



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

Appendix A

LRB BILL HISTORY RESEARCH APPENDIX

The drafting file for 2015 LRB-0088/P1 (For: DCF)

has been copied/added to the drafting file for

2015 LRB-0305 (For: DOA)

Are These “Companion Bills” ?? ... No

Who in the initial requestor’s office authorized the copy/transfer of the drafting history (“guts”) from the original file: **Kim Swissdorf (DCF)**



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 09/29/2014 (Per: EHS)

The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2015 DRAFTING REQUEST

Bill

Received: **9/8/2014** Received By: **eshea**
Wanted: **As time permits** Same as LRB:
For: **Children and Families 261-0616** By/Representing: **Kim Swissdorf**
May Contact: Drafter: **eshea**
Subject: **Children - day care** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **kimm.swissdorf@wisconsin.gov**
Carbon copy (CC) to: **elisabeth.shea@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Annual background information disclosure form requirement

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>
/?	eshea 9/8/2014	kfollett 9/23/2014		_____			
/P1			jfrantze 9/24/2014	_____	srose 9/24/2014		

FE Sent For:

<END>

2015 DRAFTING REQUEST

Bill

Received: **9/8/2014** Received By: **eshea**
Wanted: **As time permits** Same as LRB:
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Topic:

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/?	eshea	1P1Kf 9/23	1P1Kf 9/23	9/23 9/24			

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: 8/11/2014 Received By: eshea
Wanted: As time permits Same as LRB:
For: Children and Families 261-0616 By/Representing: Kim Swissdorf
May Contact: Drafter: eshea
Subject: Children - day care Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: kimm.swissdorf@wisconsin.gov
Carbon copy (CC) to: elisabeth.shea@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Annual background information disclosure form requirement

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>
/P1	eshea 8/12/2014	kfollett 8/21/2014	rschluet 8/21/2014	_____	sbasford 8/21/2014		

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: **8/11/2014** Received By: **eshea**
Wanted: **As time permits** Same as LRB:
For: **Children and Families 261-0616** By/Representing: **Kim Swissdorf**
May Contact: Drafter: **eshea**
Subject: **Children - day care** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **kimm.swissdorf@wisconsin.gov**
Carbon copy (CC) to: **elisabeth.shea@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Annual background information disclosure form requirement ✓

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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/P1 eshea

MP/5A
8/21
8/11/2014
6

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FE Sent For:

<END>

Malaise, Gordon

From: Swissdorf, Kim M - DCF <KimM.Swissdorf@wisconsin.gov>
Sent: Thursday, August 07, 2014 1:10 PM
To: Malaise, Gordon; Shea, Elisabeth
Subject: BID forms
Attachments: BID forms.doc

Another request. Let me know if you have any questions. Thanks!

Kim Swissdorf
Budget and Policy Manager
Department of Children and Families

201 East Washington Avenue
Madison, WI 53703

T: (608) 261-0616
E: KimM.Swissdorf@wisconsin.gov

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Department of Children and Families
2015-17 Biennial Budget
Statutory Language Request

Topic: Elimination of Annual Background Information Disclosure (BID) Forms

Current Language:

The caregiver law for regulated child care providers requires the completion of a Background Information Disclosure (BID) form initially and every 12 months thereafter. The applicant, licensee, certified operator, household member at least 12 years of age, and caregiver employee, must complete this form.

Proposed Change: (am)

Under 48.685(6), eliminate the annual BID form requirement for licensed and certified child care providers, household members and employees.

Justification:

The current law requires the completion of BID forms every 12 months, regardless of whether there are changes in the individual's background information or not. The individual's information from the initial BID form is entered in the child care regulatory information system, which is then used to perform an automated match with the Sex Offender Registry database, Wisconsin Circuit Court Access records (CCAP) and Wisconsin Statewide Automated Child Welfare Information System (eWiSACWIS) every month. These monthly, automated checks significantly exceed the intent and purpose of the annual BID form, which is to ensure the licensee or certified operator does not have any new background information prohibiting them from maintaining their approved regulation status. Automatically checking these databases monthly for new concerning background information avoids reliance upon possibly inaccurate self-disclosure by an individual once per year.

