



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0693/P3
EAW:kjf&amn

DOA:.....Rice, BB0071 - Child care background check modifications

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

1. *Background checks for child care programs*

This bill makes various definitional changes, changes who can conduct a rehabilitation review, and changes the timeline for an appeal of a decision of DCF in the context of the background check requirements for people who work or reside at a child care program.

Under current law, DCF is required to run a background check on caregivers and nonclient residents who work or reside at a child care program. This bill changes the definition of “caregiver” and adds the term “noncaregiver employee,” to describe an employee or a contractor of a child care program who is not a caregiver, but whose work provides opportunities for unrestricted access to children in care. The bill also changes the term “nonclient resident” to “household member.” Under the bill, DCF is required to run a background check on all caregivers, noncaregiver employees, and household members of a child care program.

Under current law, if a person has been convicted or adjudicated delinquent of a serious crime, that individual may not be a caregiver or nonclient resident of a child care program. This bill adds arson, patronizing a child, chronic or repeated neglect, and leaving a child unattended in a child care vehicle to the definition of “serious crime.”

Under current law, certain offenses are only considered serious crimes if the person who is subject to the background check completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by DOC less than five years before the date of the background check. Under current law, a person may demonstrate his or her rehabilitation with respect to these serious crimes if he or she completed his or her sentence or was discharged by DOC less than five years before the date of the background check. If a person successfully demonstrates his or her rehabilitation under current law, he or she may be allowed to be a caregiver or nonclient resident of a child care program. Under the bill, these offenses are always considered a serious crime, no matter how long ago a person completed his or her sentence or was discharged by DOC, but a person may demonstrate rehabilitation if he or she has completed his or her sentence or was discharged by DOC more than five years ago. Under the bill, if a person successfully demonstrates his or her rehabilitation, he or she may be allowed to be a caregiver, noncaregiver employee, or household member of a child care program.

Under current law, DCF, the county department of human services or social services (county department), the agency under contract with the county department, or the school board that issued a license, certification, or contract to a child care program may conduct a rehabilitation review for the purpose of background checks. This bill removes the ability of county departments, agencies under contract with a county department, and school boards to conduct rehabilitation reviews.

Under current law, a person who is the subject of DCF's report on the results of a background check may appeal DCF's decision on whether the person is eligible to work or reside at the child care program. An appeal must be submitted within 60 days of the decision, unless DCF grants an extension. This bill changes the time to appeal the decision to ten days, unless DCF grants an extension.

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

SECTION 1. 48.651 (3) (a) of the statutes is amended to read:

48.651 (3) (a) ~~If a child care provider certified under sub. (1) is convicted of a serious crime, as defined in s. 48.686 (1) (c), or if a caregiver specified in s. 48.686 (1) (ag) 1. or a nonclient resident, as defined in s. 48.686 (1) (bm), of the person subject to a background check under s. 48.686 (2) who operates, works at, or resides at a child care provider certified under sub. (1) is convicted or adjudicated delinquent for committing a serious crime, as defined in s. 48.686 (1) (c), on or after his or her 10th~~

~~birthday, or if the department provides written notice of a decision under s. 48.686 (4p) that the child care provider, caregiver, or nonclient resident person is ineligible for certification, employment, or residence to operate, work at, or reside at the child care provider, the department in a county having a population of 750,000 or more, a county department, or an agency contracted with under sub. (2) shall revoke the certification of the child care provider immediately upon providing written notice of revocation and the grounds for revocation and an explanation of the process for appealing the revocation.~~

SECTION 2. 48.651 (3) (b) of the statutes is amended to read:

48.651 (3) (b) ~~If a child care provider certified under sub. (1) is the subject of a pending criminal charge alleging that the person has committed a serious crime, as defined in s. 48.686 (1) (c), or if a caregiver specified in s. 48.686 (1) (ag) 1. or a nonclient resident, as defined in s. 48.686 (1) (bm), of the person subject to a background check under s. 48.686 (2) who operates, works at, or resides at a child care provider certified under sub. (1) is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime ~~on or after his or her 10th birthday,~~ the department in a county having a population of 750,000 or more, a county department, or an agency contracted with under sub. (2) shall immediately suspend the certification of the child care provider until the department, county department, or agency obtains information regarding the final disposition of the charge or delinquency petition indicating that the person is not ineligible to ~~be certified under sub. (1)~~ operate, work at, or reside at the child care provider.~~

SECTION 3. 48.685 (4m) (a) 1. of the statutes is amended to read:

48.685 (4m) (a) 1. That the person has been convicted of a serious crime or adjudicated delinquent ~~on or after his or her 10th birthday~~ for committing a serious crime or that the person is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime ~~on or after his or her 10th birthday~~.

