

**1999 DRAFTING REQUEST****Bill**Received: **10/6/98**Received By: **yacketa**Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**By/Representing: **Sajna**This file may be shown to any legislator: **NO**Drafter: **yacketa**

May Contact:

Alt. Drafters:

Subject: **Public Assistance - Wis works**Extra Copies: **GMM****Topic:**

DOA:.....Sajna - Child care administration by W-2 agencies

**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>
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DOA:.....Sajna - Child care ~~copayment determination~~ administration by W-2 agencies

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Extra Copies: GMM

Topic:

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See Attached

*Priority = high*

Drafting History:

*please Submit*

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FE Sent For:

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**Department of Workforce Development  
FY99-2001 BIENNIAL BUDGET  
STATUTORY LANGUAGE PROPOSAL**

Division: Economic Support  
Appropriation: 20.445(3)(cm)  
Issue: Child Care  
Contact: Dave Edie, Director  
Office of Child Care

**PROBLEM**

Section 49.155(1m), Stats., provides that the Wisconsin Works (W-2) agency determines nonfinancial and financial eligibility of an applicant for child care. Once the W-2 agency has determined the individual eligible, under s.49.155(3), Stats., it must refer the individual to the county human services or social services agency for child care assistance. The county agency determines the individual's child care co-payment amount and provides a voucher to pay the county portion of the child care costs. The county agency also is responsible for setting the maximum child care reimbursement rates, certifying child care providers and assisting individuals who are eligible for child care subsidies to identify available child care providers and select appropriate child care arrangements.

The inability of the W-2 agency to determine the child care co-payment amount and provide a voucher to the child care applicant is delaying the provision of child care to individuals who need child care to work or participate in a W-2 employment position. This is particularly true in counties where the W-2 agency is a private agency, e.g., Milwaukee County.

**PROPOSED CHANGE**

Amend s.49.155(3), Stats., related to child care, to provide that the department may determine that the W-2 agency, not the county, should be responsible for determining an individual's child care co-payment liability, providing a child care voucher to pay the child care provider, certifying child care providers under s.48.651, Stats., and assisting individuals with identifying available child care providers and selecting appropriate child care arrangements. The county human services or social services agency would retain the responsibility for setting the maximum reimbursement rate for child care providers.

Amend s.49.155(3m) and (7), Stats., as appropriate.

**EXPLANATORY NOTE**

This change could assist the individual applying for child care by having one agency responsible for eligibility determination and the determination of the child care co-payment amount and provision of the child care voucher. It would make the process simpler and more efficient for both the W-2 agency and the participant.

**FISCAL IMPACT**

None.

**DESIRED EFFECTIVE DATE**

Upon enactment.

---

**Yacker, Tina**

---

**From:** Sajna, Jennifer [jennifer.sajna@doa.state.wi.us]  
**Sent:** Tuesday, November 10, 1998 9:10 AM  
**To:** Yacker, Tina  
**Subject:** FW: Child care certification

FYI

> -----Original Message-----

> From: EDIE, DAVE  
> Sent: Tuesday, November 10, 1998 8:50 AM  
> To: Sajna, Jennifer  
> Subject: RE: Child care certification

>

>

> Correct. Feds have almost no regulations about certification.

>

> -----Original Message-----

> From: Sajna, Jennifer -DOA  
> Sent: Tuesday, November 10, 1998 8:34 AM  
> To: Edie, Dave  
> Subject: RE: Child care certification

>

> ~~~~~

> ¶

> ¶

> But if we change state law there is no federal prohibition?

>

> -----Original Message-----

> From: EDIE, DAVE  
> Sent: Tuesday, November 10, 1998 8:09 AM  
> To: Sajna, Jennifer; REYNOLDS, DIANE  
> Subject: RE: Child care certification

>

>

> Counties have the authority to authorize or contract with private agencies

> to

> do certification, but counties have the statutory responsibility for the  
> function. Several counties contract out or authorize other agencies to do  
> certification: Milwaukee, Dane, Kenosha, Racine, etc.

>

> -----Original Message-----

> From: Sajna, Jennifer -DOA  
> Sent: Monday, November 09, 1998 3:38 PM  
> To: Reynolds, Dianne; Edie, Dave  
> Subject: Child care certification

>

> ~~~~~

> ¶

> ¶

> Do either of you know of any restrictions on having a private agency (W-2

> in

> Milwaukee) do the child care certification?





(Soon)  
State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0492/P1

TAY. fgt...

RMR 1/9

DOA:.....Sajna – Child care copayment determination

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1

AN ACT <sup>do not gen. cat.</sup> relating to: the budget.

*Analysis by the Legislative Reference Bureau*

HEALTH AND HUMAN SERVICES

CHILDREN

helps the person

Under current law, if a Wisconsin works (W-2) agency (the agency responsible for administering W-2 in a particular region) determines that a person is eligible for a child care subsidy, the W-2 agency must refer that person to the county department of social services or the county department of human services (county department). The county department determines the amount of the person's copayment for child care; provides a child care subsidy, either in the form of a voucher or a direct payment to the child care provider; and assists individuals to identify available and appropriate child care arrangements. The county department also sets maximum reimbursement rates for child care providers and certifies certain child care providers. Finally, under current law, a county department is responsible for conducting a background investigation of child care providers prior to certifying them.

This bill permits the department of workforce development (DWD) to require either a county department or a W-2 agency to administer the child care subsidy program. Under the bill, whichever entity administers the program is responsible for determining copayment amounts, providing the subsidy, conducting background investigations on and certifying child care providers and identifying available and appropriate child care arrangements for subsidy recipients. County departments,

the

however, retain the responsibility for setting maximum reimbursement rates for child care providers.

