



Wisconsin Department of Children & Families

Protecting Children. Strengthening Families. Building Communities.

Chapter DCF 202

Child Care Certification Rule with Commentary Manual

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PREFACE

Section 48.651, Wisconsin Statutes, requires each county to certify each day care provider who cares for families receiving Wisconsin Shares Child Care Subsidy. The rules governing the subsidy are found in [49.1202](#) and [DCF 202](#). Certification is not required if the provider is licensed as a family or group center.

[Key statutes](#) pertaining to child care certification are listed in the end of this manual.

[DCF 202](#) is the administrative code governing Certified Family and School Age Child Care

The purpose of the DCF 202 Commentary Manual is to help users of DCF 202 understand the intent and application of the rule. An attempt has been made to offer commentary for those rules where experience indicates clarification would be helpful. However, a commentary cannot be written to cover every situation encountered. The comments are written in boxes with italicized print.

The DCF 202 Commentary Manual was prepared primarily as a tool for certifying agencies to increase statewide consistency of the certification process. However, it may also be a useful resource for certified child care providers and providers who consider applying for certification. Providers who require additional information should contact their certifying agency. The agency listing can be found at <http://dcf.wisconsin.gov/childcare/certification/default.htm>

Authority, purpose and applicability.

DCF 202.01 (1) AUTHORITY AND PURPOSE. This chapter is promulgated pursuant to s. [46.03 \(21\)](#), Stats. s. [49.1202](#) (1d), Stats., and implements s. [48.651](#), Stats. This chapter establishes standards for the certification of persons who provide child care for 1 to 3 children or who are not otherwise required to be licensed as a child care center under s. [48.65](#), Stats., and whose services are purchased with state or federal child care funds. The standards are intended to protect and promote the health, safety and welfare of children in the care of these providers.

DCF 202.01(2) APPLICABILITY. This chapter applies to county and tribal agencies and to all providers of child care who receive reimbursement with state or federal child care funds and who are not required to be licensed under s. [48.65](#), Stats., including providers of child care for 1 to 3 children, providers of child care for a child in the child’s home, and providers of child care for school–age children.

The counties/tribes may limit certification to those providers who care for children served by the Wisconsin Shares Child Care Subsidy, however, most counties/tribes allow application for all providers who meet the qualifications listed in this chapter.

DCF 202.02 Definitions. In this chapter:

(1) “Agency” has the same meaning as “county or tribal agency.”

This definition includes non-profit agencies that have a contract with a county/tribe to administer child care certification program.

DCF 202.02 (1m) “Caregiver background check” means the retrieval of information about an individual’s past criminal conduct pursuant to s. [48.685](#), Stats., and ch. [HFS 12](#) that may bear on the suitability of that individual to provide child care or have regular contact with children in care.

DCF 202.02 (2) “Certified child care home” or “home” means the residence in which the certified child care operator provides care of children and which meets the standards under s. DCF 202.08 for reimbursement of care by county or tribal agencies.

Sometimes, agencies receive applications from providers who want to be certified in a location that is not a residence of the provider. It is up to the agency’s discretion whether to approve the non-residential space (as long as it meets the certification requirements). Since the language in DCF 202.08 regularly refers to ‘operator’s home’, or ‘the home’, the certifying agency has the authority to restrict the certification to the provider’s home, except when the care is provided in a child’s home.

DCF 202.02(3) “Certified child care operator” or “operator” means an individual, corporation, partnership, or limited liability corporation, non–incorporated association, or cooperative which that has legal and financial responsibility for the operation of a child care program and for meeting the certification requirements under this chapter.

The operator is the person (s) who has been granted the regulatory approval to be certified in a specific location. The operator can hold either a school age or family certification. The name of the operator is displayed on the Certificate of Approval.

DCF 202.02 (3b) “Certified family child care operator” means a certified child care operator who provides care in a private residential property.

DCF 202.02 (3e) “Certified in-home child care operator” means a certified child care operator who provides care in the child’s home.

The child care subsidy may approve in-home care if the case meets criteria specified in DCF 202.04(1)(e). The child’s home must meet the standards listed in DCF 202 except 202.08(3)

DCF 202.02 (3f) “Certified school-age child care program” means a program providing care and supervision in other than an operator’s home for fewer than 24 hours a day for 7 or more school-age children and which is exempt from being licensed as a child care center under s. 48.65 (1), Stats.

These programs are rare. Most school-age programs are licensed as group child care centers because they usually serve 4 or more children under age 7. A certified school age program may have up to 3 children under the age of 7 and the additional children must be 7 years of age or older.

DCF 202.02 (3h) “Child care certification worker” means a person employed by a county, a governing body of a federally-recognized American Indian tribe, or an agency under contract with a county or tribe whose duties include determination of eligibility for child care certification.

DCF 202.02 (3k) “Child care provider” or “provider” means a certified child care operator or an employee or volunteer of the child care operator who provides care and supervision for infant, preschool, or school-age children on behalf of the operator.

The new rule revision differentiates between an operator and provider. The provider is any caregiver (could be the operator or any other qualified adult) who provides care for children in the home/facility.

DCF 202.02 (3m) “Complaint” means an alleged violation of s. DCF 202.08 or 202.09

DCF 202.02 (4) “County or tribal agency” means a county department of social services established under s. 46.215 or 46.22, Stats., a county department of human services established under s. 46.23, Stats., or a tribal agency.

DCF 202.02 (5) “Department” means the Wisconsin department of children and families

DCF 202.02 (5g) “Emergency” means unforeseen circumstances that call for immediate action, such as fire; tornado; flood; extreme outdoor heat or cold; loss of building service, including no heat, water, electricity or telephone; threats to the building or its occupants; lost or missing children; or a provider family situation, such as a medical emergency or illness.

DCF 202.02 (5r) “Employee” means any individual who works for a certified child care operator to provide care and supervision of children in care, including a substitute, helper, or assistant.

The rules referring to employees apply to any caregiver such as substitute, helper or assistant providing care and/or supervision of children in care with or without pay.

DCF 202.02 (6) “Family child care center” means a child care center licensed under s. 48.65, Stats., and ch. HFS 45.

*Licensed family providers can care for up to 8 children. Licensing is administered by the DCF Bureau of Early Care Regulation. The family licensing rules can be found at:
<http://www.legis.state.wi.us/rsb/code/hfs/hfs045.pdf>*

DCF 202.02 (8) “Group child care center” means a child care center licensed under s. 48.65, Stats., and ch. HFS 46.

*Licensed group center serves 9 or more children. Licensing is administered by the Dept of Health and Family Services. The rules can be found at
<http://www.legis.state.wi.us/rsb/code/DCF/DCF250.pdf>*

DCF 202.02 (8m) “Hazard” means a source of danger that could jeopardize the health, safety or well-being of children in care.

DCF 202.02 (9) “Health check provider” means a provider of health assessment and evaluation services eligible to be certified under s. HFS 105.37 (1) (a), including an outpatient hospital facility, health maintenance organization, visiting nurse association, clinic operated under a physician’s supervision, local public health agency, home health agency, rural health clinic, Indian health agency and neighborhood health center.

DCF 202.02 (9c) “Impacted baby” means an infant or young child who suffers death or great bodily harm as a result of being thrown against a surface, hard or soft.

DCF 202.02(9g) “In care” means a child care provider is responsible for supervision of a child or children.

Includes all children attending the certified care who the provider/operator is supervising whether the provider is being paid for the service or not.

DCF 202.02 (9r) “Inclement weather” means stormy or severe weather, including any of the following:

- (a) Heavy rain.
- (b) Temperatures above 90 degrees Fahrenheit.
- (c) Wind chills of 0 degrees Fahrenheit or below for children age 2 and above.
- (d) Wind chills of 20 degrees Fahrenheit or below for children under age 2.

DCF 202.02 (10) “Infant” means a child under one year of age.

(11) “In-home provider” means a person caring for a child in the child’s own home.

See DCF 202.02 (3e). The child care subsidy worker may approve in-home care if the case meets criteria specified in DCF 201.04(1)(e). The child’s home must meet the standards listed in DCF 202 except 202.08(3)

DCF 202.02 (12) “Licensed physician” means a physician licensed under ch. 448, Stats.

Physician means an individual possessing the degree of doctor of medicine or doctor of osteopathy or an equivalent degrees determined by the licensing board and holding a license granted by the board. A chiropractor or Physician Assistant does not meet the definition of a physician.

DCF 202.02 (12m) “Operator’s own children” means a certified family child care operator’s natural, adopted, step, and foster children, and any children who reside in the operator’s home.

DCF 202.02 (13) “Parent” has the meaning given in s. [49.1202](#) (1) (c), Stats.

Note: Section 49.1202 (1) (c), Stats., provides: “Notwithstanding s. 49.141 (1) (j), ‘parent’ means a custodial parent, foster parent, treatment foster parent, legal custodian or person acting in place of a parent.”

DCF 202.02 (14) “Physician’s assistant” means a health care professional certified under s. 448.04 (1) (f), Stats., and ch. Med 8.

DCF 202.02 (15) “Premises” means the tract of land on which the home used for child care is located, including all buildings and structures on that land.

DCF 202.02 (16) “Publicly funded parent” means a parent whose child care expenses are subsidized directly with state or federal funds.

DCF 202.02 (18) “Related to the provider” means the provider’s natural or adopted children, foster children, stepchildren, grandchildren, brothers, sisters, first cousins, nephews, nieces, uncles and aunts.

Great grand children, great nieces and nephews, and 2nd cousins are not considered related under this definition. The relationship is either by blood or law (marriage).

DCF 202.02 (19) “School-age child” means a child 7 years of age or older who is enrolled in a public school or a parochial or other private school.

DCF 202.02 (20c) “Shaken baby syndrome” means a severe form of brain injury that occurs when an infant or young child is shaken forcibly enough to cause the brain to rebound against his or her skull.

DCF 202.02 (20g) “Substitute” means a provider who replaces the certified child care operator or staff in a school age program on a pre-arranged or planned basis.

A person who works as a substitute falls under this definition whether the person is compensated for the work or not.

DCF 202.02 (20n) “Sudden infant death syndrome” means the sudden death of an infant under one year of age that remains unexplained after a thorough case investigation, including performance of a complete autopsy, examination of the death scene, and a review of the clinical history.

DCF 202.02 (20r) “Supervision” means guidance of the behavior and activities of children for their health, safety, and well-being by a provider who is within sight or sound of the children, except as specified in s. DCF 202.08 (5) (j).

*While outdoors, DCF 202.08 (5)(J) requires the provider to be outside with the children providing sight **and** sound supervision. While indoors, the children must be either in sight or sound, or both. In any situation, the provider must be able to guide the children’s behavior.*

DCF 202.02 (20w) “Suspension” means a temporary interruption in the regulatory approval during which the certified child care operator may not be paid by the child care subsidy program.

DCF 202.02 (21) “Tribe” means an American Indian tribe recognized by the federal government.

DCF 202.02 (22) “Volunteer” means a person who agrees to give time, with or without compensation, to transport or to work with children in care.

BASIS FOR CERTIFICATION.

In order to be certified, a child care provider operator shall be exempt from licensure requirement in s. 48.65, Stats., and shall comply with the appropriate standards for the type of certified

If a provider takes care of 4 or more children under the age of 7 who are not related to the provider, the provider must obtain a license from the department of health and family services to operate a child care center. If an applicant is caring for a licensable number of children, she cannot become certified. A provider who already holds a license, may become certified for an additional 4 hours as long as the number of children during those 4 hours is within the certification limit. See 202.08(6).

operator that are specified in this chapter.

Types of Certified Operators.

DCF 202.04 (2) The following types of child care operators shall be certified as a condition for receiving state or federal child care funds:

DCF 202.04 (2) (a) *Certified family child care operators and in-home operators.* Certified family child care and in-home operators are required to meet the standards under s. DCF 202.08 and may care for infant, preschool, or school-age consistent with Table 202.08 (6).

