



## 2023 ASSEMBLY BILL 389

September 1, 2023 - Introduced by Representatives GOEBEN, HURD, BINSFELD, BRANDTJEN, EDMING, GREEN, GUNDRUM, GUSTAFSON, KRUG, MAGNAFICI, MAXEY, O'CONNOR, PETERSEN, PETRYK, PLUMER, ROZAR, SCHMIDT, STEFFEN, SUMMERFIELD, SWEARINGEN and VANDERMEER, cosponsored by Senators BALLWEG and STROEBEL. Referred to Committee on Children and Families.

1     **AN ACT** *to renumber and amend* 48.67; *to amend* 48.65 (3) (a); and *to create*  
2           48.67 (1b) and 48.67 (2m) of the statutes; **relating to:** the regulation of large  
3           family child care centers.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, a person must obtain a license from the Department of Children and Families in order to, for compensation, provide care and supervision for four or more children under the age of seven for less than 24 hours a day. Under current DCF rules, DCF regulates a child care center that provides care and supervision for four to eight children as a “family child care center” and one that provides care and supervision for nine or more children as a “group child care center.” The rules specify, among other things, the required ratio of providers to children in each type of child care center.

This bill requires DCF to establish a category of licensed child care centers that provide care and supervision for four to 12 children (“large family child care centers”). The bill requires DCF to regulate a large family child care center in the same way that it regulates smaller family child care centers with two exceptions: 1) DCF must require that, for a group of nine to 12 children, two employees must provide care and supervision to the children at all times, and 2) DCF’s regulation of large family child care centers may differ from those of smaller family child care centers to the extent necessary to safely accommodate a larger group of children. The bill prohibits a large family child care center from providing care and supervision for more than eight children at one time who are two years of age younger. Under the

**ASSEMBLY BILL 389**

current DCF rule for family child care centers, that limit is four children at one time who are two years of age or younger.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

---

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

1           **SECTION 1.** 48.65 (3) (a) of the statutes is amended to read:

2           48.65 (3) (a) Except as provided in par. (c), before the department may issue  
3 a license under sub. (1) to a child care center that provides care and supervision for  
4 4 to 8 children or 4 to 12 children, the child care center must pay to the department  
5 a biennial fee of \$60.50. Except as provided in par. (c), before the department may  
6 issue a license under sub. (1) to a child care center that provides care and supervision  
7 for ~~9~~ 13 or more children, the child care center must pay to the department a biennial  
8 fee of \$30.25, plus a biennial fee of \$16.94 per child, based on the number of children  
9 that the child care center is licensed to serve. A child care center that wishes to  
10 continue a license issued under sub. (1) shall pay the applicable fee under this  
11 paragraph by the continuation date of the license. A new child care center shall pay  
12 the applicable fee under this paragraph no later than 30 days before the opening of  
13 the child care center.

14           **SECTION 2.** 48.67 of the statutes is renumbered 48.67 (1m), and 48.67 (1m) (d)  
15 2. and 3., as renumbered, are amended to read:

16           48.67 (1m) (d) 2. The training under ~~par. (a)~~ subd. 1. shall be available to a  
17 kinship care relative, as defined in s. 48.40 (1m), upon request of the kinship care  
18 relative.

19           3. For a foster parent receiving an initial license, the training under ~~par. (a)~~  
20 subd. 1. shall be completed before the first child is placed with the foster parent.

**ASSEMBLY BILL 389**

1           **SECTION 3.** 48.67 (1b) of the statutes is created to read:

2           48.67 **(1b)** In this section, “provider” means an individual who provides care  
3 and supervision to children in a child care center licensed under s. 48.65 (1).

4           **SECTION 4.** 48.67 (2m) of the statutes is created to read:

5           48.67 **(2m)** (a) In the rules under sub. (1m), the department shall establish a  
6 category of child care centers licensed under s. 48.65 (1) that provide care and  
7 supervision for 4 to 12 children.

8           (b) The department shall regulate a child care center described in par. (a) in the  
9 same way that it regulates centers that are licensed to provide care and supervision  
10 for 4 to 8 children except for all of the following:

11           1. The department shall require that for a group of 9 to 12 children, 2 providers  
12 provide care and supervision at all times.

13           2. The department may regulate a child care center described under par. (a)  
14 differently from a child care center that provides care and supervision for 4 to 8  
15 children to the extent necessary to safely accommodate a larger group of children.

16           (c) A child care center described under par. (a) may not provide care and  
17 supervision for more than 8 children at one time who are 2 years of age or younger.

18

(END)