For further information see the *local* 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. 48.651<sup>1</sup> (1) of the statutes is renumbered 48.651<sup>1</sup> (1m)<sup>1</sup> and 48.651  
2 (1m)<sup>1</sup> (intro.) and (a)<sup>1</sup>, as renumbered, are amended to read:

3           48.651 (1m) (intro.)<sup>1</sup> Each ~~county department~~ certifying agency<sup>1</sup> shall certify,  
4 according to the standards adopted by the department of workforce development  
5 under s. 49.155 (1d), each day care provider reimbursed for child care services  
6 provided to families determined eligible under s. 49.155 (1m), unless the provider is  
7 a day care center licensed under s. 48.65 or is established or contracted for under s.  
8 120.13 (14). Each ~~county~~ certifying agency<sup>1</sup> may charge a fee to cover the costs of  
9 certification. To be certified under this section, a person must meet the minimum  
10 requirements for certification established by the department of workforce  
11 development under s. 49.155 (1d), meet the requirements specified in s. 48.685 and  
12 pay the fee specified in this section. The ~~county~~ certifying agency<sup>1</sup> shall certify the  
13 following categories of day care providers:

14           (a)<sup>1</sup> Level I certified family day care providers, as established by the department  
15 of workforce development under s. 49.155 (1d). No ~~county~~ certifying agency<sup>1</sup> may  
16 certify a provider under this paragraph if the provider is a relative of all of the  
17 children for whom he or she provides care.

History: 1983 a. 193; 1985 a. 176; 1995 a. 289, 404, 1997 a. 27, 35, 252.

18           SECTION 2. 48.651 (1g) of the statutes is created to read:

19           48.651 (1g) In this section, "certifying agency" means ~~one of following~~ <sup>NO</sup> <sub>TP</sub>

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~~(a)~~ A county department, <sup>or</sup> ~~(b)~~ A Wisconsin works agency, as defined in s. 49.001 (9), <sup>wherever</sup> the department of workforce development <sup>requires</sup> determines <sup>(a)</sup> under s. 49.155 (3) ~~that the Wisconsin works agency will have responsibility for certification under this section.~~

to administer the child care subsidy program under s. 49.155

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

48.651 (2m) Each county department certifying agency shall provide the department with information about each person who is denied certification for a reason specified in s. 48.685 (2) (a) 1. to 5.

History: 1983 a. 193; 1985 a. 176; 1995 a. 289, 404; 1997 a. 27, 35, 252.

SECTION 4. 48.653 of the statutes is amended to read:

**48.653 Information for day care providers.** The department shall provide each day care center licensed under s. 48.65 and each county certifying agency, as defined in s. 48.651 (1g), providing child welfare services with a brochure containing information on basic child care and the licensing and certification requirements for day care providers. Each county agency certifying agency shall provide each day care provider that it certifies with a copy of the brochure.

History: 1983 a. 193.

SECTION 5. 48.685 (1) <sup>am</sup> (bm) of the statutes is created to read:

48.685 (1) <sup>am</sup> (bm) "Certifying agency" has the meaning given in s. 48.651 (1g).

SECTION 6. 48.685 (2) (a) (intro.) of the statutes is amended to read:

48.685 (2) (a) (intro.) 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 certifying agency 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.

1 120.13 (14), if the department, county department, child welfare agency, certifying  
2 agency or school board knows or should have known any of the following:

3 History: 1997 a. 27, 237, 281; s. 13.93 (2) (c).

3 SECTION 7. 48.685 (2) (ad) of the statutes is amended to read:

4 48.685 (2) (ad) The department, a county department or a child welfare agency  
5 may license a foster home or treatment foster home under s. 48.62, a county  
6 department certifying agency may certify a day care provider under s. 48.651 and a  
7 school board may contract with a person under s. 120.13 (14), conditioned on the  
8 receipt of the information specified in par. (am) indicating that the person is not  
9 ineligible to be certified or contracted with for a reason specified in par. (a) 1. to 5.

10 History: 1997 a. 27, 237, 281; s. 13.93 (2) (c).

10 SECTION 8. 48.685 (2) (am) (intro.) of the statutes is amended to read:

11 48.685 (2) (am) (intro.) Subject to subd. 5. and par. (bd), the department, a  
12 county department certifying agency, a child welfare agency or a school board shall

13 obtain all of the following with respect to a person specified under par. (a) (intro.) and  
14 a person specified under par. (ag) (intro.) who is a nonclient resident or prospective  
15 nonclient resident of an entity and shall obtain the information specified in subds.  
16 1. to 5. with respect to a person specified in par. (ag) (intro.) who is under 18 years  
17 of age, but not under 12 years of age, and who is an employe, prospective employe,  
18 contractor, prospective contractor, nonclient resident or prospective nonclient  
19 resident of a day care center that is licensed under s. 48.65 or established or  
20 contracted for under s. 120.13 (14) or of a day care provider that is certified under s.  
21 48.651:

NOTE: NOTE: Par. (am) (intro.) is shown as affected by two acts of the 1997 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:

22 History: 1997 a. 27, 237, 281; s. 13.93 (2) (c).

22 SECTION 9. 48.685 (2) (am) 5. of the statutes is amended to read:

1           48.685 (2) (am) 5. Information maintained by the department under this  
2 section and under ss. 48.651 (2m), 48.75 (1m) and 120.13 (14) regarding any denial  
3 to the person of a license, continuation or renewal of a license, certification or a  
4 contract to operate an entity for a reason specified in par. (a) 1. to 5. and regarding  
5 any denial to the person of employment at, a contract with or permission to reside  
6 at an entity for a reason specified in par. (ag) 1. to 5. If the information obtained  
7 under this subdivision indicates that the person has been denied a license,  
8 continuation or renewal of a license, certification, a contract, employment or  
9 permission to reside as described in this subdivision, the department, a county  
10 department, a child welfare agency, a certifying agency or a school board need not  
11 obtain the information specified in subds. 1. to 4.

History: 1997 a. 27, 237, 281; s. 13.93 (2) (c).

12           **SECTION 10.** 48.685 (2) (b) 4. of the statutes is amended to read:

13           48.685 (2) (b) 4. Subdivision 1. does not apply with respect to a person under  
14 18 years of age, but not under 12 years of age, who is an employe, prospective  
15 employe, contractor, prospective contractor, nonclient resident or prospective  
16 nonclient resident of a day care center that is licensed under s. 48.65 or established  
17 or contracted for under s. 120.13 (14) or of a day care provider that is certified under  
18 s. 48.651 and with respect to whom the department, ~~a county department~~<sup>no strike</sup>  
19 certifying agency or a school board is required under par. (am) (intro.) to obtain the  
20 information specified in par. (am) 1. to 5.

History: 1997 a. 27, 237, 281; s. 13.93 (2) (c).