When the agency issues a Certificate of Approval to family operators, the following regulatory categories apply:

*Care provided in the **operator's** (provider's) home:*

- *Regular Certification*
- *Provisional Certification*

*Care provided in the **child's** home:*

- *Inhome Regular Certification*
- *Inhome Provisional Certification.*

*When issuing an inhome certificate, the certificate must have the address where the **physical** care is provided (child's home). The provider's home address can be entered in the Alternate Address screen in CCPC so various mailings such as the subsidy payments and notices can be sent to the correct address.*

DCF 202.04 (2) (b) Certified school-age child care programs. Certified school-age child care programs are required to meet the standards under s. DCF 202.09.

Application for Certification

DCF 202.04 (3) (a) Form. Application for certification shall be made on a form available from the county or tribal agency in the county or tribal territory where the child care is provided. The applicant shall submit the completed form to that county or tribal agency.

The family and school-age certification application forms can be found at

<http://dcf.wisconsin.gov/childcare/certification/forms.htm>

The family certification application is available in English, Hmong, Russian and Spanish.

DCF 202.04 (3) (c) Criminal background. The applicant shall comply with the background information requirements of s. 48.685, Stats.

*Every 2 years, the applicant/certified operator must submit a **completed** Background Information Disclosure (BID) form for the following individuals:*

- *Applicant/operator*
- *Individuals over the age of 10 years currently residing or are expected to reside in the home. Parents may complete and sign the form for minors.*
- *Potential volunteers, employees, helpers, substitutes or any other individuals who have direct contact with the children in certified care.*

The BID form can be found at <http://dcf.wisconsin.gov/childcare/certification/forms.htm>

NOTE: Any person who gives false information, knowingly omits information, or fails to report a subsequent offense is subject to denial or revocation of their certification.

When the care is done in the child's home (in-home care), no background check is needed on the individuals living in the home. The check is conducted only on the applicant (provider) and potential substitutes.

DCF 202.04 (3) (d) *Compliance with standards and certification.* The county or tribal agency shall process all certification applications as follows:

DCF 202.04 (3) (d)1. If the application is for certification under sub. (2) (a), the county or tribal agency shall review the application for compliance with standards under s. DCF 202.08 prior to issuing a certificate.

The family certification application includes the following steps:

1. *Review of the application form*
2. *Shaken Baby Syndrome (SBS) and SIDS prevention training verification.*
3. *Review of BID forms, conduct background checks (DOJ and CPS)*
4. *TB test verification (operator)*
5. *Water test results (if the home does not have public water)*
6. *Landlord/regulatory agency approval form (if applicable)*
7. *Regulatory Agency's Approval Form (if applicant holds a license to care for children/adults)*
8. *References (agency discretion)*
9. *Site visit verifying that the home meets all standards listed in DCF 202.08*

DCF 202.04 (3) (d) 2. If the application is for certification under sub. (2) (b), the county or tribal agency shall refer the application to a licensing representative in the department of health and family services regional office. The licensing representative shall determine whether the applicant is in compliance with all standards under s. DCF 202.09 and report back to the county or tribal agency. The county or tribal agency may issue a certificate based on the licensing representative's report.

The steps for a School Age certification application are as follows:

The certification agency collects the following:

Application form (DES-12200-12202) and completed check list (DES-12203-12206)

- *BID forms for the applicant and all staff, conduct background checks*
- *Verification of the required insurance*
- *Building inspection report*
- *Water tests (if water is not from a public water system)*
- *Policies regarding health, nutrition, discipline, and emergencies, including the plan for evacuation*
- *References (optional)*

Once the above forms have been received, program is ready for a site visit. The certifying agency will contact the regional licensing office and send them a copy of the application and the checklist. A licensing specialist will conduct the initial site visit prior to certification and determine whether the applicant is in compliance with all standards under DCF 202.09. It is strongly recommended that the certifier accompanies the licenser to the visit because the certifying agency is responsible for follow-up of any non-compliances.

Once the visit is complete, the licenser completes Certified School-Age Program Site Inspection Verification - [DES-12539](#) report.

Approval

DCF 202.04 (3) (e) Within 60 days after receiving a completed application for certification or recertification and satisfactory investigation and determination that the applicant is fit, the county or tribal agency shall either approve the application and issue a certificate or deny the application. Fit means the applicant displays the capacity to successfully nurture and care for children and includes consideration of any of the following:

1. Abuse of alcohol or drugs.
2. A history of a civil or criminal conviction or administrative rule violation that substantially relates to caring for children as described in ch. HFS 12.
3. Exercise of unsound judgment.
4. A history of civil or criminal offenses or any other actions that demonstrate an inability to manage the activities of a child care program.

When the agency has made the determination that the applicant is “fit”, the agency must either approve the certification or deny the application within 60 days. . If the agency denies the application, the reasons for the decision must be given in writing.

The certified operator shall be a responsible, mature individual who is fit to care for children and manage a child care program. In determining whether an applicant is fit, the agency shall consider any history of civil or criminal violations or other offenses substantially related to the care of children by the applicant, owner, manager, representative, employee, center resident or other individual directly or indirectly participating in the operation of a child care operation.

Examples of # 4 above may be, but not limited t, fraud, forgery, history of evictions, etc.

Examples of #1 may be, but not limited to, history of alcohol/drug related traffic offenses (DWI or DUI).

DCF 202.04 (3) (f) The county or tribal agency may backdate a certificate of approval to the date that the county or tribal agency received the applicant’s completed application for certification.

*The application can be backdated up to 90-days in the past. **Note:** If the new applicant (who wants to care for children under 5 years of age) has not completed Shaken Baby Syndrome (SBS) prevention training prior to the date of application, the certification cannot be backdated any further than the date the SBS training was completed.*

Certification Fee

DCF 202.04 (4) (a) A county or tribal agency may charge a fee for family child care certification not to exceed 150 percent of the licensing fee for a family child care center that provides care and supervision for 4 to 8 children, under s. 48.65 (3) (a), Stats., plus the costs of criminal record checks required under s. 48.651 (2), 48.685 Stats.

The current licensing fee for family center is \$60.50. The maximum amount that a certifying agency may charge for family certification is \$90.75 plus the cost for background checks. The fee is changed at initial and at re-licensing application.

DCF 202.04 (4) (b) The county or tribal agency may charge a fee for school-age child care certification not to exceed the licensing fee for a group child care center that provides care and supervision for 9 or more children under s. 48.65 (3)(a), Stats., plus the costs of criminal record checks required under s. 48.685 Stats.

The licensing fee is \$30.25 plus \$10.33 for every child the center is licensed to serve plus background checks.

Categories of Family Certification.

Certification of a provider by a county or tribal agency shall be Level I (regular) or Level II (provisional) as follows:

DCF 202.04 (5) (a) Level I (regular) certification. Level I (regular) certification may be issued only after the child care operator has demonstrated compliance with all certification standards including training. Level I (regular) certification shall be for a period of 2 years and shall be renewed upon application if the operator continues to comply with the certification standards under s. DCF 202.08 or 202.09.

DCF 202.04 (5) (b) Level II (provisional). Level II (provisional) certification may be issued only after the child care operator has demonstrated compliance with all certification standards under s. DCF 202.08, except standards for training under s. DCF 202.08 (1) (b). Level II (provisional) certification shall be for a period of 2 years and shall be renewed upon application if the operator continues to comply with the certification standards, except standards for training under s. DCF 202.08 (1) (b).

Provisional and regular certifications have identical standards that must be met during the hours of child care. These standards apply to all certified providers even if the provider is related to the children in care. Regular certificate can be granted only after the provider has documented completion of the required training under DCF 202.08(1) (b) 1. a.

Certification Agency

DCF 202.04 (6) (a) The county or tribal agency responsible for certification of a provider shall be determined by the geographic area in which the child care is provided.

Example: Subsidy administrative agency in County A approves in-home care for a family (care in the child's home). The parent has a friend who is interested in providing the care for the children in their home. The friend lives in county B. The County A must certify the home because the physical care is done in County A even though the provider resides in county B.

Counties do not have the jurisdiction to certify providers in neighboring counties. Some tribes are spread over several counties. Those tribes can certify providers located in those counties if the provider lives within tribal land. Also, the county may certify tribal providers in their geographical area.

DCF 202.04 (6) (b) Certification issued to a provider by a county or tribal agency shall be accepted as valid by all other agencies authorized to certify providers.

Example: County A has a subsidized parent who works in County B. The parent wants to enroll his/her child with a provider who lives in County B. If the provider is already certified by County B, County A must accept the certification and should issue an authorization.

If a provider certified in County A moves to County C, she has to reapply for certification, however, certain documents can be shared if they are not outdated. Examples of documents are: Background checks, TB test results, references, training documentation. The provider must submit new application and standards and checklist and any other documents that pertain to the new home (water well tests, etc) and must have a home inspection completed

DCF 202.04 (6) (c) The county or tribal agency shall ensure that each new day care certification worker completes the department–approved certification training during the first 6 months of employment.

DCF offers certification policy trainings twice each year. Please contact the Child Care Help Desk at 608-261-6317, option 2 to find out about upcoming trainings or email childcare@wisconsin.gov.

Compliance.

DCF 202.04 (7) (a) *Qualifications of certified child care operators.* County and tribal agencies shall maintain records demonstrating child care operator compliance with s. DCF 202.08 (1).

The provider file must be stored at least 3 years after the provider becomes inactive. Files of providers who are denied/revoked due to an offense that bars the person from being certified cannot be destroyed, because if the person applies for an employment in any care-giving facility those employers might contact the certifying agency to get details about the denial/revocation.

DCF 202.04 (7) (b) *Compliance with other standards.*

DCF 202.04 (7) (b) 1. 'General.' County and tribal agencies shall help the operator comply with s. DCF 202.08 (2) to (12) in accordance with this paragraph section.

If an operator struggles in complying with the standards listed above, the certifier should give the operator contact information to various agencies in the community that can help him/her. Examples of those agencies are: local Child Care Resource and Referral (CCRR) agency (offers trainings in various child care topics), Child and Adult Care Food Program (if nutrition related concerns), technical college (offers trainings), etc.

‘Required procedures’

A county or tribal agency shall:

DCF 202.04 (7) (b) 2. a. Require receipt of a signed application from the operator agreeing to follow child care certification standards.

The application is required at initial and recertification. Also, when the operator moves to a new physical location.

The application can be found at: <http://dcf.wisconsin.gov/childcare/certification/forms.htm>

DCF 202.04 (7) (b) 2. b. Provide a checklist of basic child care certification standards and procedures for filing a complaint to all parents who are using certified family child care or in-home care and who are publicly funded parents.

The parent check list is found at http://dcf.wisconsin.gov/forms/dsw_50.ht

The check list must be signed by the parent receiving child care subsidy. The operator must give a copy of the signed form to the parent.

The agency may require the operator send the completed forms to be kept in the certifying agency or the certifier may verify completion of the form on the site visit.

DCF 202.04 (7) (b) 2. bm. Require the applicant and any employees, volunteers, and non-client

The BID form can be found at <http://dwd.wisconsin.gov/childcare/certification/forms.htm>

NOTE: Any operator who gives false information, knowingly omits information, or fails to report a subsequent offense is subject to denial or revocation of their certification.

residents 10 years of age or older to submit a background information disclosure form prior to initial certification and every following 2 years.

DCF 202.04 (7) (b) 2. c. Provide information on child care and the certification system to applicants prior to initial certification. The information shall include materials on sudden infant death syndrome, shaken baby syndrome and impacted babies, child development, positive discipline, health and safety, and nutrition.

The materials can be ordered from the Wisconsin Child Care Information Center (WCCIC) at 800-362-7353 or by visiting <http://www.dpi.state.wi.us/ccic/>.

*Also, National Association for the Education of Young Children (NAEYC) has wonderful inexpensive brochures (cost 15 cents/each) on topics such as Caring for your Toddler, Infant, Preschool, Including all children, Love and Learn, Playground Safety, Helping Children Learn Self-Control (guidance), So Many Goodbyes (separation anxiety), etc.
<http://sales.naeyc.org/default.aspx?Category=CBrochure>*

*Contact the Child and Adult Care Food Program for information about nutrition:
<http://dpi.wi.gov/fns/pdf/cacfp06.pdf>*

The best opportunity to give the above materials to the new applicant is the initial visit so the brochures can be verbally explained.

