

2011 DRAFTING REQUEST

Bill

Received: **09/15/2011**

Received By: **gmalaise**

Wanted: **Soon**

Companion to LRB:

For: **Spencer Coggs (608) 266-2500**

By/Representing: **Enis Ragland**

May Contact:

Drafter: **gmalaise**

Subject: **Children - day care**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Coggs@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Unlicensed child care; penalties, enforcement, public education

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>
/?	gmalaise 09/15/2011	kfollett 09/20/2011		_____			State
/1			phenry 09/21/2011	_____	sbasford 09/21/2011	ggodwin 01/05/2012	

FE Sent For:

*AT intro
1/4/2012*

<END>

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/?	gmalaise	1/15 f 9/20	9/21 ph	ph/8K			

FE Sent For:

<END>

Bill Request Form

Legislative Reference Bureau
One East Main Street, Suite 200
Legal Section 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date September 13, 2011

Legislator, agency, or other person requesting this draft Senator Spencer Coggs

Person submitting request (name and phone number) Eric Ragland 6-2500

Persons to contact for questions about this draft (names and phone numbers) _____

Eric Ragland or Senator Coggs

Describe the problem, including any helpful examples. How do you want to solve the problem?

- 5 children have died in less than a year in unlicensed childcare ctrs.*
- *Require DCF to conduct periodic & unannounced re-inspections of reported unlicensed childcare ctrs.*
 - *Increase the penalties for non-compliance - closing of an unlicensed ctr.*
 - *Increase the public education on the dangers of using an unlicensed childcare ctr.*
 - *Create a Hot-line for the public to report unlicensed childcare ctrs.*
- Increase DCF staff to accomplish these additional responsibilities. (2)*

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2005 LRB-2345/1 or 2003 AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes: Anyone who asks? YES NO
 Any legislator? YES NO

Only the following persons Sen. Coggs & his Staff

Do you consider this request urgent? YES NO If yes, please indicate why Too many children have died!

Should we give this request priority over any pending request of this legislator, agency, or person? YES NO



GMM



LRB-29077

IN 9/15
Week of 9/19

lgf

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1 AN ACT ...; relating to: inspections of unlicensed child care centers, a hotline to
2 receive reports of alleged unlicensed child care centers, and an unlicensed child
3 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 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.

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Finally, the bill authorizes an addition 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:

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

48.654 Unlicensed child care center hotline and public information campaign. (1) The department shall maintain a toll-free telephone number to receive reports of alleged violations of s. 48.65 (1). The department shall publicize the toll-free telephone number on the department's Internet site and as widely as possible throughout the state. The department shall maintain records of reports received under this subsection that permit the release of information provided by informants while protecting the identity of the informant. Any record maintained by the department under this subsection that relates to the identity of an informant shall be only for the confidential use of the department in the enforcement of s. 48.65 (1), unless the informant expressly agrees to release the record. Appearance in court as a witness shall not be considered consent by an informant to release confidential records maintained by the department under this subsection.

(2) The department shall conduct a public information and education campaign to promote public awareness of the requirements of s. 48.65 (1), of the benefits to the health, safety, welfare, and development of a child of placing the child for care and supervision in a child care center that is licensed under s. 48.65 (1), and of the possible dangers to the health, safety, welfare, and development of a child of placing the child for care and supervision with a person that is not licensed as required under s. 48.65 (1).

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

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

History: 1991 a. 275; 1993 a. 375; 1995 a. 27; 1997 a. 27, 191, 237; 1999 a. 9, 32, 186; 2003 a. 33; 2005 a. 344; 2007 a. 20; 2009 a. 19, 76, 185.

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

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

SECTION 4. Nonstatutory provisions.

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

(END)

Barnan, Mike

From: Ragland, Enis
Sent: Wednesday, January 04, 2012 1:58 PM
To: LRB.Legal
Subject: Message from LRB website

Please jacket LRB 2907/1 and have it delivered to our office. Please contact me if you have questions.
Thanks,
Enis

*Enis T. Ragland
Executive Assistant
Office of Senator Spencer Coggs
(608) 266-2500 Office
(877) 474-2000 Toll Free
(608) 282--3546 Fax*