use the department's form, Pre-camp Training Documentation — Day Camps, or the licensee's own form to document the successful completion of pre-camp training. Information on how to obtain the department's form is available from the department's website, <http://dcf.wisconsin.gov>, or any regional licensing office in Appendix A.

6. Documentation of the days and hours worked when the person was included in the counselor-to-child ratio.

(b) Maintain a listing at the base camp of the name, address, and telephone number of the person to be notified in the event of an emergency involving an employee.

(c) Maintain a staff record which meets the requirements specified in par. (a)1. to 6. for each student teacher or person who works at the camp and is compensated from sources other than the camp.

(4) CHILDREN'S RECORDS FILES.

(a) The licensee shall maintain at the camp, a current written record for each child enrolled at the camp. The record shall be on file before the child's first day of attendance and updated annually. The licensee shall make the record available to the licensing representative. Each child's file shall include all of the following:

1. Pre-admission and enrollment information consisting of:
 - a. The name and birthdate of the child.
 - b. Names and contact information for the child's parents.
 - c. The child's home address and telephone number.
 - d. Address and telephone number where a parent can be reached while the child is in care.
 - e. Name, address, telephone number and relationship to the child of the person to be notified in an emergency, when a parent cannot be reach immediately.
 - f. Names, address and telephone number of the physician or medical facility caring for the child.
 - g. Names, addresses and telephone numbers of persons authorized to pick-up the child or to accept the child who is dropped off.
 - h. Dates of camp session in which the child is enrolled.
2. Consent from the parent for emergency medical care or treatment;

Note: The licensee may use either the department's form, Child Care Enrollment, or the licensee's own form to obtain consent of the child's parent for emergency medical treatment. Information on how to obtain forms is available from the department's website, <http://dcf.wisconsin.gov>, or any regional licensing office in Appendix A.

3. Authorization from the parent to transport the child to and from the camp, when transportation is provided;

Note: The licensee may use either the department's form, Transportation Permission — Child Care Centers, or the licensee's own form to obtain authorization to transport children to and from the camp. Information on how to obtain forms is available from the department's website, <http://dcf.wisconsin.gov>, or any regional licensing office in Appendix A.

4. Authorization from the parent for the child to participate in and be transported for field trips and other activities, if these are part of the camp program;

252.41(4)(a)4.Note:

Note: The licensee may use either the department's form, Field Trip or Other Activity Permission/Notification — Child Care Centers, or the licensee's own form for securing parental information. The department's form, Child Care Enrollment, also contains an authorization from the parent to participate in field trips if the camp chooses to use that form. Information on how to obtain forms is available from the department's website, <http://dcf.wisconsin.gov>, or any regional licensing office in Appendix A.

5. Specific written informed consent from the parent for each incident of participation by a child in any research or testing project. The day camp shall obtain and make available to the department and to the parent a statement indicating the sponsor, the subject matter, the specific purpose and the proposed use of results with respect to each project;

Note: The licensee may use either the department's form, Informed Consent for Observation or Testing by an Outside Agency — Child Care Centers, or the licensee's own form for securing the parent's written consent. Information on how to obtain forms is available from the department's website, <http://dcf.wisconsin.gov>, or any regional licensing office in Appendix A.

6. The child's health history and any other matters relating to the child's health; on a form provided by the department.

Note: The department's form, Health History and Emergency Care Plan, is used for health history information. Information on how to obtain forms is available from the department's website, <http://dcf.wisconsin.gov>, or any regional licensing office in Appendix A.

7. Authorization from the parent outlining the plan for a child to come to the camp from school, home or other activities and to go from the camp to school, home or other activities unless the child is accompanied by a parent or other authorized pick-up person.

Note: The licensee may use either the department's form, Alternate Arrival/Release Agreement — Child Care Centers, or the licensee's own form for securing the parent's signed agreement. Information on how to obtain forms is available from the department's website, <http://dcf.wisconsin.gov>, or any regional licensing office in Appendix A.

8. Assessment of the child's swimming ability, if swimming is included in the program of activities.

Note: Either parents or the camp may assess the child's swimming ability.

(b)1. The licensee shall record in a medical log any medication dispensed to a child by a camp employee and any injury received by a child enrolled in the program on the day the medication is dispensed or the injury is received.

2. The medical log shall be a book with stitched binding and lined and numbered pages. Each entry shall be recorded in ink and signed or initialed by the person making the entry. The pages in the log may not be skipped or removed.

3. The log shall be maintained for the length of time the child is enrolled in the camp.

Note: See DCF 252.44(6)(a) 2. for information on recording entries in the center medical log book.

(c) The licensee shall maintain a current, accurate, written record of the daily attendance and birthdate for each child enrolled in the program. If the hours of arrival and departure of the children vary, the actual time of arrival and departure for each child shall be recorded. Each record shall be maintained as long as the child is enrolled in the program.

Note: The department form, Daily Attendance Record — Child Care, may be used to document a child's daily attendance. Information on how to obtain the department's form is available from the department's website, <http://dcf.wisconsin.gov>, or any regional licensing office in appendix A.

(5) NOTIFICATIONS TO PARENTS.

(a) The camp director shall notify the parents of an enrolled child of all of the following:

1. Exposure of the child to a diagnosed or suspected communicable disease reportable under ch. DHS 145. Notification shall occur when the information becomes known to the camp director.

2. Illness or injury to the child that requires professional medical treatment. Notification shall occur immediately.

3. Minor injury to the child. Notification shall occur when a parent picks up a child or when the child is delivered.

4. When the child participates in a field trip. The camp shall provide parents with a current and accurate schedule of all the field trips prior to the trips. Changes in the schedule of trips shall be communicated to parents.

5. When a child is missing.

DCF 252.42 Personnel.**(1) STAFF: PAID AND VOLUNTEER.**

(a) Each day camp shall have a person designated as camp director on the premises at all times. If the camp director is not on the premises, a similarly qualified adult shall be present. The camp director shall be responsible for the administration of the camp, including program operations, staff supervision, business operations, food service, health service, and other supportive services.

(b) The camp director shall be at least 21 years of age and shall meet one of the following criteria:

1. Have at least 2 years of supervisory or administrative experience in an organized camp or children's program; or
2. Have a bachelor's degree in outdoor education, recreation, social work, psychology, child development or education or in another camp-related field.

(c) Counselors, whether paid or unpaid, who are counted in determining the counselor-to-child ratio shall be at least 18 years of age and have completed high school or the equivalent as determined by the department of public instruction.

(d) Counselors who are considered in determining counselor-to-child ratio may not provide care to children more than 10 hours in any 24-hour period. Camps providing an occasional overnight activity for children enrolled in the camp may allow a counselor to exceed the maximum 10-hour per day work schedule to permit the counselor to remain with the children during the overnight session.

(e) In the absence of a regular staff member, there shall be a similarly qualified substitute.

(2) STAFF TRAINING.

(a) Each day camp shall develop a written pre-camp training plan. A copy of the plan shall be submitted to the department for approval and implemented as approved. The plan shall include all of the following:

1. A review of the applicable parts of this chapter.
2. A review of camp policies and procedures are required under s. DCF 252.41(1)(f) and (g).
3. Job responsibilities in relation to job descriptions.
4. Training in the recognition of childhood illnesses and infectious disease control, including handwashing procedures and universal precautions for handling body fluids.

Note: A copy of the universal precautions may be obtained from the Child Care Information Center by calling 800-362-7353 or from the Occupational Health Section, Bureau of Public Health, Department of Health Services, 1 W. Wilson St. Madison, WI 53703.

5. Daily activity plans and schedules.
6. Emergency first aid.
7. Review of plans required under ss. DCF 252.41(1)(g) and 252.43(2) including the plan for what happens if a child is missing, fire and tornado plans and the supervised swim plan if applicable.
8. The procedure for ensuring that camp counselors know the children assigned to their care and their whereabouts at all times.
9. Training in the use of fire extinguishers and recognition of local poisonous plants, snakes and other potential hazards on the premises, and procedures to be followed to protect the children from these hazards.
10. Review of child abuse and neglect laws, and the camp reporting procedures.
11. Information on the care of children with disabilities enrolled in the camp and the procedure for sharing information related to a child's special health care needs including any physical, emotional, social or cognitive disabilities with any person who may be assigned to care for that child throughout the day.
12. Child management techniques.
13. Department-approved training in shaken baby syndrome prevention and appropriate ways to manage crying, fussing or distraught children for any person who will be providing care and supervision to children under 5 years of age.

(b) All counselors, whether paid or unpaid, who are counted in determining the counselor-to-child ratio shall have pre-camp training. The pre-camp training shall be for a minimum of 24 hours and shall include orientation at the base camp.

252.42(2)(c)

(c) Campers' parents serving as counselors and volunteers who are not used to meet the counselor-to-child ratio, may be exempted from the 24 hour pre-camp training if the following conditions are met:

1. The parent or volunteer receives at least 4 hours of training in day camp programming required under par. (a), including orientation at the base camp.

2. The parent or volunteer works under the supervision of a counselor who has met the training requirements specified in par. (b).

(d) The camp director shall plan and implement monthly staff meetings which will provide ongoing supervision and in-service training for the staff.

(e) All camp staff in regular contact with the children, including the camp director and counselors shall obtain and maintain a current certificate of completion for child and adult cardiopulmonary resuscitation (CPR) including department-approved training in the use of an automatic external defibrillator prior to working with children. The CPR training may be included in pre-camp training.

(f) The camp director shall coordinate the volunteer program and keep on file documentation of the hours worked for volunteers who are included in determining the counselor-to-child ratio.

(g) Camp staff, including the camp director, camp counselors, and volunteers counted in the counselor-to-child ratio shall be physically, mentally and emotionally able to provide responsible care for children.

(3) STAFFING AND SUPERVISION

(a) Each child shall be closely supervised at all times to guide the child's behavior and activities, prevent harm and assure safety.

(b) The ratio of counselors to children may not be less than the minimum number of counselors to children specified in Table DCF 252.42. When there is a mixed-age group, the counselor-to-child ratio shall be adjusted on a prorata basis, according to age.

Note: The department's form, Counselor-to-Child Ratio Worksheet may be used to prorate the staff-to-child ratio for mixed age groups. The department form is available from any of the regional licensing offices in Appendix A or from the department's website, <http://dcf.wisconsin.gov>.

TABLE DCF 252.42	
COUNSELOR-TO-CHILD RATIO FOR CHILDREN IN A DAY CAMP	
Age of Children	Minimum Number of Counselors to Children
3 Years to 4 Years	1:4
4 Years to 5 Years	1:6
5 Years and 6 Years	1:12
7 Years and Over	1:18

(c) Support staff, such as maintenance, clerical, housekeeping and food service staff, may only be considered in determining counselor-to-child ratios under the following circumstances:

1. During those hours when the support staff give full attention to the care and supervision of children.

2. If the support staff meet the qualifications of a camp counselor.

(d) The camp director shall be at the camp during the hours of operation, unless the children are on a field trip in which case the camp director shall accompany the children. When some of the children are on a field trip and others are at the base camp, the camp director may accompany the children on the field trip if there is a reliable method of communicating easily with the camp. If the camp director is not present either at the base camp or on a field trip, another qualified person shall be identified in a written delegation of administrative authority, present at the camp and authorized to make decisions for the camp.

(e) When 9 or more children are present at the camp, there shall be at least 2 adults available at all times and at least one of the adults shall be a counselor.

(f) When children 7 years of age and older are served in the same group with children ages 3 and 4, the ratio of counselors to children in the group shall be consistent with the requirements for the youngest children in the group as specified in Table DCF 252.42.

252.42(3)(g)

(g) All children in care shall be assigned to a counselor. The camp shall implement a procedure to ensure that the number, names, and whereabouts of children in care are known to the assigned camp counselor at all times.

(h) A child may not be released to any person who has not been previously authorized by the parent.

(i) Camp counselors shall not engage in any duties that are not related to caring for children when they are counted in meeting the counselor-to-child ratios.

(j) Children of staff who attend the camp and who are on the premises for supervision and care shall be included in determining counselor-to-child ratios.

(k) When 9 or more children are on a field trip at least 2 adults shall accompany the children. The counselor-to-child ratios in Table DCF 252.42 shall be met on field trips.

(4) HEALTH.

(a) No licensee, employee, volunteer, visitor or parent with symptoms of communicable disease, reportable under ch. DHS 145, or serious illness, which presents a safety or health risk to children may be in contact with the children in care.

(b)1. No licensee, employee, volunteer, visitor, or parent whose behavior gives reasonable concern for the safety of the children may be in contact with the children in care.

2. The department may require a licensee, employee or other person in contact with the children in care, whose behavior gives reasonable concern for the safety of children, to submit to an examination by a licensed mental health professional as a condition of licensure or employment.

(c) No person with a health history of typhoid, paratyphoid, dysentery or other diarrheal disease may work in a camp until it is determined by appropriate tests that the person is not a carrier of the disease.

DCF 252.43 Base camp and facilities.**(1) SITE AND BUILDING.**

(a) The licensee shall identify a base camp that provides an environment that allows the program to be oriented to the out-of-doors. The base camp shall be maintained in a clean and sanitary condition at all times.

(b) The base camp shall have a building or shelter for use by the camp during inclement weather. If the shelter is not enclosed, the camp shall implement a procedure for ensuring that children are protected from the elements.

(c) The base camp shall be located on a well-drained site not subject to flooding. The premises shall be properly graded to prevent the accumulation of storm or other waters that may create hazards to the property or to the health or safety of the occupants. No camp may be located in an area that is situated so that drainage for any source of filth, such as garbage or animal waste disposal, can be deposited on the site.

Note: Local authorities should be consulted to obtain any required zoning clearances or building permits. Chapter NR 115 and s. NR 116.12(2)(b) may affect the camp's location with regard to flood plains and shore land areas.

(d) Buildings and shelters on sites used or constructed primarily for day camp purposes shall comply with the applicable Wisconsin Commercial Building Code and applicable local ordinances. A copy of the building inspection report shall be on file with the department.

Note: Inspections can be obtained from a commercial building inspector certified by the Department of Commerce in accordance with chapter Comm 5, "Licenses, Certifications, and Registration," or a Wisconsin architect registered in accordance with chapter A-E 3, Architect Registration, or a Wisconsin engineer registered in accordance with chapter A-E 4, Professional Engineer Registration. Local authorities should be consulted to obtain any required zoning clearances or building permits.

(e) All buildings and structures used by children for day camp purposes shall have not less than 2 plainly marked exits that are free of obstruction.

(f) The department shall be given written notice of proposed construction, remodeling of existing space or change in rooms to be used by children prior to the initiation of the changes.

252.43(1)(f)Note:

Note: Alterations or changes of use to commercial buildings may require submittal of plans to and approval by the department of commerce or its agent prior to the commencement of construction. For information on plan submittal, please see the department of commerce website at <http://commerce.wi.gov/SB/SB-DivPlanReview.html>.

(g) If the base camp includes an enclosed building used by children, the inside temperature of the building may not be less than 67 degrees Fahrenheit. If the inside temperature exceeds 80 degrees Fahrenheit, the licensee shall provide for air circulation with fans or by other means.

(2) SAFETY.**(a) Protective measures.**

1. Each camp shall have a written plan for dealing with emergency situations, including but not limited to fire, natural disaster, lost campers, lost swimmers, accident and illness.

2. Staff shall be informed of and knowledgeable about the following:

a. His or her duties in the event of an emergency;

b. Evacuation routes; and

3. All equipment and facilities used by the children and staff, whether or not it is owned by the camp, shall be in safe operating condition and shall not present undue risk to children.

4. A licensee, employee, volunteer or other individual in contact with children may not consume alcoholic beverages or any non-prescribed controlled substances specified in ch. 961, Stats., on the premises of the camp or be under the influence of any alcohol or non-prescribed controlled substance, during the hours of the camp's operation.

5. Children shall be protected from indoor and outdoor hazards and the premises shall be maintained in a clean, neat condition and free from refuse, insects and rodents.

6. Substances which may be toxic if ingested, inhaled, or handled, including drugs, chemicals and pesticides, shall be stored in the original, covered and labeled container and shall be stored in areas not accessible to children.

7. A motor vehicle shall be immediately available at the camp in case of emergency if a public or private rescue or emergency vehicle cannot arrive at the camp within 10 minutes of a phone call.

8. Smoking is prohibited anywhere on the premises when children are present.

9. The camp shall have a working telephone at the camp during the hours of operation. A list of emergency telephone numbers, including fire, law enforcement and poison control shall be immediately available to staff. In this paragraph, "telephone" does not include a pay telephone requiring payment to reach the operator or a telephone in a locked room.

(b) Fire protection.

1. All fire protection facilities and equipment, including fire extinguishers, shall be operable and maintained in working order by a qualified person. Fire extinguishers shall be inspected once per year by a qualified person, and bear a label indicating its present condition and the date of the last inspection.

2. Flammable and combustible liquids shall be in original, covered and labeled containers and stored in areas accessible only to designated adults.

3. Before camp opens, written notification of the camp operation shall be given to the nearest fire department or forest ranger service for protection in case of fire. The notification shall include the dates the camp will be operational and the number and ages of children in care.

4. Any necessary permits required for operation of incinerators or for open fires shall be secured and available for review by the licensing representative.

Note: It is recommended that the licensee contact the local municipality and the Department of Natural Resources prior to camp opening to determine what permits are required.

5. The clearing around open fires shall be free of burnable materials for a radius of 6 feet.

(3) SANITATION.**(a) General.**

1. The base camp premises and any structures used by children on the premises shall be free of litter, safe, well maintained, in good repair and clean.

2. Furnishings, toys and other equipment shall be safe, in good repair and clean.

3. Toilet facilities shall be in sanitary condition.

252.43(3)(a)4.

4. Painted exterior and interior surfaces accessible to children shall be free of flaking or deteriorating paint and finished with lead-free paint or other non-toxic material.

5. Garbage and refuse at the base camp shall be kept in rigid, watertight and leak-proof containers with tight-fitting covers and disposed of as necessary to prevent decomposition and overflow.

6. The areas around garbage and rubbish containers shall be clean and dry.

7. Solid waste disposal sites on the premises must be licensed by the department of natural resources.

(b) *Insect, rodent, and weed control.*

1. The growth of brush, weeds, grass and plants shall be controlled in the base camp area to prevent the harborage of noxious insects, rodents, and any other animals.

2. The base camp area shall be maintained to prevent growth of ragweed, poison ivy and other noxious plants considered detrimental to health.

3. Buildings and structures shall be maintained to control insect and rodent harborage and infestations. Chemical insect and rodent control measures shall be applied according to label instructions. Control measures shall be used in a safe manner.

(c) *Food preparation, service and storage.*

1. The kitchen area shall be equipped with a microwave or stove, a refrigerator, a sink and utensils that are necessary to prepare and serve meals.

2. All equipment and utensils used for preparing, serving or storing food shall have smooth hard surfaces, be easily cleanable, in good repair, durable, non-toxic and free of cracks, seams, chips, and roughened areas, and shall be maintained in a clean and sanitary condition.

4. Single-service utensils and food containers shall be made from non-toxic materials and shall not be reused.

5. Foods shall be stored at temperatures which protect against spoilage. Milk shall be maintained at or below 40 degrees Fahrenheit.

6. Food shall be protected from potential contamination and adulteration, including dirt, insects, rodents or animals. Dry foods, such as cereals, crackers and pasta shall be stored in bags with zip-type closures or metal, glass or food-grade plastic containers with tight-fitting covers and shall be labeled. In this paragraph, "food-grade plastic" means any plastic material used in the manufacture of dishes or utensils which has been found not harmful to human health by the national sanitation foundation.