DCF 202.04(7) (b) 2. d. Conduct an on-site inspection of the premises where child care will be provided, including areas that will not be used for child care, before initial certification, recertification, or within 30 days following a child care operator's move to a new location.

This rule gives the certifier the authority to inspect the entire premises, even the areas not used for child care. It is advisable that the certifier checks the basement and other areas that the operator does not use for regular child care. If concerns are found in any areas, a condition or stipulation should be issued to give the operator clear guidelines of the areas that cannot be used during hours of child care or if some areas can be used during severe weather such as a tornado.

If an operator moves to a new address, it is important that the provider submits an application BEFORE the move. This way, the certification can be backdated to the date of move (if the new home meets the standards). If the operator fails to submit an application before the move date, s/he will not be paid by the subsidy program for the time period of the actual move and the date the certifying agency received the application.

DCF 202.04 (7) (b) 2. e. Check the criminal record history of applicants for certification, employees and prospective employees, volunteers, and adults living in the applicant's home non-client residents as specified in 48.685 (2) (am), Stats.

The certifying agency sends the criminal history request on the above individuals to Dept of Justice (DOJ), Crime Information Bureau (CIB). The certifying agency has the authority to receive Juvenile Records if they exist. The background checks must be conducted at least every 4 years, but can be repeated more frequently.

There is no requirement to conduct background checks on children between 10 and 18 unless the BID form indicates a concern or if the minor works as a helper in the child care operation.

DCF 202.04 (7) (b) 2. f. Check files on child abuse and neglect findings or pending investigations related to applicants, employees and prospective employees including substitutes, volunteers, and for individuals living in the applicant's home.

The certifying agency must contact the Child Protective Services (CPS) department in their county to check child abuse and neglect findings. This must be done every two years on the individuals mentioned above.

DCF 202.04 (7)(b) 2. g. Limit certification to one child care operator for each family residence.

Only one operator can be granted regulatory approval for each family residence. The operator may hire a helper, substitute or an employee to assist her with the child care operation, however, having an assistant does not allow the operator to enroll more children than specified in DCF 202.08(6). If the agency has approved two operators in one residence, the agency must inactivate the 2nd certificate at the next renewal.

Only one operator will be included on the Certificate of Approval.

Note: One operator may be approved to operate in two different addresses. An example is when an operator is providing care in her own home during the week, but is also providing care at a child's home during weekends. In these situations, the agency must specify on the certificate the operation days and hours for each location. The days and hours cannot overlap.

'Optional procedures.'

A county or tribal agency may:

DCF 202.04 (7) (b) 3. a. Conduct on-site inspections at any time prior to or after certification is approved to monitor compliance with certification standards, in addition to the required inspection under subd. 2.d.

The certifying agency has the authority to conduct announced or unannounced visits to a certified program to monitor compliance. Note: if a certified operator is using a substitute, the substitute must be made aware of all standards that the home must meet during hours of care. The substitute must allow the certification worker access to the home even if the owner/operator is not present.

DCF 202.04 (7) (b) 3. b. Make certification available to all family child care providers, whether or not public funding is involved.

Section 48.651, Wisconsin Statutes, require counties/tribes to certify providers who care for children receiving child care subsidy funds. In order to create a pool of regulated providers, the county/tribe may certify other providers who do not serve publicly funded parents. Most counties/tribes in Wisconsin currently provide this service to all interested providers who meet the standards in this chapter.

DCF 202.04 (7) (b) 3. c. Request that all parents whose children are cared for by family child care operator complete the answers to questions on the checklist and return the checklist

provided under subd. 2. b.

*The parent check list is found at http://dcf.wisconsin.gov/forms/dsws_50.htm
The agency may require the operator send the completed forms to be kept in the certifying agency or the certifier may verify completion of the form on the site visit.*

DCF 202.04 (7) (b) 3. d. Require the child care operator to submit references at initial certification and at certification renewal.

Effective 6/1/08, the references are no longer mandatory. It is the agency's discretion whether to require the references or not. If the agency decides to collect them, it is recommended that the references are submitted by a non-relative person who can comment on operator's ability to provide acceptable level of child care and who is familiar with the operator's home.

DCF 202.04 (7) (b) 3. e. Require an evaluation and written statement by a physician or licensed mental health professional of any person associated with the care of children or any household resident if the county or tribal agency has reason to believe that the person's physical or mental health may endanger children in care. The county or tribal agency shall document what reason it has to believe that the person's physical or mental health may endanger children in care.

DCF 202.08 (1) (a) states:

- 1. An operator shall be physically and emotionally able to provide responsible child care*
- 2. An operator, household member, volunteer, visitor or parent whose behavior or mental or physical condition gives reasonable concern for the safety of the children, may not be in contact with the children in care.*

If an operator or any individual in the home shows symptoms that s/he may pose a threat to the children in care, the certifying agency may require an evaluation conducted by a physician or mental health professional. If the agency witnesses behavior that is concerning or is contacted by a reputable source indicating concerning behavior by the operator or any individuals who have contact with the children, it is imperative that the certification worker thoroughly documents the incidents before an evaluation is requested. The applicant/certified operator is responsible for any costs for the evaluation.

Prior to requesting the evaluation, the agency must thoroughly document the reasons for the action.

Exceptions

DCF 202.04 (8)A county or tribal agency may grant an exception to any standard in s. DCF 202.08 or 202.09 if the county or tribal agency determines that an alternative means meets the intent of the requirement, except for rules related to criminal background investigation required under s. 48.685, Stats.

The certifying agency does not have the authority to grant exemption to the licensing law. This means, that the agency cannot allow a certified operator care for 4 or more children under age 7 who are unrelated to the operator at one time.

The agency may grant exception to the standards in this chapter if an operator can demonstrate that the exception does not jeopardize the health, safety or welfare of any child in care.

The operator must request the exception in writing and the request must include justification for the requested action and a description of any alternative means to meet the intent of the rule.

Before an agency may grant exception to any of the rule, the agency must make the determination what is the intent of the rule the operator is asking for an exception. Usually the intent is to assure an acceptable level of safety and minimum level quality. Example: The intent of the group size rules is to assure adequate supervision of the children in care. Intent of supervision is safety, etc. If the agency grants exception to a rule, the agency must put it in writing and enter the exception into the certification database (CCPC).

Certification Decision After Background Review.

DCF 202.04 (9)The county or tribal agency shall conduct background reviews in accordance with s. 48.685, Stats. For guidance in resolving issues that arise in particular cases, the county or tribal agency shall follow ch. HFS 12, and the crimes table incorporated into ch. HFS 12, and shall apply the standards that apply to licensed child care facilities.

The certification Caregiver Background Check Manual can be found at <http://dcf.wisconsin.gov/childcare/certification/manuals.htm>

DHS Background Check pages are listed at <http://dhs.wisconsin.gov/caregiver/index.htm>

CRIMINAL HISTORY AND CHILD ABUSE RECORD SEARCH.

DCF 202.05 (1) The county or tribal agency shall follow the requirements for criminal history and child abuse record search that are contained in s. 48.685, Stats., and ch. HFS 12, and the crimes table incorporated into ch. HFS 12, and shall apply the standards that apply to licensed child care facilities, except the county or tribal agency shall require any prospective or current employee, contractor under the control of the certified child care operator, volunteer, or non-client resident to submit the completed background information form to the county or tribal agency prior to initial certification and recertification. In applying the provisions relating to rehabilitation decisions, all decisions and review procedures shall be made and conducted by the county or tribal agency.

Note: Detailed information on ch. DHS 12, Wis. Adm. Code, may be obtained by calling the DCF Bureau of Early Childhood Education at (608) 261-6317 (option 2) or by sending a written request to the DCF Bureau of Early Childhood Education at P.O. Box 8916, Madison WI 53708-8916. In addition, the DHS requirements are posted by the Department of Health Services at the following web site address:
<http://dhs.wisconsin.gov/caregiver/index.htm>

DCF 202.05 (2) Each county or tribal agency shall maintain its records concerning each person whose certificate is denied, revoked, or not renewed for a reason specified in s. 48.685 (4m) (a) 1. to 5., Stats. The county or tribal agency shall report this information to the department's child care section. The county or tribal agency shall immediately report the receipt of an application for rehabilitation review and the results of each rehabilitation review to the office of legal counsel of the department of health and family services.

The certifying agency must deny/ revoke an operator who has a conviction of a serious crime listed in the HFS 12, Appendix A – II or if a governmental agency has determined that the person has abused or neglected a child or a client or misappropriated a client's property. These offenses bar the person until s/he has been granted rehabilitation approved. The offense list can be found at:

http://www.legis.state.wi.us/rsb/code/hfs/hfs012_app_a.pdf

If an agency revokes or denies an operator's certification based on a substantiated finding or child abuse or neglect, a finding in the state's nurse aid registry that someone has a finding of abuse or neglect of an adult or misappropriation of a client's property or serious crime as identified in Appendix A of HFS 12, the certifying agency must report these denials/revocations to DCF by using HFS 12, Negative Action Notice. Fax the form to 608-266-8302. DCF staff enters these denials/revocations into the DHS IBIS system and the record will be included in the future caregiver background checks on the individual.

CERTIFICATION DENIAL.

(1) The county or tribal agency may deny, suspend, revoke or refuse to renew certification and

The agency has the authority to revoke/deny an operator if the agency has documented one or more situations below. If multiple reasons apply to an operator, the agency should include every applicable reason for denial/revocation in the letter.

discontinue payment for care if any of the following apply:

DCF 202.06 (1)(a) The child care operator is not in compliance with certification standards under s. DCF 202.08 or 202.09, as appropriate.

Revocations:

The violations must be documented by issuing a Non-Compliance Statement and Correction Plan for currently certified operators. If the operator fails to correct the violation or the correction plan does not assure the agency that the violation will not happen again, the agency has the authority to revoke the certificate.

Suspension:

Sometimes suspension is necessary if the children in care are in immediate danger or there is a concern for their safety, health, and wellbeing. Suspension is temporary and the certification must be either revoked or reinstated within 60 days of the suspension decision.

Denials:

DCF 202.04(5) states that the operator must demonstrate compliance with all standards in DCF 202.08 BEFORE a certificate can be issued (initial or recertification). If the operator does not meet every standard, the agency has the authority to deny the application.

DCF 202.06 (1)(b) The child care operator's references or other community information does not support the operator's declaration that he or she is able to provide an acceptable level of child care.

This sanction is usually used when there is documentation in CPS files, police reports, court documents or other source that indicates concerns with the operator. Some examples might include, but are not limited to, repeated involvement with police, CPS referrals (no substantiation of abuse/neglect, but substantiation of lack of supervision or other concerning behavior).

Also, if the references indicate concerns that relate to child care or operation of child care, the agency may deny/revoke certification.

DCF 202.06 (1)(c) The county or tribal agency determines there is danger to the health, safety or welfare of the children in care.

If the certifying agency has documented a situation that potentially jeopardizes the health, safety or welfare of the children in care, the agency should use this as a reason to suspend, deny or revoke.

DCF 202.06 (1)(d) The child care operator submits false attendance records to the child care subsidy administrative agency.

If the child care subsidy administrative agency has substantiated that a certified operator has falsely recorded attendance for the subsidy program, the certifying agency has the authority to revoke the operator's certification status using this standard. The documentation of false attendance should be included in the certification file.

DCF 202.06 (1)(e) The child care operator fails to cooperate with the certifying agency.

The agency may use this rule as a reason to revoke/deny if the agency has documented situations when the operator does not co-operate with the agency. Samples of situations that may justify using this rule are, but not limited to, an operator repeatedly not being at home at the time of scheduled monitoring visits, not following conditions set on the certificate, not submitting requested information to the agency, etc.

DCF 202.06 (1)(f) The applicant's license or certificate to care for children or adults has been denied or revoked.

If an operator has had a child care license, foster care license or any other license or certificate to care for children and adults revoked/denied, the agency may deny or revoke child care certification.

DCF 202.06 (1)(g) The child care operator misrepresents or withholds information.

