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Joint Committee on Finance

Paper #203

Fingerprint-Based Background Searches of Child Care Providers (Children and Families -- Economic Support and Child Care)

[LFB 2013-15 Budget Summary: Page 116, #13]

CURRENT LAW

Under current law, the Department of Children and Families (DCF), county departments, school boards, or child care administrative agencies are required to obtain certain information on persons who have or seek a license, certification, or contract to operate a child care facility, the employees or prospective employees of a child care provider, any adult who resides at the site, and any other caregiver at the site between the ages of 12 and 18.

Required Information for Background Checks for Child Care. The required information for background checks on child care providers, their employees, nonclient residents, and other caregivers includes: (a) a criminal history search from the state Department of Justice (DOJ); (b) information from the registry of nurses aids maintained by the Department of Health Services (DHS); (c) information maintained by the Department of Safety and Professional Services (DSPS) regarding the status of the person's credentials, if applicable; (d) information maintained by DCF on substantiated reports of child abuse or neglect against the person; (e) information regarding the denial of a license, continuation or renewal of a license, certification, contract, payments, or employment to operate a child care facility, a foster home, a child welfare agency, a school board child care program, as an interim caretaker, as a delegate of parental power, or as a nonclient resident due to a reason under "Failure to Pass Background Checks" below; and (f) information from the sex offender registry regarding whether the person has committed a sex offense that is a serious crime.

Failure to Pass Background Checks. DCF, county departments, school boards, or child care administrative agencies may not issue, continue, or renew a license, certification, or contract to a child care provider if: (a) the provider has been convicted of a serious crime or adjudicated delinquent for committing a serious crime on or after his or her 12th birthday or is the subject of a

pending criminal charge or delinquency petition alleging that the person has committed a serious crime on or after his or her 12th birthday; (b) the provider is found to have abused or neglected a child or any client or misappropriated the property of any client; or (c) the person who holds the position must be credentialed by DSPS and the person's credentials are not current or are too limited so as to restrict the person's ability to provide adequate care to a client.

A provider is also prohibited from employing or contracting with a person, or permitting a nonclient resident to reside with the provider, if that person or nonclient resident will have access to children under these same conditions.

In addition, DCF, county departments, school boards, or child care administrative agencies may refuse to license, certify, or contract with a child care provider, and a child care provider may refuse to employ or contract with a caregiver or permit a nonclient resident to reside with the provider if the person has been convicted or adjudicated delinquent on or after his or her 12th birthday for an offense that is not a serious crime, but that is determined to be substantially related to the care of a client.

Further, DCF, county departments, or child care administrative agencies must revoke the certification or the license of a child care provider immediately upon providing written notice of revocation, the grounds for revocation, and an explanation of the process for appealing the revocation, if the provider, caregiver, or nonclient resident is convicted or adjudicated delinquent for committing a serious crime on or after his or her 12th birthday. Similarly, a school board is required to rescind a contract for child care services immediately upon providing written notice of the rescission, the grounds for the rescission, and an explanation of the process for appealing the rescission, if a person who has contracted for a child care program, a caregiver, or a nonclient resident is convicted or adjudicated delinquent for committing a serious crime on or after his or her 12th birthday.

Finally, DCF, county departments, or child care administrative agencies must immediately suspend the certification or the license of a child care provider if the provider, caregiver, or nonclient resident is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime on or after his or her 12th birthday until information regarding the final disposition of the charge or delinquency petition indicating that the person is not ineligible to be certified or licensed is obtained. Similarly, a school board is required to immediately suspend a contract for child care services if a person who has contracted for a child care program, a caregiver, or a nonclient resident is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime on or after his or her 12th birthday until the final disposition of the charge or delinquency petition indicating that the person is not ineligible to provide a child care program is obtained.

Frequency of Background Checks. DCF, county departments, school boards, and child care administrative agencies must request the required information for background checks from providers who are licensed to operate a child care center, certified as a child care provider, or contracted to operate a child care program every three months or at any time within that period that is considered appropriate.

DCF, county departments, school boards, and child care administrative agencies must request the background information for all persons who are nonclient residents of a child care provider and for all persons under 18 years of age, but not under 12 years of age, who are also caregivers used by the child care provider every year or at any time within that period that is considered appropriate.