The current annual BID form requirement results in overtime for the three full-time permanent staff and required the addition of a Limited Term Employee (LTE) position in order to process the thousands of forms and issue hundreds of non-serious violations and licensing enforcement actions each year. Eliminating the annual BID form would reduce the burden on regulated child care providers without increasing the risk of harm to children in care, while simultaneously reducing costs to DCF by eliminating overtime and the LTE position, which could save approximately \$10,000 annually.

This requirement is no longer necessary to verify whether an individual's background meets statutory requirements as a caregiver. The monthly automated checks, annual criminal record checks and existing administrative rules requiring licensees and certified operators to report any conviction, pending charge, or other offense that could potentially relate to the care of children no later than the next business day far exceed information disclosed on a BID form once per year.

This change would maintain the requirement for new applicants, household members, employees and other caregivers to complete an initial BID form and the penalties for providing false information on a BID form, but would eliminate the subsequent annual BID form requirement.

Desired Effective Date: Upon enactment

Agency Contact: Kim Swissdorf
261-0616



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-4537/P1
EHS...

5f

In 8/11/14

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Ben

1 **AN ACT ...; relating to:** background information required of child care provider
2 caregivers and nonclient residents.

Analysis by the Legislative Reference Bureau

Under current law, every four years an entity that provides care for children must require all of its caregivers and nonclient residents to complete a background information form provided by the Department of Children and Families, except that a child care provider must require the form to be completed every year. This bill eliminates this exception, and requires child care providers to require the forms to be completed every four years.

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

3 **SECTION 1.** 48.685 (6) (am) of the statutes, as affected by 2013 Wisconsin Act
4 165, is amended to read:

5 48.685 (6) (am) ~~Except as provided in this paragraph, every~~ Every 4 years an
6 entity shall require all of its caregivers and all nonclient residents of the entity or of
7 a caregiver specified in sub. (1) (ag) 1. am. of the entity to complete a background

1 information form that is provided to the entity by the department. ~~Every year a child~~
2 ~~care center that is licensed under s. 48.65 or established or contracted for under s.~~
3 ~~120.13 (14) or a child care provider that is certified under s. 48.651 shall require all~~
4 ~~of its caregivers and nonclient residents to complete a background information form~~
5 ~~that is provided to the child care center or child care provider by the department.~~

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2003 a. 321; 2005 a. 149, 184, 277; 2007 a. 20 ss. 1346 to 1358, 9121 (6) (a); 2007 a. 97, 111, 116, 130, 153; 2009 a. 28, 76, 94, 185; 2011 a. 32, 35, 87, 258; 2013 a. 20, 165, 170, 334.

6

(END)

Shea, Elisabeth

From: Swissdorf, Kim M - DCF <KimM.Swissdorf@wisconsin.gov>
Sent: Friday, August 22, 2014 9:26 AM
To: Shea, Elisabeth
Subject: LRB 4537/P1 Annual Background Information Disclosure Form

Good morning—

I sent the draft to our child care staff to review, and we're hoping to get some changes. Here's some more information about what the intent is:

Our intent is to completely eliminate the need to complete any subsequent background information disclosure forms. Once the initial form is received by the department or certifying agency and the applicant becomes licensed or certified, we have an automated matching process that is checking on their background every month and administrative rules are in place that require licensed and certified child care providers to report contact with law enforcement, arrests, pending charges and convictions by the next business day. Requiring small business owners to complete this form after they are regulated is no longer necessary to ensure the health, safety and welfare of children in their care.

To eliminate all subsequent background information disclosure forms for licensed or certified child care providers and entities contracted by a school board under s. 120.13 (14), would it be possible to amend s. 48.685 (6) (a) and (am) to read something like this? My concern with (6) (a) is that it requires the forms at continuation/renewal, which is every 2 years for child care licensing and certification.

48.685 (6) (a) *Except as provided in (am), The the* department shall require any person who applies for issuance, continuation, or renewal of a license to operate an entity, the department in a county having a population of 500,000 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 or for renewal of that certification, a county department or a child welfare agency shall require any person who applies for issuance or renewal of a license to operate a foster home under s. 48.62, the department in a county having a population of 750,000 or more or a county department shall require any person who applies for subsidized guardianship payments under s. 48.623 (6), and a school board shall require any person who proposes to contract with the school board under s. 120.13 (14) or to renew a contract under that subsection, to complete a background information form that is provided by the department.