Samples of situations that may justify using this rule are, but not limited to, an operator not telling the truth who resides in the home, or who cares for the children, does not report arrests/convictions, etc.

DCF 202.06 (1)(h) The child care operator or an employee or volunteer denies the day care certification worker access to the premises to monitor compliance with the certification standards.

By signing the Standards and Checklist and the Certification Application, the operator agrees the certifying agency to monitor compliance. If an operator (or substitute, employee, etc) refuses the certification worker to access the home, the agency may sanction the operator.

DCF 202.06 (1) (i) The child care operator, an employee, a volunteer, or any other person having regular contact with the children in care is or has been any of the following:

DCF 202.06 (1) (i) 1. The subject of a pending criminal charge for an action that substantially relates to the care of children or activities of the program.

The caregiver law requires a conviction of a crime (or child abuse/neglect substantiation) before certification can be denied/revoked. This rule gives the agency the authority to deny/revoke when there is a pending charge of an offense that substantially relates to the care as well as activities of the program. Examples of crimes that potentially relate to the activities of the program are, but not limited to, fraud, forgery, offenses involving illegal drugs, etc.

When determining the substantially related criteria, the agency must consider how the offense relates to the activities. Does the job as a certified operator offer an opportunity to commit a similar offense? Is there a pattern in the past offenses, etc? See HSF 12.06 for further information.

Licensing has developed a form that is helpful when making the determination whether the offense substantially relates to child care or not. The form can be found at <http://dhs.wisconsin.gov/forms/DCFS/CFS2261.pdf>

DCF 202.06 (1) (i) 2. Convicted of a felony, misdemeanor, or other offense that substantially relates to the care of children or activities of the program.

The caregiver law is usually used for revocations/denials that relate to care of children, however, this rule gives the agency the authority to deny/ revoke an operator if the person has conviction of crimes that substantially relate to the activities of the program. Examples may be, but not limited to, fraud, forgery, offenses involving illegal drugs, traffic related offenses, etc. When determining the substantially related criteria, the agency must consider how the offense relates to the activities, does the job as a certified operator offer an opportunity to commit a similar offense, is there a pattern in the past offenses, etc. See HSF 12.06 for further information.

DCF 202.06 (1) (j) The evaluation under s. DCF 202.04 (7) (b) 3. e. gives the county or tribal agency reasonable concern that the person's physical or mental health may endanger children in care.

If the evaluation from the physician or mental health professional indicates concerns about the individual's ability to provide adequate child care or if the individual's condition may endanger children in care, the certifying agency may revoke/deny certification using this standard.

DCF 202.06 (2) The certifying county or tribal agency shall require a child care operator to submit a new application for certification if the operator's previous certification was denied, revoked, or not renewed for a reason in s. DCF 202.05 or s. DCF 202.06 (1). The certifying county or tribal agency may refuse to accept a new application for 2 years after the date of the denial, revocation, or refusal to renew the certification.

An operator, whose certification was denied or revoked may submit a new Application for Family Certification, however, the agency may refuse to accept the new application if the previous date of denial/revocation or refusal to renew occurred within the last 2 years and the reason for denial/revoked based on DCF 202.05 or 202.06

DCF 202.06 (3) A child care operator whose certification has been revoked twice for noncompliance with the certification standards in s. DCF 202.08 or 202.09 shall be permanently barred from certification.

This rule does not apply to revocations due to other reasons such as the caregiver law.

DCF 202.06 (4) If a county or tribal agency denies, suspends, revokes or refuses to renew a certification, the county or tribal agency shall notify the child care operator in writing and give reasons for the action. The action is reviewable pursuant to ch. 68, Stats., which provides for administrative review of the decisions of local agencies. Tribal agencies shall use an appeal process equivalent to the process in ch. 68, Stats.

The written notice must indicate the rule(s) and/or statute numbers and the rule language of the reason for denial/revocation/suspension. Also, the letter must inform the operator about his/her appeal rights. The appeal follows Chapter 68 at <http://www.legis.state.wi.us/statutes/Stat0068.pdf>, except for sanctions due to an offense that bars the individual from being a caregiver. Those applicants must be approved rehabilitation by a panel before regulatory approval can be considered. See the caregiver manual at <http://dcf.wisconsin.gov/childcare/certification/manuals.htm>

Sanctions.

DCF 202.06 (5) If a certified child care operator violates the provisions of this chapter, s. 48.685, Stats, or ch. HFS 12, the county or tribal agency shall require the operator to submit a plan of correction for violation in writing and may impose any or all of the following sanctions:

When any violation of DCF 202 or the caregiver law has been substantiated, the certifying agency must issue a Non-compliance Statement listing the violation. The agency must give the operator a time frame when the violation must be corrected. In the correction plan, the operator must indicate how s/he will prevent the violation from occurring again. The certifying agency will review the plan and may accept it or refuse the plan. If the operator does not return the correction plan by the date given by the agency or if the correction plan does not assure the agency that the violation won't occur again, the agency has the authority to revoke.

Note: The certifying agency must enter the violations into the Child Care Provider Certification (CCPC) database.

DCF 202.06 (5) (1) Forbid the operator to enroll any new children until all violations have been corrected.

The certifying agency must issue this order in writing.

DCF 202.06 (5) (2) Issue a warning of revocation in writing.

If the agency has documented violations and the operator has not corrected the violations, the agency may issue a warning of revocation before proceeding with revocation. In the letter, the agency should indicate a time-frame the certificate will be revoked if no corrective action is taken by the operator.

DCF 202.06 (5) (3) Suspend the operator's certification for not more than 60 days. The agency shall either reinstate or revoke the certification by the date that the suspension expires.

If the certifying agency decides to suspend the operator instead of issue a revocation, the agency must notify the operator in writing and give reasons for the enforcement. Suspension is often used when an operator (or a resident in the home) has a charge of a serious crime or is under the investigation of child abuse/neglect. Suspension is also justified when the circumstances in the home/facility are so serious that the agency determines that there is immediate threat to health, safety and wellbeing of children in care.

Suspension is a temporary regulatory status and is limited to 60 days. Within that time frame, the agency must make the decision to either revoke or re-instate the certification.

COMPLAINTS.

DCF 202.07 Within 10 working days after a county or tribal agency receives a complaint about a certified child care operator, the county or tribal agency shall investigate that complaint.

See definition for a Complaint. After the agency receives concerns about a certified program, the agency must make the determination whether the concerns apply to any of the standards listed in DCF 202 or the caregiver law. If the reported concern alleges a violation of the certification rules or the caregiver law, the agency must investigate the complaint within 10 working days. There are situations when it is impossible to complete the investigation within the above time-frame, however, the agency must at least start it within 10 days of the receipt of the complaint. The agency must document the investigation steps in the certification database (CCPC).

STANDARDS FOR FAMILY AND INCOME CHILD CARE

QUALIFICATIONS OF PROVIDERS.

DCF 202.08 (1) (a) Ability, age and health.

DCF 202.08 (1) (a) 1. A provider shall be physically and emotionally able to provide responsible child care and shall be at least 18 years of age.

The applicant must submit date of birth information with the application. This data must be included both with the application and the BID form. A person under age 18 cannot be certified.

If the agency documents concerns about a provider's physical or emotional capability of provide acceptable level of child care, the agency has the authority to require a statement specified in DCF 202.04(7) (b) 3. e. A disability such as blindness, hearing impairment or other physically disabling condition that affects the operator/provider may not be the sole basis of the denial of a certification. The ability of the person to provide care to the children and to comply with the certification rules must be evaluated based on the disability.

DCF 202.08 (1) (a) 2. A provider, household member, volunteer, visitor or parent who has symptoms of illness or of a communicable disease reportable under ch. HFS 145 that may be

transmitted through normal contact, or whose behavior or mental or physical condition gives reasonable concern for the safety of the children, may not be in contact with the children in care.

The rule includes, but is not limited to, persons who manifest symptoms of physical or mental illness, communicable disease, drug or alcohol induced behavior. Persons with such symptoms may not be allowed to enter or remain on the premises. The rule does not apply to communicable diseases not transmittable by normal activity such as AIDS/HIV.

The applicant or other person in the home or other person in regular contact with children in care may be required to undergo a psychiatric examination or physical examination to determine whether that person represents a threat to the safety of children in care. The applicant is responsible for any costs associated with this examination.

Information on communicable diseases can be found at:

<http://dhs.wisconsin.gov/communicable/resources/pdffiles/DayCareExclCrit.pdf>

Factsheets on communicable diseases: <http://dhs.wisconsin.gov/communicable/factsheets/index.htm>

Public Health Departments: <http://dhs.wisconsin.gov/localhealth/index.htm>

Center for Infectious Diseases: <http://www.cdc.gov/ncidod/diseases/children/index.htm>

DCF 202.08 (1) (a) 3. Each family and in-home child care operator shall demonstrate that he or she is free from tuberculosis prior to certification and recertification. The agency may accept results of a test administered up to 12 months before the application date.

The operator must send in proof of a TB test conducted by a health professional. If the physician does not recommend the TB-test due to pregnancy or other health condition, have the applicant/operator submit a statement from his/her doctor confirming that s/he is free from tuberculosis.

If the TB skin test is positive, the person must be evaluated by a physician. This evaluation must conclude that the person does not have active TB.

Training.

DCF 202.08 (1)(b) 1. 'Level I (regular) and Level II (provisional).' Each certified family and in-home child care operator and all employees and volunteers of a certified family or in-home child care operator who provide care and supervision for children under one year of age shall receive training in the most current medically accepted methods of preventing sudden infant death syndrome before the date on which the child care operator is certified or the employment or volunteer work commences. Except for a volunteer who does no sole supervision of a child, each certified family child care operator, certified in-home child care operator, employee, and volunteer who provides care and supervision for children under 5 years of age shall receive department-approved training on shaken baby syndrome and impacted babies and appropriate ways to manage crying or fussing children. The training shall be completed by one of the following methods:

SIDS:

Anyone who cares for children less than 12 months of age in a certified setting, must be trained on SIDS prevention methods. The training can be obtained in many ways. Agencies may require the provider to attend an in-person training offered by many agencies such as the local Child Care Resource and Referral agency (CCRR), technical colleges, etc or certifiers may train the provider/operator at the home visit by covering SIDS prevention materials. Here are some links for various materials:

*American Academy of Pediatrics has a very thorough **Reducing the Risk of SIDS in Child Care** PowerPoint on the Healthy Child Care America website at http://www.healthychildcare.org/section_SIDS.cfm#train*

WCCIC has SIDS materials posted at <http://www.dpi.state.wi.us/rll/ccic/ccicpack.html#sids> or by call (800) 441-4563.

New York has posted a video that covers the SIDS and SBS prevention. The video can be found at; <http://www.ocfs.state.ny.us/main/prevention/tips.asp>. Scroll down to 'NY loves safe babies...'

*SIDS informational brochure in several languages:
<http://www.ocfs.state.ny.us/main/publications/Pub5006text.asp>.*

DCF 202.08 (1) (b) 1. a. Complete the department-approved, in-person training on shaken baby syndrome prevention and impacted babies before the date on which the child care operator is certified or the employment or volunteer work commences.

Shaken Baby Syndrome (SBS) Prevention:

*The operator, employees, helpers, assistants and substitutes must complete training on SBS **before** s/he cares for children and/or is left in charge of children under the age of 5 years of age. This also applies to volunteers if s/he is left solely in charge of children in care. The in-person training must be conducted by one of the approved trainers at http://www.dpi.state.wi.us/ccic/sbs_trainers.html*

Individuals, who have completed the Introduction to Child Care, Module A and/or Fundamentals of Infant/Toddler care after 7/1/05 already meet this requirement.

For new applicants, the certificate of approval cannot be backdated further than to the date SBS training was completed even if the applicant submitted a completed application prior to that date.

Note: New applicant: The certificate of approval cannot be backdated any further than to the date the SBS training (or pre-training) was completed even if the applicant submitted a completed application prior to that date. This means that if an operator cared for children under age 5 who are receiving subsidy, the subsidy program will not pay for the care provided prior to completion of the SBS training.

