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DIVISION OF CHILDREN AND FAMILY SERVICES

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BRL Memo - 99-01

TO: Family Day Care Licensees

FROM: Patty Hammes, Director *Patty Hammes/ce*
Bureau of Regulation and Licensing

RE: **CAREGIVER BACKGROUND CHECKS CHANGES**

This memo is intended to update you about some recent changes related to background checks. The background check rule, HFS 12, was recently amended and the changes took effect February 27, 1999. In addition, because the background check HFS 12 rule has changed, the Background Information Disclosure form (HFS-64) also needed to be revised. Previous memos sent to you explained the background checks process and this process essentially remains unchanged.

The amended version of the emergency rule HFS 12 has been changed slightly to clarify who must have a background check. It also defines "access" and "under the entity's control." The amended rule also makes significant changes to the crimes list in Appendix A and expands the eligibility criteria for a rehabilitation review. The total number of permanently barred crimes and crimes barred but eligible for rehabilitation review was reduced.

The rule as reflected in the amended crimes list now allows an employer to conduct a "substantially related" test in place of an agency rehabilitation review for certain crimes after the passage of 5 or 10 years following the date of conviction depending on the crime. It also identifies some crimes as a permanent bar only if the crime relates to children and the person seeks to work in a children's program. In addition, certain property crimes are listed as barred with rehabilitation only if the job gives a person access to a client's property and so on. Therefore, when looking up a crime in the Appendix A crimes list, be sure to read carefully the provisions for that crime in the far right column of the table.

There is another change that may affect family day care centers that utilize student teachers. When a family day care center has student teachers, HFS 12.21(1)(b) allows the university or technical college to provide a letter to the contracting family day care center that states that the individual has been screened and has no background which would bar them from working at the center in accordance with the provisions of HFS 12. The letter should clearly state that the background check included the required juvenile record information.

Visit Our Web Site: We encourage you to visit the Department of Health and Family Services' Internet Web site at www.dhfs.state.wi.us and click on "Background Checks" for the most current rules, forms and up-to-date information about background checks. The Web site enables you to download the HFS 12 emergency rule and current background check forms (including the latest Background Information Disclosure Form, HFS-64) and to access answers to frequently asked questions (FAQs). The complete emergency rule enclosed also contains Web site instructions for accessing state crime statutes. If you don't have Internet access at your family day care center, most public libraries have computers available to access the Internet.

Thank you for your continuing efforts and cooperation in implementing the new background check law and these latest changes. If you would like a copy of the amended emergency rule HFS 12 or the new Background Information Disclosure form (HFS -64) you can complete the attached form and send it to your regional licensing office. As always, if you have questions, feel free to contact your licensing specialist.

Please send this request to your regional licensing office

Please send me a copy of

_____ HFS 12 effective 2/27/99

_____ HFS-64 Background Information
Disclosure form

PLEASE PRINT

Name _____

Address _____