21           **SECTION 11.** 48.685 (2) (bd) of the statutes is amended to read:

22           48.685 (2) (bd) Notwithstanding pars. (am) and (b) 1., the department, a county  
23 department, a child welfare agency, a certifying agency or a school board is not  
24 required to obtain the information specified in par. (am) 1. to 5., and an entity is not

1 required to obtain the information specified in par. (b) 1. a. to e., with respect to a  
 2 person under 18 years of age whose background information form under sub. (6) (am)  
 3 indicates that the person is not ineligible to be employed, contracted with or  
 4 permitted to reside at an entity for a reason specified in par. (ag) 1. to 5. and with  
 5 respect to whom the department, county department, child welfare agency, certifying  
 6 agency, school board or entity otherwise has no reason to believe that the person is  
 7 ineligible to be employed, contracted with or permitted to reside at an entity for any  
 8 of those reasons. This paragraph does not preclude the department, a county  
 9 department, a child welfare agency, a certifying agency or a school board from  
 10 obtaining, at its discretion, the information specified in par. (am) 1. to 5. with respect  
 11 to a person described in this paragraph who is a nonclient resident or a prospective  
 12 nonclient resident of an entity.

*child welfare agency,*

History: 1997 a. 27, 237, 281; s. 13.93 (2) (c).

**SECTION 12. 48.685 (2) (bm)** of the statutes is amended to read:

14 48.685 (2) (bm) If the person who is the subject of the search under par. (am)  
 15 or (b) 1. is not a resident of this state, or if at any time within the 3 years preceding  
 16 the date of the search that person has not been a resident of this state, the  
 17 department, county department, certifying agency, school board or entity shall make  
 18 a good faith effort to obtain from any state in which the person is a resident or was  
 19 a resident within the 3 years preceding the date of the search information that is  
 20 equivalent to the information specified in par. (am) 1. or (b) 1. a.

History: 1997 a. 27, 237, 281; s. 13.93 (2) (c).

**SECTION 13. 48.685 (3) (a)** of the statutes is amended to read:

22 48.685 (3) (a) Every 4 years or at any time within that period that the  
 23 department, a county department, a child welfare agency, a certifying agency or a  
 24 school board considers appropriate, the department, county department, child

1 welfare agency, certifying agency✓ or school board shall request the information  
 2 specified in sub. (2) (am) 1. to 5. for all persons who are licensed, certified or  
 3 contracted to operate an entity and for all persons specified in par. (ag) (intro.) [sub.  
 4 (2) (ag) (intro.)] who are nonclient residents of an entity and shall request the  
 5 information specified in sub. (2) (am) 1. to 5. for all persons under 18 years of age,  
 6 but not under 12 years of age, who are employes, contractors or nonclient residents  
 7 of a day care center that is licensed under s. 48.65 or established or contracted for  
 8 under s. 120.13 (4) or of a day care provider that is certified under s. 48.651.

NOTE: NOTE: Par. (a) is shown as affected by two acts of the 1997 legislature and as merged by the revisor under s. 13.93 (2) (c). The bracketed language reflects the correct cross-reference. Corrective legislation is pending. NOTE:

History: 1997 a. 27, 237, 281; s. 13.93 (2) (c).

9 **SECTION 14.** 48.685 (3m) of the statutes is amended to read:

10 48.685 (3m) Notwithstanding subs. (2) (b) 1. and (3) (b), if the department, a  
 11 county department, a child welfare agency, a certifying agency✓ or a school board has  
 12 obtained the information required under sub. (2) (am) or (3) (a) with respect to a  
 13 person specified in sub. (2) (a) (intro.) and that person is also an employe, contractor  
 14 or nonclient resident of an entity, the entity is not required to obtain the information  
 15 specified in sub. (2) (b) 1. or (3) (b) with respect to that person.

History: 1997 a. 27, 237, 281; s. 13.93 (2) (c).

16 **SECTION 15.** 48.685 (5) (a) of the statutes is amended to read:

17 48.685 (5) (a) The department may license to operate an entity, a county  
 18 ~~department~~ certifying agency✓ may certify under s. 48.651, a county department or  
 19 a child welfare agency may license under s. 48.62 and a school board may contract  
 20 with under s. 120.13 (14) a person who otherwise may not be licensed, certified or  
 21 contracted with for a reason specified in sub. (2) (a) 1. to 5., and an entity may employ,  
 22 contract with or permit to reside at the entity a person who otherwise may not be  
 23 employed, contracted with or permitted to reside at the entity for a reason specified

1 in sub. (2) (ag) 1. to 5., if the person demonstrates to the department, the county  
2 department, the child welfare agency or the school board by clear and convincing  
3 evidence and in accordance with procedures established by the department by rule  
4 that he or she has been rehabilitated.

5 History: 1997 a. 21, 237, 281; s. 13.93 (2) (c).

5 **SECTION 16.** 48.685 (5c) (bm) of the statutes is created to read:

6 48.685 (5c) (bm) Any person who is permitted but fails under sub. (5) (a) to  
7 demonstrate to a Wisconsin works agency, as defined in s. 49.001 (9), that he or she  
8 has been rehabilitated may appeal to the secretary of workforce development or his  
9 or her designee. Any person who is adversely affected by a decision of the secretary  
10 or his or her designee under this paragraph has a right to a contested case hearing  
11 under ch. 227.

12 **SECTION 17.** 48.685 (5m) of the statutes is amended to read:

13 48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license  
14 a person to operate an entity, a county department or a child welfare agency may  
15 refuse to license a foster home or treatment foster home under s. 48.62, and an entity  
16 may refuse to employ, contract with or permit to reside at the entity a person specified  
17 in sub. (2) (ag) (intro.) if the person has been convicted of an offense that the  
18 department has not defined as a "serious crime" by rule promulgated under sub. (7)  
19 (a), or specified in the list established by rule under sub. (7) (b), but that is, in the  
20 estimation of the department, child welfare agency, or entity, substantially related  
21 to the care of a client. Notwithstanding s. 111.335, the department may refuse to  
22 license a person to operate a day care center, a ~~county department~~ certifying agency  
23 may refuse to certify a day care provider under s. 48.651, a school board may refuse  
24 to contract with a person under s. 120.13 (14), a day care center that is licensed under



1 s. 48.65 or established or contracted for under s. 120.13 (14) and a day care provider  
 2 that is certified under s. 48.651 may refuse to employ, contract with or permit to  
 3 reside at the day care center or day care provider a person specified in sub. (2) (ag)  
 4 (intro.) if the person has been convicted of or adjudicated delinquent on or after his  
 5 or her 12th birthday for an offense that the department has not defined as a "serious  
 6 crime" by rule promulgated under sub. (7) (a), or specified in the list established by  
 7 rule under sub. (7) (b), but that is, in the estimation of the department, ~~county~~  
 8 ~~department~~ certifying agency, school board, day care center or day care provider  
 9 substantially related to the care of a client.