DCF 202.08 (1) (b) 1. b. View a department-approved video on shaken baby syndrome prevention and impacted babies before the date on which the child care operator is certified or the employment or volunteer work commences and complete a department-approved, in-person training within 6 months of certification approval or start of employment or volunteer work.

The certifying agency may allow the operator (substitute, employee, etc) watch a video on SBS prevention and then complete in-person training within 6 months. The qualified videos are:

1. **Portrait of Promise** Available from Midwest Children's Resource Center at 651-220-6703. Ask for Jane Swenson. Portrait of Promise can also be ordered from St. Paul Children's Hospital, 651-220-6750. Available in English, Spanish, Hmong, Somali.
2. **Never Shake a Baby – What Parents and Caregivers Need to Know** The video is available online at: <http://www.ottawakiwanis.org/video/nevershakeababy.mov>. This file is very large. It will take several minutes to download even with the fastest connection. The video Never Shake a Baby is available from the Ottawa Kiwanis for \$10.95 + shipping, with discounts for 25 copies or more: <http://www.nevershakeababy.org>.
3. **New York Loves Safe Babies** <http://www.ocfs.state.ny.us/main/prevention/tips.asp>. This video also includes information on SIDS. The video can be ordered from New York State or watched as a web cast (fast internet connection needed). Available in English and Spanish.

If the operator, provider, etc fails to take the in-person SBS training within 6 months, the certifying agency must enter an age-restriction preventing the operator (provider, substitute, etc) from taking care of children under age 5 years.

For new applicants, the certificate of approval cannot be backdated any further than to the date the SBS training (or pre-training) was completed even if the applicant submitted a completed application prior to that date. This means that if an operator cared for children under age 5 who are receiving subsidy, the subsidy program will not pay for the care provided prior to completion of the SBS training.

Note: Contact Child Care Resource and Referral at 1/888-713-5437 for further information on these classes.

DCF 202.08 (1) (b) 2. 'Level I (regular).' The following apply to Level I (regular) certified family and in-home child care operators:

DCF 202.08 (1)(b)2. a. A Level I (regular) certified family and in-home child care operator under s. DCF 202.04 (5) (a) shall have completed at least 2 credits of early childhood training or non-credit department-approved training prior to Level I (regular) certification.

Department approved courses that meet the above requirement are:

- *Introduction to Child Care Profession, Module A and Fundamentals of Family Child Care.*
- *Child care certification course offered by any of the technical colleges or Child Care Resource and Referral agencies that follow the competency based curriculum that was rolled out in 2003. This can also be offered online or in correspondence format.*
- *A broad-based university or technical college credit course (2 or more credits) on an area that applies to early childhood/child development. Examples of courses that meet this requirement are, but not limited to, Child Development, Child Psychology, etc.*
- *College degree in early childhood. If the applicant has a degree in other area, the applicant should submit a transcript to the agency if s/he has completed any credit based training above.*

NOTE: If the applicant has completed the 15 or 40 hour course prior to 2003 (Early Childhood 1, the certification or licensing course), the provider is grandfathered to have met the certification training requirement.

*Agencies that have been approved to offer the non-credit entry level trainings are listed at:
<http://dcf.wisconsin.gov/childcare/licensed/pdf/AgencyList.pdf>*

(1) (b) 2. a. Note: Contact Child Care Resource and Referral at 1-888-713-5437 for further information on classes.

The T.E.A.C.H. Early Childhood® WISCONSIN Scholarship Program offers scholarship opportunities to teachers, family child care providers, center directors and administrators for credit-based training. For further information, contact Wisconsin Early Childhood Association, 744 Williamson Street, Suite 200, Madison, WI 53703. Phone: 608-240-9880 or 1-800-783-9322. Fax: 608-240-9890. Website: <http://www.wecanaeyc.org>.

DCF 202.08 (1)(b)2. b. A county or tribal agency may require up to 5 hours of annual continuing education by a Level I (regular) certified provider each year following Level I (regular) certification.

It is the certifying agency's discretion whether to require annual continuing education to be completed by the regularly certified providers. NOTE: The rule does not allow the agencies to require this training on provisional providers.

Suggested trainings are:

- *Formal classes, lectures or workshops on child development, guidance, programming, activities, etc offered by a technical college, public schools, etc.*
- *Child CPR and other safety training*
- *Attending child care conferences offered by the Wisconsin Family Child Care Association ([WFCCA](#)), Wisconsin Early Childhood Association ([WECA](#)), local Child Care Resource and Referral ([CCRR](#)) agency, Child and Adult Care Food Program, etc.*
- *Trainings listed in the Child Care Training Network at <http://www.t-net.org/>*
- *Online/correspondence courses on early childhood.*
- *Business aspects of child care*
- *Other training that improves the operator as a caregiver.*

The operator must submit proof of the completed training to the certifying agency.

DCF 202.08 (1) (b) 2. c. Prior to issuing a Level I (regular) certification, the county or tribal agency may require that an applicant graduated from high school, obtained a high school equivalency diploma under s. 115.29 (4), Stats., or obtained a certificate of general education development under s. PI 5.04.

This applies to regular certified operators only. The agency has the authority to require the operator submit proof of high-school diploma or GED prior to granting regulatory approval to a regular certified operator. Check with the certifying agency if they have this requirement for regular certified operators.

DCF 202.08 (1) (b) 2. d. A substitute who has worked more than 240 hours for a certified family or in-home child care operator with a Level I (regular) certification shall comply with the training requirements in subd. 2.a. and 2.b.

Before a substitute is hired (with or without pay), the operator must notify the certifying agency about the hire (See (1) (d) below). Once the substitute has been approved by the certifying agency, the operator must keep a record of the hours the substitute is in charge. If the home has regular certification status, the substitute must complete the training under (1) (b) 2 above (Introduction to Child Care Profession or equivalent) before the 240 work hours is met. The 240 hours is cumulative, not each year. Documentation of the hours worked must be kept on file at site and available for the certifying agency to review if requested.

If the agency has continuing education requirement, the substitute must also comply with that requirement.

Reporting changes.

DCF 202.08 (1) (c) A certified family child care operator shall report as soon as possible, but no later than the county or tribal agency's next working day, to the agency any changes that affect the certified family child care operator's eligibility for certification under this chapter, including the following:

The 'eligibility for certification' is a very broad concept. To assist the operators to understand what needs to be reported, some clarifications have been added to this rule. The clarifications below are not inclusive. There can be other concerns that might have an affect on the operator's eligibility for certification.

The report can be made by phone, email, fax or in person.

DCF 202.08 (1) (c) 1. Death of a child in care or accident that results in an injury to a child in care that requires professional medical treatment.

The operator must report any death case including, but not limited to, SIDS or SBS. Professional medical treatment means treatment by a health care professional such as, but not limited to, a physician, physician assistant, dentist, nurse, etc. The report can be made by phone, email, fax or in person.

DCF 202.08 (1) (c) 2. Any damage to the premises that may affect compliance with this chapter.

The operator must report any damage that might cause concerns with the rules in this chapter and jeopardize the safety or wellbeing of the children in care. This includes report of fires that required the services of the fire department and other disasters such as boiler explosions, flooding, tornadoes, roof collapse, etc.

DCF 202. DCF 202.08 (1) (c) 3. Any construction or remodeling of the premises that might have an effect on health and safety of children in care.

Home construction often can create safety hazards to children. The operator is required to notify the agency about upcoming construction so the agency can review the situation and make a decision if there should be any changes to the regulatory approval during the time of construction.

DCF 202.08 (1) (c) 4. Convictions, pending charges, or other offenses of the child care operator, household member, or other persons subject to a caregiver background check that could potentially relate to the care of children.

After receiving the report from the certified operator, the certifying agency will conduct a new background check to determine if the offense substantially relates to child care.

DCF 202.08 (1) (c) 5. Any incident involving law enforcement, including outstanding warrant or child protective services contact.

The operator must report to the certifying agency ANY incident involving law enforcement, outstanding warrant or child protective services investigation that pertain to the operator, individuals living in the home or employee, substitute, etc. After reviewing the circumstances of the incident, the certifying agency must make a determination if the incident has any effect on the operator's eligibility for certification. The certifying agency must put this determination in writing. Child care licensing has developed a form that can be use when making this determination. The form can be found at: <http://dhs.wisconsin.gov/forms/DCFS/CFS2261.pdf>

DCF 202.08 (1) (c) 6. Any inappropriate discipline of a child by a provider, volunteer, or household member, including any incident that results in a child being forcefully shaken or thrown against a hard or soft surface during the child's hours of attendance.

These situations usually require medical attention. See 202.08 (1) (c) 1. above.

DCF 202.08 (1) (c)7. Individuals moving in or out of the household.

The operator must notify the certifying agency about any individual moving in or moving out of the home so the agency may conduct the required background checks on the individual moving in. This includes children and adults. HFS 12 authorizes the certifying agency to sanction the operator who fails to comply with this.

DCF 202.08 (1) (c) 8. Changes in hours of operation, phone number, or physical address.

The operator must notify when any of the above changes takes place. If the operator moves to a new address, a new application must be submitted. If the operator does not submit the new application for an address change prior to the move, the agency cannot back-date the new certification to the date of the move. This means that the subsidy payments cannot be back-dated any further than the date of application.

DCF 202.08 (1) (c) 9. Upon the hiring of a new employee or volunteer and before the employment or volunteer work commences.

The operator must report if the operator hires (with or without compensation) a new substitute, employee or a volunteer working with children. The operator must have these individuals complete a BID form so the certifying agency can conduct the required background checks on the individual. Also, the operator must submit proof that the substitute, employee, etc has completed the required SIDS and SBS training.

DCF 202.08 (1) (d) Substitutes, employees, and volunteers. A substitute, employee, or volunteer for a Level I or II child care operator shall be approved by the county or tribal agency before employment or volunteer work commences. The county or tribal agency shall approve the substitute, employee, or volunteer if the agency has verification that the substitute, employee, or volunteer has met the standards under s. DCF 202.05, regarding the criminal history and child abuse record search, and completed the training on sudden infant death syndrome and shaken baby syndrome and impacted babies required under par. (b) 1.

The operator must report if the operator hires (with or without compensation) a new substitute, employee or a volunteer working with children. The operator must have these individuals complete a BID form so the certifying agency can conduct the required background checks on the individual. Also, the operator must submit proof of SIDS and SBS training completion by the substitute. Once the agency has reviewed the above documentation, the agency will either approve or deny the person. The agency must grant the decision in writing.

The operator must ensure that the substitute is knowledgeable of the certification standards. Also, the substitute needs to receive the orientation before s/he is left in charge of the children in care:

- *Location of children's files*
- *Arrival and departure time for each child in care*
- *Location of emergency contact information*
- *Overview of daily schedule, meal, snacks, nap schedule, etc.*

Administration.

A certified family child care operator shall do all of the following:

DCF 202.08 (1) (e) 1. Comply with all local and state laws governing the certified child care program and its operation and ensure that all employees and volunteers comply with these laws.

The operator (and employees, etc) must comply with all local and state laws that pertain to child care. Examples of these laws are, but not limited to, local county/city ordinances, zoning rules, tax and employer related laws, etc. Also, if a new bill is passed in the legislation that pertains to child care programs, the operator must comply with the new law.

DCF 202.08 (1) (e) 2. Comply with all requirements in this section.

The operator must make sure that all standards under this chapter are followed at all times when the children are in care. Also, the operator must make sure that the substitutes, employers, etc understand and comply with the standards.

DCF 202.08 (1) (e) 3. Ensure that all information provided to the county or tribal agency is current and accurate.

The operator must make sure that all application materials, including the BID forms are accurately completed. If the operator submits false information to the agency, the operator may be sanctioned based on DCF 202.06.

DCF 202.08 (1) (e) 4. Permit a child care certification worker to conduct home inspections to monitor compliance with certification standards in this chapter.

By signing the Standards and Checklist and the Certification Application, the operator agrees to allow the certifying agency access to monitor compliance. If an operator (or substitute, employee, etc) refuses the certification worker access to the home, the agency has the authority to issue sanctions.

THE HOME FOR PROVIDING FAMILY CHILD CARE.