7. Raw fruits and vegetables shall be washed before being served or cooked.

8. Meals shall be prepared at the base camp, in a central kitchen operated by the camp or in another location that has been inspected by a representative of a state agency. Food delivery vehicles shall be equipped with clean containers, or cabinets to store food while in transit. Containers for cold food shall be capable of maintaining the temperature at or below 40 degrees Fahrenheit and containers for hot food shall be capable of maintaining the temperature at or above 140 degrees Fahrenheit.

Note: Chapter DHS 196 of the administrative rules addresses restaurants and other public eating establishments. Chapter ATCP 75 of the administrative rules addresses retail food establishments.

(d) *Water.*

1. A supply of safe drinking water shall be available to children at all times from disposable cups, covered water bottles labeled with the child's name, or angle jet type drinking fountains. Common use of drinking cups is prohibited.

Note: It is recommended that single-use disposable water bottles not be reused.

2. When a public water system is not available, a private well may be used if it is approved by the department of natural resources. Water samples from an approved well shall be tested for lead and bacteria by a laboratory certified under ch. DHS 165 annually and at least 2 weeks prior to the camp opening. The water supply shall be bacteriologically safe. The laboratory report shall be available to the department upon request.

2m. If the water test results indicate the water is bacteriologically unsafe, the water shall be appropriately treated and re-tested until it is determined to be safe. Bottled water shall be used on a temporary basis until the water is determined to be safe.

252.43(3)(d)2m.Note:

Note: Camps using a private well that serves at least 25 of the same people over 6 months of the year are considered to have a non-transient non-community water system (NTNC) and must be in compliance with Chapter NR 809, Safe Drinking Water Act Standards. Contact the nearest Department of Natural Resources office from the list at <http://dnr.wi.gov/org/caer/cs/ServiceCenter/locations.htm>.

3. Where running water is not available, a covered drinking water container that is easily distinguishable from other containers, constructed of a food grade material that does not permit the water to become contaminated by dirt, insects, or animals, and suitable for pouring or equipped with a faucet shall be provided. Dipping into water from the container is prohibited. The container shall be cleaned and sanitized daily. The water source shall be a public water supply or as specified in subd. 2.

(e) *Washrooms and toilet facilities.*

1. Handwashing and toileting facilities shall be provided and accessible to children.
2. Single-use disposable towels shall be provided and accessible to children.
3. Soap, toilet paper and wastepaper container shall be provided and accessible to children.
4. Outdoor toilets, when used, shall be constructed according to the requirements of the applicable Wisconsin commercial building codes and maintained in good repair.

Note: Ch. Comm 9 was repealed eff. 3-1-08.

5. If devices other than plumbed toilets or outdoor toilets are used, they shall be subject to local ordinances and required permits shall be obtained.
6. Plumbing shall comply with all applicable sections of Wisconsin plumbing codes.
7. Liquid waste disposal shall be connected to a public sewer, if available. If not available, liquid waste disposal shall be in accordance with chs. Comm 82, 83 and 84.

DCF 252.44 Program.**(1) PROGRAM PLANNING AND IMPLEMENTATION.**

(a) Each day camp shall have a program of activities that shall be planned according to the developmental level of each child and each group of children and intended to expose children to a variety of cultures. The needs of children with disabilities shall be considered when planning the programming and activities for enrolled children. The program of activities shall focus on the out-of-doors and the natural environment and shall reflect the camp's written policies. The program shall provide each child with experiences which will promote all of the following:

1. An appreciation and understanding of the natural environment.
2. Large and small muscle development.
3. Intellectual growth.
4. Self-esteem and positive self-image.
5. Opportunities for recreation.
6. Social interaction.
7. Creative expression.
8. Self-expression and communication skills.
9. Literacy skills.

Note: With parental consent and consultation, it is recommended that centers who care for children who have an Individualized Family Service Plan (IFSP) or an Individualized Education Program (IEP) coordinate programming activities with the local school district or Birth to Three agency.

(b) The program shall:

1. Protect the children from excessive fatigue and from overstimulation.
2. Encourage spontaneous activities.
3. Be planned to provide a flexible balance each day of:
 - a. Active and quiet activities.
 - b. Individual and group activities.
4. Provide daily opportunities for children to play outdoors except during inclement weather or when not advisable for health reasons.
5. Provide reasonable regularity in eating, resting and other routines.
6. Provide daily periods when a variety of experiences are concurrently available for the children to select their own activities.

252.44(1)(b)7.

7. Limit the amount of time that children are kept waiting in lines or assembled in large groups during routines such as toileting and eating and intervals between activities.

(2) CHILD GUIDANCE.

(a) Each day camp shall have a written policy on guiding children's behavior which provides for positive guidance, redirection and the setting of clear-cut limits. The policy shall be designed to help each child develop self-control, self-esteem, and respect for the rights of others.

(b) If a camp uses time-out periods to deal with unacceptable behavior, time-out periods may not exceed 5 minutes and the procedure shall be included in the camp's child guidance policy as specified in par. (a).

(c) Actions that may be psychologically, emotionally or physically painful, discomforting, dangerous or potentially injurious are prohibited. Examples of prohibited actions include:

1. Spanking, hitting, pinching, shaking, slapping, twisting, throwing or inflicting any other form of corporal punishment.
 2. Verbal abuse, threats or derogatory remarks about the child or the child's family.
 3. Physical restraint, binding or tying to restrict movement or enclosing in a confined space such as a closet, locked room, box or similar cubicle.
 4. Withholding or forcing meals, snacks or naps.
 5. Actions that are aversive, cruel, frightening or humiliating.
- (d) Children shall not be punished for lapses in toilet training.

(3) EQUIPMENT.

(a) The camp shall provide program equipment in a variety and quantity which will allow staff to implement activities outlined in the written policy on program objectives and activities required under s. DCF 252.41(1)(g)2. and which meets the following criteria:

1. Provides for large muscle development.
2. Provides construction activities and for the development of manipulative skills.
3. Encourages social interaction.
4. Provides intellectual stimulation.
5. Encourages creative expression.

(b) All equipment shall be:

1. Scaled to the developmental level, size and ability of the children.
2. Of sound construction with no sharp, rough, loose or pointed edges, in good operating condition, and anchored when necessary.
3. Placed to avoid danger of accident and collision and to permit freedom of action.

(c) Equipment and materials which reflect an awareness of cultural and ethnic diversity shall be provided.

(d) Children using play equipment shall be closely supervised to prevent injuries.

(4) REST. When a session is more than 4 hours in length, there shall be a rest period or period of quiet activities of at least 30 minutes for all children under 5 years of age.

(5) FOOD.

(a) Food shall be provided in accordance with Table DCF 252.44 which is based on the amount of time children are present. Food may be served at flexible intervals, but no child may go without nourishment for longer than 3 hours.

TABLE 252.44 MEAL AND SNACK REQUIREMENTS FOR EACH CHILD AT A DAY CAMP	
Time Children Are Present	Number of Meals and Snacks
2½ to 4 hours	1 snack
4 to 8 hours	1 snacks and 1 meal
8 to 10 hours	2 snacks and 1 meal
10 hours or more	2 meals and 2 or 3 snacks

252.44(5)(b)

(b) Camp-provided transportation time shall be included in determining the total number of hours a child is present for the purpose of par. (a).

(c) Food allergies of specific children shall be reported to cooks, counselors and substitutes having direct contact with children.

(d) Menus for meals and snacks provided by the camp shall:

1. Be posted in the kitchen and in a conspicuous place accessible to parents.
2. Be planned at least one week in advance, dated and kept on file for 3 months.
3. Be available for review by the department.
4. Include diverse types of food.

(e) Each meal and snack provided shall meet the U.S. department of agriculture child care food program minimum meal requirements.

Note: See Appendix B for information on the U.S. department of agriculture child and adult care food program minimum meal requirements.

(f) Enough food shall be prepared for each meal so that second portions of vegetables or fruit, bread and milk are available to children.

(g) A special diet, based on a medical condition, excluding food allergies, but including nutrient concentrates and supplements, may be served only upon written instruction of a child's physician and upon request of the parent. A special diet based on a food allergy may be served upon the written request of the parent.

(h) Children's hands shall be washed with soap and water before eating.

(6) HEALTH.**(a) Observation.**

1. Each child upon arrival at the camp shall be observed by a staff person for symptoms of illness. For an apparently ill child, the procedure under par. (c) shall be followed.

2. Any evidence of unusual bruises, contusions, lacerations or burns received by a child in or out of camp care shall be recorded in the camp medical log book and reported immediately to the camp director.

(b) *Health supervision.* There shall be an adult at the camp at all times who is responsible for health supervision. The on-site health supervisor shall be one of the following:

1. A physician licensed in Wisconsin.
2. A registered nurse or practical nurse licensed in Wisconsin.
3. A physician assistant licensed in Wisconsin.
4. An emergency medical technician.
5. A person currently certified as having completed the American Red Cross Standard First Aid course or equivalent.

(bm) If a public or private rescue or emergency vehicle cannot arrive at the camp within 10 minutes of a phone call, a person who is certified by the department as a first responder under ch. DHS 113 must be on the premises during the hours when children are present. This person may serve as the camp health supervisor.

(c) Isolation.

1. There shall be an isolation or first aid area for the care of children who become ill. If the area is not a separate room, it shall be separated from space used by other children by a partition, screen or other means.

2. When an apparently ill child is observed in the day camp, the following procedures shall apply:

a. A child with symptoms of illness or a condition such as vomiting or diarrhea, shall be isolated and shall be made comfortable, with a place to lie down available, with a staff member within the sight or hearing of the child. Isolation shall be used until the child can be removed from the camp.

b. The child's parent, or a designated responsible person when parents cannot be reached, shall be contacted as soon as possible after the illness is discovered to take the child from the camp.

(d) Communicable disease.

252.44(6)(d)1.

1. When it is determined that a person in contact with children or a child enrolled in a day camp has a reportable communicable disease under ch. DHS 145, such as German measles, infectious hepatitis, measles, mumps, or meningitis, the local public health officer, the department, and parents of exposed children shall be notified.

3. A person in contact with children or a child may be allowed to return to a camp if the person's physician provides a written statement that the condition is no longer contagious or the person has been absent for a period of time equal to the longest usual incubation period of the disease as specified by the department.

Note: The Division of Public Health in the Wisconsin Department of Health Services has developed materials that identify those communicable diseases that are required to be reported to the local public health officer. These materials also provide additional guidance on the symptoms of each disease and information on how long an infected child must be excluded from the camp. The materials include a communicable disease chart and exclusion guidelines for child care centers. Copies of the communicable disease chart or the exclusion guidelines are available from the Child Care Information Center, 2109 S. Stoughton Rd., Madison WI 53716; phone 1-800-362-7353.

(e) *Medication.*

1. Camp staff may give prescription and non-prescription medication to a child only under the following conditions:

a. A signed, dated, written authorization that includes the child's name and birthdate, name of the medication, administration instructions, medication intervals, and the length of the authorization from the parent is on file. Blanket authorizations that exceed the length of time specified on the label are prohibited.

Note: The department's form, Authorization to Administer Medication, or the provider's own form may be used to obtain the parent's authorization to administer medication. Information on how to obtain the form is available on the department's website, <http://dcf.wisconsin.gov>, or from any of the regional licensing offices in Appendix A.

b. The medication is in the original container and labeled with the child's name, and the label includes the dosage and directions for administering.

d. The person administering the medication makes an entry into the medical log book as required under s. DCF 252.41(4)(b) that includes the type of medication given, dosage, time, date of administration and name or initials of the person administering the medication.

2. All medications shall be stored so that they are not accessible to the children.

3. Medications shall be stored at the appropriate temperature as indicated on the label.

4. No medication may be kept at the camp without a current authorization from the parent.

5. Bee sting medication, inhalers, an insulin syringe, or other medication or device used in the event of a life-threatening situation may be carried by a child over the age of 7 years with written authorization from the parent and the child's physician.

6. Sunscreen and insect repellent may only be applied on the written authorization of the parent. The authorization shall include the ingredient strength of the sunscreen or repellent. If parents provide the sunscreen or insect repellent, the sunscreen or repellent shall be labeled with the child's name. Children may apply their own sunscreen or insect repellent with written parental authorization. The recording of the application of sunscreen or insect repellent is not required.

7. Children shall be protected from sunburn with protective clothing, if not protected by sunscreen.

(f) *Injury.*

1. Written procedures for the treatment of children who are in accidents or otherwise injured shall be available and made known to staff and shall be carried out as follows:

a. Written permission from the parent to call the family physician or refer the child or medical care in case of emergency shall be on file at the camp. This permission shall be used only when the parent or the designated responsible person cannot be reached.

Note: The camp may use the department's form, Child Care Enrollment, or its own form for obtaining medical consent from the parent. Information on how to obtain forms is available on the department's website, <http://dcf.wisconsin.gov>, or from any regional licensing office in Appendix A.

b. Prior to the opening of camp, a planned source of emergency medical care, such as a hospital emergency room, clinic or other constantly staffed medical facility, shall be designated and made known to staff and parents.

252.44(6)(f)1.c.

c. There shall be written procedures to be followed for bringing a child to emergency medical care.

d. First aid equipment shall be available at a designated location at the base camp.

f. Standard first aid procedures shall be followed for injuries.

h. Superficial wounds may be cleaned with soap and water only and protected.

i. Suspected poisoning shall be treated only after consultation with a poison control center.

2. A daily record of injuries shall be kept in the medical log. Records of injuries shall be reviewed monthly by the camp director and staff to ensure that all preventive measures are being taken. There shall be documentation in the medical log book required under s. DCF 252.41(4)(b) that reviews have taken place.

(g) *Health history.* A written health history on a form prescribed by the department shall be obtained from the parent before the child's first day of camp. This shall be kept on file at the base camp and be available to staff. Information contained on the health history form shall be shared with any person assigned to care for the child.

Note: The department's form, Health History and Emergency Care Plan, is used to record a child's health history. Information on how to obtain forms is available from the department's web site, <http://dcf.wisconsin.gov>, or from any regional office listed in Appendix A.

(h) The camp shall maintain a record of immunizations for each child to document compliance with s. 252.04, Stats., and ch. DHS 144.

Note: The form, Day Care Immunization Record, may be used to record immunization information. An electronic printout from the Wisconsin Immunization Registry or other registry maintained by a health care provider may be used in place of the Day Care Immunization Record. Information on how to obtain forms is available from the department's web site, <http://dcf.wisconsin.gov>, or from any regional office listed in Appendix A.

(i) *Personal cleanliness.*

1. A child's hands shall be washed with soap and running water before and after meals and snacks and after toileting or diapering.

2. Persons working with children shall wash their hands with soap and running water before handling food, after assisting with toileting and after wiping bodily secretions from a child.

3. Soap and water-based wet wipes may be used to wash hands when there is no running water immediately available. Disinfecting hand sanitizers may not replace the use of soap and water when washing hands.

4. Cups, eating utensils, toothbrushes, combs and towels may not be shared and shall be kept in a sanitary condition.

5. Wet or soiled clothing and diapers shall be changed promptly from an available supply of clean clothing.

6. There shall be a supply of dry and clean clothing and diapers sufficient to meet the needs of all children at the camp.

(j) *Diapering.* When children are diapered, the camp counselor shall do all of the following:

1. Consult with the child's parent to develop a toilet training plan so that a child's toilet routine is consistent between the camp and the child's home, if the child is in the process of becoming toilet trained.

2. Change wet or soiled diapers and clothing promptly.

3. Change each child on an easily cleanable surface which is cleaned with soap and water and a disinfectant solution after each use with a chlorine bleach solution of one tablespoon bleach to one quart of water, made fresh daily or a quaternary ammonia product prepared according the manufacturer's recommendation.

4. If the diapering surface is above floor level, provide a barrier or restraint to prevent falling. A child may not be left unattended on the diapering surface.

5. Place disposable soiled diapers and gloves, if used, in a plastic-lined, hands-free, covered container immediately.

6. Remove soiled diapers from containers as needed but at least daily for washing or disposal. Containers shall be washed and disinfected daily.

252.44(6)(j)7.

7. Apply lotions, powders or salves to a child during diapering only at the specific written direction of the parent or the child's physician. The directions shall be posted in the diapering area. The application of diapering lotions, powders or salves is not required to be recorded in the camp medical log.

8. Wash the child's diaper area before each diapering with a disposable or fabric towel used only once.

(7) WATER ACTIVITY AREA.

(a) *Definitions.* In this subsection, "waterfront" means a pool or beach accessible to or used by children in care.

(am) *Swimming area.*

1. Pools and other swimming areas used by children shall be located, constructed, equipped and operated according to the requirements of chs. Comm 90 and DHS 172 for pools and water attractions. A beach shall be in compliance with applicable local ordinances.

2.a. Swimming pools shall be enclosed with a 5 foot fence with a self-closing, self-latching door. Spaces between the vertical posts of the fence shall be 3½ inches or less. In addition, all of the following restrictions apply when the pool is not in use by children.

b. If access to the pool is through a gate, the gate shall be closed and locked.

c. If access to the pool is through a door, the door shall be closed, visibly locked and equipped with an alarm at the door that signals when someone has entered the pool area. The door may not be used as an exit.

d. Locks shall be located so that the locks cannot be opened by children.

e. The free-standing wall of an above ground pool may not serve as an enclosure unless it is at least 5 feet in height and not climbable. If a ladder is present, the ladder shall be removed or raised up so that it is inaccessible to children.

f. The area around the pool enclosure shall be free of toys or equipment that would allow a child to climb or otherwise gain access to the pool.

3. The swimming area used by a day camp shall have designated areas for non-swimmers, intermediate swimmers, advanced swimmers and divers. A child shall be restricted to the area of the pool or beach that is within the child's swimming ability.

4. Access to a water activity area or beach shall be controlled so that children may not enter the area without the knowledge of waterfront staff and any area used for swimming shall be clearly marked.

5. Water activity areas shall be free of hazards. Equipment in water activity areas, including but not limited to docks, ladders, rafts, diving boards, boats, life jackets and paddles, shall be maintained and in good repair.

6. Rescue equipment, including a shepherd's crook type pole, a backboard, ring buoy, and rescue tube shall be maintained and immediately available at each water activity area as specified in s. DHS 172.26.

(b) *Waterfront supervisor.*

1. Each day camp offering swimming, boating, canoeing, or other water activities whether at a pool or a beach shall designate a staff person as waterfront supervisor. All water activities, whether on or off the premises, shall be under the direction of the waterfront supervisor or an equally qualified adult who is present at the waterfront during water activities. The waterfront supervisor shall:

a. Be 18 years of age or older; and

b. Hold a current certification as a life-guard from a nationally recognized certifying agency.

2. The camp shall maintain a ratio of one person with a current Red Cross lifesaving certificate per 25 children in the water, except where a public swimming place has life-saving personnel on duty. While children are in the water, staff-to-child ratios under s. DCF 252.42(3)(b) shall be maintained by staff who can swim.

3. The waterfront director or an equally qualified person shall be on duty at all times whenever children are in the water.

252.44(7)(b)4.

4. The waterfront supervisor shall establish and enforce a method for supervising children in the water such as the buddy system, the colored cap system or another method of supervising children. The supervision plan shall be included in the camp's written waterfront plan and reviewed during pre-camp training.

5. The waterfront supervisor shall establish and enforce a method for checking persons in and out of the water. The check-in and check-out procedures shall be included in the camp's written waterfront plan and reviewed during pre-camp training.