SECTION 4. 48.685 (4m) (b) 1. of the statutes is amended to read:

48.685 (4m) (b) 1. That the person has been convicted of a serious crime or adjudicated delinquent ~~on or after his or her 10th birthday~~ for committing a serious crime or that the person is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime ~~on or after his or her 10th birthday~~.

SECTION 5. 48.686 (1) (ac) of the statutes is created to read:

48.686 (1) (ac) "Approval" means a child care center license under s. 48.65, a child care provider certification under s. 48.651, or a contract with a child care provider under s. 120.13 (14).

SECTION 6. 48.686 (1) (ag) 1. (intro.) of the statutes is repealed.

SECTION 7. 48.686 (1) (ag) 1. a. of the statutes is renumbered 48.686 (1) (ag) 1. and amended to read:

48.686 (1) (ag) 1. An employee or ~~independent~~ contractor of a child care program who is involved in the care or supervision of clients.

SECTION 8. 48.686 (1) (ag) 1. b. of the statutes is renumbered 48.686 (1) (ag) 1m. and amended to read:

48.686 (1) (ag) 1m. ~~Involved in the care or supervision of clients of a child care program or~~ A person who has direct contact and ~~unsupervised access to clients of a child care program.~~

SECTION 9. 48.686 (1) (ar) of the statutes is repealed.

SECTION 10. 48.686 (1) (bm) of the statutes is amended to read:

48.686 (1) (bm) ~~“Nonclient resident”~~ “Household member” means a person who is age 10 or older, who resides, or is expected to reside, at a child care program, and who is not a client of the child care program or caregiver.

SECTION 11. 48.686 (1) (bo) of the statutes is created to read:

48.686 (1) (bo) “Licensing entity” means all of the following:

1. The department when licensing a child care center under s. 48.65.
2. The department in a county with a population of 750,000 or more, a county department, or an agency or Indian tribe contracted with under s. 48.651 (2) when certifying a child care provider under s. 48.651.
3. A school board when contracting with a child care provider under s. 120.13 (14).

SECTION 12. 48.686 (1) (bp) of the statutes is created to read:

48.686 (1) (bp) “Noncaregiver employee” means a person who provides services to a child care program as an employee or a contractor and is not a caregiver, but whose work at the child care program provides the ability to move freely throughout the premises and opportunities for interactions with clients of the child care program.

SECTION 13. 48.686 (1) (c) 5. of the statutes is amended to read:

48.686 (1) (c) 5. A violation 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, 943.02, 943.03, 943.04, 943.10 (2), 943.32 (2), or 948.081, 948.21 (1) (a), 948.215, or 948.53 (2) (b) 1.

SECTION 14. 48.686 (1) (c) 9. of the statutes is amended to read:

48.686 (1) (c) 9. A violation 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, 940.25, or 943.23 (1g), ~~a violation of s. 948.51 (2) that is a felony under s. 948.51 (3) (b) or (e), a violation of s. 346.63 (1), (2), (5), or (6) that is a felony under s. 346.65 (2) (am) 4., 5., 6., or 7. or (f), (2j) (d), or (3m), or an offense under ch. 961 that is a felony, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the department of corrections, less than 5 years before the date of the investigation under sub. (2) (am).~~

SECTION 15. 48.686 (1) (c) 10. of the statutes is amended to read:

48.686 (1) (c) 10. A violation of s. 948.22 (2), ~~if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the department of corrections, less than 5 years before the date of the investigation under sub. (2) (am),~~ unless the person has paid all arrearages due and is meeting his or her current support obligations.