A certified child care home and outside play areas shall meet the following requirements:

DCF 202.08 (2) (a) Exits to the home shall comply with the following:

DCF 202.08 (2) (a) 1. All exits shall be clear of obstruction.

DCF 202.08 (2) (a) 2. Each floor or level used for child care shall have at least 2 exits

Exits, including window wells that are accepted as exits, may not be blocked with snow or other obstructions.

Coverings for windows used as exits must be easily removed by children in an emergency.

Plastic sheeting covering a window is not permitted for windows being used as a required second exit.

The width of every exit door should be at least 2 feet and 6 inches.

DCF 202.08 (2) (a) 2m. Notwithstanding subd. 2., child care operators who hold a certification under s. 48.651, Stats., on June 1, 2008, are not required to comply with subd. 5. until June 1, 2010.

Operators that were certified prior to the implementation of the new rule (6/1/08), must comply with the exit rules pertaining to basements explained below by 5/31/10. If an operator who was certified prior to 6/1/08 moves to a new home after 6/1/08, the new home must meet the exit rules pertaining to basements. Applicants who were approved certification after 6/1/08, must meet the exiting rules for basement before regulatory approval can be granted.

DCF 202.08 (2) (a) 3. The primary exit shall be a door or a stairway providing unobstructed travel to the outside of the building at street or ground level.

DCF 202.08 (2) (a) 4. If the care is not provided in a basement, the secondary exit shall be one of the following:

Care provided on or above the ground level.

DCF 202.08 (2) (a) 4. a. A door or stairway that provides unobstructed travel to the outside of the building at street or ground level.

DCF 202.08 (2) (a) 4. b. A door or stairway leading to a platform or roof with railings which has an area of at least 25 square feet, is at least 4 feet long, and is not more than 15 feet above the ground level.

A balcony which is at least 25 square feet in size is an example of a platform.

DCF 202.08 (2) (a) 4. c. A window not more than 46 inches above the floor that is capable of being opened from the inside without the use of tool or removal of a sash and which has a window opening size of at least 20 inches in width and 24 inches in height.

An outside platform is not required for a second-floor window.

A nominal window opening is the size of the exiting area when the window is open.

The window must be capable of being opened from the inside by an adult. This includes storms and screens. If the storm or screen cannot be opened from the inside, the storm or screen may not be installed on the window serving as a second exit.

An exception may be granted to the exact dimensions of the window under the condition that the slight variation in dimensions provides a window area equal to or larger than that specified in the rule and still permits the children in care to exit.

DCF 202.08 (2) (a) 5. If the care is provided in a basement, the secondary exit shall be one of the following:

DCF 202.08 (2) (a) 5. a. A door or stairway leading to the ground level.

DCF 202.08 (2) (a) 5. b. A window not more than 46 inches above the floor that is capable of being opened from the inside without the use of tool or removal of a sash and which has a window opening size of at least 20 inches in width and 24 inches in height. The window shall open directly to the ground or to a window well with an area of at least 6 square feet that is not more than 46 inches below the ground.

In the case of a basement, if a window is being used as the second exit, the window must meet the requirements of b above. The bottom of the window may not be more than 46 inches from the floor of the basement or there must be a permanently fixed platform. The platform must be at least the width of the window.

Operators that were certified prior to the implementation of the new rule (6/1/08), must comply with these rules by 6/01/10. Applicants who are approved certification after 6/1/08, must meet the exiting rules for basement before regulatory approval can be granted.

DCF 202.08 (2) (am) The home shall have a working carbon monoxide detector and each floor level shall have a working smoke detector.

Smoke and carbon monoxide detectors should be installed according to manufacturer's directions.

For questions regarding the appropriate placement of smoke detectors, contact your local fire department.

An attached garage does not require a smoke detector. If an attic is used only for storage, a smoke detector is not required.

If a second floor or other level of a house is rented to another occupant, statutes require each residence to have a smoke detector. DCF 202 requires a smoke detector on each level of the home.

If the certified home and the other occupant of the building have different addresses, DCF 202 does not apply to the 2nd address.

DCF 202.08 (2) (b) All areas used for child care shall have adequate and safe heat, light and ventilation, including all of the following:

DCF 202.08 (2) (b) 1. The inside temperature of the home may not be less than 67 degrees Fahrenheit.

A minimum temperature of 67° F. is determined by a thermostat reading. In rooms without thermostats, 67° F. is to be determined as follows:

- Temperature is to be measured at 24 inches above the floor level.*
- Infant and Toddler Rooms: Measure 6 inches above the floor.*
- Room without windows: Temperature taken in center of a room.*
- Room with windows: Temperature taken one foot away from windows and at the center of room and then averaged.*
- Series of rooms with only one thermostat: The coldest room must comply with the 67° F. minimum.*

DCF 202.08 (2) (b) 2. If the inside temperature exceeds 80 degrees Fahrenheit, a child care provider shall provide for air circulation with safe fans or other means.

Caution should be exercised regarding placement and condition of fans. Opening windows is not sufficient to circulate the air.

DCF 202.08 (2) (c) The home shall be free of hazards and items, including any recalled products. Items that shall be kept inaccessible to the children include, but are not limited to, the following:

1. Medications and drugs.
2. Cleaning supplies, poisons, and insecticides.
3. Guns, ammunition, knives, scissors, and sharp objects.
4. Matches, cigarette lighters and flammable liquids.
5. Plastic bags.
6. Litter and rubbish.

It is recommended that "materials harmful to children" be kept in locked storage. Alcoholic beverages should be inaccessible to children.

Any items labeled "Poisonous" or "Keep Out of Reach of Children" and items in spray cans are considered harmful to children and may not be accessible to children.

Examples of other hazards might be, but not limited to, unsafe heating sources such as wood-burning stoves and other heaters that can cause severe burns, mini-blind cords, sanitation hazards such as litter boxes, electric cords causing a tripping hazard, stair cases, lofts, balconies, etc.

The Poison Control Center's 24-hour a day emergency phone number is 1-800-222-1222.

UW Health Poison Prevention site has useful information for providers

<http://www.uwhealth.org/poisoneducation/madisonwisconsin/10870>

Note: Lists of recalled products are available on the Department of Agriculture, Trade and Consumer Protection website at <http://datcp.state.wi.us/core/consumerprotection/consumerprotection.jsp> or by contacting the United States Consumer Safety Commission at 1-800-638-2772.

DCF 202.08 (2)(cm) Fire arms and ammunition materials shall be stored in separate, locked areas that are inaccessible to children.

Trigger locks alone do not constitute locked storage. Separate storage for ammunition and firearms is required. Examples of acceptable locked storage are: locked gun cabinets, locks on gun cases, locked rooms/closets. Attics and / or rafters may be approved by exception (the guns will have to have trigger locks even if the fire arms are on the attic or a rafter).

"Potentially dangerous items" such as arrows, fishing and trapping equipment may not be accessible to children.

"Inaccessible to children" means the lock can not be opened by children.

DCF 202.08 (2) (d) Indoor and outdoor areas used for child care shall include sufficient space for play and for activities that meet the developmental needs of the children in care

The children must have sufficient space for play. It is recommended that the home has at least 35 square feet of usable floor space per child. This space shall be exclusive of passage ways, bathrooms, lockers, storage areas, the furnace room, that part of the kitchen occupied by stationary equipment and space occupied by furniture.

It is recommended that the outdoor play space be at least 75 square feet per child. If the home does not have a yard attached to it, the operator must take the children to another, safe outdoor space such a park, playground, etc.

DCF 202.08 (2) (e) Outdoor play areas shall be free of hazards and shall be fenced or the certified child care operator shall take special measures to ensure the safety of the children, including the following:

The rule gives the certifying agency the authority to require a fence. The agency may grant exception to the fence requirement if the operator can ensure the safety of the children by using special measures. If there are immediate hazards near the home, the agency must require a permanent fence. Samples of immediate hazards may include, but are not limited to, body of water, lake, river, swimming pool, train tracks, busy streets, changes in elevations, etc.

The outdoor space available for children must be free of hazards. Hazards may include, but are not limited to, basement stairwells not protected by a fence or gate, broken glass, wood piles, sharp objects, machinery, unused appliances. Animal feces are considered a sanitation hazard. The yard must be free of dog/cat feces at all times.

If there is no play space at the premises, the agency has the option to approve an exemption to off-premises play area. This could be a park, play ground or other safe play area.

DCF 202.08(5)(j) requires sight and sound supervision when the children are outside.

DCF 202.08 (2)(e) 1. Concrete and asphalt shall be prohibited under climbing equipment, swings, and slides.

Energy-absorbing ground cover, such as pea gravel, sand, or mulch is recommended beneath slides, climbing equipment and swings and in a four-foot fall zone around the equipment per US Consumer Product Safety Commission.

The Consumer Products Safety Commission (CPSC) has 2 free publication on safe home playgrounds that may provide additional guidance. The publications may be ordered from the CPSC website at www.cpsc.gov. The publications are Outdoor Home Playground Safety Handbook (CPSC 324) and Home Playground Safety Tips Sheet (CPSC 323)

DCF 202.08 (2)(e) 2. In-ground pools, on-ground pools, hot tubs, and large outdoor trampolines may not be used during hours of care and shall be inaccessible to children by use of a permanent barrier or other preventive measure.

Large, inflatable pools may not be used during hours of child care.

Permanent barrier means a fence that is at least 4 feet high. "Other preventive measure" may include, but is not limited to:

- *Trampolines have netting that prevents a child from climbing onto the trampoline*
- *Hot tub cover that is secured so that a child cannot lift it*
- *On-ground pools over 3 feet high can be secured by removing the ladder from the pool.*

Note: DCF 202.08(5)(j) requires the provider be within sight AND sound while children are outdoors.

DCF 202.08 (2)(e) 3. Wading pools may be used if the water is changed daily and the pool is disinfected daily. In this subdivision, "wading pool" means a shallow pool, capable of being dumped to change water, and used primarily for small children.

If the water is soiled, the water should be changed more often than daily.

DCF 202.08 (2) (f) Pets that are kept in the home shall be tolerant of children and vaccinated against rabies. The rabies vaccination shall be documented with a current certificate from a veterinarian. Pets that may pose any risk to the children shall be restricted from indoor and outdoor areas used for child care.

Wisconsin law does not allow persons to vaccinate their own animals for rabies.

Wisconsin law requires rabies vaccination by five months of age and within one year after initial immunization. Subsequent immunizations are to be administered at intervals stated on the certificate of immunization.

Cats, dogs and ferrets are required to have rabies vaccinations. Barn cats which do not come in contact with child care children are not required to be vaccinated.

DCF 202.08 (2) (g) The home shall have at least one telephone in working order with a list of emergency numbers posted by each telephone, including numbers for the rescue squad, police, fire station, emergency medical care, and poison control center. The certifying agency may prohibit the use of a cellular phone as a primary phone. If a cellular phone is used as a primary phone, it shall be operational during the hours of child care.

If the certified home is located in a community with 911 service, the only phone numbers required to be posted are 911 and poison control. The street address for the home should be posted near the telephone and it is recommended that the phone number for the local Child Protective Services agency be listed near the phone as well.

A working telephone is defined as a phone that is capable of making and receiving phone calls. Cell phones and cordless phones may be used as the only phone in a center if the phone is fully charged and there are no dead spots in the home that would prohibit calls from being received or made. If a cell phone or cordless phone is used as the only working phone in a home, the emergency numbers need to be conspicuously posted near any phone base or recharging unit and on the phone back. Cell phones or cordless phones must remain at the home when children are present. When all the children are on a field trip, the phone may be carried by the provider.

The statewide toll-free information number for poison control is 1(800)-222-1222.

DCF 202.08 (2) (i) The home shall be clean, uncluttered and free of insects and rodents.

Floors are to be regularly vacuumed and/or mopped. Floors should not have stains or holes. All furniture will be clean and/or have clean coverings with no filling or other internal parts exposed, such as springs or boards.

DCF 202.08 (2) (j) Bathrooms, including toilets, sinks and potty chairs, shall be clean and in good working condition. Items listed in par. (c) may not be stored in a bathroom that is used by children in care.