6. The waterfront supervisor or person acting as the waterfront supervisor may not be included in the staff-to-child ratios during any period when children are in the water.

(c) Swimming procedures.

1. The swimming ability of each child shall be assessed by either the parent or the camp. Documentation of the assessment shall be kept in the child's file.

2. Children shall be restricted to swimming areas within their swimming classification.

(d) Boating prohibited in swimming areas. Except in an emergency, no rowboat, canoe, motor boat or other craft, except a lifeboat used by lifeguards, is permitted in a swimming area, pursuant to s. 30.68(7), Stats.

(e) Supervision of waterfront activities. Children shall be closely supervised when they have access to a beach or they are participating in fishing or other shoreline activities.

(8) BOATS.

(a) In this section, "boat" means every description of watercraft used or capable of being used as a means of transportation on water, including canoes, kayaks, large inner tubes, inflatable boats and sailboards. Small inflatable toys such as swim rings and air mattresses are not considered "boats" under this definition.

(am) All boats shall comply with ch. NR 5.

(b) Each occupant of a boat shall wear a type I or II coast guard-approved personal flotation device which is appropriate to the weight of the person wearing it as specified in s. 30.62(3)(a), Stats., and s. NR 5.13.

(c) There shall be at least one adult in each boat who is a competent swimmer as determined by the waterfront supervisor. When children are using single-seat boats, such as kayaks, a counselor who is a competent swimmer shall be close enough to the children to provide assistance if necessary.

(d) Children who have not demonstrated advanced swimming skills shall be limited to the use of the rowboats only.

(e) All boats, oars and paddles shall be in good repair and inspected annually for safety.

(9) FIREARMS AND ARCHERY. Firearms and archery equipment may not be used by children under 7 years of age. When firearms and archery equipment are used by children over age 7, the following precautions shall be observed:

(a) The archery or shooting range may be used only under the supervision of a trained adult instructor.

(b) Other program activities shall be in an area away from the designated archery or shooting range. The range shall be fenced in with rope or wire and marked with danger signs or flags.

(c) Firearms, ammunition, and archery equipment shall be stored under lock and key when not in use.

(d) Children shall be closely supervised to ensure that all firearms, ammunition and archery equipment is used in a safe manner and to ensure that all unused ammunition is returned to the instructor.

(10) TOOLS.

(a) Power tools shall not be used by children under 7 years of age.

(b) Children under 7 years of age shall not be allowed in areas where power tools are in use.

(c) When power tools and other tools are not in use, they shall be stored in an area not accessible to children.

(11) HORSEBACK RIDING.

- (a) This subsection shall apply whether the camp owns, rents, or leases horses.
- (b) Children may ride horseback only under close supervision in a ring or other enclosed area.
- (c) The riding tack shall be maintained in good repair to provide maximum safety for children. It shall be appropriate to the age, size, and ability of the rider.
- (d) Horseback riding shall be specifically covered by the camp's liability insurance.

(12) FIELD TRIPS. For field trips away from the base camp:

- (a) Staff shall carry emergency contact information and signed parental permission for the emergency medical care of all children on the field trip.
- (b) The counselor-to-child ratio under Table DCF 252.42 shall be maintained, except that the number of adults accompanying children away from the base camp shall be no fewer than 2.
- (c) A planned source of emergency medical care in the area to be visited shall be known to staff.
- (d) A list of children participating in the field trip shall be maintained by the camp director and a counselor accompanying the children.
- (e) Parents shall be notified in advance of the times and location of each field trip.
- (f) First aid supplies shall be taken on all field trips.

(13) ADVENTURE-BASED ACTIVITIES.

- (a) This subsection applies whether the camp owns, rents, or leases equipment used in adventure-based activities. Adventure-based activities include but are not limited to experiences such as ropes or challenge courses, hiking and rock climbing.
- (b) The licensee shall ensure that personnel leading and providing training to children are trained and have experience for the type of adventure-based experience they are supervising.
- (c) Equipment used in adventure-based activities shall be properly installed, maintained in good condition and working order and appropriate to the size, developmental and ability level of the children using the equipment.
- (d) Before a child is permitted to participate in an adventure-based activity, the licensee shall ensure that the child's medical history does not prohibit participation in the type of activity planned. If there is a question about a child's ability to participate for medical reasons, the licensee shall not permit participation without the written approval of the child's physician and written authorization from the child's parent.
- (e) Counselor-to-child ratios shall be adequate to manage and supervise the adventure-based activity based upon the number of children participating and type of activity. However, at no time, shall the counselor-to-child ratio be less than that specified in Table DCF 252.42.

Subchapter II — Day Care Programs Established by School Boards

DCF 252.50 Definition. In this subchapter, "establish and provide" means to fund the day care program and to control the daily operation of the program.

DCF 252.51 Compliance with licensing standards.

- (1)** A day care program established and provided by a school board shall comply with applicable standards under subch. I or ch. DCF 250 or 251 governing the operation of day care centers.
- (2)** The department shall inspect the day care program established and provided by a school board and document in writing for the school board whether or not the day care program complies with the applicable standards for day care centers under this chapter.

APPENDIX A**REGIONAL OFFICES OF THE DIVISION OF EARLY CARE AND EDUCATION**

The Department of Children and Families licenses child care centers through five Division of Early Care and Education regional offices. Below are addresses and phone numbers of the regional offices and related counties.

REGIONS	COUNTIES
<p>Northeastern Regional Office 200 North Jefferson, Suite 411 Green Bay, WI 54301 Gen: (920) 448-5312 Fax: (920) 448-5306</p>	<p>Brown, Calumet, Door, Fond du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Ozaukee, Shawano, Sheboygan, Washington, Waupaca, Waushara, Winnebago</p>
<p>Northern Regional Office 2187 North Stevens Street, Suite C Rhinelander, WI 54501 Gen: (715) 365-2500 Fax: (715) 365-2517</p>	<p>Ashland, Bayfield, Florence, Forest, Iron, Langlade, Lincoln, Marathon, Oneida, Portage, Price, Sawyer, Taylor, Vilas, Wood</p>
<p>Southeastern Regional Office 141 NW Barstow, Room 104 Waukesha, WI 53188-3789 Gen: (262) 521-5100 Fax: (262) 521-5314</p>	<p>Kenosha, Milwaukee, Racine, Waukesha</p>
<p>Southern Regional Office 1 West Wilson Street, Room 655 P.O. Box 8947 Madison, WI 53708-8947 Gen: (608) 266-2900 Fax: (608) 261-7824</p>	<p>Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Juneau, Lafayette, Richland, Rock, Sauk, Walworth</p>
<p>Western Regional Office 610 Gibson Street, Suite 2 Eau Claire, WI 54701-3696 Gen: (715) 836-2185 Fax: (715) 836-2516</p>	<p>Barron, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Jackson, LaCrosse, Monroe, Pepin, Pierce, Polk, Rusk, St. Croix, Trempealeau, Vernon, Washburn</p>

APPENDIX B
CACFP MEAL PATTERN REQUIREMENTS — AGES 3 TO 12

The meal pattern shall contain, a minimum, each of the following components in the amounts indicated for the specific age group.

BREAKFAST	Age 3, 4, & 5	Age 6 up to 12
1. Milk, fluid	$\frac{3}{4}$ cup	1 cup
2. Juice, ^a fruit or vegetable or Fruit(s) or vegetable(s)	$\frac{1}{2}$ cup	$\frac{1}{2}$ cup
3. Grains/Breads: ^b		
Bread	$\frac{1}{2}$ slice	1 slice
Cornbread, biscuits, rolls, muffins, etc ^b	$\frac{1}{2}$ serving	1 serving
Cereal:		
Cold dry	$\frac{1}{3}$ cup or $\frac{1}{2}$ oz ^c	$\frac{3}{4}$ cup or 1 oz ^c
Hot cooked	$\frac{1}{4}$ cup	$\frac{1}{2}$ cup
Cooked pasta or noodle products	$\frac{1}{4}$ cup	$\frac{1}{2}$ cup
LUNCH OR SUPPER	Age 3, 4, & 5	Age 6 up to 12
1. Milk	$\frac{3}{4}$ cup	1 cup
2. Meat or meat alternate:		
Meat, poultry, fish, cheese	1 + $\frac{1}{2}$ oz	2 oz
Alternate protein products ^g	1 + $\frac{1}{2}$ oz	2 oz
Yogurt, plain or flavored, unsweetened or sweetened	6 oz or $\frac{3}{4}$ cup	8 oz or 1 cup
Egg	$\frac{3}{4}$ egg	1 egg
Cooked dry beans or peas	$\frac{3}{8}$ cup	$\frac{1}{2}$ cup
Peanut butter or other nut or seed butter	3 Tbsp.	4 Tbsp.
Peanuts or soynuts or tree nuts or seeds	$\frac{3}{4}$ oz = 50% ^d	1 oz = 50% ^d
3. Vegetable and/or fruit ^e (at least two)	$\frac{1}{2}$ cup total	$\frac{3}{4}$ cup total
4. Grains/Breads: ^b		
Bread	$\frac{1}{2}$ slice	1 slice
Cornbread, biscuits, rolls, muffins, etc ^b	$\frac{1}{2}$ serving	1 serving
Cereal, hot cooked	$\frac{1}{4}$ cup	$\frac{1}{2}$ cup
Cereal, cold, dry	$\frac{1}{3}$ cup or $\frac{1}{2}$ oz ^c	$\frac{3}{4}$ cup or 1 oz ^c
Cooked pasta or noodle products	$\frac{1}{4}$ cup	$\frac{1}{2}$ cup
SUPPLEMENT	Age 3, 4, & 5	Age 6 up to 12
Select two of the following four components:		
1. Milk	$\frac{1}{2}$ cup	1 cup
2. Juice, ^{a,f} fruit or vegetable or Fruit(s) or vegetable(s)	$\frac{1}{2}$ cup	$\frac{3}{4}$ cup
3. Grains/Breads: ^b		
Bread	$\frac{1}{2}$ slice	1 slice
Cornbread, biscuits, rolls, muffins, etc ^b	$\frac{1}{2}$ serving	1 serving
Cereal:		
Cold dry	$\frac{1}{3}$ cup or $\frac{1}{2}$ oz ^c	$\frac{3}{4}$ cup or 1 oz ^c
Hot cooked	$\frac{1}{4}$ cup	$\frac{1}{2}$ cup
4. Meat or meat alternate		
Meat, poultry, fish, cheese	$\frac{1}{2}$ oz	1 oz
Alternate protein products ^g	$\frac{1}{2}$ oz	1 oz
Egg, Large ^h	$\frac{1}{2}$ egg	$\frac{1}{2}$ egg
Cooked dry beans or peas	$\frac{1}{8}$ cup	$\frac{1}{4}$ cup
Peanut butter or other nut or seed butter	1 Tbsp.	2 Tbsp.
Peanuts or soynuts or tree nuts or seeds	$\frac{1}{2}$ oz	1 oz
Yogurt, plain or flavored, unsweetened or sweetened	2 oz or $\frac{1}{4}$ cup	4 oz or $\frac{1}{2}$ cup

^a Must be full strength fruit or vegetable juice.

^b Bread, pasta or noodle products, and cereal grains shall be whole grain or enriched, cornbread, biscuits, rolls, muffins, etc., shall be made with whole grain or enriched meal or flour.

^c Either volume (cup) or weight (oz), whichever is less.

^d No more than 50% of the requirement shall be met with tree nuts or seeds. Tree nuts and seeds shall be combined with another meat/meat alternate to fulfill the requirement. For purpose of determining combinations, 1 oz. of nuts or seeds is equal to 1 oz. of cooked lean meat, poultry or fish.

^e Serve 2 or more kinds of vegetable(s) and/or fruit(s). Full strength vegetable or fruit juice may be counted to meet not more than one-half of this requirement.

^f Juice may not be served when milk is the only other component.

^g Alternate protein products may be used as acceptable meat alternates. These products must meet the requirements of Attachment E of PI-1486.

^h One-half egg meets the required minimum amount (one-ounce or less) of meat alternate.

APPENDIX C

KEY STATUTES RELATED TO LICENSING OF CHILD CARE CENTERS

This appendix is based upon the unofficial text from Updated Database of 2003-2004 Wisconsin Statutes and Annotations. Only pertinent portions of the statutes are included here and were obtained at <http://folio.legis.state.wi.us>. Action by the legislature may result in changes to these statutes. Only printed volumes are Official Text under s. 35.18(2), Wis. Stats.

48.02 Definitions. In this chapter, unless otherwise defined:

(8) “Guardian” means the person named by the court having the duty and authority of guardianship.

(13) “Parent” means either a biological parent, a husband who has consented to the artificial insemination of his wife under s. 891.40, or a parent by adoption. If the child is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, “parent” includes a person acknowledged under s. 767.805 or a substantially similar law of another state or adjudicated to be the biological father. “Parent” does not include any person whose parental rights have been terminated.

(15) “Relative” means a parent, stepparent, brother, sister, stepbrother, stepsister, half brother, half sister, brother-in-law, sister-in-law, first cousin, 2nd cousin, nephew, niece, uncle, aunt, stepuncle, steppaunt, or any person of a preceding generation as denoted by the prefix of grand, great, or great-great, whether by blood, marriage, or legal adoption, or the spouse of any person named in this subsection, even if the marriage is terminated by death or divorce.

48.48 Authority of department.

(10) To license child welfare agencies and day care centers as provided in s. 48.66(1)(a).

48.65 Day care centers licensed; fees. (1) No person may for compensation provide care and supervision for 4 or more children under the age of 7 for less than 24 hours a day unless that person obtains a license to operate a day care center from the department. To obtain a license under this subsection to operate a day care center, a person must meet the minimum requirements for a license established by the department under s. 48.67, meet the requirements specified in s. 48.685 and pay the license fee under sub. (3). A license issued under this subsection is valid until revoked or suspended, but shall be reviewed every 2 years as provided in s. 48.66(5).

(2) This section does not include any of the following:

(a) A parent, grandparent, greatgrandparent, stepparent, brother, sister, first cousin, nephew, niece, uncle, or aunt of a child, whether by blood, marriage, or legal adoption, who provides care and supervision for the child.

(am) A guardian of a child who provides care and supervision for the child.

(b) A public or parochial school.

(c) A person employed to come to the home of the child’s parent or guardian for less than 24 hours a day.

(d) A county, city, village, town, school district or library that provides programs primarily intended for recreational or social purposes.

(3)(a) Before the department may issue a license under sub. (1) to a day care center that provides care and supervision for 4 to 8 children, the day care center must pay to the department a biennial fee of \$60.50. Before the department may issue a license under sub. (1) to a day care center that provides care and supervision for 9 or more children, the day care center must pay to the department a biennial fee of \$30.25, plus a biennial fee of \$10.33 per child, based on the number of children that the day care center is licensed to serve. A day care center that wishes to continue a license issued under sub. (1) shall pay the applicable fee under this paragraph by the continuation date of the license. A new day care center shall pay the applicable fee under this paragraph no later than 30 days before the opening of the day care center.

(b) A day care center that wishes to continue a license issued under par. (a) and that fails to pay the applicable fee under par.

(a) by the continuation date of the license or a new day care center that fails to pay the applicable fee under par. (a) by 30 days before the opening of the day care center shall pay an

additional fee of \$5 per day for every day after the deadline that the group home fails to pay the fee.

48.66 Licensing duties of the department.

(1)(a) Except as provided in s. 48.715(6) and (7), the department shall license and supervise child welfare agencies, as required by s. 48.60, group homes, as required by s. 48.625, shelter care facilities, as required by s. 938.22, and day care centers, as required by s. 48.65. The department may license foster homes or treatment foster homes, as provided by s. 48.62, and may license and supervise county departments in accordance with the procedures specified in this section and in ss. 48.67 to 48.74. In the discharge of this duty the department may inspect the records and visit the premises of all child welfare agencies, group homes, shelter care facilities, and day care centers and visit the premises of all foster homes and treatment foster homes in which children are placed.

(c) A license issued under par. (a) or (b), other than a license to operate a foster home, treatment foster home, or secured residential care center for children and youth, is valid until revoked or suspended. A license issued under this subsection to operate a foster home, treatment foster home, or secured residential care center for children and youth may be for any term not to exceed 2 years from the date of issuance. No license issued under par. (a) or (b) is transferable.

(2) The department shall prescribe application forms to be used by all applicants for licenses from it. The application forms prescribed by the department shall require that the social security numbers of all applicants for a license to operate a child welfare agency, group home, shelter care facility or day care center who are individuals, other than an individual who does not have a social security number and who submits a statement made or subscribed under oath or affirmation as required under sub. (2m)(a)2., be provided and that the federal employer identification numbers of all applicants for a license to operate a child welfare agency, group home, shelter care facility or day care center who are not individuals be provided.

(2m)(a)1. Except as provided in subd. 2., the department shall require each applicant for a license under sub. (1)(a) to operate a child welfare agency, group home, shelter care facility, or day care center who is an individual to provide that department with the applicant’s social security number, and shall require each applicant for a license under sub. (1)(a) to operate a child welfare agency, group home, shelter care facility, or day care center who is not an individual to provide that department with the applicant’s federal employer identification number, when initially applying for or applying to continue the license.

2. If an applicant who is an individual does not have a social security number, the applicant shall submit a statement made or subscribed under oath or affirmation to the department that the applicant does not have a social security number. The form of the statement shall be prescribed by the department. A license issued in reliance upon a false statement submitted under this subdivision is invalid.

(b) If an applicant who is an individual fails to provide the applicant’s social security number to the department or if an applicant who is not an individual fails to provide the applicant’s federal employer identification number to the department, that department may not issue or continue a license under sub. (1)(a) to operate a child welfare agency, group home, shelter care facility, or day care center to or for the applicant unless the applicant is an individual who does not have a social security number and the applicant submits a statement made or subscribed under oath or affirmation as required under par. (a)2.

(c) The subunit of the department that obtains a social security number or a federal employer identification number under par. (a)1. may not disclose that information to any person except to the department of revenue for the sole purpose of requesting

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certifications under s. 73.0301 or on the request of the subunit of the department that administers the child and spousal support program under s. 49.22(2m).

(3) The department shall prescribe the form and content of records to be kept and information to be reported by persons licensed by it.

(5) A child welfare agency, group home, day care center or shelter care facility license, other than a probationary license, is valid until revoked or suspended, but shall be reviewed every 2 years after the date of issuance as provided in this subsection. At least 30 days prior to the continuation date of the license, the licensee shall submit to the department an application for continuance of the license in the form and containing the information that the department requires. If the minimum requirements for a license established under s. 48.67 are met, the application is approved, the applicable fees referred to in ss. 48.68(1) and 48.685(8) are paid and any forfeiture under s. 48.715(3)(a) or penalty under s. 48.76 that is due is paid, the department shall continue the license for an additional 2-year period, unless sooner suspended or revoked. If the application is not timely filed, the department shall issue a warning to the licensee. If the licensee fails to apply for continuance of the license within 30 days after receipt of the warning, the department may revoke the license as provided in s. 48.715(4) and (4m)(b).

48.67 Rules governing child welfare agencies, day care centers, foster homes, treatment foster homes, group homes, shelter care facilities, and county departments.

The department shall promulgate rules establishing minimum requirements for the issuance of licenses to, and establishing standards for the operation of, child welfare agencies, day care centers, foster homes, treatment foster homes, group homes, shelter care facilities, and county departments. Those rules shall be designed to protect and promote the health, safety, and welfare of the children in the care of all licensees. The department shall consult with the department of commerce, the department of public instruction, and the child abuse and neglect prevention board before promulgating those rules. Those rules shall include rules that require all of the following:

(1) That all day care center licensees, and all employees and volunteers of a day care center, who provide care and supervision for children under one year of age receive, before the date on which the license is issued or the employment or volunteer work commences, whichever is applicable, training in the most current medically accepted methods of preventing sudden infant death syndrome.

