

**2013 DRAFTING REQUEST**

**Bill**  
Received: 1/29/2013 Received By: eshea  
Wanted: As time permits Same as LRB:  
For: Dianne Hesselbein (608) 266-5340 By/Representing: Sue Meinholz  
May Contact: Drafter: eshea  
Subject: Children - day care Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Rep.Hesselbein@legis.wisconsin.gov  
Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Contact parents when unexplained absence from child care center.

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	eshea 5/6/2013	csicilia 2/13/2013	jfrantze 2/13/2013	_____	srose 2/13/2013		
/P2	eshea 5/10/2013	csicilia 5/7/2013	jfrantze 5/7/2013	_____	lparisi 5/7/2013		
/1		csicilia 5/10/2013	jfrantze 5/10/2013	_____	sbasford 5/10/2013	sbasford 5/10/2013	

FE Sent For:

*Not Needed*

<END>

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/P2		csicilia 5/7/2013	jfrantze 5/7/2013	_____	lp 5/		

Please jacket

for Assembly

FE Sent For:

1 - 5/10/13

<END>

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/P1	eshea 1/31/2013	csicilia 2/13/2013	jfrantze 2/13/2013	_____	srose 2/13/2013		

FE Sent For:

P2 jjs 5/7  
13  
Jo 5/14  
<END>

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/P1	eshea	pl es 2/13 13	Jo 2/13	ph Jo 2/13			

FE Sent For:

<END>

13-1410

**Malaise, Gordon**

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**From:** Meinholz, Susan  
**Sent:** Tuesday, January 29, 2013 12:22 PM  
**To:** Malaise, Gordon  
**Subject:** Rep. Hesselbein bill draft request

Hi Gordon:

If you are not the person who would handle the following, please let me know and I'll proceed accordingly.

Rep. Hesselbein is interested in introducing legislation that would hopefully curb the problem of children being inadvertently left behind in their parent's car, forgotten to be dropped off at child care.

She would like the bill to require licensed day care providers to contact the parent at the emergency contact number they have when an unexplained absence occurs and the child is more than one hour late for usual arrival.

If you need further details, please get in touch.

Thank you,

Sue Meinholz  
Office of Rep. Dianne Hesselbein  
79<sup>th</sup> Assembly District  
Room 9 North, State Capitol  
PO Box 8952  
Madison, WI 53708  
608-266-5340  
[Susan.meinholz@legis.wi.gov](mailto:Susan.meinholz@legis.wi.gov)

48.715 penalty apply



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1410/P1  
EHS: /:....  
ys

In 1-31-13

D-NOTE

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: <sup>the</sup> unexplained absence of <sup>a</sup> child receiving care from <sup>a</sup> child  
2 care provider.

INSERT A

*Analysis by the Legislative Reference Bureau*

<sup>if</sup> ~~NO 9~~ Under this bill, if a child receiving care from a child care provider has not arrived at the provider's facility by one hour past the child's expected arrival time and, <sup>the</sup> the absence is unexplained, the child care provider must contact by telephone the child's parent, guardian, <sup>or</sup> legal custodian, or <sup>the</sup> individual designated as the child's emergency contact.

<sup>In this section</sup>  
*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3 SECTION 1. 48.654 of the statutes is created to read:

4 **48.654 Unexplained absence.**

5 <sup>not</sup> (1) "Child care provider" means a child care center that holds a license under  
6 s. 48.65 or a probationary license under s. 48.69, a child care provider that is certified  
7 under s. 48.651, or a child care program that is established or contracted for under  
8 s. 120.13 (14).

**SECTION 1**

*as defined in 48 C.S.R. (1)(b)*

*one*

*1*

1           **(2)** If a child who is receiving care and supervision from a child care provider &

2 has not arrived at the child care provider's facility by *1* hour past the child's expected

3 arrival time and *(1)* the absence is unexplained, the child care provider shall contact the

4 child's parent, guardian, or legal custodian by telephone to determine a reason for

5 the absence. If unable to reach the child's parent, guardian, or legal custodian, the

6 child care provider shall contact by telephone any other individual designated as an

7 emergency contact for the child.

8

9

**(END)**

*note*

**2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1410/P1ins  
EHS:.....

1

**INSERT A**

Under current law, a person who holds a license or a probationary license to operate a child care center, a person certified as a child care provider for purposes of reimbursement under the Wisconsin Works child care subsidy program, or a person established or contracted by a school board to provide a child care program (collectively, "child care provider") must comply with certain statutes and rules to protect the health, safety, and welfare of the children in the child care provider's care.