SECTION 16. 48.686 (2) (a) of the statutes is amended to read:

48.686 (2) (a) ~~The department~~ A licensing entity shall require any person who applies for ~~issuance of an initial license approval~~ to operate a child care center under s. 48.65, a school board shall require any person who proposes an initial contract with the school board under s. 120.13 (14), and the department in a county having a population of 750,000 or more, a county department, or an agency contracted with under s. 48.651 (2) shall require any child care provider who applies for initial certification under s. 48.651 program to submit the information required for a background check request under par. (ag). ~~A~~ If the licensing entity is a school board, county department, or contracted agency or tribe, the licensing entity shall submit the completed background information request to the department.

SECTION 17. 48.686 (2) (ab) of the statutes is amended to read:

48.686 (2) (ab) Each child care program shall submit a request to the department for a ~~criminal~~ background check for each potential caregiver, noncaregiver employee, and ~~potential nonclient resident~~ household member prior to the date on which an individual becomes a caregiver, noncaregiver employee, or ~~nonclient resident~~ household member, and at least once during every 5-year period for each existing caregiver, noncaregiver employee, or ~~nonclient resident~~ household member, except if all of the following apply to the individual:

1. The caregiver, potential caregiver, ~~nonclient resident~~, or potential nonclient resident individual has received a background check as described in par. (am) while employed working or seeking employment by work with another child care program within the state within the last 5 years.

2. The department provided to the child care program under subd. 1. a qualifying background check result for the caregiver, potential caregiver, ~~nonclient resident~~, or potential nonclient resident individual.

3. The caregiver, potential caregiver, ~~nonclient resident~~, or potential nonclient resident is employed by individual works or resides at a child care program within the state or has been separated from employment work or residence at a child care program within the state for a period of not more than 180 consecutive days.

SECTION 18. 48.686 (2) (ag) 1. b. of the statutes is amended to read:

48.686 (2) (ag) 1. b. Any additional information that the department deems necessary to perform the ~~criminal~~ background check.

SECTION 19. 48.686 (2) (ag) 2. of the statutes is amended to read:

48.686 (2) (ag) 2. A request for a ~~eriminal~~ background check is considered submitted on the day that the department receives all of the information required under subd. 1.

SECTION 20. 48.686 (2) (ag) 3. of the statutes is amended to read:

48.686 (2) (ag) 3. The requester of a background check under this paragraph shall submit all fees required by the department pursuant to the instructions provided by the department, not to exceed the actual cost of conducting the ~~eriminal~~ background check.

SECTION 21. 48.686 (2) (am) (intro.) of the statutes is amended to read:

48.686 (2) (am) (intro.) Upon receipt of a request submitted under par. (a) or (ab), the department shall obtain all of the following with respect to ~~a caregiver or a nonclient resident who is not under 10 years of age~~ the individual who is the subject of the request:

SECTION 22. 48.686 (2) (am) 1. of the statutes is amended to read:

48.686 (2) (am) 1. A fingerprint-based or name-based criminal history search from the records maintained by the department of justice.

SECTION 23. 48.686 (2) (am) 10. of the statutes is amended to read:

48.686 (2) (am) 10. A search of the department's ~~eriminal~~ background check records.

SECTION 24. 48.686 (2) (ar) of the statutes is amended to read:

48.686 (2) (ar) After receiving a request under par. (a) or (ab), the department shall conduct the ~~eriminal~~ background check as expeditiously as possible and shall make a good faith effort to complete all components of the ~~eriminal~~ background check no later than 45 days after the date on which the request was submitted.

SECTION 25. 48.686 (2) (bd) of the statutes is amended to read:

48.686 (2) (bd) Notwithstanding par. (am), the department is not required to obtain the information specified in par. (am) 1. to 10., with respect to a ~~person~~ household member under 18 years of age whose background check request under par. (ag) indicates that the ~~person~~ household member is not ineligible to be permitted to reside at a child care program for a reason specified in sub. (4m) (a) 1. to 8. and with respect to whom the department otherwise has no reason to believe that the person is ineligible to be permitted to reside at the child care program for any of those reasons. This paragraph does not preclude the department from obtaining, at its discretion, the information specified in par. (am) 1. to 10. with respect to a ~~person~~ household member described in this paragraph ~~who is a nonclient resident or a potential nonclient resident of a child care program.~~