(2) That all day care center licensees, and all employees and volunteers of a day care center, who provide care and supervision for children under 5 years of age receive, before the date on which the license is issued or the employment or volunteer work commences, whichever is applicable, the training relating to shaken baby syndrome and impacted babies required under s. 253.15(4).

(3)(a) That all day care center licensees, and all employees of a day care center, who provide care and supervision for children have current proficiency in the use of an automated external defibrillator, as defined in s. 146.50(1)(cr) [s. 256.15(1)(cr)], achieved through instruction provided by an individual, organization, or institution of higher education that is approved under s. 46.03(38) to provide such instruction.

48.68 Investigation of applicant; issuing of license.

(1) After receipt of an application for a license, the department shall investigate to determine if the applicant meets the minimum requirements for a license adopted by the department under s. 48.67 and meets the requirements specified in s. 48.685, if applicable. In determining whether to issue or continue a license, the department may consider any action by the applicant, or by an employee of the applicant, that constitutes a substantial failure by the applicant or employee to protect and promote the health, safety and welfare of a child. Upon satisfactory completion of this investigation and payment of the fee required

under s. 48.615(1)(a) or (b), 48.625(2)(a), 48.65(3)(a) or 938.22(7)(b), the department shall issue a license under s. 48.66(1)(a) or, if applicable, a probationary license under s. 48.69 or, if applicable, shall continue a license under s. 48.66(5). At the time of initial licensure and license renewal, the department shall provide a foster home licensee with written information relating to the age-related monthly foster care rates and supplemental payments specified in s. 48.62(4), including payment amounts, eligibility requirements for supplemental payments and the procedures for applying for supplemental payments.

48.685 Criminal history and child abuse record search. (1) In this section:

(ag)1. "Caregiver" means any of the following:

- a. A person who is, or is expected to be, an employee or contractor of an entity, who is or is expected to be under the control of the entity, as defined by the department by rule, and who has, or is expected to have, regular, direct contact with clients of the entity.
- b. A person who has, or is seeking, a license, certification or contract to operate an entity.

2. "Caregiver" does not include a person who is certified as an emergency medical technician under s. 256.15 if the person is employed, or seeking employment, as an emergency medical technician and does not include a person who is certified as a first responder under s. 256.15 if the person is employed, or seeking employment, as a first responder.

(am) "Client" means a child who receives direct care or treatment services from an entity.

(ar) "Contractor" means, with respect to an entity, a person, or that person's agent, who provides services to the entity under an express or implied contract or subcontract, including a person who has staff privileges at the entity.

(av) "Direct contact" means face-to-face physical proximity to a client that affords the opportunity to commit abuse or neglect of a client or to misappropriate the property of a client.

(b) "Entity" means a child welfare agency that is licensed under s. 48.60 to provide care and maintenance for children, to place children for adoption or to license foster homes or treatment foster homes; a foster home or treatment foster home that is licensed under s. 48.62; a group home that is licensed under s. 48.625; a shelter care facility that is licensed under s. 938.22; a day care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14); a day care provider that is certified under s. 48.651; or a temporary employment agency that provides caregivers to another entity.

(bm) "Nonclient resident" means a person who resides, or is expected to reside, at an entity, who is not a client of the entity and who has, or is expected to have, regular, direct contact with clients of the entity.

(br) "Reservation" means land in this state within the boundaries of a reservation of a tribe or within the bureau of Indian affairs service area for the Ho-Chunk Nation.

(c) "Serious crime" means any of the following:

1. A violation of s. 940.19(3), 1999 stats.
2. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19(2), (4), (5) or (6), 940.22(2) or (3), 940.225(1), (2) or (3), 940.285(2), 940.29, 940.295, 948.02(1) or (2), 948.025, 948.03(2), 948.05, 948.051, 948.055, 948.06, 948.07, 948.08, 948.085, 948.11(2)(a) or (am), 948.12, 948.13, 948.21(1), 948.30, or 948.53.
3. A violation of s. 940.302(2) if s. 940.302(2)(a)1. b. applies.
4. A violation of the law of any other state or United States jurisdiction that would be a violation listed in subd. 1., 2., or 3. if committed in this state.

(e) "Tribe" means a federally recognized American Indian tribe or band in this state.

(2)(am) The department, a county department, a child welfare agency or a school board shall obtain all of the following with respect to a caregiver specified in sub. (1)(ag)1.b., a nonclient resident of an entity and a person under 18 years of age, but not under 12 years of age, who is a caregiver of a day care center

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that is licensed under s. 48.65 or established or contracted for under s. 120.13(14) or of a day care provider that is certified under s. 48.651:

1. A criminal history search from the records maintained by the department of justice.
2. Information that is contained in the registry under s. 146.40(4g) regarding any findings against the person.
3. Information maintained by the department of regulation and licensing regarding the status of the person's credentials, if applicable.
4. Information maintained by the department regarding any substantiated reports of child abuse or neglect against the person.
5. Information maintained by the department of health services under this section and under ss. 48.651(2m), 48.75(1m), and 120.13(14) regarding any denial to the person of a license, continuation or renewal of a license, certification, or a contract to operate an entity for a reason specified in sub. (4m)(a)1. to 5. and regarding any denial to the person of employment at, a contract with, or permission to reside at an entity for a reason specified in sub. (4m)(b)1. to 5. If the information obtained under this subdivision indicates that the person has been denied a license, continuation or renewal of a license, certification, a contract, employment, or permission to reside as described in this subdivision, the department, a county department, a child welfare agency or a school board need not obtain the information specified in subds. 1. to 4.
 - (b)1. Every entity shall obtain all of the following with respect to a caregiver specified in sub. (1)(ag)1.a. of the entity:
 - a. A criminal history search from the records maintained by the department of justice.
 - b. Information that is contained in the registry under s. 146.40(4g) regarding any findings against the person.
 - c. Information maintained by the department of regulation and licensing regarding the status of the person's credentials, if applicable.
 - d. Information maintained by the department regarding any substantiated reports of child abuse or neglect against the person.
 - e. Information maintained by the department of health services under this section and under ss. 48.651(2m), 48.75(1m), and 120.13(14) regarding any denial to the person of a license, continuation or renewal of a license, certification, or a contract to operate an entity for a reason specified in sub. (4m)(a)1. to 5. and regarding any denial to the person of employment at, a contract with, or permission to reside at an entity for a reason specified in sub. (4m)(b)1. to 5. If the information obtained under this subd. 1. e. indicates that the person has been denied a license, continuation or renewal of a license, certification, a contract, employment, or permission to reside as described in this subd. 1. e., the entity need not obtain the information specified in subd. 1. a. to d.
4. Subdivision 1. does not apply with respect to a person under 18 years of age, but not under 12 years of age, who is a caregiver or nonclient resident of a day care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14) or of a day care provider that is certified under s. 48.651 and with respect to whom the department, a county department or a school board is required under par. (am)(intro.) to obtain the information specified in par. (am)1. to 5.
 - (bb) If information obtained under par. (am) or (b)1. indicates a charge of a serious crime, but does not completely and clearly indicate the final disposition of the charge, the department, county department, child welfare agency, school board or entity shall make every reasonable effort to contact the clerk of courts to determine the final disposition of the charge. If a background information form under sub. (6)(a) or (am) indicates a charge or a conviction of a serious crime, but information obtained under par. (am) or (b)1. does not indicate such a charge or conviction, the department, county department, child welfare agency, school board or entity shall make every reasonable effort to contact the clerk of courts to obtain a copy of the criminal complaint and the final disposition of the complaint. If information obtained under par. (am) or (b)1., a background information form under sub.

(6)(a) or (am) or any other information indicates a conviction of a violation of s. 940.19(1), 940.195, 940.20, 941.30, 942.08, 947.01 or 947.013 obtained not more than 5 years before the date on which that information was obtained, the department, county department, child welfare agency, school board or entity shall make every reasonable effort to contact the clerk of courts to obtain a copy of the criminal complaint and judgment of conviction relating to that violation.

(bd) Notwithstanding pars. (am) and (b)1., the department, a county department, a child welfare agency or a school board is not required to obtain the information specified in par. (am)1. to 5., and an entity is not required to obtain the information specified in par. (b)1. a. to e., with respect to a person under 18 years of age whose background information form under sub.

(6)(am) indicates that the person is not ineligible to be employed, contracted with or permitted to reside at an entity for a reason specified in sub. (4m)(b)1. to 5. and with respect to whom the department, county department, child welfare agency, school board or entity otherwise has no reason to believe that the person is ineligible to be employed, contracted with or permitted to reside at an entity for any of those reasons. This paragraph does not preclude the department, a county department, a child welfare agency or a school board from obtaining, at its discretion, the information specified in par. (am)1. to 5. with respect to a person described in this paragraph who is a nonclient resident or a prospective nonclient resident of an entity.

(bg) If an entity employs or contracts with a caregiver for whom, within the last 4 years, the information required under par.

(b)1.a. to c. and e. has already been obtained by another entity, the entity may obtain that information from that other entity, which shall provide the information, if possible, to the requesting entity. If an entity cannot obtain the information required under par. (b)1.a. to c. and e. from another entity or if an entity has reasonable grounds to believe that any information obtained from another entity is no longer accurate, the entity shall obtain that information from the sources specified in par.

(b)1.a. to c. and e.

(bm) If the person who is the subject of the search under par. (am) or (b)1. is not a resident of this state, or if at any time within the 3 years preceding the date of the search that person has not been a resident of this state, or if the department, county department, child welfare agency, school board or entity determines that the person's employment, licensing or state court records provide a reasonable basis for further investigation, the department, county department, child welfare agency, school board or entity shall make a good faith effort to obtain from any state or other United States jurisdiction in which the person is a resident or was a resident within the 3 years preceding the date of the search information that is equivalent to the information specified in par. (am)1. or (b)1.a. The department, county department, child welfare agency, school board or entity may require the person to be fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints. The department of justice may provide for the submission of the fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrests and convictions.

(c)1. If the person who is the subject of the search under par. (am) is seeking an initial license to operate a foster home or treatment foster home or is seeking relicensure after a break in licensure, the department, county department, or child welfare agency shall request under 42 USC 16962(b) a fingerprint-based check of the national crime information databases, as defined in 28 USC 534(f)(3)(A). The department, county department, or child welfare agency may release any information obtained under this subdivision only as permitted under 42 USC 16962(e).

2. If the person who is the subject of the search under par. (am) is seeking a license to operate a foster home or treatment foster home or is an adult nonclient resident of the foster home or treatment foster home and if the person is not, or at any time within the 5 years preceding the date of the search has not been, a resident of this state, the department, county department, or

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child welfare agency shall check any child abuse or neglect registry maintained by any state or other U.S. jurisdiction in which the person is a resident or was a resident within those 5 years for information that is equivalent to the information specified in par. (am) 4. The department, county department, or child welfare agency may not use any information obtained under this subdivision for any purpose other than a search of the person's background under par. (am).

(d) Every entity shall maintain, or shall contract with another person to maintain, the most recent background information obtained on a caregiver under par. (b). The information shall be made available for inspection by authorized persons, as defined by the department by rule.

(3)(a) Every 4 years or at any time within that period that the department, a county department, a child welfare agency, or a school board considers appropriate, the department, county department, child welfare agency, or school board shall request the information specified in sub. (2)(am)1. to 5. for all caregivers specified in sub. (1)(ag)1. b. who are licensed, certified, or contracted to operate an entity, for all persons who are nonclient residents of such a caregiver, and for all persons under 18 years of age, but not under 12 years of age, who are caregivers of a day care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(4) or of a day care provider that is certified under s. 48.651.

(b) Every 4 years or at any time within that period that an entity considers appropriate, the entity shall request the information specified in sub. (2)(b)1.a. to e. for all persons who are caregivers specified in sub. (1)(ag)1.a. of the entity other than persons under 18 years of age, but not under 12 years of age, who are caregivers of a day care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14) or of a day care provider that is certified under s. 48.651.

(3m) Notwithstanding subs. (2)(b)1. and (3)(b), if the department, a county department, a child welfare agency or a school board has obtained the information required under sub. (2)(am) or (3)(a) with respect to a person who is a caregiver specified in sub. (1)(ag)1.b. and that person is also an employee, contractor or nonclient resident of an entity, the entity is not required to obtain the information specified in sub. (2)(b)1. or (3)(b) with respect to that person.

(4) An entity that violates sub. (2), (3) or (4m)(b) may be required to forfeit not more than \$1,000 and may be subject to other sanctions specified by the department by rule.

(4m)(a) Notwithstanding s. 111.335, and except as provided in par. (ad) and sub. (5), the department may not license, or continue or renew the license of, a person to operate an entity, a county department may not certify a day care provider under s. 48.651, a county department or a child welfare agency may not license, or renew the license of, a foster home or treatment foster home under s. 48.62 and a school board may not contract with a person under s. 120.13 (14), if the department, county department, child welfare agency or school board knows or should have known any of the following:

1. That the person has been convicted of a serious crime or, if the person is an applicant for issuance or continuation of a license to operate a day care center or for initial certification under s. 48.651 or for renewal of that certification or if the person is proposing to contract with a school board under s. 120.13(14) or to renew a contract under that subsection, that the person has been convicted of a serious crime or adjudicated delinquent on or after his or her 12th birthday for committing a serious crime.

3. That a unit of government or a state agency, as defined in s. 16.61(2)(d), has made a finding that the person has abused or neglected any client or misappropriated the property of any client.

4. That a determination has been made under s. 48.981 (3)(c)4. that the person has abused or neglected a child.

5. That, in the case of a position for which the person must be credentialed by the department of regulation and licensing, the person's credential is not current or is limited so as to restrict the person from providing adequate care to a client.

(ad) The department, a county department or a child welfare agency may license a foster home or treatment foster home under s. 48.62, a county department may certify a day care provider under s. 48.651 and a school board may contract with a person under s. 120.13 (14), conditioned on the receipt of the information specified in sub. (2)(am) indicating that the person is not ineligible to be licensed, certified or contracted with for a reason specified in par. (a)1. to 5.

(b) Notwithstanding s. 111.335, and except as provided in sub. (5), an entity may not employ or contract with a caregiver specified in sub. (1)(ag)1. a. or permit a nonclient resident to reside at the entity if the entity knows or should have known any of the following:

1. That the person has been convicted of a serious crime or, if the person is a caregiver or nonclient resident of a day care center that is licensed under s. 48.65 or established or contracted for under s. 120.13 (14) or of a day care provider that is certified under s. 48.651, that the person has been convicted of a serious crime or adjudicated delinquent on or after his or her 12th birthday for committing a serious crime.

3. That a unit of government or a state agency, as defined in s. 16.61 (2)(d), has made a finding that the person has abused or neglected any client or misappropriated the property of any client.

4. That a determination has been made under s. 48.981 (3)(c)4. that the person has abused or neglected a child.

5. That, in the case of a position for which the person must be credentialed by the department of regulation and licensing, the person's credential is not current or is limited so as to restrict the person from providing adequate care to a client.

(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)1. to 5. 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 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 for any of those reasons, the entity may permit the person to reside at the entity for not more than 60 days pending receipt of the information sought under sub. (2)(am). An entity shall provide supervision for a person who is employed, contracted with or permitted to reside as permitted under this paragraph.

(5)(a) Subject to par. (bm), the department may license to operate an entity, a county department may certify under s. 48.651, a county department or a child welfare agency may license under s. 48.62 and a school board may contract with under s. 120.13(14) a person who otherwise may not be licensed, certified or contracted with for a reason specified in sub. (4m)(a)1. to 5., and an entity may employ, contract with, or permit to reside at the entity a person who otherwise may not be employed, contracted with, or permitted to reside at the entity for a reason specified in sub. (4m)(b)1. to 5., if the person demonstrates to the department, the county department, the child welfare agency, or the school board or, in the case of an entity that is located within the boundaries of a reservation, to the person or body designated by the tribe under sub. (5d)(a)3., by clear and convincing evidence and in accordance with procedures established by the department by rule or by the tribe that he or she has been rehabilitated.

(bm) For purposes of licensing a foster home or treatment foster home for the placement of a child on whose behalf foster care maintenance payments under s. 48.62(4) will be provided, no person who has been convicted of any of the following offenses may be permitted to demonstrate that he or she has been rehabilitated:

1. An offense under ch. 948 that is a felony.

2. A violation of s. 940.19(3), 1999 stats., or of s. 940.19(2), (4), (5) or (6) or 940.20(1) or (1m), if the victim is the spouse of the

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person.

3. A violation of s. 943.23(1m) or (1r), 1999 stats., or of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.21, 940.225(1), (2) or (3), 940.23, 940.305, 940.31, 941.20(2) or (3), 941.21, 943.10(2), 943.23(1g) or 943.32(2).

4. A violation of s. 940.19(3), 1999 stats., or of s. 125.075(1), 125.085(3)(a)2., 125.105(2)(b), 125.66(3), 125.68(12), 940.09, 940.19(2), (4), (5), or (6), 940.20, 940.203, 940.205, 940.207, or 940.25, a violation of s. 346.63(1), (2), (5), or (6) that is a felony under s. 346.65(2)(am)5., 6., or 7., or (f), (2j)(d), or (3m), or an offense under ch. 961 that is a felony, if committed not more than 5 years before the date of the investigation under sub. (2)(am).

(5c)(a) Any person who is permitted but fails under sub. (5)(a) to demonstrate to the department or a child welfare agency that he or she has been rehabilitated may appeal to the secretary or his or her designee. Any person who is adversely affected by a decision of the secretary or his or her designee under this paragraph has a right to a contested case hearing under ch. 227.

(b) Any person who is permitted but fails under sub. (5)(a) to demonstrate to the county department that he or she has been rehabilitated may appeal to the director of the county department or his or her designee. Any person who is adversely affected by a decision of the director or his or her designee under this paragraph has a right to appeal the decision under ch. 68.

(c) Any person who is permitted but fails under sub. (5)(a) to demonstrate to the school board that he or she has been rehabilitated may appeal to the state superintendent of public instruction or his or her designee. Any person who is adversely affected by a decision of the state superintendent or his or her designee under this paragraph has a right to a contested case hearing under ch. 227.

(5d)(a) Any tribe that chooses to conduct rehabilitation reviews under sub. (5) shall submit to the department a rehabilitation review plan that includes all of the following:

1. The criteria to be used to determine if a person has been rehabilitated.

2. The title of the person or body designated by the tribe to whom a request for review must be made.

3. The title of the person or body designated by the tribe to determine whether a person has been rehabilitated.

3m. The title of the person or body, designated by the tribe, to whom a person may appeal an adverse decision made by the person specified under subd. 3. and whether the tribe provides any further rights to appeal.

4. The manner in which the tribe will submit information relating to a rehabilitation review to the department so that the department may include that information in its report to the legislature required under sub. (5g).

5. A copy of the form to be used to request a review and a copy of the form on which a written decision is to be made regarding whether a person has demonstrated rehabilitation.

(b) If, within 90 days after receiving the plan, the department does not disapprove the plan, the plan shall be considered approved. If, within 90 days after receiving the plan, the department disapproves the plan, the department shall provide notice of that disapproval to the tribe in writing, together with the reasons for the disapproval. The department may not disapprove a plan unless the department finds that the plan is not rationally related to the protection of clients. If the department disapproves the plan, the tribe may, within 30 days after receiving notice of the disapproval, request that the secretary review the department's decision. A final decision under this paragraph is not subject to further review under ch. 227.