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1410/P1dn

EHS:/:....

ej's

- date -

Sue:

The request proposed to apply the parental contact requirement to licensed child care providers. However, in addition to being licensed, child care providers may also have a probationary license (s. 48.69), be certified for purposes of reimbursement under the Wisconsin Works child care subsidy program (s. 48.651), or be established or contracted for by a school board (s. 120.13 (14)). As drafted, the bill applies the contact requirement to all of these types of child care providers. If this is inconsistent with your intent, please let me know. ✓

Elisabeth H. Shea  
Legislative Attorney  
Phone: (608) 266-5446  
E-mail: elisabeth.shea@legis.wisconsin.gov ✓

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1410/P1dn  
EHS:cjs:jf

February 13, 2013

Sue:

The request proposed to apply the parental contact requirement to licensed child care providers. However, in addition to being licensed, child care providers may also have a probationary license (s. 48.69), be certified for purposes of reimbursement under the Wisconsin Works child care subsidy program (s. 48.651), or be established or contracted for by a school board (s. 120.13 (14)). As drafted, the bill applies the contact requirement to all of these types of child care providers. If this is inconsistent with your intent, please let me know.

Elisabeth H. Shea  
Legislative Attorney  
Phone: (608) 266-5446  
E-mail: [elisabeth.shea@legis.wisconsin.gov](mailto:elisabeth.shea@legis.wisconsin.gov)

**Shea, Elisabeth**

---

**From:** Meinholz, Susan  
**Sent:** Wednesday, May 01, 2013 3:43 PM  
**To:** Shea, Elisabeth  
**Subject:** LRB 1410/1 change

Greetings:

Rep. Hesselbein has a small addition to include in LRB 1410/1. Let me know if this doesn't make sense or you need further clarification:

*Include that parents/guardian/legal custodian must provide child care schedule in advance to the child care provider.*

(We are intentionally leaving the "in advance" open ended, not knowing how best parents and/or child care providers can realistically place scheduling requests.)

Thank you,

Sue Meinholz  
Office of Rep. Dianne Hesselbein  
79<sup>th</sup> Assembly District  
Room 9 North, State Capitol  
PO Box 8952  
Madison, WI 53708  
608-266-5340  
[Susan.meinholz@legis.wi.gov](mailto:Susan.meinholz@legis.wi.gov)

## Shea, Elisabeth

---

**From:** Shea, Elisabeth  
**Sent:** Friday, May 03, 2013 4:04 PM  
**To:** Meinholz, Susan  
**Subject:** RE: LRB 1410/1 change

Hi Sue:

Just to clarify, it sounds like you would like a parent (etc.) to have a duty to let the child care provider know what the child's expected arrival time is for each day care is provided, sometime before the expected arrival time – is this correct? Is it your intent that, if the parent fails to provide this, the parent would be subject to a penalty under this chapter?

Would the parent be in violation of this requirement if they gave the child's expected arrival time generally (for example, if they said they would drop the child off at 8am every morning), but were more than an hour late in dropping the child off one day without notifying the provider of this in advance? Or would the parent only be required to provide an estimate of what the child's expected arrival time is each day, so that if they are late without notice the parent is not subject to a statutory penalty?

\* Or is it your intent that it is the provider's duty to obtain this information from a parent prior to providing care to the child? In other words, do you want the provider to be responsible if it provides care to a child without first collecting from the parent information about the child's expected arrival time each day?

If you would prefer to discuss this by phone, you can reach me at the number below.

Thanks.

Lis

**Elisabeth H. Shea**  
Legislative Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 266 - 5446  
[elisabeth.shea@legis.wisconsin.gov](mailto:elisabeth.shea@legis.wisconsin.gov)

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PO Box 8952  
Madison, WI 53708  
608-266-5340  
[Susan.meinholz@legis.wi.gov](mailto:Susan.meinholz@legis.wi.gov)

5/3/13 tel conf. with Sue Meinholz - Rep Hesselbein's office  
Discussed my email re whose <sup>statutory</sup> duty is it to get/give expected  
arrival times

She said it should be day care providers resp. to get info  
from parents - easier to enforce.

Can be general estimate/default times.



