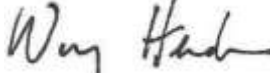




April 4, 2022

Child Welfare Licensing Memo Series 2022-10-lic  
Rescinds Child Welfare Licensing Memo 2020-04-lic

To: Group Home Providers  
Residential Care Center Providers  
Shelter Care Providers

From: Wendy Henderson  
Division Administrator 

Re: **Congregate Care Worker Fingerprint-Based Background Checks**

### **PURPOSE**

This memo reminds congregate care facilities that fingerprint-based background checks must be completed as part of the background check process for all adult congregate care workers within the timelines required by administrative rule (DCF 52.12(3), DCF 57.15(2) and DCF 59.04(6)) and clarifies requirements.

### **BACKGROUND**

The federal Family First Prevention Services Act (FFPSA) and s. 48.685, Wis. Stats., requires criminal records checks, including fingerprint-based background checks, for licensees of congregate care facilities and all adults working in congregate care facilities. Residential care centers, group homes, and shelter care facilities are congregate care facilities. Compliance with this FFPSA requirement promotes child safety and is required for Wisconsin to receive federal Title IV-E funds, which support the child welfare system. Non-compliance with FFPSA negatively impacts the state's access to federal Title IV-E funding for prevention services and congregate care placements, Chafee Independent Living funds, and other federal funding.

### **INFORMATION SUMMARY**

Congregate care facilities must conduct caregiver background checks on all congregate care workers as required by s. 48.685, Wis. Stats. FFPSA further specifies that fingerprint-based background checks are a required component of all congregate care worker background checks.

Information was previously provided about the process of all caregiver background check requirements, including fingerprint-based background checks, in [Child Welfare Licensing Memo 2020-03-lic](#). As a reminder, information regarding locations of Fieldprint offices and scheduling of appointments can be found at <https://fieldprintwisconsin.com/>.

Providers must ensure that each staff member completes all requirements of the background check process outlined in s. 48.685, Wis. Stats. and administrative rule in a timely manner. It is the responsibility of the provider to ensure that all adults working in the facility have submitted a set of fingerprints and providers should not consider the background check process complete until fingerprints have been submitted. Providers are encouraged to request a receipt or



alternate form of proof affirming that the employee has completed their fingerprint scan. The Department may impose enforcement action under s. 48.715, Wis. Stats. for any provider that does not meet the background check requirements in statute and administrative rule in a timely manner.

The Department has answered some frequently asked questions regarding fingerprint-based background checks, included in Appendix A of this memo.  
If you have any questions, please contact your licensing specialist.

CENTRAL OFFICE CONTACT:           Child Welfare Program Specialist  
  Department of Children and Families  
  (262) 446-7856

MEMO WEBSITE:                       <https://dcf.wisconsin.gov/cwportal/policy>

## APPENDIX A

### **Who must submit fingerprints as part of a background check?**

- Per s. 46.685(2)(ba), Wis. Stats., and the FFPSA, all adults who work in a congregate care facility (congregate care workers) must submit fingerprints.
- A congregate care worker is:
  - any adult who works in a shelter care facility, group home or residential care center for children and youth, including direct employees, contractors, and paid interns;
  - a person who has or is seeking a license to operate a congregate care facility.
- Unpaid volunteers are not considered congregate care workers.

### **Can I use a fingerprint background check from the employee's previous employer?**

- No. All new employees who are congregate care workers must submit a fingerprint background check even if other background check information may be obtained from a previous employer or the same employer as allowed under s. 48.685(2)(bg).

### **Do staff or contractors who work for a child welfare agency that runs a congregate care facility, but who do not work in the congregate care facility itself, need to submit fingerprints?**

- Only licensees and adults who work in a congregate care facility must submit fingerprints.
- Employees who are never in work status in the congregate care facility itself are not subject to the fingerprint requirement.

### **If an employee has a break in employment with a single provider, do fingerprints have to be scanned again upon rehire?**

- Yes. All new employees who are congregate care workers must submit a fingerprint background check even if other background check information may be obtained from a previous employer or the same employer as allowed under s. 48.685(2)(bg), Wis. Stats.

### **Are contractors who work in the congregate care facility subject to the fingerprint-based background check?**

- Yes. All adults who work in the congregate care facility must submit to the fingerprint-based background check. Only unpaid volunteers are exempted from the fingerprint requirement.

### **When must the fingerprint scan be submitted?**

Submitting fingerprints is one part of the caregiver background check. Caregiver background check requirements vary by license type:

- **Residential Care Centers:** DCF 52.12(3) requires the caregiver background checks to be completed prior to hire or contracting.
- **Group Homes:** DCF 57.15(2) requires the caregiver background checks to be completed before an applicant begins employment.
- **Shelter Care Facilities:** DCF 59.04(6) requires the caregiver background check to be completed before allowing the staff to work at the shelter.



**Do I need to await results before the employee can begin working?**

- No. The requirement is that fingerprints must be *submitted* by the employee within the timelines specified in administrative code, referenced above.
- If the fingerprint background check identifies concerns regarding the employee, the facility will be notified from DCF upon receipt of the results.
- If there are no concerns regarding the employee, the facility will not be notified, nor will the facility receive any letter from DCF regarding the fingerprint scan results.

**What is Title IV-E funding, and why is it so important?**

- Title IV-E is a subpart of the Title IV of the Federal Social Security Act. This program provides federal reimbursement to states for the cost of children placed in foster homes or congregate care facilities under a court order or voluntary placement agreement.
- One factor in determining the IV-E eligibility is compliance with the caregiver background check requirements for congregate care workers. DCF may only claim Title IV-E funds on behalf of a child who is placed in the congregate care facility **if** the results of the criminal background checks on the congregate care workers have been received for **all** adults working in the congregate care facility.
- If one adult working in the congregate care facility does not have the caregiver background check completed, DCF is not able to claim IV-E funds for any of the children in that facility.