The home must have at least one toilet with plumbing and one sink with hot and cold running water available for use by the children. Towels and washcloths shall be individual to each person and used only once.

Soap, toilet paper and waste paper container shall be provided in the washroom and accessible for children.

The following items shall not be stored in a bathroom used by the children:

- 1. Medications and drugs.*
- 2. Cleaning supplies, poisons, and insecticides.*
- 3. Guns, ammunition, knives, scissors, and sharp objects.*
- 4. Matches, cigarette lighters and flammable liquids.*
- 5. Plastic bags.*
- 6. Litter and rubbish.*

DCF 202.08 (2) (k) (k) When a public water supply is not available, the water shall be tested and found to be bacteriologically safe and to have safe nitrate levels by a laboratory certified under 42 CFR 493 (CLIA) prior to initial certification and at least every following 2 years

NITRATES: Wisconsin standard is 10 milligrams per liter (10 mg) for nitrates. Drinking water with nitrate levels over 10 mg/liter is a health hazard to infants 0-6 months of age and may cause "bluebaby" syndrome. If the water continues to test high for nitrate levels then an exception may be granted for permanent use of bottled water for those children under 6 months of age.

Recommended Procedure if the nitrate level is over 10 mgs:

- Do not give this water to infants under 6 months of age either directly or in formula.*
- Do not boil high-nitrate water since boiling increases the nitrate level.*

Water samples may be tested at private laboratories or the State Lab of Hygiene, 465 Henry Mall, Madison, WI 53706; (608) 262-1293. Refer to <http://dnr.wi.gov/> for list of certified labs.

If the test indicates that the water is bacteriologically unsafe, the operator shall contact the local public health department or the DNR to come up with a suitable plan of correction. Use of bottled water is a temporary solution to a well that tests bacteriologically unsafe. Wells must be treated and re-tested until they are determined to be safe.

Older home may have lead water pipes, however, the likelihood of lead in water is minimal. It is recommended the water system to be flushed in the morning in older homes. Running the cold water for 5 minutes will eliminate water that has been sitting in the lead pipe over night.

DCF 202.08 (2) (L) Areas, equipment, utensils, and appliances for food preparation, serving and clean-up shall be kept clean, and sanitary, and in good working condition.

Tables and counter tops where food is placed or eaten from will be free of dirt, spilled or decaying food or any other unsanitary substances. Pets should not be allowed on the eating surfaces.

DCF 202.08 (2)(m) Children may not share cups, eating utensils, washcloths or towels.

Reusable eating and drinking utensils shall be thoroughly cleaned with detergent and hot water and rinsed after use. Single use articles such as food containers designed to be used only once and discarded including plastic silverware, paper or styrofoam cups and plates may not be reused.

Towels and washcloths shall be individual to each person and used only once.

DCF 202.08 (2)(n) Smoking shall be prohibited in any indoor or outdoor area in which children are present.

“Premises” means the tract of land on which the home used for child care is located, including all buildings and structures on that land.

DCF 202.08 (2)(o) If the child care is provided in a rental property, the provider shall obtain permission from his or her landlord to operate a child care business.

The intent of this rule is to make sure that prior to granting regulatory approval, the agency has verification that the applicant has informed his/her landlord about the child care operation. Usually, renter’s insurance policies do not cover damages caused by a business operation (The IRS considers family child care providers to be self-employed). Ultimately, the landlord may become liable for any damages caused by the tenant’s business. The landlord has the right to require a separate day care liability policy as a condition on the lease.

It is recommended that the applicant submits the ‘Landlord notification form’ at <http://dcf.wisconsin.gov/childcare/certification/forms.htm> to the certifying agencies. Some landlords do not want to sign an official statement but are willing to give the permission verbally over the phone. This is allowable, however, it is important that the certifying agency makes thorough comments in the applicant’s file such as the date of the conversation, name and contact information of the landlord.

When the care is done in the child’s home (in-home certification) , there is no need for the landlord notification form because in the ‘in-home’ provider is not operating a child care business, but is considered the employee of the parent.

This form is required only at initial certification, however, the operator must submit a new form if s/he moves to a new rental unit.

DCF 202.08(2) (p) The premises may not have any chipping, peeling, or deteriorating paint on exterior or interior surfaces in areas accessible to children.

LEAD PAINT: Homes which were built prior to 1980 may contain lead-based paint. Those built before 1960 most likely have lead paint. The applicant should check with the local city or county health department for the proper procedure to eliminate lead.

It is important that the owner of an older home keeps the painted surfaces well maintained and painted to avoid paint from chipping.

When painted surfaces (built-ins, walls, ceilings, floors, stairs) are torn out or old paint is sanded, abatement practices must be initiated. When painted surfaces are peeling or deteriorating, samples of paint chips may be analyzed by the Laboratory of Hygiene in Madison or another certified laboratory.

The Wisconsin Childhood Lead poisoning Prevention project has useful information on their website at <http://dhs.wisconsin.gov/lead/>.

IN-HOME CARE.

When a certified child care operator cares for children in the children's own home, the provider operator shall comply with requirements in sub. (2) (c), (e), (L) and (n), but the provider operator is not required to comply with requirements in sub. (2) (a), (am), (b), (d), (f), (g), (i), (j), (k), and (m), (o), and (p).

Wisconsin Shares subsidy program worker can approve in-home care (care in the child's home) if certain conditions are met. Before certifying an applicant, the certifying agency should confirm with the subsidy administrative agency that in-home care has been approved.

*The children's home can be certified just like the provider's home, however, there are a few standards that the home does not have to meet. The standards are marked with an asterisk * on the Standards and Checklist. These are standards that pertain to the home and the certified operator cannot have much influence over. If the home does not meet the listed standards, the certifier cannot issue a non-compliance statement, however, s/he can encourage the operator to talk to the parent to have the concerns fixed.*

CHILD HEALTH CARE.

DCF 202.08 (4)(a) Except as provided under pars. (c) and (d), a certified child care operator shall have a current report of a physical examination on file for each child, including each provider's child the operator's own children in care, as follows:

DCF 202.08 (4)(a) 1. For a child under 2 years of age, a report of a physical examination conducted not more than 6 months prior to nor later than 3 months after the child is admitted, and a follow-up health examination at least once every 6 months after admission.

DCF 202.08 (4)(a) 2. For a child 2 years of age or older, a report of a physical examination conducted not more than 2 years prior to nor later than 3 months after the child is admitted, and a follow-up health examination at least once every 2 years after admission.

DCF 202.08 (4)(b) The physical examination report shall be signed and dated by a licensed physician, a physician's assistant or a health check provider.

For the provider's own children under age 5 years, a physical exam and immunization history must be on file. For provider's own children age 5 years and older, a physical exam is not required.

Children ages two years and older who are transferring to a new program are required to have an examination on file dated within the last two years. Children under two years of age are required to have an examination on file dated within the last six months.

Children aged 5 years and not enrolled in public or private school must have a physical examination on file at the center.

Doctors of Osteopathy may perform physical examinations. Chiropractors are prohibited by statute from performing physical examinations.

The health form can be found at: <http://dhs.wisconsin.gov/forms/dcfs/cfs0060.pdf>.

DCF 202.08 (4) (c) The requirement under par. (a) does not apply to a child care operator who requests from the county or tribal agency in writing an exemption for a child based upon adherence by the child's parent to religious belief in exclusive use of prayer or spiritual means for healing.

The Health form is required for all children in care as specified above. If an operator wishes to enroll a child whose parent does not want the child to be examined by a health professional due to religious belief in exclusive use of prayer or spiritual means for healing, the operator must request an exemption to this rule in writing.

DCF 202.08 (4)(d) The requirement under par. (a) does not apply to school-age children. Notwithstanding s. DCF 202.02 (19), in this paragraph, "school-age children" means children 5 years of age or older who are enrolled in kindergarten or a higher grade in a public or private school.

DCF 202.08 (4) (d) The requirement under par. (a) does not apply to school-age children. Notwithstanding s. DCF 202.02 (19), in this paragraph, "school-age children" means children 5 years of age or older who are enrolled in kindergarten or a higher grade in a public or private school.

No health form is required for school age children over 5 years of age.

DCF 202.08 (4) (e) The certified child care operator shall have on file a written record verifying that each child in care has been immunized in accordance with s. 252.04, Stats., and ch. HFS 144.

For the operator's own children, immunization history must be on file. The Day Care Immunization Record can be found at: <http://dhfs.wisconsin.gov/forms/DPH/dph04192.pdf>. An electronic printout from the Wisconsin Immunization Registry or other registry maintained by a health care provider may be used in place of the above form.

If a parent does not want his/her child immunized, the parent should complete the waiver under Step 4 in the above form. If the child should not be immunized due to medical reasons, the parent must have the physician sign the form.

The operator may refuse to enroll children who are not immunized because of personal or religious reasons, however, the policy has to be applied consistently.

For those children who do not submit an immunization record within 30 school days (6 weeks) of admission; children whose record at 30 school days after admission indicates that they do not have at least the first dose of each required vaccine; and children who fall behind schedule (i.e., do not obtain an immunization which their health care provider has indicated is due on a certain date), there are two courses of action for the child care center:

- *As required by Wisconsin law and administrative rule, the operator will notify the district attorney that a child has failed to comply with immunization requirements.*

OR

- *The child who fails to comply with immunization requirements will be discharged (excluded) from care until such time as immunization requirements are met.*

The immunization history must indicate that the child has received at least the first dose of each required vaccine or that the immunization requirement is to be waived for that child by a compliance alternative. Evidence of immunizations must be on file within 30 school days or 6 weeks after the first day of attendance.

Children who have not received subsequent doses of vaccine appropriate to their age must receive the required subsequent doses within one year of the first day of attendance and must notify the child care operator in writing as each dose is received.

When children are "in the process" of being immunized (i.e., the child has received some DPT and Polio doses but not all that are required for the child's age), the operator will request a note from the child's health care provider that the child is "on schedule" for immunizations and the date for the next scheduled dose. This note will be attached to the child's immunization record.

For those children who do not submit an immunization record within 30 school days (6 weeks) of admission; children whose record at 30 school days after admission indicates that they do not have at least the first dose of each required vaccine; and children who fall behind schedule (i.e., do not obtain an immunization which their health care provider has indicated is due on a certain date), there are two courses of action for the child care center:

- *As required by Wisconsin law and administrative rule, the operator will notify the district attorney that a child has failed to comply with immunization requirements.*

OR

- *The child who fails to comply with immunization requirements will be discharged (excluded) from care until such time as immunization requirements are met.*

DCF 202.08 (4) (f) A child care provider may administer medication to a child only in accordance with written and signed permission from the child's parent.

The operator must use an authorization form signed by the parent that authorizes the operator to administer medication. This rule applies to both prescribed and over-the-counter medications.

The form can be found at

http://dwd.wisconsin.gov/dwd/forms/dws/dsw_13132_e.htm

This form is available in Hmong, Spanish and Russian.

This form is also recommended for non-medical preparations such as lotions, powders, salves used for diapering, sunscreen and repellent.

It is recommended that the operator check the label directions of the medication to ensure that the parent is not exceeding the dosage requirements specified by the manufacturer or the physician.

DCF 202.08 (4) (g) A child care provider shall wash his or her hands with soap and warm running water after toileting, prior to food preparation, and after diapering children.

DCF 202.08 (4) (h) A child care provider shall require all children in the provider's care to wash their hands with soap and warm running water before eating and after toileting.

Frequent hand washing is required to prevent the spread of diarrhea and respiratory illness in children. Hand washing is the mechanical action of washing in running water with soap. Attention should be given to the whole hand including the area under the fingernails, the wrist and the back of hands.

Liquid soaps are recommended but not required.

When the only bathroom sink is on a second floor, the use of the kitchen sink for hand-washing is not recommended but is not prohibited. Use of water buckets or other containers is prohibited.

Hand sanitizers do not replace soap and running water

DCF 202.08 (4) (i) A child care provider shall change a child's diaper on an easily cleanable surface that is cleaned with soap and water and a disinfectant solution after each use.

An easily cleanable surface may be a changing table, a plastic covered mat, a plastic covered mattress or any other surface that is impervious to water and capable of being disinfected with a bleach solution.