Finally, child care providers must request background information for their employees at least once every year or at any time within that period that is considered appropriate. Providers must also require all caregivers and nonclient residents to complete a background information form, provided by DCF, every year.

Rehabilitation after Failing to Pass Background Check. A child care provider who has failed a background check may still receive a license, certification, or contract if they demonstrate by clear and convincing evidence that they have been rehabilitated. Similarly, caregivers and nonclient residents who have failed a background check may still provide child care or live at the premises if they demonstrate that they have been rehabilitated. However, rehabilitation is not permitted for certain offenses. Attachment 1 lists these serious crimes for child care providers, caregivers, and nonclient residents. Attachment 2 provides a list of additional offenses for child care providers.

Refusal to Pay Subsidies Under Wisconsin Shares. If a child care provider is convicted of a serious crime or a caregiver or nonclient resident is convicted or adjudicated delinquent for committing a serious crime on or after his or her 12th birthday, DCF or county departments must refuse to pay the child care provider under Wisconsin Shares beginning on the date of the conviction or delinquency adjudication.

If a child care provider, caregiver, or nonclient resident is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime on or after his or her 12th birthday, DCF or county departments are required to immediately suspend payment to the child care provider under Wisconsin Shares until information regarding the final disposition of the charge or delinquency petition indicating that the person is not eligible to receive such a payment is obtained.

DCF or county departments are allowed, but not required, to refuse to pay a child care provider under Wisconsin Shares if the child care provider, caregiver, or nonclient resident: (a) has been convicted of or adjudicated delinquent on or after his or her 12th birthday for committing an offense that is not a serious crime but is determined to be substantially related to the care of children or the operation of a business; (b) is the subject of a pending criminal charge that substantially relates to the care of children; (c) has abused or neglected a child; or (d) has violated any provision under Wisconsin Shares or any rule promulgated under Wisconsin Shares.

Fingerprint-Based Search. DCF, county departments, school boards, and child care administrative agencies may require a child care provider, employees, and nonclient residents to undergo a fingerprint-based search if the provider is not a resident of the state, if at any time within the three years preceding the date of the search that person has not been a resident of the state, or if the non-fingerprint-based background search provides a reasonable basis for further

investigation.

In calendar year (CY) 2011, DCF began to require fingerprint-based background searches on out-of-state child care providers or providers who lived outside of Wisconsin within the prior three years. Fingerprints are required from the child care provider and all adult nonclient residents. Child care providers are responsible for checking on the backgrounds of their employees.

GOVERNOR

Provide \$140,000 PR annually to perform fingerprint-based background searches on child care providers participating in Wisconsin Shares, their employees, and any nonclient residents. Specify that fingerprint-based background searches would be required for the following individuals who are currently subject to a background search and who are receiving, or wish to receive, payment for providing child care services under Wisconsin Shares: (a) persons who have, or are seeking, a license to operate a child care center; (b) persons who have, or seek, certification as a child care provider; (c) persons who have, or seek, a contract to operate a child care program; and (d) persons who are adult nonclient residents or caregivers of the entities listed under (a) through (c).

Specify that DCF, a county department, a school board, or a child care administrative agency must require these child care providers, their employees, and their nonclient residents to be fingerprinted on two fingerprint cards, each bearing a complete set of the person's fingerprints, or by other technologies approved by law enforcement agencies, unless the person has previously been fingerprinted for this purpose.

Authorize DOJ to provide for the submission of the fingerprint cards, or fingerprints by other technologies, to the Federal Bureau of Investigation (FBI) to verify the identity of the person fingerprinted and to obtain the records of his or her criminal arrests and convictions.

Authorize DCF to charge a fee for obtaining the fingerprint-based background searches, estimated at \$31.50 per person, and specify that the fee may not exceed the reasonable cost of obtaining the fingerprints. Include fingerprints in the list of information for which a fee cannot be charged to a nurse aide if it is inconsistent with federal law.

Authorize fingerprints to be obtained by other technologies approved by law enforcement agencies in lieu of two fingerprint cards, each bearing a complete set of the applicant's fingerprints, when fingerprints are required under current law for applicants to be a court-appointed special advocate, or required under current law as part of a background investigation under kinship care, child welfare, or child care.