NOTE: NOTE: Sub. (5m) is shown as affected by two acts of the 1997 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:  
 History: 1997 a. 27, 237, 281; s. 13.93 (2) (c).

10 SECTION 18. 48.685 (6) (a) of the statutes is amended to read:

11 48.685 (6) (a) The department shall require any person who applies for  
 12 issuance, continuation or renewal of a license to operate an entity, a ~~county~~  
 13 ~~department~~ certifying agency shall require any day care provider who applies for  
 14 initial certification under s. 48.651 or for renewal of that certification, a county  
 15 department or a child welfare agency shall require any person who applies for  
 16 issuance or renewal of a license to operate a foster home or treatment foster home  
 17 under s. 48.62 and a school board shall require any person who proposes to contract  
 18 with the school board under s. 120.13 (14) or to renew a contract under that  
 19 subsection, to complete a background information form that is provided by the  
 20 department.

History: 1997 a. 27, 237, 281; s. 13.93 (2) (c).

21 SECTION 19. 48.685 (8) of the statutes is amended to read:

22 48.685 (8) The department, a county department, a child welfare agency, a  
 23 certifying agency or a school board may charge a fee for obtaining the information  
 24 required under sub. (2) (am) or (3) (a). The fee may not exceed the reasonable cost

1 of obtaining the information. No fee may be charged to a nurse's assistant, as defined  
2 in s. 146.40 (1) (d), for obtaining or maintaining information if to do so would be  
3 inconsistent with federal law.

4 History: 1997 a. 27, 237, 281; s. 13.93 (2) (c).

4 **SECTION 20.** 49.155 (1) (ad) of the statutes is created to read:

5 49.155 (1) (ad) "Administering agency" means the county department or the  
6 Wisconsin works agency that is required by the department under sub. (3) (a) to  
7 administer child care assistance under this section.

8 **SECTION 21.** 49.155 (1) (aj) of the statutes is created to read:

9 49.155 (1) (aj) "County department" means a county department under s.  
10 46.215, 46.22 or 46.23.

11 **SECTION 22.** 49.155 (3) (title) of the statutes is amended to read:

12 49.155 (3) (title) COUNTY CHILD CARE ADMINISTRATION.

13 History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252.

13 **SECTION 23.** 49.155 (3) (a) of the statutes is repealed and recreated to read:

14 49.155 (3) (a) The department may require either a Wisconsin works agency  
15 or a county department to administer child care assistance under this section. If the  
16 department requires a county department to administer child care assistance under  
17 this section, the Wisconsin works agency shall refer an individual who has been  
18 determined eligible under sub. (1m) to the county department for child care  
19 assistance.

20 History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252.

20 **SECTION 24.** 49.155 (3) (b) (intro.) of the statutes is amended to read:

21 49.155 (3) (b) (intro.) ~~The county department under s. 46.215, 46.22 or 46.23~~  
22 ~~shall administer child care assistance under this section. In administering child care~~

INSER  
10-10

plain

1 assistance under this section, the county department under s. 46.215, 46.22 or 46.23  
2 administering agency shall do all of the following:

3 History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252.

3 **SECTION 25.** 49.155 (3) (b) 3. of the statutes is repealed.

4 **SECTION 26.** 49.155 (3m) (a) of the statutes is amended to read:

5 49.155 (3m) (a) The department shall reimburse child care providers or shall  
6 distribute funds to ~~county departments under s. 46.215, 46.22 or 46.23~~  
7 administering agencies for child care services provided under this section and to  
8 private nonprofit agencies that provide child care for children of migrant workers.

9 History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252.

9 **SECTION 27.** 49.155 (3m) (c) of the statutes is amended to read:

10 49.155 (3m) (c) From the funds distributed under par. (a), a ~~county~~  
11 an administering agency may provide child care services itself, purchase child care  
12 services from a child care provider, provide vouchers to an eligible parent for the  
13 payment of child care services provided by a child care provider, reimburse an eligible  
14 parent for payments made by the parent to a child care provider for child care  
15 services, adopt, with the approval of the department, any other arrangement that the  
16 county considers appropriate or use any combination of these methods to provide  
17 child care.

18 **SECTION 28.** 49.155 (3m) (d) of the statutes is amended to read:

19 49.155 (3m) (d) No funds distributed under par. (a) may be used to provide care  
20 for a child by a person who resides with the child, unless the county administering  
21 agency determines that the care is necessary because of a special health condition  
22 of the child.

23 History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252.

23 **SECTION 29.** 49.155 (7) (a) of the statutes is renumbered 49.155 (7) and 49.155

24 (7) (intro.), (a) and (b), as renumbered, are amended to read:

(intro.) ✓

1           49.155 (7) REFUSAL TO PAY CHILD CARE PROVIDERS ✓  
 2           ~~department under s. 46.215, 46.22 or 46.23~~ administering agency ✓  
 3           may refuse to pay  
 4           a child care provider for child care provided under this section if any of the following  
 5           applies to the child care provider, employe or person living on the premises where  
 6           child care is provided:

6           (a) The person has been convicted of a felony or misdemeanor that the  
 7           ~~department or county department~~ administering agency ✓  
 8           determines substantially  
 9           relates to the care of children.

9           (b) The person is the subject of a pending criminal charge that the department  
 10          ~~or county department~~ administering agency ✓  
 11          determines substantially relates to the  
 12          care of children.

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252.  
 History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252.

(END) ✓

Insert 9-20

renumbered 48.685 (6)(b)1, and

Section #. 48.685 (6) of the statutes is amended to read:

48.685 (6) (b) 1. 11

(b) For persons specified under par. (a) who are licensed by the department, for persons specified in par. (am) 1. who are under 18 years of age, but not under 12 years of age, and who are employes, prospective employes, contractors or prospective contractors 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, for persons specified in par. (am) 2. who are nonclient residents or prospective 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.

PR 2.