SECTION 26. 48.686 (3) (am) of the statutes is amended to read:

48.686 (3) (am) Every year or at any time that the department considers appropriate, the department may request the information specified in sub. (2) (am) 1. to 5. for all caregivers ~~under sub. (1) (ag) 2., nonclient residents of such a caregiver, and caregivers under sub. (1) (ag) 1. who have direct contact with clients. For the purposes of this paragraph, "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, noncaregiver employees, and household members.~~

SECTION 27. 48.686 (4m) (a) (intro.) of the statutes is amended to read:

48.686 (4m) (a) (intro.) Notwithstanding s. 111.335, and except as provided in par. (ad) and sub. (5), ~~the department~~ a licensing entity may not license, or continue or renew the license of, a person to operate a child care center under s. 48.65, ~~the department in a county having a population of 750,000 or more, a county~~

~~department, or an agency contracted with under s. 48.651 (2) may not certify a child care provider under s. 48.651, a school board may not contract with a person under s. 120.13 (14) issue an approval to operate a child care program to a person, and a child care program may not employ or contract with a caregiver specified in sub. (1) (ag) 1. or noncaregiver employee or permit a household member to reside at the child care program~~ if the ~~department, county department, contracted agency, school board, licensing entity~~ or child care program knows or should have known any of the following:

SECTION 28. 48.686 (4m) (a) 1. of the statutes is amended to read:

48.686 (4m) (a) 1. That the person has been convicted of a serious crime or adjudicated delinquent ~~on or after his or her 10th birthday~~ for committing a serious crime or that the person is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime ~~on or after his or her 10th birthday~~.

SECTION 29. 48.686 (4m) (a) 2. of the statutes is created to read:

48.686 (4m) (a) 2. That the person is registered or is required to be registered on a state sex offender registry or repository or the national sex offender registry.

SECTION 30. 48.686 (4m) (a) 5. of the statutes is amended to read:

48.686 (4m) (a) 5. That the department has determined the person ineligible to be licensed ~~receive an approval~~ to operate a child care center under s. 48.65, to be certified to operate a child care provider under s. 48.651, to contract with a school board under s. 120.13 (14) program, to be employed as a caregiver at by a child care program, or to be a ~~nonclient resident at~~ household member of a child care program.

SECTION 31. 48.686 (4m) (a) 6. of the statutes is amended to read:

48.686 (4m) (a) 6. That the person has refused to provide information under sub. (2) (ag), or that the person refused to participate in, cooperate with, or submit required information for the ~~eriminal~~ background check described in sub. (2) (am), including fingerprints.

SECTION 32. 48.686 (4m) (a) 7. of the statutes is amended to read:

48.686 (4m) (a) 7. That the person knowingly made a materially false statement in connection with the person's ~~eriminal~~ background check described in sub. (2).

SECTION 33. 48.686 (4m) (a) 8. of the statutes is amended to read:

48.686 (4m) (a) 8. That the person knowingly omitted material information requested in connection with the person's ~~eriminal~~ background check conducted under sub. (2).

SECTION 34. 48.686 (4m) (ad) of the statutes is amended to read:

48.686 (4m) (ad) ~~The department~~ A licensing entity may ~~license~~ issue an approval to operate a child care center under s. 48.65; ~~the department in a county having a population of 750,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may certify a child care provider under s. 48.651; and a school board may contract with a person under s. 120.13 (14),~~ program to a person conditioned on the receipt of the information specified in sub. (4p) (a) indicating that the person is not ineligible to be so licensed, certified, or contracted with for a reason specified in par. (a) 1. to 8.

SECTION 35. 48.686 (4m) (c) of the statutes is amended to read:

48.686 (4m) (c) A child care program may employ or contract with a potential caregiver or noncaregiver employee or permit a potential ~~nonclient resident household member~~ to reside at the child care program for up to 45 days from the date

a background check request is submitted to the department pending the completion of the department's report under sub. (4p) (a) if the department provides a preliminary report under sub. (4p) (c) to the child care program indicating that the ~~potential caregiver or nonclient resident~~ individual is not ineligible to work or reside at a child care program. At all times that ~~children in care~~ clients of a child care program are present, an individual who received a qualifying result on a background check described in sub. (2) (am) within the past 5 years must supervise a potential ~~employee caregiver, noncaregiver employee, or nonclient resident~~ household member permitted to work or reside at the child care program under this paragraph.