48.685 (6) (am) ~~Except as provided in this paragraph, every~~ Every 4 years an entity shall require all of its caregivers and all nonclient residents of the entity or of a caregiver specified in sub. (1) (ag) 1. am. of the entity to complete a background information form that is provided to the entity by the department. ~~Every year~~ *Once* a child care center ~~that~~ is licensed under s. 48.65 or established or contracted for under s. 120.13 (14) or a child care provider ~~that~~ is certified under s. 48.651, *the entity* shall require all of its *new* caregivers and nonclient residents to complete a background information form that is provided to the child care center or child care provider by the department.

Let me know what you think, and please give me a call if you have any questions. Thanks much!!

Kim Swissdorf
Budget and Policy Manager
Department of Children and Families

201 East Washington Avenue
Madison, WI 53703

T: (608) 261-0616
E: KimM.Swissdorf@wisconsin.gov

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State of Wisconsin
2013 - 2014 LEGISLATURE



LRB 4537/PT 0088/PI

EHS:kjfrs

RMNR

In 9/8/14

stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 AN ACT to amend 48.685 (6) (am) of the statutes; relating to: background
2 information required of child care provider caregivers and nonclient residents.

INSERT
A-1



Analysis by the Legislative Reference Bureau

DCF

Under current law, every four years an entity that provides care for children must require all of its caregivers and nonclient residents to complete a background information form provided by the Department of Children and Families, except that a child care provider must require the form to be completed every year. This bill eliminates this exception, and requires child care providers to require the forms to be completed every four years.

INSERT
A-2

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

3 SECTION 1. 48.685 (6) (am) of the statutes, as affected by 2013 Wisconsin Act
4 165, is amended to read:

5 48.685 (6) (am) Except as provided in this paragraph, every Every 4 years an
6 entity shall require all of its caregivers and all nonclient residents of the entity or of
7 a caregiver specified in sub. (1) (ag) 1. am. of the entity to complete a background

1 information form that is provided to the entity by the department. Every year a child
2 ~~care center that is licensed under s. 48.65 or established or contracted for under s.~~
3 ~~120.13 (14) or a child care provider that is certified under s. 48.651 shall require all~~
4 ~~of its caregivers and nonclient residents to complete a background information form~~
5 ~~that is provided to the child care center or child care provider by the department.~~

INSERT
2-6

(END)

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0088/ins
EHS:.....

1 INSERT A-1

Under current law, the Department of Children and Families (DCF), a county, or an agency contracted with to certify child care providers must require any person applying for issuance, continuation, or renewal of a child care provider license, certificate, or contract to complete a background information form. This bill requires DCF, a county, or a contracted agency to require a person applying for issuance of a child care provider license, certificate, or contract to complete a background information form, but exempts these persons from completing such a form when applying to continue or renew a license, certification, or contract.

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for *No #* INSERT A-2
This bill changes this exception by exempting child care providers from the 4-year requirement and instead obligating them to require any new caregiver or nonclient resident to complete the form.

INSERT 2-6

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

48.685 (6) (a) The Except as provided in this paragraph, the department shall require any person who applies for issuance, continuation, or renewal of a license to operate an entity, ~~the department in a county having a population of 500,000 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 or for renewal of that certification, a county department or a child welfare agency shall require any person who applies for issuance or renewal of a license to operate a foster home under s. 48.62, and the department in a county having a population of 750,000 or more or a county department shall require any person who applies for subsidized guardianship payments under s. 48.623 (6), ~~and a school board shall require any person who proposes to contract with the school board under s. 120.13 (14) or to renew a contract under that subsection,~~ to complete a background information form

1 that is provided by the department. The department shall require any person who
 2 applies for issuance, but not continuation, of a license to operate a child care center
 3 under s. 48.65, a school board shall require any person who proposes to contract, but
 4 not renew a contract, with the school board under s. 120.13 (14), and the department
 5 in a county having a population of 750,000 or more, a county department, or an
 6 agency contracted with under s. 48.651 (2) shall require any child care provider who
 7 applies for initial certification, but not renewal of that certification, under s. 48.651
 8 to complete a background information form that is provided by the department.

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2003 a. 321; 2005 a. 149, 184, 277; 2007 a. 20 ss. 1346 to 1358, 9121 (6) (a); 2007 a. 97, 111, 116, 130, 153; 2009 a. 28, 76, 94, 185; 2011 a. 32, 35, 87, 258; 2013 a. 20, 165, 170, 334.