(5g) Beginning on January 1 1999, and annually thereafter, the department shall submit a report to the legislature under s. 13.172(2) that specifies the number of persons in the previous year who have requested to demonstrate that they have been rehabilitated under sub. (5)(a), the number of persons who successfully demonstrated that they have been rehabilitated under sub. (5)(a) and the reasons for the success or failure of a person who has attempted to demonstrate that he or she has been

rehabilitated.

(5m) Notwithstanding s. 111.335, the department may refuse to license a person to operate an entity, a county department or a child welfare agency may refuse to license a foster home or treatment foster home under s. 48.62, and an entity may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the entity if the person has been convicted of an offense that is not a serious crime, but that is, in the estimation of the department, county department, child welfare agency or entity, substantially related to the care of a client.

Notwithstanding s. 111.335, the department may refuse to license a person to operate a day care center, a county department may refuse to certify a day care provider under s. 48.651, a school board may refuse to contract with a person under s. 120.13(14), a day care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14) and a day care provider that is certified under s. 48.651 may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the day care center or day care provider if the person has been convicted of or adjudicated delinquent on or after his or her 12th birthday for an offense that is not a serious crime, but that is, in the estimation of the department, county department, school board, day care center or day care provider, substantially related to the care of a client.

(6)(a) The department shall require any person who applies for issuance, continuation or renewal of a license to operate an entity, a county department shall require any day care provider who applies for initial certification under s. 48.651 or for renewal of that certification, a county department or a child welfare agency shall require any person who applies for issuance or renewal of a license to operate a foster home or treatment foster home under s. 48.62 and a school board shall require any person who proposes to contract with the school board under s. 120.13(14) or to renew a contract under that subsection, to complete a background information form that is provided by the department.

(am) Every 4 years an entity shall require all of its caregivers and nonclient residents to complete a background information form that is provided to the entity by the department.

(b)1. For caregivers who are licensed by the department, for persons under 18 years of age, but not under 12 years of age, who are caregivers of a day care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14) or of a day care provider that is certified under s. 48.651, for persons who are nonclient residents of an entity that is licensed by the department, and for other persons specified by the department by rule, the entity shall send the background information form to the department.

2. For caregivers who are licensed or certified by a county department, for persons who are nonclient residents of an entity that is licensed or certified by a county department and for other persons specified by the department by rule, the entity shall send the background information form to the county department.

3. For caregivers who are licensed by a child welfare agency, for persons who are nonclient residents of an entity that is licensed by a child welfare agency and for other persons specified by the department by rule, the entity shall send the background information form to the child welfare agency.

4. For caregivers who are contracted with by a school board, for persons who are nonclient residents of an entity that is contracted with by a school board and for other persons specified by the department by rule, the entity shall send the background information form to the school board.

(c) A person who provides false information on a background information form required under this subsection may be required to forfeit not more than \$1,000 and may be subject to other sanctions specified by the department by rule.

(7) The department shall do all of the following:

(c) Conduct throughout the state periodic training sessions that cover criminal background investigations; reporting and investigating misappropriation of property or abuse or neglect of a client; and any other material that will better enable entities to

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comply with the requirements of this section.

(d) Provide a background information form that requires the person completing the form to include his or her date of birth on the form.

(8) The department, the department of health services, a county department, a child welfare agency, or a school board may charge a fee for obtaining the information required under sub. (2)(am) or (3)(a) or for providing information to an entity to enable the entity to comply with sub. (2)(b)1. or (3)(b). The fee may not exceed the reasonable cost of obtaining the information. No fee may be charged to a nurse aide, as defined in s. 146.40(1)(d), for obtaining or maintaining information if to do so would be inconsistent with federal law.

48.69 Probationary licenses. Except as provided under s. 48.715(6) and (7), if any child welfare agency, shelter care facility, group home or day care center that has not been previously issued a license under s. 48.66(1)(a) applies for a license, meets the minimum requirements for a license established under s. 48.67 and pays the applicable fee referred to in s. 48.68(1), the department shall issue a probationary license to that child welfare agency, shelter care facility, group home or day care center. A probationary license is valid for up to 6 months after the date of issuance unless renewed under this section or suspended or revoked under s. 48.715. Before a probationary license expires, the department shall inspect the child welfare agency, shelter care facility, group home or day care center holding the probationary license and, except as provided under s. 48.715(6) and (7), if the child welfare agency, shelter care facility, group home or day care center meets the minimum requirements for a license established under s. 48.67, the department shall issue a license under s. 48.66(1)(a). A probationary license issued under this section may be renewed for one 6-month period.

48.70 Provisions of licenses. (1) GENERAL. Each license shall state the name of the person licensed, the premises included under the license, the maximum number of children who can be received and their age and sex and such additional information and special conditions as the department may prescribe.

48.715 Sanctions and penalties. (1) In this section, “licensee” means a person who holds a license under s. 48.66(1)(a) or a probationary license under s. 48.69 to operate a child welfare agency, shelter care facility, group home or day care center.

(2) If the department provides written notice of the grounds for a sanction, an explanation of the types of sanctions that may be imposed under this subsection and an explanation of the process for appealing a sanction imposed under this subsection, the department may order any of the following sanctions:

(a) That a person stop operating a child welfare agency, shelter care facility, group home or day care center if the child welfare agency, shelter care facility, group home or day care center is without a license in violation of s. 48.66(1)(a) or a probationary license in violation of s. 48.69.

(b) That a person who employs a person who has had a license under s. 48.66(1)(a) or a probationary license under s. 48.69 revoked within the previous 5 years terminate the employment of that person within 30 days after the date of the order. This paragraph includes employment of a person in any capacity, whether as an officer, director, agent or employee.

(c) That a licensee stop violating any provision of licensure under s. 48.70(1) or rules promulgated by the department under s. 48.67.

(d) That a licensee submit a plan of correction for violation of any provision of licensure under s. 48.70(1) or rule promulgated by the department under s. 48.67.

(e) That a licensee implement and comply with a plan of correction provided by the department or previously submitted by the licensee and approved by the department.

(f) That a licensee close the intake of any new children until all violations of the provisions of licensure under s. 48.70(1) and the rules promulgated by the department under s. 48.67 are corrected.

(g) That a licensee provide training for the licensee’s staff members as specified by the department.

(3) If the department provides written notice of the grounds for a penalty, an explanation of the types of penalties that may be imposed under this subsection and an explanation of the process for appealing a penalty imposed under this subsection, the department may impose any of the following penalties against a licensee or any other person who violates a provision of licensure under s. 48.70(1) or rule promulgated by the department under s. 48.67 or who fails to comply with an order issued under sub. (2) by the time specified in the order:

(a) A daily forfeiture amount per violation of not less than \$10 nor more than \$1,000. All of the following apply to a forfeiture under this paragraph:

1. Within the limits specified in this paragraph, the department may, by rule, set daily forfeiture amounts and payment deadlines based on the size and type of facility or agency and the seriousness of the violation. The department may set daily forfeiture amounts that increase periodically within the statutory limits if there is continued failure to comply with an order issued under sub. (2).

2. The department may directly assess a forfeiture imposed under this paragraph by specifying the amount of that forfeiture in the notice provided under this subsection.

3. A person against whom the department has assessed a forfeiture shall pay that forfeiture to the department within 10 days after receipt of notice of the assessment or, if that person contests that assessment under s. 48.72, within 10 days after receipt of the final decision after exhaustion of administrative review or, if that person petitions for judicial review under ch. 227, within 10 days after receipt of the final decision after exhaustion of judicial review. The department shall remit all forfeitures paid under this subdivision to the secretary of administration for deposit in the school fund.

4. The attorney general may bring an action in the name of the state to collect any forfeiture imposed under this paragraph that has not been paid as provided in subd. 3. The only contestable issue in an action under this subdivision is whether or not the forfeiture has been paid.

(b) Suspension of the licensee’s license for not more than 2 weeks.

(c) Refusal to continue a license or a probationary license.

(d) Revocation of a license or a probationary license as provided in sub. (4).

(4) If the department provides written notice of revocation and the grounds for revocation as provided in sub. (4m) and an explanation of the process for appealing a revocation under this subsection, the department may revoke a license issued under s. 48.66(1)(a) or a probationary license issued under s. 48.69 for any of the following reasons:

(a) The department has imposed a penalty on the licensee under sub. (3) and the licensee or a person under the supervision of the licensee either continues to violate or resumes violation of a rule promulgated under s. 48.67, a provision of licensure under s. 48.70(1) or an order under this section forming any part of the basis for the penalty.

(b) The licensee or a person under the supervision of the licensee has committed a substantial violation, as determined by the department, of a rule promulgated under s. 48.67, a provision of licensure under s. 48.70(1) or an order under this section.

(c) The licensee or a person under the supervision of the licensee has committed an action or has created a condition relating to the operation or maintenance of the child welfare agency, shelter care facility, group home or day care center that directly threatens the health, safety or welfare of any child under the care of the licensee.

(d) The licensee or a person under the supervision of the licensee has violated, as determined by the department, a rule promulgated under s. 48.67, a provision of licensure under s. 48.70(1) or an order under this section that is the same as or similar to a rule promulgated under s. 48.67, a provision of licensure under s. 48.70(1) or an order under this section that the

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licensee or a person under the supervision of the licensee has violated previously.

(e) The licensee has failed to apply for a continuance of the license within 30 days after receipt of the warning under s. 48.66(5).

(4m)(a) For a revocation under sub. (4)(a) or (d), the department shall provide to the licensee written notice of the revocation and the grounds for revocation not less than 30 days before the date of the revocation. The revocation will take effect only if the violation on which the revocation is based remains substantially uncorrected at the end of the 30-day notice period.

(b) For revocations under sub. (4)(b), (c) or (e), the department may revoke the license or probationary license immediately upon written notice to the licensee of the revocation and the grounds for revocation.

(5) The department may deny a license under s. 48.66(1)(a) or a probationary license under s. 48.69 to any person who has had a license under s. 48.66(1)(a) or a probationary license under s. 48.69 revoked within the previous 5 years.

(6) The department shall deny, suspend, restrict, refuse to renew, or otherwise withhold a license under s. 48.66(1)(a) or a probationary license under s. 48.69 to operate a child welfare agency, group home, shelter care facility, or day care center, and the department of corrections shall deny, suspend, restrict, refuse to renew, or otherwise withhold a license under s. 48.66(1)(b) to operate a secured residential care center for children and youth, for failure of the applicant or licensee to pay court-ordered payments of child or family support, maintenance, birth expenses, medical expenses, or other expenses related to the support of a child or former spouse or for failure of the applicant or licensee to comply, after appropriate notice, with a subpoena or warrant issued by the department or a county child support agency under s. 59.53(5) and related to paternity or child support proceedings, as provided in a memorandum of understanding entered into under s. 49.857. Notwithstanding s. 48.72, an action taken under this subsection is subject to review only as provided in the memorandum of understanding entered into under s. 49.857 and not as provided in s. 48.72.

(7) The department shall deny an application for the issuance or continuation of a license under s. 48.66(1)(a) or a probationary license under s. 48.69 to operate a child welfare agency, group home, shelter care facility or day care center, or revoke such a license already issued, if the department of revenue certifies under s. 73.0301 that the applicant or licensee is liable for delinquent taxes. An action taken under this subsection is subject to review only as provided under s. 73.0301(5) and not as provided in s. 48.72.

48.72 Appeal procedure. Except as provided in s. 48.715(6) and (7), any person aggrieved by the department's refusal or failure to issue, renew, or continue a license or by any action taken by the department under s. 48.715 has the right to an administrative hearing provided for contested cases in ch. 227. To receive an administrative hearing under ch. 227, the aggrieved person shall send to the department a written request for a hearing under s. 227.44 within 10 days after the date of the department's refusal or failure to issue, renew, or continue a license or the department's action taken under s. 48.715. The department shall hold an administrative hearing under s. 227.44 within 30 days after receipt of the request for the administrative hearing unless the aggrieved person consents to an extension of that time period. Judicial review of the department's decision may be had by any party in the contested case as provided in ch. 227.

48.73 Inspection of licensees. The department may visit and inspect each child welfare agency, foster home, treatment foster home, group home and day care center licensed by it, and for such purpose shall be given unrestricted access to the premises described in the license.

48.735 Immunization requirements; day care centers.

The department, after notice to a day care center licensee, may suspend, revoke or refuse to continue a day care center license in

any case in which the department finds that there has been a substantial failure to comply with the requirements of s. 252.04.

48.737 Lead screening, inspection and reduction

requirements; day care centers. The department, after notice to a day care provider certified under s. 48.651, or a day care center that holds a license under s. 48.65 or a probationary license under s. 48.69, may suspend, revoke or refuse to renew or continue a license or certification in any case in which the department finds that there has been a substantial failure to comply with any rule promulgated under s. 254.162, 254.168 or 254.172.

48.74 Authority of department to investigate alleged

violations. Whenever the department is advised or has reason to believe that any person is violating any of the provisions of ss. 48.60, 48.62, 48.625 or 48.65, it shall make an investigation to determine the facts. For the purposes of this investigation, it shall have authority to inspect the premises where the violation is alleged to occur. If it finds that the person is violating any of the specified sections, it may either issue a license if the person is qualified or may institute a prosecution under s. 48.76.

48.76 Penalties. In addition to the sanctions and penalties provided in s. 48.715, any person who violates s. 48.60, 48.62, 48.625, 48.63 or 48.65 may be fined not more than \$500 or imprisoned for not more than one year in county jail or both.

48.77 Injunction against violations. In addition to the penalties provided in s. 48.76, the circuit courts shall have jurisdiction to prevent and restrain by injunction violations of s. 48.60, 48.62, 48.625, 48.63 or 48.65. It shall be the duty of the district attorneys, upon request of the department, to institute action for such injunction under ch. 813.

48.78 Confidentiality of records. (1) In this section, unless otherwise qualified, "agency" means the department, a county department, a licensed child welfare agency, or a licensed day care center.

(2)(a) No agency may make available for inspection or disclose the contents of any record kept or information received about an individual in its care or legal custody, except as provided under s. 48.371, 48.38(5)(b) or (d) or (5m)(d), 48.432, 48.433, 48.48(17)(bm), 48.57(2m), 48.93, 48.981(7), 938.51, or 938.78 or by order of the court.

(ag) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, upon the request of the parent, guardian, or legal custodian of the child who is the subject of the record or upon the request of the child, if 14 years of age or over, to the parent, guardian, legal custodian, or child, unless the agency determines that inspection of the record by the child, parent, guardian, or legal custodian would result in imminent danger to anyone.

(aj) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, upon the request of a parent, guardian, or legal custodian of a child expectant mother of an unborn child who is the subject of the record, upon the request of an expectant mother of an unborn child who is the subject of the record, if 14 years of age or over, or upon the request of an unborn child by the unborn child's guardian ad litem to the parent, guardian, legal custodian, expectant mother, or unborn child by the unborn child's guardian ad litem, unless the agency determines that inspection of the record by the parent, guardian, legal custodian, expectant mother, or unborn child by the unborn child's guardian ad litem would result in imminent danger to anyone.

(am) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, upon the written permission of the parent, guardian, or legal custodian of the child who is the subject of the record or upon the written permission of the child, if 14 years of age or over, to the person named in the permission if the parent, guardian, legal custodian, or child specifically identifies the record in the written permission, unless the agency determines that inspection of the record by the person named in the permission would result in

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imminent danger to anyone.

(ap) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, upon the written permission of the parent, guardian, or legal custodian of a child expectant mother of an unborn child who is the subject of the record, or of an expectant mother of an unborn child who is the subject of the record, if 14 years of age or over, and of the unborn child by the unborn child's guardian ad litem, to the person named in the permission if the parent, guardian, legal custodian, or expectant mother, and unborn child by the unborn child's guardian ad litem, specifically identify the record in the written permission, unless the agency determines that inspection of the record by the person named in the permission would result in imminent danger to anyone.

(b) Paragraph (a) does not apply to the confidential exchange of information between an agency and another social welfare agency, a law enforcement agency, a public school, or a private school regarding an individual in the care or legal custody of the agency. A social welfare agency that obtains information under this paragraph shall keep the information confidential as required under this section and s. 938.78. A law enforcement agency that obtains information under this paragraph shall keep the information confidential as required under ss. 48.396(1) and 938.396(1)

(a). A public school that obtains information under this paragraph shall keep the information confidential as required under s. 118.125, and a private school that obtains information under this paragraph shall keep the information confidential in the same manner as is required of a public school under s. 118.125.

(c) Paragraph (a) does not prohibit the department or a county department from using in the media a picture or description of a child in the guardianship of the department or a county department for the purpose of finding adoptive parents for that child.

(d) Paragraph (a) does not prohibit the department of health services or a county department from disclosing information about an individual formerly in the legal custody or under the supervision of that department under s. 48.34(4m), 1993 stats., or formerly under the supervision of that department or county department under s. 48.34(4n), 1993 stats., to the department of corrections, if the individual is at the time of disclosure any of the following:

1. The subject of a presentence investigation under s. 972.15.
2. Under sentence to the Wisconsin state prisons under s. 973.15.
3. Subject to an order under s. 48.366 and placed in a state prison under s. 48.366(8).
4. On probation to the department of corrections under s. 973.09.
5. On parole under s. 302.11 or ch. 304 or on extended supervision under s. 302.113 or 302.114.

(e) Notwithstanding par. (a), an agency shall, upon request, disclose information to authorized representatives of the department of corrections, the department of health services, the department of justice, or a district attorney for use in the prosecution of any proceeding or any evaluation conducted under ch. 980, if the information involves or relates to an individual who is the subject of the proceeding or evaluation. The court in which the proceeding under ch. 980 is pending may issue any protective orders that it determines are appropriate concerning information made available or disclosed under this paragraph. Any representative of the department of corrections, the department of health services, the department of justice, or a district attorney may disclose information obtained under this paragraph for any purpose consistent with any proceeding under ch. 980.

(g) Paragraph (a) does not prohibit an agency from disclosing information about an individual in its care or legal custody on the written request of the department of regulation and licensing or of any interested examining board or affiliated credentialing board in that department for use in any investigation or proceeding relating to any alleged misconduct by any person who is credentialed or who is seeking credentialing under ch.

448, 455 or 457. Unless authorized by an order of the court, the department of regulation and licensing and any examining board or affiliated credentialing board in that department shall keep confidential any information obtained under this paragraph and may not disclose the name of or any other identifying information about the individual who is the subject of the information disclosed, except to the extent that redisclosure of that information is necessary for the conduct of the investigation or proceeding for which that information was obtained.

(h) Paragraph (a) does not prohibit the department, a county department, or a licensed child welfare agency from entering the content of any record kept or information received by the department, county department, or licensed child welfare agency into the statewide automated child welfare information system established under s. 48.47(7g).

48.981 Abused or neglected children and abused unborn children.

(2) PERSONS REQUIRED TO REPORT. (a) Any of the following persons who has reasonable cause to suspect that a child seen by the person in the course of professional duties has been abused or neglected or who has reason to believe that a child seen by the person in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall, except as provided under sub. (2m), report as provided in sub. (3):

1. A physician.
2. A coroner.
3. A medical examiner.
4. A nurse.
5. A dentist.
6. A chiropractor.
7. An optometrist.
8. An acupuncturist.
9. A medical or mental health professional not otherwise specified in this paragraph.
10. A social worker.
11. A marriage and family therapist.
12. A professional counselor.
13. A public assistance worker, including a financial and employment planner, as defined in s. 49.141(1)(d).
14. A school teacher.
15. A school administrator
16. A school counselor.
17. A mediator under s. 767.405.
18. A child-care worker in a day care center, group home, as described in s. 48.625(1m), or residential care center for children and youth.
19. A day care provider.
20. An alcohol or other drug abuse counselor.
21. A member of the treatment staff employed by or working under contract with a county department under s. 46.23, 51.42, or 51.437 or a residential care center for children and youth.
22. A physical therapist.
- 22m. A physical therapist assistant.
23. An occupational therapist.
24. A dietitian.
25. A speech-language pathologist.
26. An audiologist.
27. An emergency medical technician.
28. A first responder.
29. A police or law enforcement officer.