SECTION 36. 48.686 (4p) (a) of the statutes is amended to read:

48.686 **(4p)** (a) The department shall provide the results of the ~~criminal~~ background check to the child care program in a written report that indicates only that the individual on whom the background check was conducted is eligible or ineligible for employment or to reside at the child care program, without revealing any disqualifying ~~crime~~ offense or other information regarding the individual.

SECTION 37. 48.686 (4p) (b) of the statutes is amended to read:

48.686 **(4p)** (b) The department shall provide the results of the ~~criminal~~ background check to the individual on whom the background check was conducted in a written report that indicates whether the individual is eligible or ineligible for employment or to reside at the child care program. If the individual is ineligible for employment or to reside at the child care program, the department's report shall include information on each disqualifying ~~crime~~ offense and information on the right to appeal.

SECTION 38. 48.686 (4p) (c) of the statutes is amended to read:

48.686 (4p) (c) Before the department completes its report under par. (a), a caregiver under sub. (1) (ag) 2. may submit a written request to the department for a preliminary report indicating whether a potential caregiver, noncaregiver employee, or ~~nonclient resident~~ household member is eligible to work or reside at a child care program under sub. (4m) (c). If the department receives such a request, it shall provide a written preliminary report to that caregiver indicating whether the individual is barred from ~~employment as a caregiver~~ working or ~~residence as a nonclient resident~~ residing at a child care program on the basis of a background check under sub. (2) (am) 1. or 7. If the individual is ineligible ~~for employment or residence~~ to work or reside at a child care program based on the results of the preliminary report, the department shall also provide a preliminary report to the individual containing information related to each disqualifying ~~crime~~ offense.

SECTION 39. 48.686 (4p) (d) of the statutes is amended to read:

48.686 (4p) (d) The results of a report under par. (c) may not be appealed by the individual until receipt of the department's report under par. (b) following completion of all components of the ~~criminal~~ background check.

SECTION 40. 48.686 (4s) (a) of the statutes is amended to read:

48.686 (4s) (a) An individual who is the subject of the department's report on the results of a ~~criminal~~ background check may appeal the department's decision. Only the person who is the subject of the department's report may appeal the department's decision. Neither the child care program nor any other person may appeal the department's decision.

SECTION 41. 48.686 (4s) (b) of the statutes is amended to read:

48.686 (4s) (b) An appeal request shall be submitted to the department at the address, e-mail address, or fax number identified in the statement of appeal rights

no later than ~~60~~ 10 days after the date of the department's decision, unless the appellant requests, and the department grants, an extension for a specific amount of time prior to expiration of the ~~60~~ 10 day appeal period. Extensions may be granted for good cause shown.

SECTION 42. 48.686 (4s) (f) of the statutes is amended to read:

48.686 (4s) (f) The department shall sustain the results of its ~~criminal~~ background check report if supported by a preponderance of the available evidence.

SECTION 43. 48.686 (4s) (m) of the statutes is amended to read:

48.686 (4s) (m) Notwithstanding s. 19.35, the department may not publicly release or disclose the results of any ~~criminal~~ individual background report it issues, except that the department may release aggregated data by crime as listed in sub. (1) (c) from ~~criminal~~ background check results so long as the data does not contain personally identifiable information. The department may disclose and use information obtained in conducting ~~criminal~~ background checks as necessary during an appeal or reconsideration under this subsection or for another lawful purpose.

SECTION 44. 48.686 (5) of the statutes is repealed and recreated to read:

48.686 (5) (a) A person may have the opportunity to demonstrate his or her rehabilitation to the department or to a tribe authorized to conduct a rehabilitation review under sub. (5d) if any of the following apply:

1. An investigation under sub. (2) (am) indicates that sub. (4m) (a) 2., 3., or 4. applies to the person.

2. An investigation under sub. (2) (am) indicates that the person has been convicted or adjudicated delinquent of a serious crime as specified under sub. (1) (c) 9. or for a violation of the law of any other state or United States jurisdiction that would be a violation listed in sub. (1) (c) 9. if committed in this state, and the person

completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the department of corrections, more than 5 years before the date of the investigation under sub. (2) (am).