9 **SECTION 2.** 48.685 (6) (am) of the statutes is amended to read:

10 48.685 (6) (am) Except as provided in this paragraph, every 4 years an entity
 11 shall require all of its caregivers and all nonclient residents of the entity or of a
 12 caregiver specified in sub. (1) (ag) 1. am. of the entity to complete a background
 13 information form that is provided to the entity by the department. ~~Every year a~~ [↓] ~~A~~
 14 child care center that is licensed under s. 48.65 or established or contracted for under
 15 s. 120.13 (14) or a child care provider that is certified under s. 48.651 is exempt from
 16 the 4-year requirement, but shall require all of its caregivers and any new caregiver
 17 or nonclient residents resident to complete a background information form that is
 18 provided to the child care center or child care provider by the department.

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2003 a. 321; 2005 a. 149, 184, 277; 2007 a. 20 ss. 1346 to 1358, 9121 (6) (a); 2007 a. 97, 111, 116, 130, 153; 2009 a. 28, 76, 94, 185; 2011 a. 32, 35, 87, 258; 2013 a. 20, 165, 170, 334.

19 **SECTION 3.** 120.13 (14) (a) of the statutes is amended to read:

20 120.13 (14) (a) Establish and provide or contract for the provision of child care
 21 programs for children. The school board may receive federal or state funds for this
 22 purpose. The school board may charge a fee for all or part of the cost of the service
 23 for participation in a child care program established under this subsection. Costs

1 associated with a child care program under this subsection may not be included in
 2 shared costs under s. 121.07 (6). Child care programs established under this
 3 subsection shall meet the standards for licensed child care centers established by the
 4 department of children and families. If a school board proposes to contract for or
 5 ~~renew a contract for~~ the provision of a child care program under this subsection or
 6 if on July 1, 1996, a school board is a party to a contract for the provision of a child
 7 care program under this subsection, the school board shall refer the contractor or
 8 proposed contractor to the department of children and families for the criminal
 9 history and child abuse record search required under s. 48.685. Each school board
 10 shall provide the department of health services with information about each person
 11 who is denied a contract for a reason specified in s. 48.685 (4m) (a) 1. to 5.

History: 1973 c. 94, 290; 1975 c. 115, 321; 1977 c. 206, 211, 418, 429; 1979 c. 20, 202, 221, 301, 355; 1981 c. 96, 314, 335; 1983 a. 27, 193, 207, 339, 370, 518, 538; 1985 a. 29 ss. 1725e to 1726m, 1731; 1985 a. 101, 135, 211; 1985 a. 218 ss. 12, 13, 22; 1985 a. 332; 1987 a. 88, 187; 1989 a. 31, 201, 336, 359; 1991 a. 39, 226, 269; 1993 a. 16, 27, 284, 334, 399, 450, 481, 491; 1995 a. 27 ss. 4024, 9126 (19), 9145 (1); 1995 a. 29, 32, 33, 65, 75, 225, 235, 289, 439; 1997 a. 27, 155, 164, 191, 237, 335; 1999 a. 9, 19, 73, 83, 115, 128; 1999 a. 150 s. 672; 1999 a. 186; 2001 a. 38, 98, 103, 105; 2003 a. 254; 2005 a. 22, 194, 290, 346; 2005 a. 443 s. 265; 2007 a. 20 ss. 2738, 9121 (6) (a); 2007 a. 36, 70, 97; 2009 a. 14, 28, 76, 146, 185, 208, 218; 2011 a. 105, 162, 168, 258, 260; 2013 a. 186, 306.

Shea, Elisabeth

From: Swissdorf, Kim M - DCF <KimM.Swissdorf@wisconsin.gov>
Sent: Monday, September 29, 2014 9:53 AM
To: Shea, Elisabeth
Subject: RE: Budget drafts

Yes. That is fine. Thanks.

From: Shea, Elisabeth [mailto:Elisabeth.Shea@legis.wisconsin.gov]
Sent: Monday, September 29, 2014 9:51 AM
To: Swissdorf, Kim M - DCF
Subject: Budget drafts

Hi Kim,

DOA has requested budget drafts reflecting several of DCF's requests (and I have DOA's permission to discuss all of these with you). On some of these we have already discussed that I will only proceed with the DOA draft (marked with *).