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1410(P1) P2

EHS:cjs:jf

stays

RMR

In 5/6/13

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Gen Cat

1 **AN ACT** *to create* 48.654 of the statutes; **relating to:** the unexplained absence  
2 of a child receiving care from a child care provider.

*Analysis by the Legislative Reference Bureau*

Under current law, a person who holds a license or a probationary license to operate a child care center, a person certified as a child care provider for purposes of reimbursement under the Wisconsin Works child care subsidy program, or a person established or contracted by a school board to provide a child care program (collectively, "child care provider") must comply with certain statutes and rules to protect the health, safety, and welfare of the children in the child care provider's care. Under this bill, if a child receiving care from a child care provider has not arrived at the provider's facility by one hour past the child's expected arrival time and if the absence is unexplained, the child care provider must contact by telephone the child's parent, guardian, or legal custodian, or the individual designated as the child's emergency contact.

INSERT  
A

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3 **SECTION 1.** 48.654 of the statutes is created to read:  
4 **48.654 Unexplained absence.** (1) In this section, "child care provider"  
5 means a child care center that holds a license under s. 48.65 or a probationary license

1 under s. 48.69, a child care provider that is certified under s. 48.651, or a child care  
2 program that is established or contracted for under s. 120.13 (14).

INSERT  
2-3

3 (2) <sup>A (3) 3B</sup> If a child who is receiving care and supervision from a child care provider  
4 has not arrived at the child care provider's facility by one hour past the child's  
5 expected arrival time and if the absence is unexplained, the child care provider shall  
6 contact the child's parent, guardian, or legal custodian by telephone to determine a  
7 reason for the absence. If unable to reach the child's parent, guardian, or legal  
8 custodian, the child care provider shall contact by telephone any other individual  
9 designated as an emergency contact for the child.

10

(END)

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1410/P2ins  
EHS:cjs:jf

1 INSERT 2-3

2 WATI Prior to providing care and supervision to a child, a child care provider shall  
3 obtain from the child's parent, guardian, or legal custodian the child's expected  
4 arrival time for each day on which care and supervision is to be provided.

INSERT A

before providing care and supervision <sup>to a child</sup> a child care provider must obtain from the child's parent's guardian's or legal custodian the child's expected arrival time for each day on which care and supervision is to be provided. If the

## Shea, Elisabeth

---

**From:** Meinholz, Susan  
**Sent:** Friday, May 10, 2013 10:19 AM  
**To:** Shea, Elisabeth  
**Subject:** RE: 1410/P2-Hesselbein child care bill

Perfect! Thank you so much.

---

**From:** Shea, Elisabeth  
**Sent:** Friday, May 10, 2013 10:17 AM  
**To:** Meinholz, Susan  
**Subject:** RE: 1410/P2-Hesselbein child care bill

Would you like us to go ahead and jacket it as well?

---

**From:** Meinholz, Susan  
**Sent:** Friday, May 10, 2013 10:12 AM  
**To:** Shea, Elisabeth  
**Subject:** 1410/P2-Hesselbein child care bill

Lis:

If you can have the draft ready for introduction (remove preliminary), we will be ready to have it jacketed.

Thank you!

Sue Meinholz  
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Room 9 North, State Capitol  
PO Box 8952  
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State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1410 P2 1

EHS:cjs:jf

T  
stars

RMR

In 5/10/13

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

NO CHANGES

SA

Ger Cat

- 1 **AN ACT to create** 48.654 of the statutes; **relating to:** the unexplained absence
- 2 of a child receiving care from a child care provider.

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3 under s. 48.69, a child care provider that is certified under s. 48.651, or a child care  
4 program that is established or contracted for under s. 120.13 (14).

5           (2) Prior to providing care and supervision to a child, a child care provider shall  
6 obtain from the child’s parent, guardian, or legal custodian the child’s expected  
7 arrival time for each day on which care and supervision is to be provided.

8           (3) If a child who is receiving care and supervision from a child care provider  
9 has not arrived at the child care provider’s facility by one hour past the child’s  
10 expected arrival time and if the absence is unexplained, the child care provider shall  
11 contact the child’s parent, guardian, or legal custodian by telephone to determine a  
12 reason for the absence. If unable to reach the child’s parent, guardian, or legal  
13 custodian, the child care provider shall contact by telephone any other individual  
14 designated as an emergency contact for the child.

15

(END)