(b) If the department or tribe determines that the person has demonstrated rehabilitation in accordance with procedures established by the department by rule or by the tribe and by clear and convincing evidence, the prohibition in sub. (4m) (a) does not apply.

SECTION 45. 48.686 (5c) (a) of the statutes is renumbered 48.686 (5c).

SECTION 46. 48.686 (5c) (b) of the statutes is repealed.

SECTION 47. 48.686 (5c) (c) of the statutes is repealed.

SECTION 48. 48.686 (5g) of the statutes is amended to read:

48.686 (5g) On January 1 of each year, 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.

SECTION 49. 48.686 (5m) of the statutes is amended to read:

48.686 (5m) Notwithstanding s. 111.335, ~~the department~~ a licensing entity may refuse to ~~license a person~~ issue an approval to operate a child care center, ~~the department in a county having a population of 750,000 or more, a county department, or an agency contracted with under s. 48.651 (2)~~ may refuse to certify a child care provider under s. 48.651, a school board may refuse to contract with a person under s. 120.13 (14) program to a person, and a child care program may refuse to employ or contract with a caregiver or noncaregiver employee or permit a

~~nonclient resident~~ household member to reside at the child care program if the person has been convicted of or adjudicated delinquent ~~on or after his or her 10th birthday~~ for an offense that is not a serious crime, but that is, in the estimation of the department, substantially related to the care of a client. The department shall notify the provider and the individual of the results of a substantially related determination pursuant to the process set forth in sub. (4p) for ~~criminal~~ background check determinations. The individual shall have the same appeal rights as set forth in sub. (4s), and the same appeal procedures apply.

SECTION 50. 48.686 (7) of the statutes is amended to read:

48.686 (7) The department shall conduct throughout the state periodic training sessions that cover procedures and uses of ~~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 comply with the requirements of this section.

SECTION 51. 48.715 (4g) (a) of the statutes is amended to read:

48.715 (4g) (a) If a person ~~who has been issued a license under s. 48.66 (1) (a) or a probationary license under s. 48.69 to operate a child care center is convicted of a serious crime, as defined in s. 48.686 (1) (c), if a caregiver specified in s. 48.686 (1) (ag) 1. or a nonclient resident, as defined in s. 48.686 (1) (bm), of the subject to a background check under s. 48.686 (2) who operates, works at, or resides at a child care center is convicted or adjudicated delinquent for committing a serious crime ~~on or after his or her 10th birthday~~, or if the results of a ~~criminal~~ background check conducted under s. 48.686 indicate that the person, caregiver, ~~or nonclient resident household member, or noncaregiver employee~~ is not eligible to be licensed, certified, ~~or employed, or permitted~~ to reside at a child care program, the department shall~~

revoke the license of the child care center immediately upon providing written notice of revocation and the grounds for revocation and an explanation of the process for appealing the revocation.

SECTION 52. 48.715 (4g) (b) of the statutes is amended to read:

48.715 **(4g)** (b) If a person who has been issued a license under s. 48.66 (1) (a) or a probationary license under s. 48.69 to operate a child care center is the subject of a pending criminal charge alleging that the person has committed a serious crime, as defined in s. 48.686 (1) (c), or if a caregiver specified in s. 48.686 (1) (ag) 1. or a nonclient resident, as defined in s. 48.686 (1) (bm), of the subject to a background check under s. 48.686 (2) who operates, works at, or resides at a child care center is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime ~~on or after his or her 10th birthday~~, the department shall immediately suspend the license of the child care center until the department obtains information regarding the final disposition of the charge or delinquency petition indicating that the person is not ineligible to be licensed to operate, work at, or reside at a child care center.

SECTION 53. 49.133 of the statutes is repealed.