For persons specified under par. (a) who are licensed or certified by a county department, for persons specified in par. (am) 2. who are nonclient residents or prospective nonclient residents of an entity that is licensed or certified by a county department and for other persons specified by the department

malcolm (1/2/14)

Fri Nov 20 1998 3:25 pm

[WFO: INSERT AT end of subd. 1.]

For all other persons specified in par. (am) 1., the entity shall maintain the background information form on file for inspection by the department, county department, child welfare agency, certifying agency or school board, whichever is applicable.

Insert 9-20

subd. 2. (am'd)

11

START  
SUBD.  
P 5.

START subd.  
3.

by rule, the entity shall send the background information form to the county department. For persons specified under par. (a) who are licensed by a child welfare agency, for persons specified in par. (am) 2. who are nonclient residents or prospective 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. For persons specified under par. (a) who are contracted with by a school board, for persons specified in par. (am) 2. who are nonclient residents or prospective 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. For all other persons specified under par. (am) 1., the entity shall maintain the background information form on file for inspection by the department, county department, child welfare agency or school board, whichever is applicable.

11

NOTE: Par. (b) is shown as affected by two acts of the 1997 legislature and as merged by the revisor under s. 13.93 (2) (c).



# ~~Insert 9-20~~

SEC. CR; 48.635 (b)(b) 4. [create]

48.635 <sup>[b](b)</sup> (b) 4. For persons specified in par. (a) <sup>in</sup> <sup>in</sup> par.

(a) who are certified by a certifying agency, for persons specified in par. (a) 2. who are nonclient residents or prospective nonclient residents of an entity that is certified by a certifying agency and for other persons specified by the department by rule, the entity shall send the background information form to the certifying agency.

(end insert)

INSERT 10-10

Section #. 49.155 (1) (am) of the statutes is amended to read:

(1m)

49.155 (1) (am) "Level I certified family day care provider" means a day care provider certified under s. 48.651 ~~(1)~~ (a).

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252.





INSERT 10-10 cont.)

Section #. 49.155 (1) (b) of the statutes is amended to read:

(1M)  
49.155 (1) (b) "Level II certified family day care provider" means a day care provider certified under s. 48.651 (1) (b).

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252.

Soor

DOA:.....Sajna - Child care copayment determination  
FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

do not gen

in accordance with a  
schedule developed  
by (DWD),

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

*Analysis by the Legislative Reference Bureau*  
**HEALTH AND HUMAN SERVICES**  
**CHILDREN**

the department  
of workforce  
development

Under current law, if a Wisconsin works (W-2) agency (the agency responsible for administering W-2 in a particular region) determines that a person is eligible for a child care subsidy, the W-2 agency must refer that person to the county department of social services or the county department of human services (county department). The county department determines the amount of the person's copayment for child care; provides a child care subsidy, either in the form of a voucher or a direct payment to the child care provider; and helps the person identify available and appropriate child care. The county department also sets maximum reimbursement rates for child care providers and certifies certain child care providers. Finally, under current law, a county department is responsible for conducting a background investigation of child care providers prior to certifying them.

This bill permits ~~the department of workforce development~~ DWD to require either a county department or a W-2 agency to administer the child care subsidy program. Under the bill, whichever entity administers the program is responsible for determining the copayment amount, providing the subsidy, conducting background investigations on and certifying child care providers and identifying available and appropriate child care for subsidy recipients. County departments, however, retain the responsibility for setting maximum reimbursement rates for child care providers.

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

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

1           **SECTION 1.** 48.651 (1) of the statutes is renumbered 48.651 (1m) and 48.651  
2 (1m) (intro.) and (a), as renumbered, are amended to read:

3           48.651 (1m) (intro.) Each ~~county department~~ certifying agency shall certify,  
4 according to the standards adopted by the department of workforce development  
5 under s. 49.155 (1d), each day care provider reimbursed for child care services  
6 provided to families determined eligible under s. 49.155 (1m), unless the provider is  
7 a day care center licensed under s. 48.65 or is established or contracted for under s.  
8 120.13 (14). Each ~~county~~ certifying agency may charge a fee to cover the costs of  
9 certification. To be certified under this section, a person must meet the minimum  
10 requirements for certification established by the department of workforce  
11 development under s. 49.155 (1d), meet the requirements specified in s. 48.685 and  
12 pay the fee specified in this section. The ~~county~~ certifying agency shall certify the  
13 following categories of day care providers:

14           (a) Level I certified family day care providers, as established by the department  
15 of workforce development under s. 49.155 (1d). No ~~county~~ certifying agency may  
16 certify a provider under this paragraph if the provider is a relative of all of the  
17 children for whom he or she provides care.

18           **SECTION 2.** 48.651 (1g) of the statutes is created to read:

19           48.651 (1g) In this section, “certifying agency” means a county department or  
20 a Wisconsin works agency, as defined in s. 49.001 (9), whichever the department of

1 workforce development requires under s. 49.155 (3) (a) to administer the child care  
2 subsidy program under s. 49.155.

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

4 48.651 (2m) Each ~~county department~~ certifying agency shall provide the  
5 department with information about each person who is denied certification for a  
6 reason specified in s. 48.685 (2) (a) 1. to 5.

7 **SECTION 4.** 48.653 of the statutes is amended to read:

8 **48.653 Information for day care providers.** The department shall provide  
9 each day care center licensed under s. 48.65 and each ~~county~~ certifying agency, as  
10 defined in s. 48.651 (1g), providing child welfare services with a brochure containing  
11 information on basic child care and the licensing and certification requirements for  
12 day care providers. Each ~~county agency~~ certifying agency shall provide each day care  
13 provider that it certifies with a copy of the brochure.

14 **SECTION 5.** 48.685 (1) (a) of the statutes is renumbered 48.685 (1) (at).

15 **SECTION 6.** 48.685 (1) (am) of the statutes is created to read:

16 48.685 (1) (am) "Certifying agency" has the meaning given in s. 48.651 (1g).