15-0088 – Annual background information disclosure form requirement

Would it be ok if I copy or transfer the drafting file for each of these to the corresponding DOA drafting file so that the original instructions are included with each one?

Lis

Elisabeth H. Shea
Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 266 - 5446
elisabeth.shea@legis.wisconsin.gov



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-0088/P1
EHS:kjfjf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to amend* 48.685 (6) (a), 48.685 (6) (am) and 120.13 (14) (a) of the
2 statutes; **relating to:** background information required of child care provider
3 caregivers and nonclient residents.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Children and Families (DCF), a county, or an agency contracted with to certify child care providers must require any person applying for issuance, continuation, or renewal of a child care provider license, certificate, or contract to complete a background information form. This bill requires DCF, a county, or a contracted agency to require a person applying for issuance of a child care provider license, certificate, or contract to complete a background information form, but exempts these persons from completing such a form when applying to continue or renew a license, certification, or contract.

Under current law, every four years an entity that provides care for children must require all of its caregivers and nonclient residents to complete a background information form provided by DCF, except that a child care provider must require the form to be completed every year. This bill changes this exception by exempting child care providers from the four-year requirement and instead obligating them to require any new caregiver or nonclient resident to complete the form.

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

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

2 48.685 (6) (a) ~~The Except as provided in this paragraph, the department shall~~
3 require any person who applies for issuance, continuation, or renewal of a license to
4 operate an entity, ~~the department in a county having a population of 500,000 or more,~~
5 ~~a county department, or an agency contracted with under s. 48.651 (2) shall require~~
6 ~~any child care provider who applies for initial certification under s. 48.651 or for~~
7 ~~renewal of that certification,~~ a county department or a child welfare agency shall
8 require any person who applies for issuance or renewal of a license to operate a foster
9 home under s. 48.62, and the department in a county having a population of 750,000
10 or more or a county department shall require any person who applies for subsidized
11 guardianship payments under s. 48.623 (6), ~~and a school board shall require any~~
12 ~~person who proposes to contract with the school board under s. 120.13 (14) or to~~
13 ~~renew a contract under that subsection,~~ to complete a background information form
14 that is provided by the department. The department shall require any person who
15 applies for issuance, but not continuation, of a license to operate a child care center
16 under s. 48.65, a school board shall require any person who proposes to contract, but
17 not renew a contract, with the school board under s. 120.13 (14), and the department
18 in a county having a population of 750,000 or more, a county department, or an
19 agency contracted with under s. 48.651 (2) shall require any child care provider who
20 applies for initial certification, but not renewal of that certification, under s. 48.651
21 to complete a background information form that is provided by the department.

22 **SECTION 2.** 48.685 (6) (am) of the statutes is amended to read:

23 48.685 (6) (am) Except as provided in this paragraph, every 4 years an entity
24 shall require all of its caregivers and all nonclient residents of the entity or of a
25 caregiver specified in sub. (1) (ag) 1. am. of the entity to complete a background

1 information form that is provided to the entity by the department. ~~Every year a~~ A
2 child care center that is licensed under s. 48.65 or established or contracted for under
3 s. 120.13 (14) or a child care provider that is certified under s. 48.651 is exempt from
4 the 4-year requirement, but shall require all of its caregivers and any new caregiver
5 or nonclient residents resident to complete a background information form that is
6 provided to the child care center or child care provider by the department.

7 **SECTION 3.** 120.13 (14) (a) of the statutes is amended to read:

8 120.13 (14) (a) Establish and provide or contract for the provision of child care
9 programs for children. The school board may receive federal or state funds for this
10 purpose. The school board may charge a fee for all or part of the cost of the service
11 for participation in a child care program established under this subsection. Costs
12 associated with a child care program under this subsection may not be included in
13 shared costs under s. 121.07 (6). Child care programs established under this
14 subsection shall meet the standards for licensed child care centers established by the
15 department of children and families. If a school board proposes to contract for ~~or~~
16 ~~renew a contract for~~ the provision of a child care program under this subsection or
17 if on July 1, 1996, a school board is a party to a contract for the provision of a child
18 care program under this subsection, the school board shall refer the ~~contractor or~~
19 proposed contractor to the department of children and families for the criminal
20 history and child abuse record search required under s. 48.685. Each school board
21 shall provide the department of health services with information about each person
22 who is denied a contract for a reason specified in s. 48.685 (4m) (a) 1. to 5.

23 (END)