SECTION 54. 49.155 (7) (a) 1. of the statutes is amended to read:

49.155 **(7)** (a) 1. If a ~~child care provider is convicted of a serious crime, as defined in s. 48.686 (1) (c), or if a caregiver specified in s. 48.686 (1) (ag) 1. a.~~ or a nonclient resident, as defined in s. 48.686 (1) (bm), of the person subject to a background check under s. 48.686 (2) who operates, works at, or resides at a child care provider is convicted or adjudicated delinquent for committing a serious crime ~~on or after his or her 10th birthday, as defined in s. 48.686 (1) (c), or if the department provides written notice under s. 48.686 (4p) that the child care provider, caregiver, or nonclient~~

~~resident person is ineligible for certification, employment, or residence to operate, work at, or reside~~ at the child care provider, the department or the county department under s. 46.215, 46.22, or 46.23 shall refuse to allow payment to the child care provider for any child care provided under this section beginning on the date of the conviction or delinquency adjudication.

SECTION 55. 49.155 (7) (a) 2. of the statutes is amended to read:

49.155 (7) (a) 2. If a ~~child care provider is the subject of a pending criminal charge alleging that the person has committed a serious crime, as defined in s. 48.686 (1) (c), or if a caregiver specified in s. 48.686 (1) (ag) 1. or a nonclient resident, as defined in s. 48.686 (1) (bm), of the person subject to a background check under s. 48.686 (2) who operates, works at, or resides at~~ a child care provider is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime ~~on or after his or her 10th birthday, as defined in s. 48.686 (1) (c),~~ the department or the county department under s. 46.215, 46.22, or 46.23 shall immediately ~~suspend~~ refuse to allow payment to the child care provider for any child care provided under this section until the department obtains information regarding the final disposition of the charge or delinquency petition indicating that the person is not ineligible to ~~receive such a payment~~ operate, work at, or reside at the child care provider.

SECTION 56. 49.155 (7) (b) of the statutes is repealed and recreated to read:

49.155 (7) (b) 1. If a person subject to a background check under s. 48.686 (2) who operates, works at, or resides at a child care provider has been convicted or adjudicated delinquent for committing an offense that is not a serious crime, as defined in s. 48.686 (1) (c), but the department determines under s. 48.686 (5m) that the offense substantially relates to the care of children or the department determines

that the offense substantially relates to the operation of a business, the department or the county department under s. 46.215, 46.22, or 46.23 may refuse to allow payment to the child care provider for child care provided under this section.

2. If a person subject to a background check under s. 48.686 (2) who operates, works at, or resides at a child care provider is the subject of a pending criminal charge or delinquency petition for committing an offense that is not a serious crime, as defined in s. 48.686 (1) (c), but the department determines under s. 48.686 (5m) that the offense substantially relates to the care of children or the department determines that the offense substantially relates to the operation of a business, the department or the county department under s. 46.215, 46.22, or 46.23 may refuse to allow payment to the child care provider for child care provided under this section.

SECTION 57. 120.13 (14) (b) 1. of the statutes is amended to read:

120.13 (14) (b) 1. ~~If a person who has contracted under par. (a) to provide a child care program is convicted of a serious crime, as defined in s. 48.686 (1) (c), or if a caregiver specified in s. 48.686 (1) (ag) 1. or a nonclient resident, as defined in s. 48.686 (1) (bm), of the~~ subject to a background check under s. 48.686 (2) who operates, works at, or resides at a child care program contracted for under par. (a), is convicted or adjudicated delinquent for committing a serious crime on or after his or her 10th birthday, as defined under s. 48.686 (1) (c), the school board shall rescind the contract of the contractor for the child care program immediately upon providing written notice of the rescission and the grounds for the rescission and an explanation of the process for appealing the rescission.

SECTION 58. 120.13 (14) (b) 2. of the statutes is amended to read:

120.13 (14) (b) 2. ~~If a person who has contracted under par. (a) to provide a child care program is the subject of a pending criminal charge alleging that the person has~~

~~committed a serious crime, as defined in s. 48.686 (1) (c), or if a caregiver specified in s. 48.686 (1) (ag) 1. or a nonclient resident, as defined in s. 48.686 (1) (bm), of the subject to a background check under s. 48.686 (2) who operates, works at, or resides at a child care program contracted for under par. (a) is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime on or after his or her 10th birthday, as defined in s. 48.686 (1) (c), the school board shall immediately suspend the contract of the contractor for the child care program until the school board obtains information regarding the final disposition of the charge or delinquency petition indicating that the person is not ineligible to provide~~ operate, work at, or reside at a child care program under this subsection.

(END)