(b) A court-appointed special advocate who has reasonable cause to suspect that a child seen in the course of activities under s. 48.236(3) has been abused or neglected or who has reason to believe that a child seen in the course of those activities has been threatened with abuse and neglect and that abuse or neglect of the child will occur shall, except as provided in sub. (2m), report as provided in sub. (3).

(bm)1. Except as provided in subd. 3. and sub. (2m), a member of the clergy shall report as provided in sub. (3) if the member of the clergy has reasonable cause to suspect that a child seen by the member of the clergy in the course of his or her professional

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duties:

- a. Has been abused, as defined in s. 48.02(1)(b) to (f); or
 - b. Has been threatened with abuse, as defined in s. 48.02(1)(b) to (f), and abuse of the child will likely occur.
2. Except as provided in subd. 3. and sub. (2m), a member of the clergy shall report as provided in sub. (3) if the member of the clergy has reasonable cause, based on observations made or information that he or she receives, to suspect that a member of the clergy has done any of the following:
- a. Abused a child, as defined in s. 48.02(1)(b) to (f).
 - b. Threatened a child with abuse, as defined in s. 48.02(1)(b) to (f), and abuse of the child will likely occur.
3. A member of the clergy is not required to report child abuse information under subd. 1. or 2. that he or she receives solely through confidential communications made to him or her privately or in a confessional setting if he or she is authorized to hear or is accustomed to hearing such communications and, under the disciplines, tenets, or traditions of his or her religion, has a duty or is expected to keep those communications secret. Those disciplines, tenets, or traditions need not be in writing.
- (c) Any person not otherwise specified in par. (a), (b), or (bm), including an attorney, who has reason to suspect that a child has been abused or neglected or who has reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect of the child will occur may report as provided in sub. (3).
- (d) Any person, including an attorney, who has reason to suspect that an unborn child has been abused or who has reason to believe that an unborn child is at substantial risk of abuse may report as provided in sub. (3).
- (e) No person making a report under this subsection may be discharged from employment for so doing.

73.0301 License denial, nonrenewal, discontinuation, suspension and revocation based on tax delinquency.

(2) DUTIES AND POWERS OF LICENSING

DEPARTMENTS. (a) Each licensing department and the supreme court, if the supreme court agrees, shall enter into a memorandum of understanding with the department of revenue under sub. (4)(a) that requires the licensing department or supreme court to do all of the following:

1. Request the department of revenue to certify whether an applicant for a license or license renewal or continuation is liable for delinquent taxes. With respect to an applicant for a license granted by a credentialing board, the department of regulation and licensing shall make a request under this subdivision. This subdivision does not apply to the department of transportation with respect to licenses described in sub. (1)(d)7.
2. Request the department of revenue to certify whether a license holder is liable for delinquent taxes. With respect to a holder of a license granted by a credentialing board, the department of regulation and licensing shall make a request under this subdivision.

(b) Each licensing department and the supreme court, if the supreme court agrees, shall do all of the following:

1. a. If, after a request is made under par. (a)1. or 2., the department of revenue certifies that the license holder or applicant for a license or license renewal or continuation is liable for delinquent taxes, revoke the license or deny the application for the license or license renewal or continuation. The department of transportation may suspend licenses described in sub. (1)(d)7. in lieu of revoking those licenses. A suspension, revocation or denial under this subd. 1. a. is not subject to administrative review or, except as provided in subd. 2. and sub. (5)(am), judicial review. With respect to a license granted by a credentialing board, the department of regulation and licensing shall make a revocation or denial under this subd. 1. a. With respect to a license to practice law, the department of revenue shall not submit a certification under this subd. 1. a. to the supreme court until after the license holder or applicant has exhausted his or her remedies under sub. (5)(a) and (am) or has failed to make use of such remedies.
- b. Mail a notice of suspension, revocation or denial under subd. 1. a. to the license holder or applicant. The notice shall include a

statement of the facts that warrant the suspension, revocation or denial and a statement that the license holder or applicant may, within 30 days after the date on which the notice of denial, suspension or revocation is mailed, file a written request with the department of revenue to have the certification of tax delinquency on which the suspension, revocation or denial is based reviewed at a hearing under sub. (5)(a). With respect to a license granted by a credentialing board, the department of regulation and licensing shall mail a notice under this subd. 1. b. With respect to a license to practice law, the department of revenue shall mail a notice under this subd. 1. b. and the notice shall indicate that the license holder or applicant may request a hearing under sub. (5)(a) and (am) and that the department of revenue shall submit a certificate of delinquency to suspend, revoke, or deny a license to practice law to the supreme court after the license holder or applicant has exhausted his or her remedies under sub. (5)(a) and (am) or has failed to make use of such remedies. A notice sent to a person who holds a license to practice law or who is an applicant for a license to practice law shall also indicate that the department of revenue may not submit a certificate of delinquency to the supreme court if the license holder or applicant pays the delinquent tax in full or enters into an agreement with the department of revenue to satisfy the delinquency.

2. Except as provided in subd. 2m., if notified by the department of revenue that the department of revenue has affirmed a certification of tax delinquency after a hearing under sub. (5)(a), affirm a suspension, revocation or denial under subd. 1. a. A license holder or applicant may seek judicial review under ss. 227.52 to 227.60, except that the review shall be in the circuit court for Dane County, of an affirmation of a revocation or denial under this subdivision. With respect to a license granted by a credentialing board, the department of regulation and licensing shall make an affirmation under this subdivision.

2m. With respect to a license to practice law, if notified by the department of revenue that the department of revenue has affirmed a certification of tax delinquency after any requested review under sub. (5)(a) and (am), decide whether to suspend, revoke, or deny a license to practice law.

3. If a person submits a nondelinquency certificate issued under sub. (5)(b)1., reinstate the license or grant the application for the license or license renewal or continuation, unless there are other grounds for suspending or revoking the license or for denying the application for the license or license renewal or continuation. If reinstatement is required under this subdivision, a person is not required to submit a new application or other material or to take a new test. No separate fee may be charged for reinstatement of a license under this subdivision. With respect to a license granted by a credentialing board, the department of regulation and licensing shall reinstate a license or grant an application under this subdivision.

4. If a person whose license has been suspended or revoked or whose application for a license or license renewal or continuation has been denied under subd. 1. a. submits a nondelinquency certificate issued under sub. (3)(a)2., reinstate the license or grant the person's application for the license or license renewal or continuation, unless there are other grounds for not reinstating the license or for denying the application for the license or license renewal or continuation. With respect to a license granted by a credentialing board, the department of regulation and licensing shall reinstate a license or grant an application under this subdivision.

(c)1. Each licensing department and the supreme court may require a holder of a license to provide the following information upon request:

- a. If the license holder is an individual and has a social security number, the license holder's social security number.
- am. If the applicant is an individual and does not have a social security number, a statement made or subscribed under oath or affirmation that the applicant does not have a social security number. The form of the statement shall be prescribed by the department of children and families. A license issued in reliance

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upon a false statement submitted under this subd. 1. am. is invalid.

b. If the license holder is not an individual, the license holder's federal employer identification number.

2. A licensing department may not disclose any information received under subd. 1. a. or b. to any person except to the department of revenue for the purpose of requesting certifications under par. (b)2. in accordance with the memorandum of understanding under sub. (4) and administering state taxes or to the department of children and families for the purpose of administering s. 49.22.

(5) HEARING. (a) The department of revenue shall conduct a hearing requested by a license holder or applicant for a license or license renewal or continuation under sub. (2)(b)1.b. or by an applicant for certification or recertification or a certificate holder under s. 73.03(50) or 73.09(7m)(b) to review a certification or determination of tax delinquency that is the basis of a denial or revocation of a license in accordance with this section or of a certificate, certification or recertification under s. 73.03(50) or 73.09

(7m). A hearing under this paragraph is limited to questions of mistaken identity of the license or certificate holder or applicant and of prior payment of the delinquent taxes for which the department of revenue certified or determined the license or certificate holder or applicant is liable. At a hearing under this paragraph, any statement filed by the department of revenue, the licensing department or the supreme court, if the supreme court agrees, may be admitted into evidence and is prima facie evidence of the facts that it contains. Notwithstanding ch. 227, a person entitled to a hearing under this paragraph is not entitled to any other notice, hearing or review, except as provided in par. (am) and sub. (2)(b)2.

(am) If a person who holds a license to practice law or who is an applicant for a license to practice law receives a hearing under par. (a) to review a certification or determination of tax delinquency that is the basis for a denial, suspension, or revocation of a license to practice law and such certification or determination is affirmed as a result of the hearing under par. (a), the person may seek judicial review of the certification or determination of tax delinquency under ss. 227.52 to 227.60, except that the review shall be in the circuit court for Dane County.

(b) After a hearing conducted under par. (a) or, in the case of a determination related to a license to practice law, after a hearing under par. (a) or, if the hearing is appealed, after judicial review under par. (am), the department of revenue shall do one of the following:

1. Issue a nondelinquency certificate to a license holder or an applicant for a license or license renewal or continuation if the department determines that the license holder or applicant is not liable for delinquent taxes. For a hearing requested by an applicant for certification or recertification or a certificate holder under s. 73.03(50) or 73.09(7m)(b), the department shall grant a certification or recertification or reinstate a certification if the department determines that the applicant or certificate holder is not liable for delinquent taxes, unless there are other grounds for denying the application or revoking the certification.

2. Provide notice that the department of revenue has affirmed its certification of tax delinquency to a license holder; to an applicant for a license, a license renewal or a license continuation; and to the licensing department or the supreme court, if the supreme court agrees. For a hearing requested by an applicant for certification or recertification or a certificate holder under s. 73.03(50), or 73.09(7m)(b), the department of revenue shall provide notice to the applicant or certificate holder that the department of revenue has affirmed its determination of tax delinquency.

101.123 Smoking prohibited.

(2) REGULATION OF SMOKING.

(bm) Notwithstanding par. (a) and sub. (3), no person may smoke on the premises, indoors or outdoors, of a day care center when children who are receiving day care services are present.

347.48 Safety belts and child safety restraint systems.

(4) CHILD SAFETY RESTRAINT SYSTEMS REQUIRED; STANDARDS; EXEMPTIONS. (ag) In this subsection:

1. "Child booster seat" means a child passenger restraint system that meets the applicable federal standards under 49 CFR 571.213 and is designed to elevate a child from a vehicle seat to allow the vehicle's safety belt to be properly positioned over the child's body.

2. "Designated seating position" has the meaning given in 49 CFR 571.3.

3. "Properly restrained" means any of the following:

a. With respect to par. (as)1. and 2., fastened in a manner prescribed by the manufacturer of the child safety restraint system which permits the system to act as a body restraint but does not include a system in which the only body restraint is a safety belt of the type required under sub. (1).

b. With respect to par. (as)3., wearing a safety belt consisting of a combination lap belt and shoulder harness approved by the department under sub. (2) and fastened in a manner prescribed by the manufacturer of the safety belt so that the safety belt properly fits across the child's lap and the center of the child's chest in a manner appropriate to the child's height, weight, and age that permits the safety belt to act as a body restraint.

c. With respect to par. (as)4., fastened in a manner prescribed by the manufacturer of the system which permits the system to act as a body restraint.

(am) No person may transport a child under the age of 8 in a motor vehicle unless the child is restrained in compliance with par.

(as) in a safety restraint system that is appropriate to the child's age and size and that meets the standards established by the department under this paragraph. The department shall, by rule, establish standards in compliance with applicable federal standards, including standards under 49 CFR 571.213, for child safety restraint systems.

(as) A child under the age of 8 years who is being transported in a motor vehicle shall be restrained as follows:

1. If the child is less than one year old or weighs less than 20 pounds, the child shall be properly restrained in a rear-facing child safety restraint system, positioned at a designated seating position in a back passenger seat of the vehicle if the vehicle is equipped with a back passenger seat.

2. Subject to subd. 1., if the child is at least one year old and weighs at least 20 pounds but is less than 4 years old or weighs less than 40 pounds, the child shall be properly restrained in a forward-facing child safety restraint system, positioned at a designated seating position in a back passenger seat of the vehicle if the vehicle is equipped with a back passenger seat.

3. Subject to subds. 1. and 2., if the child is at least 4 years old but less than 8 years old, weighs at least 40 pounds but not more than 80 pounds, and is not more than 57 inches in height, the child shall be properly restrained in a child booster seat.

4. Subject to subds. 1. to 3., if the child is less than 8 years old, the child shall be properly restrained in a safety belt approved by the department under sub. (2).

(b) The department may, by rule, exempt from the requirements under pars. (am) and (as) any child who because of a physical or medical condition or body size cannot be placed in a child safety restraint system, child booster seat, or safety belt.

(c) This subsection does not apply if the motor vehicle is a motor bus, school bus, taxicab, moped, motorcycle or is not required to be equipped with safety belts under sub. (1) or 49 CFR 571.

(d) Evidence of compliance or failure to comply with pars.

(am) and (as) is admissible in any civil action for personal injuries or property damage resulting from the use or operation of a motor vehicle but failure to comply with pars. (am) and (as) does not by itself constitute negligence.

DEPARTMENT OF CHILDREN AND FAMILIES
APPENDIX D
DHS 12 CAREGIVER BACKGROUND CHECKS

Subchapter I — General Provisions

DHS 12.01 Authority and purpose.

DHS 12.02 Applicability.

DHS 12.03 Definitions.

Subchapter II — Background Checks

DHS 12.04 Contracting for background checks.

DHS 12.05 Sanctions.

DHS 12.06 Determining whether an offense is substantially related to client care.

DHS 12.07 Reporting background changes and nonclient residency.

DHS 12.08 Armed forces background searches.

DHS 12.09 Transmittal of background check information.

DHS 12.10 Maintaining confidentiality of background information disclosure forms.

DHS 12.11 Supervision pending receipt of caregiver background checks.

Subchapter III — Rehabilitation Review

DHS 12.12 Rehabilitation process for persons who have committed certain offenses.

Note: Chapter HFS 12 was repealed and recreated as an emergency rule effective February 13, 2000. Chapter HFS12 as it existed August 31, 2000 was repealed and recreated, Register, August, 2000, effective September 1, 2000. Chapter HFS 12 was renumbered chapter DHS 12 under s. 13.92 (4) (b) 1., Stats., and corrections made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635.

Note: This chapter applies to Department of Health Services and Department of Children and Families programs until such time as each of the departments can adopt separate rules.

Subchapter I — General Provisions

DHS 12.01 Authority and purpose. This chapter is promulgated under the authority of s. 48.685 (1) (ag) 1. a., (2) (d), (4), (5) (a), (6) (b) and (c), Stats.; and s. 50.065 (1) (ag) 1. a., (d), (f), (2) (d), (4), (5), (6) (b) and (c), Stats.; and s. 227.11 (2), Stats., to protect from harm clients served by department-regulated programs, children placed in foster homes licensed by county departments of social or human services or private child-placing agencies or children who are being adopted, and children served in day care programs contracted by local school boards under s. 120.13 (14), Stats., by requiring uniform background information screening of persons regulated and persons who are employees of or under contract to regulated entities or who are nonclient residents of regulated entities.

Note: Administrative rules governing county certified day care centers appear in ch. DCF 202.

DHS 12.02 Applicability. (1) SCOPE. (a) *Persons and agencies affected.* This chapter applies to the department; to applicants for regulatory approval from the department; to persons, agencies and entities that have received regulatory approval from the department; to county department and child-placing agencies that license foster homes and approve applications for adoption home studies; to foster home license applicants and licensees and applicants for an adoption home study; to school boards that establish or contract for daycare programs under s. 120.13 (14), Stats., and to applicants and persons under contract to a school board to operate a day care program under s. 120.13 (14), Stats.

(b) *Entities covered.* The entities subject to this chapter are those regulated under: chs. DHS 34, 40, 61, 63, 82, 83, 88, 89, 110, 111, 112, 124, 127, 131, 132, 133, and 134, and chs. DCF 38, 52, 54, 56, 57, 59, 250, 251, and 252, any other direct client care or treatment program that may be licensed or certified or registered by the department.

Note: This chapter applies to Department of Health Services and Department of Children and Families programs until such time as each of the departments can adopt separate rules.

DHS 12.03 Definitions. In this chapter:

- (1) "Adoption home study" means an evaluation of a prospective adoptive family under ch. DCF 51 or 54.
- (2) "Agency" means the department, a county department or a school board or a child welfare agency licensed under s. 48.60, Stats., as a child-placing agency.
- (3) "Background information disclosure form" means the department's form, F-82064, on which a person provides certain information concerning the person's background.

(4) "Bar" means, as a noun, that a person is not permitted to receive regulatory approval, or be employed as a caregiver by or under contract with an entity, or to reside as a nonclient at an entity.

(5) "Caregiver" has the meaning specified in s. 48.685 (1) (ag) or 50.065 (1) (ag), Stats., whichever is applicable.

(6) "Client" means a person who receives direct care or treatment services from an entity. For the purposes of this chapter, "client" includes an adopted child for whom an adoption assistance payment is being made under s. 48.975, Stats.

(7) "Contractor" has the meaning specified in s. 48.685 (1) (ar) and 50.065 (1) (bm), Stats.

(8) "County department" means a county department of social services established under s. 46.215 or 46.22, Stats., or a county department of human services established under s. 46.21 (2m) or 46.23, Stats.

(9) "Department" means the Wisconsin department of health services.

Note: This chapter applies to Department of Health Services and Department of Children and Families programs until such time as each of the departments can adopt separate rules.

(10) "Direct contact" has the meaning specified in ss. 48.685 (1) (ar) and 50.065 (1) (br), Stats.

(11) "Entity" has the meaning specified in s. 48.685 (1) (b) or 50.065 (1) (c), Stats., whichever is applicable.

(12) "Foster home" means any facility operated by a person required to be licensed under s. 48.62 (1) (a), Stats., in which care and maintenance are provided for no more than 4 foster children, or, if all are siblings, for no more than 6 children, and also includes a treatment foster home that also provides structured professional treatment by trained individuals, and a home licensed for placement of children for adoption under s. 48.833, Stats., for whom adoption assistance will be provided under s. 48.975, Stats.

(13) "Hospital" means a facility approved as a hospital under s. 50.35, Stats.

(14) "Nonclient resident" has the meaning specified in ss. 48.685 (1) (bm) and 50.065 (1) (cn), Stats.

(15) "Personal care worker agency" means a home health agency licensed under s. 50.49, Stats., and ch. DHS 133 and certified as a personal care worker agency under s. DHS 105.17 (1).

(16) "Regular" means, in terms of direct contact with clients, contact that is scheduled, planned, expected, or otherwise periodic.

