



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #192

Background Checks -- Fee Collections (Children and Families -- Economic Support and TANF-Related Programs)

CURRENT LAW

Pursuant to recent changes in federal law, the Department of Children and Families (DCF) is required to ensure that certain background checks are conducted for child care workers, including name-based criminal history reviews and fingerprint scans.

DCF will provide funding for the Department of Justice (DOJ) to conduct fingerprint-based background checks for all new child care workers, including child care workers with a previous background check if there is a gap in child care employment that exceeds 180 days. DOJ will conduct fingerprint-based background checks for child care workers every five years thereafter. Operators, adult household members, caregiver employees, and caregiver volunteers are subject to an annual review of DOJ criminal history checks and records maintained by the Department of Health Services. Non-caregiver employees are not subject to the annual background check.

Current law does not specify who must pay for a background check. Currently, DCF charges child care providers a fee of \$39 for each background check. The fee funds the cost of the fingerprint capture (\$7.75) and the cost of the FBI and DOJ fingerprint-based background check (\$31.25). The cost of an annual DOJ name-based background check is currently \$10 for each individual. Background check fees collected by DCF are accounted for in the program revenue appropriation that funds child care licensing and certification activities.

GOVERNOR

No provision.

MODIFICATION

Create a new all monies received program revenue appropriation for the collection of fees

related to DOJ background checks. All funding collected by DCF under the appropriation would be transferred to DOJ for that purpose. Based upon estimates of fee collections, the amounts in the schedule would be \$2,040,000 in 2019-20 and \$886,000 in 2020-21. Reduce funding by corresponding amounts from a current PR appropriation that funds child care licensing activities [s. 20437(2)(jn)].

Explanation: Expenditures for programs funded with federal temporary assistance for needy families (TANF) block grant funds are specifically limited to the amounts allocated under Wis. Stat. § 49.175(1). DCF indicates that background check fees received and transferred to DOJ could overspend the amount allocated for child care administration simply by collecting more fees than estimated. Creating a new appropriation would remove the need to track such transfers as part of the TANF allocation for child care administration.

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