



2011 SENATE BILL 372

January 9, 2012 – Introduced by Senators S. COGGS, RISSER, TAYLOR, WANGGAARD and CARPENTER, cosponsored by Representatives MASON, YOUNG, TURNER, BERCEAU, POPE-ROBERTS and BERNARD SCHABER. Referred to Committee on Labor, Public Safety, and Urban Affairs.

1 **AN ACT** *to amend* 48.715 (2) (a); and *to create* 48.654 and 48.715 (2) (am) of the
2 statutes; **relating to:** inspections of unlicensed child care centers, a hotline to
3 receive reports of alleged unlicensed child care centers, and an unlicensed child
4 care center public information and education campaign.

Analysis by the Legislative Reference Bureau

Under current law, no person may for compensation provide care and supervision for four or more children under seven years of age for less than 24 hours a day unless that person obtains a license to operate a child care center from the Department of Children and Families (DCF). If a person operates a child care center without a license, DCF may order the person to stop operating the child care center and, if the person fails to comply with the order, DCF may impose a daily forfeiture of not less than \$10 nor more than \$1,000.

This bill permits DCF to order a person who operates a child care center without a license to stop operating the child care center *and* to submit to random, unannounced inspections by DCF to ensure that the person is not committing repeated violations. Under the bill, a person who is ordered to submit to those inspections is considered to have given consent to any authorized officer, employee, or agent of DCF to enter and inspect the person's premises, and any refusal to permit that entry or inspection constitutes grounds for a forfeiture as under current law.

The bill also requires DCF to maintain a toll-free telephone number to receive reports of alleged unlicensed child care centers and to conduct a public information and education campaign to promote public awareness of the child care center

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licensing requirement, of the benefits of placing a child for care and supervision in a licensed child care center, and of the possible dangers of placing a child for care and supervision in an unlicensed child care center.

Finally, the bill authorizes an additional two full-time equivalent positions in DCF for the purpose of investigating alleged unlicensed child care centers.

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.** 48.654 of the statutes is created to read:

2 **48.654 Unlicensed child care center hotline and public information**

3 **campaign. (1)** The department shall maintain a toll-free telephone number to

4 receive reports of alleged violations of s. 48.65 (1). The department shall publicize

5 the toll-free telephone number on the department's Internet site and as widely as

6 possible throughout the state. The department shall maintain records of reports

7 received under this subsection that permit the release of information provided by

8 informants while protecting the identity of the informant. Any record maintained

9 by the department under this subsection that relates to the identity of an informant

10 shall be only for the confidential use of the department in the enforcement of s. 48.65

11 (1), unless the informant expressly agrees to release the record. Appearance in court

12 as a witness shall not be considered consent by an informant to release confidential

13 records maintained by the department under this subsection.

14 **(2)** The department shall conduct a public information and education

15 campaign to promote public awareness of the requirements of s. 48.65 (1), of the

16 benefits to the health, safety, welfare, and development of a child of placing the child

17 for care and supervision in a child care center that is licensed under s. 48.65 (1), and

18 of the possible dangers to the health, safety, welfare, and development of a child of

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1 placing the child for care and supervision with a person that is not licensed as
2 required under s. 48.65 (1).

3 **SECTION 2.** 48.715 (2) (a) of the statutes is amended to read:

4 48.715 (2) (a) That a person stop operating a child welfare agency, shelter care
5 facility, or group home, or child care center if the ~~child welfare agency, shelter care~~
6 ~~facility, group home, or child care center~~ person is without a license in violation of s.
7 48.66 (1) (a) or a probationary license in violation of s. 48.69.

8 **SECTION 3.** 48.715 (2) (am) of the statutes is created to read:

9 48.715 (2) (am) That a person who provides care and supervision for children
10 in violation of s. 48.65 (1) stop providing that care and supervision in violation of that
11 provision and that the person submit to random, unannounced inspections by the
12 department to ensure that the person is not committing repeated violations of that
13 provision. A person who is ordered to submit to those inspections is considered to
14 have given consent to any authorized officer, employee, or agent of the department
15 to enter and inspect the person's premises. Any refusal to permit that entry or
16 inspection shall constitute grounds for a forfeiture under sub. (3) (a).

17 **SECTION 4. Nonstatutory provisions.**

18 (1) CHILD CARE LICENSING ENFORCEMENT. The authorized FTE positions for the
19 department of children and families are increased by 2.0 PR positions, to be funded
20 from the appropriation under section 20.437 (2) (jn) of the statutes, for the purpose
21 of investigating alleged violations of section 48.65 (1) of the statutes.

22 (END)