(17) "Regulatory approval" means:

- (a) For purposes of s. 48.685, Stats., any of the following:
 1. Issuance by the department of a license or certification or the continuation or renewal of a license or certification, or approval of a prospective adoptive parent application for a home study.
 2. Issuance or renewal by a county department or child-placing agency of a foster home or treatment foster home license under s. 48.62 or 48.75, Stats., including a home licensed for placement of children for adoption under s. 48.833, Stats., for whom adoption assistance will be

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provided under s. 48.975, Stats., and includes approval of pre-adoptive applicants who contract for a home study with a licensed private child placing agency for approval of a placement of a child for adoption.

Note: Administrative rules governing county certified day care centers appear in ch. DCF 202.

3. Approval by a school board under s. 120.13 (14), Stats., of day care services established by or contracted with a day care provider.

(b) For purposes of s. 50.065, Stats., issuance by the department of an entity license, certification, certificate of approval or registration, or approval by the department of the continuation of an entity license, certification, certificate of approval or registration.

(18) "Rehabilitation review" refers to an agency or tribal process where a person who is eligible under s. 48.685 (5) (a) or 50.065 (5), Stats., may seek the removal of a bar from regulatory approval, from employment as a caregiver at or contracting with an entity, or from residency at an entity.

(19) "School board" means the school board or board of school directors in charge of the schools of a school district.

(20) "Serious crime" has the meaning specified in s. 48.685 (1) (c) or 50.065 (1) (e), Stats., whichever is applicable.

(21) "Supportive home care service agency" means a home health agency licensed under s. 50.49, Stats., and ch. DHS 133.

(22) (a) "Treatment foster home" means a family-oriented facility operated by a person or persons required to be licensed under s. 48.62 (1) (b), Stats., in which treatment, care and maintenance are provided for no more than 4 foster children.

(b) "Treatment foster home" includes a placement for adoption under s. 48.833, Stats., of a child for whom adoption assistance will be provided under s. 48.975, Stats., after adoption is finalized.

(c) "Treatment foster home" does not include a shift-staffed facility, except as permitted under s. DCF 38.02 (2) (d).

(23) "Tribal governing body" means an elected tribal governing body of a federally recognized American Indian tribe.

(24) "Tribe" has the meaning specified in ss. 48.685 (1) (e) and 50.065 (1) (g), Stats.

(25) "Under the entity's control" means an entity does all of the following:

(a) Determines whether a person employed by or under contract with the entity who has direct, regular contact with clients served by the entity may provide care, treatment, or other similar support service functions to clients.

(b) Directs or oversees one or more of the following:

1. The policies or procedures the person must follow in performing his or her duties.
2. The conditions under which the person performs his or her duties.
3. The tasks the person performs.
4. The person's work schedule.
5. The supervision or evaluation of the person's work or job performance, including imposing discipline or awarding performance awards.
6. The compensation the person receives for performing his or her duties.

Subchapter II — Background Checks

DHS 12.04 Contracting for background checks.

(1) An entity may enter into and shall retain an agreement or contract with any entity identified under s. 48.685 (1) (b) or 50.065 (1) (c), Stats., or with any college, or university, including any vocational or technical college or school, or

temporary employment agency or other person, to have the entity, school, temporary employment agency, or other person obtain and retain required background information related to caregivers, including contractors, students, or temporary employees, who, as part of their curriculum, must participate in clinical or practicum experiences at an entity.

(2) An entity that enters into an agreement or contract under sub. (1) shall obtain, at a minimum, from the other entity, university, college or technical school, temporary employment agency, or other person contracted with, and shall retain so that it may be promptly retrieved for inspection by the agency, a letter indicating the name or names and social security numbers, if available, of the caregivers, including temporary employees, contractors, or students, listing any convictions learned of during the course of the required background checks, along with any substantiated findings of misconduct, licensure denial or restriction or any other credential limitation found by either the department or the department of regulation and licensing.

Note: To obtain a master copy of the F-82064 Background Information Disclosure Form, in order to reproduce it, either download the form from the Department's internet web site at www.dhs.wisconsin.gov/caregiver/index.htm, or you may request a copy of the form from the agency that regulates your entity.

Note: The only persons who may access information maintained by a county department regarding a substantiated report of child abuse or neglect against a person are those identified in s. 49.981 (7), Stats.

DHS 12.05 Sanctions. (1) SANCTIONABLE ENTITY ACTIONS. An entity that commits any of the following acts may be subject to any of the sanctions specified in sub. (2):

(a) Hires, employs, or contracts with a caregiver, or permits to reside at an entity a nonclient resident, where the entity knows or should have known the caregiver or nonclient resident is barred under s. 48.685 (4m) (b) or 50.065 (4m) (b), Stats.

(b) Violates any provision of initial background information gathering or periodic background information gathering required by s. 48.685 or 50.065, Stats.

(2) ENTITY SANCTIONS. Any of the following sanctions may be imposed on any entity that commits any of the acts described in sub. (1):

(a) A forfeiture not to exceed \$1,000.

(b) A requirement that the entity submit to the agency a written corrective action plan specifying corrections that will be made to the identified personnel screening practices needing correction and that the entity implement the plan.

(c) At entity expense, attendance at agency-designated personnel screening training or other appropriate training.

(d) Specific conditions or limitations placed on the license, certification or registration or on a school board-issued contract, including denial, revocation, nonrenewal or suspension of regulatory approval issued by the department, or denial, nonrenewal or termination by a school board of a contract with a day care provider under s. 120.13 (14), Stats.

(e) For a person licensed to operate a child welfare agency, shelter care facility, group foster home or day care facility, any sanction or penalty described in s. 48.715, Stats.

(f) A requirement that the entity use, at entity expense, a temporary employment agency for screening and hiring personnel.

(3) SANCTIONABLE INDIVIDUAL ACTIONS. Any person who is required to complete a background information disclosure form and who commits any of the following actions may be subject to any of the sanctions specified in sub. (4):

(a) Fails to complete and submit the background information disclosure form to the appropriate agency or entity.

(b) Knowingly gives false information on or knowingly

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omits information from the background information disclosure form submitted to an agency or entity.

(c) After submitting a background information disclosure form to an agency or entity, subsequently fails to report any information about a conviction for a crime or other act or offense requested on the background information disclosure form, about a substantiated finding of abuse or neglect or a client or of misappropriation of a client's property, or, in the case of a position for which the person must be credentialed by the department of regulation and licensing, about a licensure denial, restriction, or other license limitation by either the department or the department of regulation and licensing.

(4) INDIVIDUAL SANCTIONS. All of the following sanctions may be imposed by an agency on any person who commits any of the acts described in sub. (3):

- (a) A forfeiture not to exceed \$1,000.
- (b) Denial or revocation of regulatory approval or the termination of a contract.
- (c) Denial or termination of eligibility to reside at the entity.
- (d) Special conditions or limitations placed upon the person, including restriction to an off-premises location during business hours or otherwise restricting the person's contact with clients.

DHS 12.06 Determining whether an offense is substantially related to client care. To determine whether a crime, delinquency adjudication under s. 48.685 (5m) or 50.065 (5m), Stats., or conduct relating to a governmental finding of abuse or neglect of another or of misappropriation of another's property is substantially related to the care of a client, the agency or entity may consider all of the following:

- (1)** In relation to the job, any of the following:
 - (a) The nature and scope of the job's client contact.
 - (b) The nature and scope of the job's discretionary authority and degree of independence in judgment relating to decisions or actions that affect the care of clients.
 - (c) The opportunity the job presents for committing similar offenses.
 - (d) The extent to which acceptable job performance requires the trust and confidence of clients or a client's parent or guardian.
 - (e) The amount and type of supervision received in the job.
- (2)** In relation to the offense, any of the following:
 - (a) Whether intent is an element of the offense.
 - (b) Whether the elements or circumstances of the offense are substantially related to the job duties.
 - (c) Any pattern of offenses.
 - (d) The extent to which the offense relates to vulnerable clients.
 - (e) Whether the offense involves violence or a threat of harm.
 - (f) Whether the offense is of a sexual nature.
- (3)** In relation to the person, any of the following:
 - (a) The number and type of offenses the person committed or for which the person has been convicted.
 - (b) The length of time between convictions or offenses, and the employment decision.
 - (c) The person's employment history, including references, if available.
 - (d) The person's participation in or completion of pertinent programs of a rehabilitative nature.
 - (e) The person's probation or parole status.
 - (f) The person's ability to perform or to continue to perform the job consistent with the safe and efficient operation of the program and the confidence of the clients served including, as applicable, their parents or guardians.

(g) The age of the person on the date of conviction or dates of conviction.

Note: A person refused employment or who has had his or her employment terminated and believes he or she may have been discriminated against, may file a complaint under s. 111.335, Stats., with the Equal Rights Division, Department of Workforce Development, P.O. Box 8928, Madison, WI 53708-8928 or telephone 608-266-6860.

DHS 12.07 Reporting background changes and nonclient residency. (1) An entity shall include in its personnel or operating policies a provision that requires caregivers to notify the entity as soon as possible, but no later than the person's next working day, when any of the following occurs.

- (a) The person has been convicted of any crime.
- (b) The person has been or is being investigated by any governmental agency for any other act, offense, or omission, including an investigation related to the abuse or neglect, or threat of abuse or neglect, to a child or other client, or an investigation related to misappropriation of a client's property.
- (c) The person has a governmental finding substantiated against them of abuse or neglect of a client or of misappropriation of a client's property.
- (d) In the case of a position for which the person must be credentialed by the department of regulation and licensing, the person has been denied a license, or the person's license has been restricted or otherwise limited.

(2) When any of the following occurs relative to a signatory or other legal party to the entity application for regulatory approval or under which a contract under s. 120.13 (14), Stats., is signed, or relative to a nonclient resident at the entity, an entity shall, as soon as possible, but no later than the regulatory agency's next business day, report the information to the agency that gave regulatory approval, or the school board with which the day care entity contracts under s. 120.13 (14), Stats.

- (a) The person has been convicted of any crime.
- (b) The person has been or is being investigated by any governmental agency for any other act, offense, or omission, including an investigation related to the abuse or neglect, or threat of abuse or neglect, to a child or other client, or an investigation related to misappropriation of a client's property.
- (c) The person has a governmental finding substantiated against them of abuse or neglect of a client or of misappropriation of a client's property.
- (d) In the case of a position for which the person must be credentialed by the department of regulation and licensing, the person has been denied a license, or the person's license has been restricted or otherwise limited.

(3) When a person begins residing at or is expected to reside at an entity, or the signatory for licensure changes, the entity shall, as soon as possible, but no later than the regulatory agency's next business day, report the residency, expected residency, or signatory change to the agency that gave regulatory approval or to the school board that the day care entity contracts with under s. 120.13 (14), Stats., and submit to the regulatory agency a completed background information disclosure form for the new nonclient resident or new signatory.

DHS 12.08 Armed forces background searches. If a person who is the subject of a background search under s. 48.685 or 50.065, Stats., served in a branch of the U.S. armed forces, including any reserve component, the agency or entity shall make a good faith effort to obtain the discharge status of that person, either from the discharge papers issued to the person or from the armed forces branch

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in which the person served. If the discharge status is other than honorable, the agency or entity shall obtain information on the nature and circumstances of the discharge.

DHS 12.09 Transmittal of background check information. (1)

When an entity sends a required background information disclosure form to the department under s. 48.685 (3) (a), Stats., the entity shall include in the transmittal all the following:

- (a) Any reason for denial or revocation of a license or denial of an adoption application.
- (b) The date of the license denial or revocation or adoption application denial.

(2) A child-placing agency or county department shall provide the department with written information about each person to whom the child-placing agency or county department denies a license or adoption home study approval for a reason specified in s. 48.685 (4m) (a), Stats., including all the following:

- (a) The reason for denial or revocation of a license or denial of adoption application.
- (b) The date of the license denial or revocation or adoption application denial.

Note: Send the information required in subs. (1) and (2) to the Bureau of Regulation and Licensing, Division of Children and Family Services, P. O. Box 8916, 1 West Wilson Street, Madison, WI 53708-8916.

(3) In addition to the persons specified in s. 48.685 (6) (b) 2., Stats., an entity shall send a completed background information disclosure form to the county department for a person who is licensed or an adoptive parent applicant studied by a county department.

(4) In addition to the persons specified in s. 48.685 (6) (b) 3., Stats., an entity shall send a completed background information disclosure form to the child-placing agency for a person who is in a home studied for adoptive parent applicant approval.

DHS 12.10 Maintaining confidentiality of background information disclosure forms. Agencies and entities shall retain all required completed department background information forms in a manner that ensures prompt retrieval of the forms for inspection and shall comply with applicable federal and state confidentiality laws.

DHS 12.11 Supervision pending receipt of caregiver background checks. Entity supervision required under ss. 48.685 (4m) (c) and 50.065 (4m) (c), Stats., shall include at a minimum periodic direct observation of the person.

Subchapter III — Rehabilitation Review**DHS 12.12 Rehabilitation process for persons who have committed certain offenses. (1) GENERAL PROVISIONS.**

(a) An agency shall conduct rehabilitation reviews as described in this section for persons who are eligible to receive rehabilitation review under this section for any of the following:

1. Entities the agency regulates.
2. Persons an entity employs.
3. Persons an entity contracts with.
4. Nonclient residents of an entity.

(b) 1. A tribal governing body may conduct rehabilitation reviews under ss. 48.685 (5) and 50.065 (5), Stats., if a plan submitted under s. 48.685 (5d) or 50.065 (5d), Stats., has been approved by the department.

2. Tribes desiring to conduct rehabilitation reviews shall send a rehabilitation review plan required under ss. 48.685 (5d) and 50.065 (5d), Stats., to the department.

Note: Send rehabilitation review plans to the Office of Legal Counsel, Department of Health Services, P.O. Box 7850, 1 West Wilson St., Rm 651, Madison, WI 53707-7850.

(2) **ELIGIBILITY TO REQUEST REHABILITATION REVIEW.** (a) Any person who is ineligible under s. 50.065 (4m) (a) or (b), or 48.685 (4m) (a) or (b), Stats., to receive regulatory approval, to be employed as a caregiver, or to contract with or reside at an entity, may request a rehabilitation review if the person meets both of the following conditions:

1. The person has not requested a rehabilitation review for a similar type of regulatory approval, job function or nonclient resident status within the preceding year. In this subdivision, “similar” means comparable regulatory approval, or a comparable job function or activity.

Note: Examples of “similarity” and “comparability” are positions that require a comparable level of direct contact with children; a comparable level of unsupervised client access; a previous review involved family day care and the applicant is seeking licensing for group day care; or the applicant sought a group home license and now is seeking a child-caring institution license.

2. If the person is a foster home license applicant under s. 48.62, Stats., or an applicant for an adoption home study, the person has not been convicted of a serious crime under s. 48.685 (5) (bm) 1., 2. or 3., Stats., another crime listed in section III of the appendix that results in a permanent bar, or a similar serious crime in another jurisdiction or, if the person was convicted of a crime under s. 48.685 (5) (bm) 4., Stats., the crime was committed more than 5 years before the background check was requested.

(b) If a person is eligible to request a rehabilitation review, the agency or tribe from which the person is seeking regulatory approval, or the entity with whom the person is seeking employment as a caregiver or a contract, or where the person wishes to reside shall give the person information on rehabilitation review eligibility criteria and on how to obtain the rehabilitation review request form.

Note: To obtain a master copy of the Department’s Rehabilitation Review Request Form (EXS-263) in order to reproduce it, either download the form from the Department’s internet site at www.dhs.wisconsin.gov/caregiver/index.htm, or request a copy of the form from, as appropriate, the agency that regulates the entity or from the entity.

(3) **INITIATING A REHABILITATION REVIEW REQUEST.** To request a rehabilitation review, an eligible person shall do all of the following:

(a) Obtain a rehabilitation review request form developed by the department or applicable tribe and submit the completed form to the agency that regulates the entity, or to the applicable tribe, or for day care programs established under s. 120.13 (14), Stats., to the school board.

(b) Submit any supporting documents and information required by the applicable rehabilitation review request form to the same agency, tribe, or school board.

(4) **PROCESSING REHABILITATION REVIEW REQUESTS.** (a) *Rehabilitation review panel.* When an eligible person has filed a complete rehabilitation review request form along with all required additional and supporting information, the applicable agency, tribe, or school board shall appoint a review panel of at least 2 persons to review the information submitted. The panel may request additional information from the person or from other agencies or persons familiar with the person requesting the review.

(b) *Time frame.* If the application form and any requested supporting materials are not complete within 90 days of the date the application is submitted, and the person requesting the review does not have good cause for the failure to submit a complete application form or supporting materials, the rehabilitation approval shall be denied.

(c) *Requester appearance.* The person requesting the rehabilitation review shall have an opportunity to appear before the review panel to answer any questions the panel members may have.

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(d) *Rehabilitation decision formulation and factors.* After reviewing the information obtained, the review panel shall decide whether the person has demonstrated, by clear and convincing evidence, that the person is rehabilitated for purposes of receiving regulatory approval, employment as a caregiver, or contracting with or residing at an entity. The panel shall consider at least the following factors, as applicable:

1. Personal reference checks and comments from employers, persons, and agencies familiar with the applicant and statements from therapists, counselors and other professionals.
2. Evidence of successful adjustment to, compliance with or proof of successful completion of parole, probation, incarceration or work release privileges.
3. Proof that the person has not had subsequent contacts with law enforcement agencies leading to probable cause to arrest or evidence of noncompliance leading to investigations by other regulatory enforcement agencies.
4. Any pending or existing criminal or civil arrest warrants, civil judgments or other legal enforcement actions or injunctions against the person.
5. Any aggravating or mitigating circumstances surrounding the crime, act or offense.
6. Evidence of rehabilitation, such as public or community service, volunteer work, recognition by other public or private authorities for accomplishments or efforts or attempts at restitution, and demonstrated ability to develop positive social interaction and increased independence or autonomy of daily living.
7. The amount of time between the crime, act or offense and the request for rehabilitation review, and the age of the person at the time of the offense.
8. Whether the person is on the sexual offender registry under s. 301.45, Stats., or on a similar registry in another jurisdiction.
9. A victim's impact statement, if appropriate.
10. Employment history, including evidence of acceptable performance or competency in a position and dedication to the person's profession.
11. The nature and scope of the person's contact with clients in the position requested.
12. The degree to which the person would be directly supervised or working independently in the position requested.
13. The opportunity presented for someone in the position to commit similar offenses.
14. The number, type and pattern of offenses committed by the person.
15. Successful participation in or completion of recommended rehabilitation, treatment or programs.
16. Unmet treatment needs.
17. The applicant's veracity.

(5) REHABILITATION DECISIONS. (a) *Review panel decision.* The review panel shall decide whether to approve, defer, or deny rehabilitation approval, and shall issue a written decision to that effect, as follows:

1. If the review panel finds sufficient evidence to support rehabilitation approval, the decision shall indicate, as applicable, whether the person is eligible for regulatory approval, employment as a caregiver, or contracting with or residency at an entity. The decision shall describe the scope of the rehabilitation approval and state any conditions or limitations placed on the approval, such as whether the approval is only for employment doing certain job functions or the eligibility for regulatory approval is only to operate certain entity types.

2. If the review panel decides to defer a rehabilitation decision, the panel decision shall state the reasons for the deferral. Unless otherwise agreed to by the requester, the panel may defer a final decision for a period of not more than 6 months from the initial decision date.

3. If the review panel decides to deny approval of the rehabilitation request, the decision shall explain the reasons for the denial and inform the requester that he or she may appeal the decision as described in s. 48.685 (5c) or 50.065 (5c), Stats., as applicable, by filing a written request for review of the decision within 10 days of receipt.