DISCUSSION POINTS

1. Under current law, child care providers are subject to a background check every three months. Employees, nonclient residents, and other caregivers are subject to a background

check every year. Fingerprint-based background checks are done for child care providers and nonclient residents for out-of-state child care providers and for child care providers who lived outside of Wisconsin within the prior three years. The bill would extend fingerprint-based background checks to all child care providers, their employees, their nonclient residents, and any other caregivers who assist them.

Background

2. Recent efforts to expand and enhance state oversight of the Wisconsin Shares child care subsidy program began with 2009 Wisconsin Act 2. Act 2 provided funds in 2008-09 to implement a system to automatically monitor child care attendance in licensed child care centers and 5.0 positions for monitoring county program integrity efforts and performing investigations, audits, and site visits around the state. Provisions of 2009 Act 28 continued these efforts and provided additional program integrity measures, including: (a) a requirement to maintain and keep written attendance records; (b) a limit on the number of children receiving child care subsidies who may be the children of an employee or reside with the child care provider; and (c) an expansion of the circumstances under which DCF could refuse to pay a child care provider, recoup payments made, or impose a forfeiture. Under 2009 Wisconsin Act 76, additional requirements were placed on child care providers regarding background checks and when providers are prohibited from receiving child care subsidies under the Wisconsin Shares program.

3. Act 76 made several changes to background checks required for child care providers in an effort to strengthen program integrity and prevent fraud in the Wisconsin Shares program. Act 76: (a) increased the frequency of background checks from every four years to every three months for child care providers and to every year for nonclient residents and other caregivers between the ages of 12 and 18; (b) expanded the information searched in a background check to include information provided in the sex offender registry; (c) expanded the list of serious crimes for which a child care provider's license, certification, or contract must be revoked or rescinded; (d) required suspension of a license, certification, or contract, if a provider, caregiver, or nonclient resident was charged with a serious crime that was pending; and (e) created a list of crimes for which the child care provider cannot be rehabilitated to provide child care services.

4. Most other states require some form of criminal background check on child care providers, adult nonclient residents, and employees and other caregivers. Nineteen states, however, have no requirement for a background check on nonclient residents age 18 or younger. For the states that do require a background check on nonclient residents age 18 or younger, the age at which a background check may be done ranges from age 12 (Florida, Utah, and Wisconsin) to age 18 (Arizona, Arkansas, New Mexico, and Rhode Island).

Fingerprint-Based Background Checks

5. During the 2011-13 biennial budget process, the Legislature passed a provision that specified DCF, a county department, an agency contracted with to certify child care providers under Wisconsin Shares at the local level, or a school board must require individuals who are seeking a license to operate a child center, certification as a child care provider, or a contract with a school board to operate a child care program to be fingerprinted on two fingerprint cards, each bearing a

complete set of the person's fingerprints. DOJ was authorized to provide for the submission of the fingerprint cards to the FBI for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrests and convictions.

6. This provision was vetoed by the Governor. However, the Governor, in his veto message, indicated that he would direct DCF to amend the administrative rules for certified and licensed child care providers to require that any provider who wishes to participate in the Wisconsin Shares program submit fingerprints to DCF, a county department, or agency contracted with to administer the Wisconsin Shares program.

7. DCF has not amended the administrative rules. Instead, DCF has requested statutory changes to provide a clear directive to require fingerprint-based background checks of all child care providers, their employees, nonclient residents, and other caregivers.

8. As noted under "Current Law" above, child care providers are required to undergo background checks every three months. Employees, nonclient residents, and other caregivers must undergo background checks annually. The bill would require a one-time fingerprint-based background check at both the state and federal levels for all child care providers, their employees and caregivers, and the nonclient residents.

9. Fingerprint-based background checks provide a high level of certainty regarding the identity of the individual who provides them. If an individual attempts to circumvent the background check by providing a false name, a fingerprint-based background would catch this. Conversely, if there is more than one person with the same name, and at least one of those people has a criminal record, then a fingerprint-based background check can rule out the criminal history for the applicant with a high level of certainty.

10. Under current law, there are certain professions or activities that require fingerprint-based background checks, others where agencies are authorized to require fingerprint-based background checks, and others that require fingerprint-based background checks if the individual has not been a Wisconsin resident during a designated amount of time or as a follow-up if a regular background check indicates a need for further information. Attachment 3 lists these professions and activities.