17 **SECTION 7.** 48.685 (2) (a) (intro.) of the statutes is amended to read:

18 48.685 (2) (a) (intro.) Notwithstanding s. 111.335, and except as provided in  
19 par. (ad) and sub. (5), the department may not license, or continue or renew the  
20 license of, a person to operate an entity, a ~~county department~~ certifying agency may  
21 not certify a day care provider under s. 48.651, a county department or a child welfare  
22 agency may not license, or renew the license of, a foster home or treatment foster  
23 home under s. 48.62 and a school board may not contract with a person under s.  
24 120.13 (14), if the department, county department, child welfare agency, certifying  
25 agency or school board knows or should have known any of the following:

1           **SECTION 8.** 48.685 (2) (ad) of the statutes is amended to read:

2           48.685 (2) (ad) The department, a county department or a child welfare agency  
3 may license a foster home or treatment foster home under s. 48.62, a county  
4 department certifying agency may certify a day care provider under s. 48.651 and a  
5 school board may contract with a person under s. 120.13 (14), conditioned on the  
6 receipt of the information specified in par. (am) indicating that the person is not  
7 ineligible to be certified or contracted with for a reason specified in par. (a) 1. to 5.

8           **SECTION 9.** 48.685 (2) (am) (intro.) of the statutes is amended to read:

9           48.685 (2) (am) (intro.) Subject to subd. 5. and par. (bd), the department, a  
10 county department, a child welfare agency, a certifying agency or a school board shall  
11 obtain all of the following with respect to a person specified under par. (a) (intro.) and  
12 a person specified under par. (ag) (intro.) who is a nonclient resident or prospective  
13 nonclient resident of an entity and shall obtain the information specified in subds.  
14 1. to 5. with respect to a person specified in par. (ag) (intro.) who is under 18 years  
15 of age, but not under 12 years of age, and who is an employe, prospective employe,  
16 contractor, prospective contractor, nonclient resident or prospective nonclient  
17 resident of a day care center that is licensed under s. 48.65 or established or  
18 contracted for under s. 120.13 (14) or of a day care provider that is certified under s.  
19 48.651:

20           **SECTION 10.** 48.685 (2) (am) 5. of the statutes is amended to read:

21           48.685 (2) (am) 5. Information maintained by the department under this  
22 section and under ss. 48.651 (2m), 48.75 (1m) and 120.13 (14) regarding any denial  
23 to the person of a license, continuation or renewal of a license, certification or a  
24 contract to operate an entity for a reason specified in par. (a) 1. to 5. and regarding  
25 any denial to the person of employment at, a contract with or permission to reside

1 at an entity for a reason specified in par. (ag) 1. to 5. If the information obtained  
2 under this subdivision indicates that the person has been denied a license,  
3 continuation or renewal of a license, certification, a contract, employment or  
4 permission to reside as described in this subdivision, the department, a county  
5 department, a child welfare agency, a certifying agency or a school board need not  
6 obtain the information specified in subs. 1. to 4.

7 **SECTION 11.** 48.685 (2) (b) 4. of the statutes is amended to read:

8 48.685 (2) (b) 4. Subdivision 1. does not apply with respect to a person under  
9 18 years of age, but not under 12 years of age, who is an employe, prospective  
10 employe, contractor, prospective contractor, nonclient resident or prospective  
11 nonclient resident of a day care center that is licensed under s. 48.65 or established  
12 or contracted for under s. 120.13 (14) or of a day care provider that is certified under  
13 s. 48.651 and with respect to whom the department, a ~~county department~~ certifying  
14 agency or a school board is required under par. (am) (intro.) to obtain the information  
15 specified in par. (am) 1. to 5.

16 **SECTION 12.** 48.685 (2) (bd) of the statutes is amended to read:

17 48.685 (2) (bd) Notwithstanding pars. (am) and (b) 1., the department, a county  
18 department, a child welfare agency, a certifying agency or a school board is not  
19 required to obtain the information specified in par. (am) 1. to 5., and an entity is not  
20 required to obtain the information specified in par. (b) 1. a. to e., with respect to a  
21 person under 18 years of age whose background information form under sub. (6) (am)  
22 indicates that the person is not ineligible to be employed, contracted with or  
23 permitted to reside at an entity for a reason specified in par. (ag) 1. to 5. and with  
24 respect to whom the department, county department, child welfare agency, certifying  
25 agency, school board or entity otherwise has no reason to believe that the person is

1 ineligible to be employed, contracted with or permitted to reside at an entity for any  
2 of those reasons. This paragraph does not preclude the department, a county  
3 department, a child welfare agency, a certifying agency or a school board from  
4 obtaining, at its discretion, the information specified in par. (am) 1. to 5. with respect  
5 to a person described in this paragraph who is a nonclient resident or a prospective  
6 nonclient resident of an entity.

7 **SECTION 13.** 48.685 (2) (bm) of the statutes is amended to read:

8 48.685 (2) (bm) If the person who is the subject of the search under par. (am)  
9 or (b) 1. is not a resident of this state, or if at any time within the 3 years preceding  
10 the date of the search that person has not been a resident of this state, the  
11 department, county department, child welfare agency, certifying agency, school  
12 board or entity shall make a good faith effort to obtain from any state in which the  
13 person is a resident or was a resident within the 3 years preceding the date of the  
14 search information that is equivalent to the information specified in par. (am) 1. or  
15 (b) 1. a.

16 **SECTION 14.** 48.685 (3) (a) of the statutes is amended to read:

17 48.685 (3) (a) Every 4 years or at any time within that period that the  
18 department, a county department, a child welfare agency, a certifying agency or a  
19 school board considers appropriate, the department, county department, child  
20 welfare agency, certifying agency or school board shall request the information  
21 specified in sub. (2) (am) 1. to 5. for all persons who are licensed, certified or  
22 contracted to operate an entity and for all persons specified in par. (ag) (intro.) [sub.  
23 (2) (ag) (intro.)] who are nonclient residents of an entity and shall request the  
24 information specified in sub. (2) (am) 1. to 5. for all persons under 18 years of age,  
25 but not under 12 years of age, who are employees, contractors or nonclient residents

1 of a day care center that is licensed under s. 48.65 or established or contracted for  
2 under s. 120.13 (4) or of a day care provider that is certified under s. 48.651.

3 **SECTION 15.** 48.685 (3m) of the statutes is amended to read:

4 48.685 (3m) Notwithstanding subs. (2) (b) 1. and (3) (b), if the department, a  
5 county department, a child welfare agency, a certifying agency or a school board has  
6 obtained the information required under sub. (2) (am) or (3) (a) with respect to a  
7 person specified in sub. (2) (a) (intro.) and that person is also an employe, contractor  
8 or nonclient resident of an entity, the entity is not required to obtain the information  
9 specified in sub. (2) (b) 1. or (3) (b) with respect to that person.