Note: Pursuant to s. 48.685 (5c), Stats., or 50.065 (5c), Stats., submit an appeal to the following, as appropriate: 1. To appeal a Department denial of a rehabilitation approval, send the appeal request to the Department of Health Services, Office of Legal Counsel, P.O. Box 7850, Madison, WI 53707-7850. 2. To appeal a school board denial of a rehabilitation approval, send the appeal request to the Superintendent of the Department of Public Instruction, 125 South Webster St., Madison, WI 53703; or call 608-266-3390. 3. To appeal a county denial of a rehabilitation approval, send the appeal request to the appropriate county. When any of the preceding rehabilitation appeals are denied, a further appeal is available under ch. 227, Stats. Send a request for a ch. 227, Stats., hearing to appeal any of the preceding Department, Department of Public Instruction or county denials of rehabilitation appeals to the Division of Hearings and Appeals, P. O. Box 7875, Madison, WI 53707-7875. The request may be delivered in person to that office at 5005 University Avenue, Suite 201, Madison, Wisconsin.

Note: Any person who is listed in the Department's caregiver misconduct registry under ch. DHS 13 as having a substantiated finding of abuse or neglect of a client or misappropriation of a client's property as the result of an action the person took while working as a nurse aide in a federally certified nursing home or intermediate care facility for persons with mental retardation (ICF/MR) is permanently prohibited from being employed, in any capacity, in a federally-certified nursing home or a federally-certified ICF/MR. If such a person obtains a rehabilitation approval, the person is eligible to be considered for regulatory approval, for employment as a caregiver, or for non-client residency at or contracting with other entities covered by ss. 50.065 and 48.685, Stats. See 42 CFR 483.13 and 483.420 for federal regulations relating to nurse aides.

(b) *Burden of proof.* A person who appeals under par. (a) 3. shall bear the burden of proving, by a preponderance of the evidence, that the agency or tribe abused its discretion in deciding that the person did not show sufficient evidence to support rehabilitation approval.

(c) *Review panel decision distribution.* The review panel shall send its decision to the requester and a copy, if appropriate, to the entity. If the agency conducting the rehabilitation review is other than the department or a tribe, the review panel shall also, within 10 days of sending its decision, send a completed copy of the department's required reporting form regarding any rehabilitation decision to the department. If the entity conducting the rehabilitation review is a tribe, the review panel shall also send a copy of the decision to the same address accompanied by a copy of the requester's application materials.

Note: Rehabilitation decisions should be addressed to the Office of Legal Counsel, Department of Health Services, P. O. Box 7850, 1 W. Wilson St., Room 651, Madison, WI 53707-7850.

(d) *Maintaining rehabilitation decision documentation.* The review panel shall maintain a file containing a copy of the original written decision and any decisions from filed appeals that may result. The agency or tribe shall maintain in the file the rehabilitation review request and all materials or information obtained or notes made as part of the rehabilitation review decision.

(6) REHABILITATION APPROVAL COMPLIANCE AND WITHDRAWALS.

(a) *Approval conditions.* A person who receives rehabilitation approval shall comply with all conditions and limitations imposed with that approval.

(b) *Rehabilitation approval violation--mandatory withdrawal.* An agency or tribe that has granted a person a rehabilitation approval shall withdraw the approval if the agency or tribe learns that the person is no longer eligible under s. 50.065 (4m) (a) or (b), or 48.685 (4m) (a) or (b),

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Stats., for regulatory approval, to be employed as a caregiver, or to contract with or reside at an entity.

(c) *Rehabilitation approval violation—summary suspension.*

An agency or tribe that granted a person a rehabilitation approval may immediately temporarily rescind the rehabilitation approval when the agency or tribe has knowledge that the person has done either of the following:

1. The person has failed to comply with or abide by any conditions or limitations imposed with the rehabilitation approval.
2. The person knowingly submitted false information or withheld pertinent information relevant to the rehabilitation request that otherwise could or would have affected the review panel's decision to grant the rehabilitation approval.

(d) *Informing agencies or tribes.* An agency, entity or tribe other than the agency or tribe that granted a rehabilitation approval, that becomes aware that any person has violated his or her rehabilitation approval under par. (b) or (c), shall inform the agency or tribe that granted the approval, of the violation.

(e) *Review of summary suspensions.* 1. Within 10 working days of temporarily rescinding a rehabilitation approval under par.

(c), the approving agency or tribe shall determine whether the new information related to an approval violation under par. (c) is valid and represents a risk of harm to the client. If the new information is valid and does represent a risk of harm to the client, the approving agency or tribe shall withdraw the rehabilitation approval, thereby re-imposing, as applicable, the person's bar from regulatory approval, from employment as a caregiver or from contracting with or residing at an entity.

2. An agency, entity, or tribe, as applicable, that determines the new information related to an approval violation under par. (c) represents a risk of harm to a client shall also immediately take appropriate measures to protect clients until any appeal filed under par. (g) is exhausted.

Appropriate measures may include a repeal of regulatory approval, termination of employment as a caregiver or of approval to reside at an entity, contract termination, reassigning the person away from duties involving direct regular contact with clients or placing the person on temporary leave.

(f) *Withdrawal decisions.* When an agency or tribe withdraws a rehabilitation approval, it shall issue a written decision to that effect. The decision shall explain the reasons for the withdrawal and inform the requester whether he or she may appeal under par. (g).

(g) *Appeal rights.* Any person who has his or her rehabilitation approval withdrawn under par. (c) may file an appeal of this decision as provided in sub. (5) (a).

(h) *Withdrawal reporting.* When an agency or tribe that granted a rehabilitation approval withdraws the approval, and the withdrawal results in a bar to regulatory approval, to eligibility to work as a caregiver, or to contracting with or residing at an entity, the approving agency or tribe shall immediately report the withdrawal to the subunit of the department responsible for collecting this information.

Note: Send reports of withdrawn rehabilitation approval to: Office of Legal Counsel, Department of Health Services, P. O. Box 7850, 1 West Wilson Street, Room 651, Madison, WI 53707-7850.

(7) SCOPE OF AGENCY OR TRIBE REHABILITATION APPROVAL. (a) *Agency approval limitations.* An agency

may grant rehabilitation approval only within the scope of its regulatory authority. The approval applies to all types of entities, job activities and functions the agency regulates, unless the agency specifies otherwise in the form of limitations or conditions expressed in the written

rehabilitation approval decision.

(b) *Tribe approval limitations.* A tribe may only grant rehabilitation approvals within the scope of its own employment, contracting, or licensing authority.

(c) *Rehabilitation approval transfers.* 1. When an agency, tribe, or entity learns from the department's background information disclosure form or in any other way that an applicant for regulatory approval, for employment as a caregiver, or for a contract with or permission to reside at an entity has had a rehabilitation review, the agency, tribe, or entity shall request from the rehabilitation review agency or tribe a copy of the rehabilitation review decision. If the rehabilitation review decision was an approval, the agency, tribe or entity shall determine whether the approval may be applied to the regulatory approval, employment as a caregiver, or contract with or residency at an entity that the applicant currently seeks.

2. Except as specified in subd. 3., an agency, entity, or tribe may review and accept a rehabilitation granted to a person by another agency or tribe if the receiving agency or tribe determines both of the following:

a. The crime, act, or offense that required the person to request rehabilitation review is not substantially related to the person's job duties.

b. Any limitations or conditions imposed with the rehabilitation approval continue to be able to be met.

3. No rehabilitation approval granted by a tribe may be transferred outside of the tribe's employment or contracting authority.

4. Before transferring a rehabilitation approval under subd. 1., an agency, tribe, or entity shall verify with the department that the applicant has had a rehabilitation review, and if so, the date and status of that review and whether any reason other than the one the applicant reported on the background information disclosure form exists that requires the applicant to request a rehabilitation review.

5. If the decision of the agency or tribe that conducted the rehabilitation review is to deny approval of transferring the rehabilitation approval, the agency, entity, or tribe shall determine whether the applicant for regulatory approval, for employment as a caregiver, or for contracting with or residency at an entity is eligible to seek another rehabilitation review under sub. (2), and if so, shall inform the person of his or her eligibility.

Note: Examples of circumstances in which approvals may or may not be transferable include the following:

1. An approval to be a foster parent by one county or child-placing agency is not, unless approved by the other county or child-placing agency, transferable to the other county or child-placing agency.

2. An approval by the department for a person to work as a shipping clerk in a hospital or nursing home would be transferable to another entity or job function or activity regulated under ch. 50, Stats., as long as limitations or conditions, if any, imposed with the rehabilitation approval are able to be met.

3. A rehabilitation approval for employment at a children's day care or a child caring institution is not transferable to a hospital or nursing home or vice versa.

4. A rehabilitation approval is not transferable from a group day care center to a family day care center if the department's rehabilitation approval imposed limits or conditions.

5. A rehabilitation approval is transferable from one department-regulated child care residential setting to another as long as any limitations or conditions can be met.

DEPARTMENT OF CHILDREN AND FAMILIES
APPENDIX D
Chapter DHS 12
APPENDIX A
OFFENSES AFFECTING CAREGIVER ELIGIBILITY
SEPTEMBER, 2000
INTRODUCTION

This document lists Wisconsin crimes and other offenses that the Wisconsin State Legislature, under the Caregiver Law, ss. 48.685 and 50.065, Stats., has determined either require rehabilitation review approval before a person may receive regulatory approval, may work as a caregiver, may reside as a nonclient resident at or contract with an entity, or that act to permanently bar a person from receiving regulatory approval to be a foster parent.

Note: This table reflects changes in the caregiver law made by 1999 Wisconsin Act 9.

If a person has been convicted of a crime in another state or jurisdiction, the entity or regulatory agency must locate on the table below the Wisconsin crime that is identical or most similar to the crime for which the person was convicted and apply the consequence identified. This instruction also applies if the person was convicted in Wisconsin, but the statute number or crime title has been changed or amended. For example, convictions under Chapter 961, the Uniform Controlled Substances Act, were previously convictions under Chapter 161.

Notwithstanding s. 111.335, Stats., ss. 48.685 (5m) and 50.065 (5m), Stats., permit a regulatory agency to deny regulatory approval or an entity to refuse to employ, contract with or permit to reside at the entity a person whom the regulatory agency or entity determines has been convicted of a crime that is “substantially related” to the care of a client. The agency or entity may review a conviction to make that determination when: (a) The person has been convicted in Wisconsin or another state or jurisdiction of any crime that is not listed in this appendix; or (b) The person has been convicted of a crime that is listed in part III. of this appendix for foster care purposes only.

Under the Caregiver Law, current limitations on a person’s professional credentials may limit the person’s eligibility for employment or licensure in a position for which the person must be credentialed by the department of regulation and licensing.

If a Background Information Disclosure form, a caregiver background check, or any other information shows that a person was convicted of any of the offenses immediately below within 5 years before the information was obtained, the department, county department, child welfare agency, school board, or entity, as applicable, shall make every reasonable effort to contact the clerk of courts to obtain a copy of the criminal complaint and judgment of conviction relating to that conviction.

- 940.19 (1) Misdemeanor battery
- 940.195 Battery to an unborn child
- 940.20 Battery, special circumstances
- 941.30 Reckless endangerment
- 942.08 Invasion of privacy
- 947.01 Disorderly conduct
- 947.013 Harassment

APPENDIX D**I. Entities and Programs Serving Only Persons 18 Years of Age or Older****CONVICTIONS**

Regulatory approval, employment as a caregiver, and nonclient residency at or contracting with an entity are prohibited until rehabilitation approval is received, for all programs and entities that serve only clients 18 years of age or older.

Wis. Stats.	Crime
940.01	First degree intentional homicide
940.02	1st degree reckless homicide
940.03	Felony murder
940.05	2nd degree intentional homicide
940.12	Assisting suicide
940.19 (2) through (6)	Battery (felony)
940.22 (2) or (3)	Sexual exploitation by therapist; duty to report
940.225 (1), (2), or (3)	1st, 2nd, or 3rd degree sexual assault
940.285	Abuse of vulnerable adults (misdemeanor or felony)
940.29	Abuse of residents of a penal facility
940.295	Abuse or neglect of patients and residents (misdemeanor or felony)
948.02 (1)	1st degree sexual assault of a child
948.025	Repeated acts of sexual assault of a child
948.03 (2) (a)	Physical abuse of a child – intentional – cause great bodily harm

OTHER OFFENSES

---	Finding by a governmental agency of neglect or abuse of a client, or of misappropriation of a client's property
---	Finding by a governmental agency of child abuse or neglect

II. Entities and Programs Serving Any Clients Under the Age of 18**CONVICTIONS**

Regulatory approval, employment as a caregiver, and nonclient residency at and contracting with an entity are prohibited until rehabilitation approval is received, for all entities and programs that serve any clients who are under the age of 18. (For additional federal foster care bars, see part III. below.)

Wis. Stats.	Crime
940.01	First degree intentional homicide
940.02	1st degree reckless homicide
940.03	Felony murder
940.05	2nd degree intentional homicide
940.12	Assisting suicide
940.19 (2) through (6)	Battery (felony)
940.22 (2) or (3)	Sexual exploitation by therapist; duty to report
940.225 (1), (2), or (3)	1st, 2nd, or 3rd degree sexual assault
940.285	Abuse of vulnerable adults (misdemeanor or felony)
940.29	Abuse of residents of a penal facility
940.295	Abuse or neglect of patients & residents (misdemeanor or felony)
948.02 (1) or (2)	1st or 2nd degree sexual assault of a child
948.025	Repeated acts of sexual assault of same child
948.03 (2) (a), (b), or (c)	Physical abuse of a child – intentional causation of bodily harm
948.05	Sexual exploitation of a child
948.055	Causing a child to view or listen to sexual activity
948.06	Incest with a child
948.07	Child enticement
948.08	Soliciting a child for prostitution
948.11 (2)(a) or (am)	Exposing child to harmful material or harmful descriptions or narrations (felony)
948.12	Possession of child pornography
948.13	Child sex offender working with children
948.21 (1)	Neglect of a child – resulting in death (felony)
948.30	Abduction of another's child; constructive custody

OTHER OFFENSES

---	Finding by a governmental agency of neglect or abuse of a client, or of misappropriation of a client's property
---	Finding by a governmental agency of child abuse or neglect

APPENDIX D

III. Foster Care

CONVICTIONS

By federal or state law, for **Foster Homes and Treatment Foster Homes**, regulatory approval, employment as a caregiver, and nonclient residency at and contracting with an entity are barred as follows:

Permanent bar =Conviction acts as permanent bar.

Spouse =Permanent bar applies when spouse was the victim in the offense.

5 years =Bar is for 5 years from time crime committed.

Spouse / 5 years / R = ..If spouse was the victim, bar is permanent. In other cases, bar is for 5 years from time crime committed; then must show rehabilitation.

Spouse / 5 years =If spouse was the victim, bar is permanent. In other cases, bar is for 5 years from time crime committed.

Bar w/ rehab =Regulatory approval, employment as a caregiver, and nonclient residency at and contracting with an entity are barred until rehabilitation approval is received.

Wis. Stats.	Crime	Federal law / Foster Care Bar
940.01	First 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
940.12	Assisting suicide	Bar w/ rehab
940.19 (2) through (6)	Battery (felony)	Spouse / 5 years / R
940.20	Battery – special circumstances	5 years
940.20 (1) or (1m)	Battery – special circumstances	Spouse
940.203	Battery or threat to judge	5 years
940.205	Battery or threat to a Department of Revenue employee	5 years
940.207	Battery or threat to a Department of Commerce or DWD employee	5 years
940.21	Mayhem	Permanent bar
940.22 (2) or (3)	Sexual exploitation by therapist; duty to report	Bar w/ rehab
940.225 (1), (2), or (3)	1st, 2nd, or 3rd degree sexual assault	Permanent bar
940.23	Reckless injury	Permanent bar
940.285	Abuse of vulnerable adults (misdemeanor or felony)	Bar w/ rehab
940.29	Abuse of residents of a penal facility	Bar w/ rehab
940.295	Abuse or neglect of patients or residents (misdemeanor or felony)	Bar w/ rehab
940.305	Taking hostages	Permanent bar
940.31	Kidnapping	Permanent bar
941.20 (2) or (3)	Endangers safety by use of a dangerous weapon	Permanent bar
941.21	Disarming a peace officer	Permanent bar
943.10(2)	Burglary while armed	Permanent bar
943.23 (1g), (1m) or (1r)	Operating motor vehicle without owner's consent (OMVWOC)	Permanent bar
943.32 (2)	Robbery with dangerous weapon	Permanent bar
948.02 (1), (2), (3), or (3m)	1st or 2nd degree sexual assault of a child; failure to act; penalty enhancement	Permanent bar
948.025	Repeated acts of sexual assault of a child	Permanent bar
948.03 (2), (3), or (4)	Physical abuse of a child	Permanent bar
948.04	Causing mental harm to a child	Permanent bar
948.05	Sexual exploitation of a child	Permanent bar
948.055	Causing a child to view or listen to sexual activity	Permanent bar
948.06	Incest with a child	Permanent bar
948.07	Child enticement	Permanent bar
948.08	Soliciting a child for prostitution	Permanent bar
948.095	Sexual assault of student by school staff	Permanent bar
948.11 (2) (a) or (am)	Exposing child to harmful material or harmful descriptions or narrations (felony)	Permanent bar
948.12	Possession of child pornography	Permanent bar
948.13	Child sex offender working with children	Permanent bar
948.20	Abandonment of a child	Permanent bar
948.21 (1)	Neglect of a child – resulting in death (felony)	Permanent bar
948.22	Failure to support (felony)	Permanent bar
948.23	Concealing death of a child	Permanent bar
948.24	Unauthorized placement for adoption	Permanent bar

APPENDIX D

III. Foster Care – Continued

Wis. Stats.	Crime	Federal law / Foster Care Bar
948.30	Abduction of another's child; constructive custody	Permanent bar
948.31	Interference with custody by parent or others	Permanent bar
948.35	Solicitation of a child to commit a felony	Permanent bar
948.36	Use of a child to commit a class A felony	Permanent bar
948.40	Contributing to the delinquency of a minor (felony)	Permanent bar
948.51	Hazing (felony)	Permanent bar
948.60	Possession of a dangerous weapon by a person under 18 (felony)	Permanent bar
948.605 (3)	Gun-free school zones; discharge of firearm in a school zone (felony)	Permanent bar
948.61	Dangerous weapons other than firearms on school premises (felony)	Permanent bar
948.62	Receiving stolen property from a child (felony)	Permanent bar
—	All other Chapter 948 crimes that are felonies	Permanent bar
961.41 (1)	Manufacture, distribution or delivery (felony)	5 years
961.41 (1m)	Possession with intent to manufacture, distribute, or deliver (felony)	5 years
961.41 (3g)	Possession (felony)	5 years
961.43 (1)(a)	Acquire or obtain possession of controlled substances by fraud, misrepresentation, or forgery, deception, or subterfuge (felony)	5 years
961.43 (1)(b)	To possess/make a counterfeit substance or to duplicate the appearance, packaging, form or label of a controlled substance (felony)	5 years
961.455	Using a child for illegal drug distribution or manufacturing purposes (felony)	5 years
961.46	Distribution to persons under 18 (felony)	5 years
961.465	Distribution to prisoners	5 years
961.49	Distribution of or possession with intent to deliver at or near certain places	5 years
961.492	Distribution of or possession with intent to deliver on public transit (felony)	5 years
—	All other ch. 961 offenses that are felonies	5 years
OTHER OFFENSES		
—	Finding by a governmental agency of neglect or abuse of a client, or of misappropriation of a client's property	Bar w/ rehab
—	Finding by a governmental agency of child abuse or neglect	Bar w/ rehab

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