11. Information compiled and provided by the National Conference of State Legislatures (NCSL) shows background requirements for the states for small family child care providers and for child care center staff. For small family child care providers, eight states do not require licensing (Idaho, Indiana, Louisiana, Mississippi, New Jersey, Ohio, South Dakota, and Virginia). Of those that require licensing, six states only require a fingerprint-based background check if the applicant has not lived in the state continuously during a designated amount of time (Arkansas, Missouri, Montana, Texas, Utah, and Wisconsin). Of the remaining states, only nine require no fingerprint-based state or federal background check (Iowa, Kansas, Kentucky, Maine, Massachusetts, Minnesota, Nebraska, Vermont, and Wyoming). New York requires a state fingerprint-based background check, but not a federal one. North Dakota, Oklahoma, Oregon, and Pennsylvania require a federal fingerprint-based background check, but not a state one.

12. For child care center staff, 17 states do not require either a federal or state fingerprint-based background check. New York and West Virginia require a state fingerprint-based background check, but not a federal one. Indiana, Iowa, Massachusetts, North Dakota, and Pennsylvania require a federal fingerprint-based background check, but not a state one.

Current Fingerprint-Based Background Checks for Child Care Providers

13. DCF began requiring fingerprint-based background checks on out-of-state child care providers and child care providers who lived outside of the state of Wisconsin at any time during the previous three years in CY 2011. Prior to CY 2011, DCF requested background information from the state in which the child care provider lived. Currently, DCF requires fingerprint-based background checks for the child care providers and any adult nonclient residents. Child care providers are responsible for checking the backgrounds of their employees as described above under "Current Law."

14. A total of 97 fingerprint-based background checks were conducted in CY 2011, and 98 were conducted in CY 2012. A fee of \$31.50 is charged for each fingerprint-based background search. Of this amount, \$15 is the fee that the state's DOJ is statutorily required to charge for a fingerprint-based background check. An additional \$16.50 is collected and forwarded to the FBI for a federal fingerprint-based background check.

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15. The bill would expand the fingerprint-based background search to all child care providers, not just those who lived outside the state of Wisconsin during the prior three years, their employees, caregivers, and adult nonclient residents. In state fiscal year (SFY) 2011-12, a total of 6,022 child care providers received a payment under the Wisconsin Shares program. The following table shows the number of child care providers by provider type and the number of additional fingerprint-based searches for employees and nonclient residents.

TABLE 1

**Child Care Providers by Provider Type
SFY 2011-12**

<u>Provider Type</u>	<u>Number of Providers</u>	<u>Employees and Nonclient Residents</u>	<u>Total</u>
Certified School Age	12	0	12
Provisional Certified	514	0	514
Regular Certified	1,337	0	1,337
Licensed Family	1,873	937	2,810
Licensed Group	2,102	2,102	4,204
Public School	<u>184</u>	<u>0</u>	<u>184</u>
Total	6,022	3,039	9,061

16. The bill assumes that one-half of the licensed family child care providers would have one adult nonclient resident who would receive a fingerprint-based search. The bill also assumes that all of the licensed group child care providers would have one employee who would receive a fingerprint-based search. As a result, a total of 9,061 fingerprint-based background checks would be conducted over a two-year period. The bill would provide \$140,000 annually to conduct these fingerprint-based background searches.

17. It should be noted that the bill authorizes DCF to charge a fee for obtaining fingerprints. As noted above, the fee is actually for DOJ and the FBI to run a background check based on the fingerprints obtained. Therefore, the bill should be modified to reflect that DCF may charge a fee for obtaining and submitting fingerprints under the new provisions.

18. The Committee could provide \$140,000 PR annually, approve the proposal to require fingerprint-based background checks on all child care providers who participate in the Wisconsin Shares program, their employees, caregivers, and any nonclient adult residents, and modify the allowable fee to include the fee for submitting the fingerprints to DOJ and the FBI (Alternative 1). Fingerprint-based background checks ensure that child care providers, their employees and caregivers, and their nonclient residents cannot provide a false name in their routine background checks. In addition, for those who share a name with someone who has been charged with or convicted of a crime, the fingerprints would establish whether those charges apply to the child care provider, employee, caregiver, or nonclient resident. As a result, a routine fingerprint-based background check could make it easier for some child care providers, employees, caregivers, and adult nonclient residents to pass the background check.