10 **SECTION 16.** 48.685 (5) (a) of the statutes is amended to read:

11 48.685 (5) (a) The department may license to operate an entity, a ~~county~~  
12 ~~department~~ certifying agency may certify under s. 48.651, a county department or  
13 a child welfare agency may license under s. 48.62 and a school board may contract  
14 with under s. 120.13 (14) a person who otherwise may not be licensed, certified or  
15 contracted with for a reason specified in sub. (2) (a) 1. to 5., and an entity may employ,  
16 contract with or permit to reside at the entity a person who otherwise may not be  
17 employed, contracted with or permitted to reside at the entity for a reason specified  
18 in sub. (2) (ag) 1. to 5., if the person demonstrates to the department, the county  
19 department, the child welfare agency or the school board by clear and convincing  
20 evidence and in accordance with procedures established by the department by rule  
21 that he or she has been rehabilitated.

22 **SECTION 17.** 48.685 (5c) (bm) of the statutes is created to read:

23 48.685 (5c) (bm) Any person who is permitted but fails under sub. (5) (a) to  
24 demonstrate to a Wisconsin works agency, as defined in s. 49.001 (9), that he or she  
25 has been rehabilitated may appeal to the secretary of workforce development or his



1 or her designee. Any person who is adversely affected by a decision of the secretary  
2 or his or her designee under this paragraph has a right to a contested case hearing  
3 under ch. 227.

4 **SECTION 18.** 48.685 (5m) of the statutes is amended to read:

5 48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license  
6 a person to operate an entity, a county department or a child welfare agency may  
7 refuse to license a foster home or treatment foster home under s. 48.62, and an entity  
8 may refuse to employ, contract with or permit to reside at the entity a person specified  
9 in sub. (2) (ag) (intro.) if the person has been convicted of an offense that the  
10 department has not defined as a “serious crime” by rule promulgated under sub. (7)  
11 (a), or specified in the list established by rule under sub. (7) (b), but that is, in the  
12 estimation of the department, child welfare agency, or entity, substantially related  
13 to the care of a client. Notwithstanding s. 111.335, the department may refuse to  
14 license a person to operate a day care center, a ~~county department~~ certifying agency  
15 may refuse to certify a day care provider under s. 48.651, a school board may refuse  
16 to contract with a person under s. 120.13 (14), a day care center that is licensed under  
17 s. 48.65 or established or contracted for under s. 120.13 (14) and a day care provider  
18 that is certified under s. 48.651 may refuse to employ, contract with or permit to  
19 reside at the day care center or day care provider a person specified in sub. (2) (ag)  
20 (intro.) if the person has been convicted of or adjudicated delinquent on or after his  
21 or her 12th birthday for an offense that the department has not defined as a “serious  
22 crime” by rule promulgated under sub. (7) (a), or specified in the list established by  
23 rule under sub. (7) (b), but that is, in the estimation of the department, ~~county~~  
24 department certifying agency, school board, day care center or day care provider  
25 substantially related to the care of a client.

1           **SECTION 19.** 48.685 (6) (a) of the statutes is amended to read:

2           48.685 (6) (a) The department shall require any person who applies for  
3 issuance, continuation or renewal of a license to operate an entity, a ~~county~~  
4 ~~department~~ certifying agency shall require any day care provider who applies for  
5 initial certification under s. 48.651 or for renewal of that certification, a county  
6 department or a child welfare agency shall require any person who applies for  
7 issuance or renewal of a license to operate a foster home or treatment foster home  
8 under s. 48.62 and a school board shall require any person who proposes to contract  
9 with the school board under s. 120.13 (14) or to renew a contract under that  
10 subsection, to complete a background information form that is provided by the  
11 department.

12           **SECTION 20.** 48.685 (6) (b) of the statutes is renumbered 48.685 (6) (b) 1. and  
13 amended to read:

14           48.685 (6) (b) 1. For persons specified under in par. (a) who are licensed by the  
15 department, for persons specified in par. (am) 1. who are under 18 years of age, but  
16 not under 12 years of age, and who are employes, prospective employes, contractors  
17 or prospective contractors of a day care center that is licensed under s. 48.65 or  
18 established or contracted for under s. 120.13 (4) or of a day care provider that is  
19 certified under s. 48.651, for persons specified in par. (am) 2. who are nonclient  
20 residents or prospective nonclient residents of an entity that is licensed by the  
21 department, and for other persons specified by the department by rule, the entity  
22 shall send the background information form to the department. For all other persons  
23 specified in par. (am) 1., the entity shall maintain the background information form  
24 on file for inspection by the department, county department, child welfare agency,  
25 certifying agency or school board, whichever is applicable.

1           2. For persons specified ~~under~~ in par. (a) who are licensed ~~or certified~~ by a  
2 county department, for persons specified in par. (am) 2. who are nonclient residents  
3 or prospective nonclient residents of an entity that is licensed ~~or certified~~ by a county  
4 department and for other persons specified by the department by rule, the entity  
5 shall send the background information form to the county department.

6           3. For persons specified ~~under~~ in par. (a) who are licensed by a child welfare  
7 agency, for persons specified in par. (am) 2. who are nonclient residents or prospective  
8 nonclient residents of an entity that is licensed by a child welfare agency and for  
9 other persons specified by the department by rule, the entity shall send the  
10 background information form to the child welfare agency.

11           5. For persons specified ~~under~~ in par. (a) who are contracted with by a school  
12 board, for persons specified in par. (am) 2. who are nonclient residents or prospective  
13 nonclient residents of an entity that is contracted with by a school board and for other  
14 persons specified by the department by rule, the entity shall send the background  
15 information form to the school board. ~~For all other persons specified under par. (am)~~  
16 ~~1., the entity shall maintain the background information form on file for inspection~~  
17 ~~by the department, county department, child welfare agency or school board,~~  
18 ~~whichever is applicable.~~

19           **SECTION 21.** 48.685 (6) (b) 4. of the statutes is created to read:

20           48.685 (6) (b) 4. For persons specified in par. (a) who are certified by a certifying  
21 agency, for persons specified in par. (am) 2. who are nonclient residents or prospective  
22 nonclient residents of an entity that is certified by a certifying agency and for other  
23 persons specified by the department by rule, the entity shall send the background  
24 information form to the certifying agency.