19. Alternatively, the Committee could provide \$69,100 PR annually to conduct only in-state DOJ background checks on child care providers, employees, caregivers, and adult nonclient residents who have not lived outside of the state of Wisconsin during the past three years and to conduct both a state and federal fingerprint-based background check for those who have lived outside of the state at some time during the past three years (Alternative 2). Compared to the bill, funding would be reduced by \$70,900 PR annually. Under this alternative, DCF would rely solely on the DOJ's fingerprint database for individuals who have been living within the state. This alternative would cost less for most child care providers. In addition, a few of the other states require only one of the fingerprint-based searches, not both.

20. However, only a state fingerprint-based check may not provide a complete picture of the criminal history. If only a state search is conducted, then crimes committed in other states or federal crimes may be missed. Conversely, if only a federal fingerprint-based check is conducted, then some arrests or state convictions may be missed.

21. According to DOJ, the state criminal history repository and the FBI criminal history repository are two separate databases. The state criminal history repository contains information forwarded to DOJ by Wisconsin criminal justice and law enforcement entities. The FBI criminal history repository receives information submitted by federal agencies, including those in Wisconsin, and all state central repository contributors. Information contained within the two separate repositories may be different for several reasons: (a) federal agencies may contribute arrest data directly to the FBI and not to the state departments; (b) DOJ cannot forward juvenile arrests to the

FBI for confidentiality reasons; (c) the FBI may not accept certain offenses into its repository; (d) the FBI may reject the data due to the poor quality of the fingerprints collected; or (e) the information is in the Wisconsin repository, but not yet submitted to the FBI.

22. On the other hand, the Committee could deny the proposal (Alternative 4). The current requirements for background checks under current law are extensive, including a background check for child care providers every three months. Adding another type of search adds another fee, which may become too costly for some child care providers and a disincentive to provide care for children who are participating in the Wisconsin Shares program.

23. However, the fee of \$31.50 per individual who is required to have a fingerprint-based background check under the bill would be a one-time occurrence. A fingerprint-based background search would only be required once to establish the identity of the child care provider, employee, caregiver, or adult nonclient resident with certainty.

24. Finally, under current law, child care providers are required to undergo a name-based background search every three months. The current fee for this background search is \$10 for a statewide check. In addition to Alternative 1 or Alternative 2, the Committee could reduce the requirement for name-based background checks for child care providers from every three months to annually. Currently, annual checks are required for employees, caregivers, and adult nonclient residents. Reducing the time period for child care providers would reduce the financial burden on child care providers, which would make the additional fee for the fingerprint-based background check more manageable.

ALTERNATIVES

1. Approve the Governor's proposal to provide \$140,000 PR annually to perform fingerprint-based background searches, require fingerprint-based background searches on child care providers participating in Wisconsin Shares, their employees, caregivers, or adult nonclient residents, and authorize DCF to charge a fee for the fingerprint-based background searches. Specify that DCF is authorized to charge a fee for obtaining and submitting fingerprints for the fingerprint-based background searches.

2. Modify the Governor's proposal to provide \$69,100 PR annually and require only state fingerprint-based background checks on child care providers participating in Wisconsin Shares, their employees, caregivers, or adult nonclient residents who have lived only in the state of Wisconsin during the prior three years. Require both a state and federal fingerprint-based background check if any of the individuals lived outside of the state of Wisconsin at any time during the prior three years. Compared to the bill, reduce funding by \$70,900 PR annually. Specify that DCF is authorized to charge a fee for obtaining and submitting fingerprints for the fingerprint-based background searches.

ALT 2	Change to Bill
	Funding
PR	- \$141,800

3. Deny the Governor's proposal.

ALT 3	Change to Bill Funding
PR	- \$280,000

4. In addition to Alternative 1 or Alternative 2, reduce the time period for the required name-based background checks on child care providers from every three months to annually.

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Attachments

ATTACHMENT 1

Serious Crimes from which Child Care Providers, Caregivers, and Residents Cannot be Rehabilitated for Reinstatement

1. Any felony crime against children, except for failure to pay child support and hazing.
2. Substantial or aggravated battery to a spouse.
3. Battery by prisoners, if the victim is a spouse.
4. Battery to a spouse when subject to certain injunctions.
5. First degree intentional homicide.
6. First degree reckless homicide.
7. Felony murder.
8. Second degree intentional homicide.
9. Second degree reckless homicide.
10. Mayhem.
11. First degree sexual assault.
12. Second degree sexual assault.
13. Third degree sexual assault.
14. Reckless injury.
15. Taking hostages.
16. Kidnapping.
17. Endangering safety by use of a dangerous weapon.
18. Disarming a peace officer.
19. Burglary with use of a dangerous weapon or with battery.
20. Robbery with use of a dangerous weapon.
21. Providing false information to, or intentionally withholding information from, DCF, a county department, a contracted agency, a school board, or other entity during the background check process.
22. An offense involving fraudulent activity as a participant in the W-2 program, including as

a recipient of a child care subsidy, AFDC, medical assistance, food stamp benefits, supplemental security income payments, payments for the support of children of supplemental security income recipients, or health care benefits under the BadgerCare health care program.

23. Injury or death by providing alcoholic beverages to a minor, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
24. Falsification of proof of age for money or other consideration, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
25. Impersonating an officer to commit, or abet the commission of, a crime, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
26. Manufacturing or rectifying intoxicating liquor, or selling of this liquor, without a permit, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
27. Recovering, using, selling, concealing, or disposing of alcohol or alcoholic liquid derived from denatured alcohol, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
28. Homicide by intoxicated use of vehicle or firearm, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
29. Substantial or aggravated battery, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
30. Battery under special circumstances, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
31. Battery or threat to a judge, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
32. Battery or threat to a Department of Revenue employee, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.

33. Battery or threat to a Department of Safety and Professional Services or Department of Workforce Development employee, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
34. Injury by intoxicated use of a vehicle, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
35. Operating a vehicle without the owner's consent while possessing a dangerous weapon, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
36. Felony hazing, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
37. Felony operating a vehicle under the influence of an intoxicant or other drug or felony causing injury while operating a vehicle under the influence of an intoxicant or other drug, if the person completed his or her sentence, including probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
38. Felony violation of the uniform controlled substances act, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
39. Felony failure to pay child support, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years, unless the person has paid all arrearages due and is meeting current support obligations.

ATTACHMENT 2

Serious Crimes from which Child Care Providers Cannot be Rehabilitated for Reinstatement

1. Unauthorized use of an individual's personal identifying information or documents.
2. Unauthorized use of an entity's identifying information or documents.
3. Felony forgery.
4. Felony receiving stolen property.
5. Felony fraudulent insurance and employee benefit program claims.
6. Felony receiving a stolen financial transaction card.
7. Felony forgery of a financial transaction card.
8. Felony fraudulent use of a financial transaction card.
9. Felony fraudulent use of a financial transaction card by other persons.
10. Felony factoring prohibited (e.g. prohibiting a person from receiving payment from the issuer of a buyer's financial transaction card if that person did not, or did not agree to, furnish the money, goods, services, or anything else of value represented to be furnished by the transaction record).
11. Felony theft of telecommunications service.
12. Felony theft of commercial mobile service.
13. Felony theft of video service.
14. Felony theft of satellite cable programming.
15. Felony retail theft.
16. Felony offense against computer data and programs.
17. Felony causing interruption in computer services.
18. Felony offense against computers, computer equipment, or supplies.
19. Felony crime against a financial institution.

ATTACHMENT 3

Current Fingerprint Requirements

Required

- Private detectives, private security, and their employees
- Wholesale distributors of prescription drugs
- Administrator of the Division of Gaming, and the Division's employees
- Applicants for gaming licenses
- Administrator of Lottery, its employees and contractors
- Indian gaming vendors and employees
- Foster home license applicants at initial licensure or if there was a break in licensure
- Petitioner for adoption if had foster home license that required fingerprint based search

Authorized to Require

- School bus drivers
- Drivers of other transport vehicles that transport school children
- Department of Transportation employees who issue driver's licenses and identification cards

If Nonresident of Wisconsin (Current, Past 3 Years, or Past 5 Years) or as Follow-Up

- Kinship Care recipients, their employees and nonclient residents
- Child welfare agencies, foster homes, interim caretakers for subsidized guardianships, group homes, shelter care, child care providers, their operators, employees and nonclient residents
- Residential care facilities
- Traveling Sales Crews
- Teachers

As Follow-Up

- Court appointed Special Advocates