25           **SECTION 22.** 48.685 (8) of the statutes is amended to read:

1           48.685 (8) The department, a county department, a child welfare agency, a  
2           certifying agency or a school board may charge a fee for obtaining the information  
3           required under sub. (2) (am) or (3) (a). The fee may not exceed the reasonable cost  
4           of obtaining the information. No fee may be charged to a nurse's assistant, as defined  
5           in s. 146.40 (1) (d), for obtaining or maintaining information if to do so would be  
6           inconsistent with federal law.

7           **SECTION 23.** 49.155 (1) (ad) of the statutes is created to read:

8           49.155 (1) (ad) "Administering agency" means the county department or the  
9           Wisconsin works agency that is required by the department under sub. (3) (a) to  
10          administer child care assistance under this section.

11          **SECTION 24.** 49.155 (1) (aj) of the statutes is created to read:

12          49.155 (1) (aj) "County department" means a county department under s.  
13          46.215, 46.22 or 46.23.

14          **SECTION 25.** 49.155 (1) (am) of the statutes is amended to read:

15          49.155 (1) (am) "Level I certified family day care provider" means a day care  
16          provider certified under s. 48.651 (~~1~~) (1m) (a).

17          **SECTION 26.** 49.155 (1) (b) of the statutes is amended to read:

18          49.155 (1) (b) "Level II certified family day care provider" means a day care  
19          provider certified under s. 48.651 (~~1~~) (1m) (b).

20          **SECTION 27.** 49.155 (3) (title) of the statutes is amended to read:

21          49.155 (3) (title) ~~COUNTY CHILD CARE ADMINISTRATION.~~

22          **SECTION 28.** 49.155 (3) (a) of the statutes is repealed and recreated to read:

23          49.155 (3) (a) The department may require either a Wisconsin works agency  
24          or a county department to administer child care assistance under this section. If the  
25          department requires a county department to administer child care assistance under

1 this section, the Wisconsin works agency shall refer an individual who has been  
2 determined eligible under sub. (1m) to the county department for child care  
3 assistance.

4 **SECTION 29.** 49.155 (3) (b) (intro.) of the statutes is amended to read:

5 49.155 (3) (b) (intro.) ~~The county department under s. 46.215, 46.22 or 46.23~~  
6 ~~shall administer child care assistance under this section. In administering child care~~  
7 ~~assistance under this section, the county department under s. 46.215, 46.22 or 46.23~~  
8 administering agency shall do all of the following:

9 **SECTION 30.** 49.155 (3) (b) 3. of the statutes is repealed.

10 **SECTION 31.** 49.155 (3m) (a) of the statutes is amended to read:

11 49.155 (3m) (a) The department shall reimburse child care providers or shall  
12 distribute funds to ~~county departments under s. 46.215, 46.22 or 46.23~~  
13 administering agencies for child care services provided under this section and to  
14 private nonprofit agencies that provide child care for children of migrant workers.

15 **SECTION 32.** 49.155 (3m) (c) of the statutes is amended to read:

16 49.155 (3m) (c) From the funds distributed under par. (a), ~~a county an~~  
17 administering agency may provide child care services itself, purchase child care  
18 services from a child care provider, provide vouchers to an eligible parent for the  
19 payment of child care services provided by a child care provider, reimburse an eligible  
20 parent for payments made by the parent to a child care provider for child care  
21 services, adopt, with the approval of the department, any other arrangement that the  
22 county considers appropriate or use any combination of these methods to provide  
23 child care.

24 **SECTION 33.** 49.155 (3m) (d) of the statutes is amended to read:



STATE OF WISCONSIN  
DEPARTMENT OF ADMINISTRATION  
DIVISION OF EXECUTIVE BUDGET AND FINANCE  
DOA-S167 N(08/95)

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COMMENTS / INSTRUCTIONS

**InterOffice Memo****Department of Workforce Development**

**Date:** December 10, 1998

**To:** Jennifer Sajna  
State Budget Office

**From:** Bob Nikolay  
Bureau of Strategic Planning and Budget

**Subject:** Statutory Language Drafts for Biennial Budget

*include it where?*

Summarized below are additional comments on LRB drafts of biennial budget statutory language.

1. LRB 0492/1 - Child Care Administration. This draft retains the responsibility for setting the maximum child care reimbursement rates with the county agencies. The Division would prefer that flexibility be provided so that child care resource and referral agencies could be selected to set these rates. This could be accomplished by making the following changes in s. 49.155(6), Stats.: 1) Change the reference in pars. (a) to (c) from county to administering agency; 2) ~~include a reference to s. 49.134(1)(b), Stats.;~~ *where?* and 3) add the phrase "as determined by the department."
2. LRB 0495/1 - Use of Child Care Allocations. The Department's intent is that the standard be 5% of the current expenditures. The exception would be that if current year expenditures are less than the previous year, then 5% of the previous year amount or \$20,000, whichever is greater, is allowed. Also, since the Department now makes child care payments through the automated payment system, it may be more appropriate to use the term "expended" instead of "distributed." This draft also needs to be reconciled with the LRB 0492 to reference the administering agency instead of the county.
3. LRB 0609/1 - Food Stamps EBT. I believe the latest we discussed (12/7) was a three-month delay, rather than one year. Otherwise, the draft is OK.
4. LRB 0687/2 - Child care Start-up and Expansion Loans. This draft is OK provided the numbers s. 49.155 (1g)(b) change to reflect increases requested in indirect services.
5. LRB 0699/1 - Treatment of Child Support Payments under W-2. This draft is OK.
6. LRB-0701/1 - Child Care Eligibility for Disabled Children. The drafter was correct in assuming that the Department's intent was to make the child care subsidy to disabled children age 18 and younger. Also, it is the Department's intent to change the income and asset limits for all families. The effective date of January 1, 2000 is correct.

The drafter has created a definition of the term "disabled" under s.49.155(1)(aL). Rather than have the Department specify the definition in administrative rules, we would prefer that a statutory definition be created consistent with the federal regulations at 45 CFR 98.20, i.e., disabled means "physically or mentally incapable of caring for himself or herself."



8. LRB-0785/1 - Job Retention Services. This draft is OK.
9. LRB 0786/1 - Children First Funding. This draft is OK.
10. LRB 0787/1 - W-2 Education Activities. The draft is OK. The drafter was correct in making the initial applicability of this provision to apply to contracts entered into or renewed on or after the effective date of the budget.