Mix 1/4 cup of household bleach to 1 gallon of tap water (or 1 Tbsp of household bleach to 1 quart of water) for a 1:64 dilution. Because chlorine evaporates from bleach and is weakened by sunlight and heat, this minimal dilution may become too diluted to be effective if not made fresh daily from the stock bottle of household bleach.

All products must be used in a two-step procedure. First soap and water to rid the surface of any organic material and then the disinfectant is to be used.

DCF 202.08 (4) (j) The A child care provider shall clean a child's superficial wound with soap and water only and protect it with a band-aid or bandage.

No medication may be given or applied to the child by the provider for injuries.

For more serious incidents, the operator must follow the instructions provided in the Enrollment form signed by the parent. If a child is injured, the provider shall contact the parent as soon as possible after the emergency has occurred, or if the injury is minor, when the child is picked up. Any head injury is considered an 'emergency' and the parents should be notified as soon as possible.

DCF 202.08 (4) (k) If a child care operator or a child care provider is aware that a child attending certified child care or a child care operator's own child has a reportable communicable disease under ch. HFS 145 that is transmitted through normal contact, such as chicken pox, German measles, infectious hepatitis, measles, mumps, scarlet fever, or meningitis, the operator or provider shall comply with all of the following requirements:

DCF 202.08 (4) (k) 1. The child care operator or child care provider shall notify the local public health officer and parents of all the enrolled children.

DCF 202.08 (4) (k) 2. A child who has or had a reportable communicable disease under ch. HFS 145 may not be admitted to certified child care unless the child's parents provide a statement from a physician that the child's condition is no longer contagious or the child has been absent for a period of time equal to the longest usual incubation period for the disease as specified by the department of health and family services.

The communicable disease chart that lists all diseases that are reportable can be found at http://dpi.wisconsin.gov/ccic/pdf/cd_chart.pdf. This chart can be ordered from WCCIC AT 1-800-362-72023. The chart also includes information regarding when the child can return to child care.

Information on communicable diseases can be found at:

<http://dhs.wisconsin.gov/communicable/resources/pdffiles/DayCareExclCrit.pdf>

Factsheets on communicable diseases: <http://dhs.wisconsin.gov/communicable/factsheets/index.htm>

Public Health Departments: <http://dhs.wisconsin.gov/localhealth/index.htm>

Center for Infectious Diseases: <http://www.cdc.gov/ncidod/diseases/children/index.htm>

Note: The Division of Public Health within the Department of Health Services has developed materials that identify those communicable diseases that are required to be reported to a local public health officer. These materials also provide information on the symptoms of each disease and guidance on how long an infected child must be excluded from child care. The materials include a communicable disease chart and exclusion guidelines for child care programs. Copies of the communicable disease chart or the exclusion guidelines for child care are available from the Child Care Information Center at 1-800-362-7353

SUPERVISION.

DCF 202.08 (5) (a) A child care provider may not be engaged in any other activity or occupation during the hours of operation which interferes with the adequate care and supervision of children.

Daily maintenance of the home does not include time-consuming tasks which would prevent the provider from supervising and interacting with children. Acceptable tasks include dusting, floor sweeping, meal preparation and clean up, and laundry.

Home-based occupations may not be practiced during hours of operation (such as, but not limited to, Mary Kay cosmetics, Avon, Tupperware).

HOME SCHOOLING: Home schooling is defined as a program of educational instruction provided to a child by the child's parent or guardian or by a person designated by the parent or guardian. The program must provide 875 hours of instruction in a sequentially-progressive curriculum of fundamental instruction in reading, language arts, mathematics, social studies, science and health each school year. Certified family child care in a home where the operator's own children are receiving home based education may occur under the following conditions:

- The certifying agency has approved home schooling.*
- Home-based instruction does not take place during hours of child care operation. Exception can be granted if the certified home only serves school age children who can participate in the instruction as an activity.*

DCF 202.08 (5) (b) A child care provider shall be awake whenever the children in care are awake.

When children are enrolled in certified care during 3rd shift, the provider may sleep as long as the children in care are asleep in secure sleeping arrangements that meet the rules specified below. The sleeping children must be within sound so the provider can hear if a child needs him/her.

DCF 202.08 (5) (c) No individual provider may take care of children for more than 16 hours in any 24-hour period. The 16-hour period includes any combination of care by an operator who is both licensed as a family day care provider and certified as a family day care provider.

The maximum length of care cannot exceed 16 hours in a 24-hour period. Certifying agencies may grant exemptions to this rule on a case by case basis, if the certifying agency determines that an alternative means meets the intent of the requirement.

The rationale for the 16-hour rule is to assure that the responsible certified provider is alert and attentive, that children are not in care for excessive hours, and to allow for hours in the certified home during which the provider can relax and sleep.

A provider who requests to be approved for 24-hour care must meet the following guidelines in order to be considered for an exemption:

- 1. The request must be in writing*
- 2. There must be a second provider (substitute) approved by the certifying agency, who will be in charge for the hours beyond 16. The substitute does not have to be certified but must meet similar qualifications as the primary provider (initial training (after 240 work hours met) , continuing education, SIDS/SBS training, clear caregiver background check).*
- 4. The provider must submit work schedules indicating when the primary provider and the substitute are in charge. The schedule must include days and times.*
- 5. The provider must submit schedules for enrolled children, including name, date of birth, days and hours of care.*
- 6. The provider must document that the substitute understands the certification rules and agrees to follow them.*

The certification group size estimator can be used to simulate if a provider is complying with the 16-hour rule. See <https://www.dwd.state.wi.us/dwscpc/groupSizeEstimator/>.

DCF 202.08 (5) (e) The certified child care operator shall ensure that no person under 18 years of age is left in sole charge of the children.

Electronic listening devices may be used for supervising sleeping children. Consideration should be given to the quality of the device, proximity and accessibility of provider and noise levels that may interfere with the provider's ability to hear.

There are situations when a school age child walks from and to school. The operator should have a plan for situations when a child fails to arrive as scheduled from school or another activity. Child Care Licensing has developed a form to be used in these situations.

<http://dhs.wisconsin.gov/forms/dcfs/CFS0104.pdf> It is recommended that the certified operators also have this form in file when they have a school age child enrolled who is not dropped off or picked up by their parent/guardian.

Teens can work as helpers/volunteers in the child care operation, however, they can never be left in sole charge of the children.

DCF 202.08 (5) (em) The certified child care operator has a designated adult who can provide assistance in the event an unexpected emergency. The emergency back-up child care provider is at least 18 years of age and can provide an acceptable level of child care.

Prior to applying for certification, the operator must have a designated adult who can provide care in the event of an unexpected emergency. It is recommended that the operator has more than one person available if possible. When the person agrees to serve as an emergency back-up, the operator should orient the emergency back up provider(s) of the following:

- *Names of all children in care*
- *Arrival and departure information for each child in care including the names of people authorized to pick up the child (this should be included on the enrollment sheet).*
- *Location of children's files*
- *Encourage the emergency providers to take training on SBS and SIDS.*

NY state has an online training that covers both SBS and SIDS:

<http://www.ocfs.state.ny.us/main/prevention/tips.asp>.

DCF 202.08 (5) (f) The certified child care operator and any other adult working with children may not consume or be under the influence of alcoholic beverages or any non-prescribed controlled substance specified in ch. 961, Stats., during the hours of operation.

DCF 202.08 (5) (g) No person in the certified home may consume or be under the influence of alcoholic beverages or any non-prescribed controlled substance specified in ch. 961, Stats., during the hours of operation in the presence of children.

DCF 202.08 (5) (h) A certified child care operator may not allow any person whom the operator determines to be a threat to the health or safety of the children to have contact with the children in the operator's care.

This may include, but is not limited to, individuals with history of aggressive behavior, child abuse/neglect, sexual abuse, or a person who shows concerning behavior such as yelling, screaming, and using inadequate guidance principles.

DCF 202.08 (5) (i) The certified child care operator shall keep a current written record of the daily hours of attendance of each child in care, including the actual arrival and departure time times for each child. Attendance records shall be kept for at least 3 years.

“Daily attendance” means the actual arrival and departure of each child every day and must include each time a child is checked in to and out of care throughout the day (e.g., preschool, swim lesson, etc.). If there are multiple children from one family, each child must have their own record because there are times when the children might come to care different times or one child might be absent because of an illness, etc. A new statewide form to track attendance is being developed and will be available later this summer.

NOTE: if the operator fails to document attendance for children that are receiving child care subsidy, the operator may jeopardize payment from the subsidy program.

The intent of the attendance records benefits both the operator and the parent. If the Child Care Food Program, subsidy program or the IRS audits a family child care operator, having accurate attendance records is imperative. To protect themselves, the operators should consider the parents sign in and sign out each day. Such records will be final proof that a child was in attendance and would offset a parent’s faulty memory.

DCF 202.08 (5) (j) When the children are playing outside, a child care provider shall be outside with the children and shall provide both sight and sound supervision at all times.

Electronic listening devices may be used for supervising sleeping children. Consideration should be given to the quality of the device, proximity and accessibility of provider and noise levels that may interfere with the provider's ability to hear. If an infant is sleeping inside the house while the provider is outside with the older children, the provider must take all children indoors if the baby needs the provider’s attention. This also applies to situations when one child needs to go inside. No child should be left outside without supervision, except if the children are school age and meet the criteria mentioned above.

MAXIMUM NUMBER OF CHILDREN

DCF 202.08 (6) (a) No certified family child care operator may have more than 3 children under 7 years of age who are not related to the child care operator in care at any given time.

Related means the provider's natural or adopted children, foster children, stepchildren, grandchildren, brothers, sisters, first cousins, nephews, nieces, uncles and aunts. Great-grandchildren and great nephews and nieces are not considered related and will be counted as non-related children. The relationship must be either by blood, law (marriage) or adoption.

If an operator cares for 4 or more children under age 7 that are unrelated to the operator (at one time), a license is mandatory. The certifying agency does not have the authority to grant exception to this rule because the rule is in the state statutes.

The certification group size estimator is a simulator that can be used when questions about certification group size: <https://www.dwd.state.wi.us/dwscpc/groupSizeEstimator/>.

There may be times when neighborhood children are on the premises visiting the operator's children. These children are counted in the group size if the child cannot be sent home to a supervising adult.

The operator's teen age child cannot baby-sit children while the parent is providing care. These children are included in the certification group size. It is recommended the 'babysitting' be done in the child(ren)'s home instead of the certified home.

Joint activities with more than one provider: Child care rules do not permit family child care providers to combine at one provider's premises for joint activities if the number of children present will exceed the licensing law (4 or more children) As an alternative to meeting at a family child care center, we suggest that providers planning activities for multiple groups of children use a location off the premises of a child care home, e.g., the public library or local park.

There may be occasions when a non-resident adult will visit the child care bringing along his/her own children. The visiting children are not counted in the group size, however, the child care children must be properly supervised during the visit. Appropriate consideration must be given to the children's activities during these visits.

DCF 202.08 (6)(b) No certified family operator may have more than 6 children in care, including children related to the operator, except that:

DCF 202.08 (6)(b) 1. If 3 of the children are under the age of 2, the total number of children may not exceed 5.

DCF 202.08 (6)(b) 2. If 4 of the children are under the age of 2, the total number of children may not exceed 4.

See table 202.08(6). As the number of infants (under 2 years of age) increases, the total group size reduces. Example: Operator has 12-month-old twins. She enrolls an 18-month old baby and also cares for a new born. The group size is now set at a maximum of 4 infants being present.

DCF 202.08 (6) (c) A child care operator’s natural, adopted, step, or foster children 7 years of age or older or any child 7 years and older residing in the operator’s home are not counted in determining the maximum number of children allowed under par. (b).

“Residential” children include operator’s own, adopted, foster children and children who live in the home either full or part-time. Operator’s children, with whom the operator has shared placement, are counted in the group size during the time they reside in the certified home (if they are under age 7).

DCF 202.08 (6) (d) The maximum number of children that the provider may be in care for is shown in Table 202.08 (6).

DCF 202.08 (6) (e) When a certified in-home child care operator cares for children in the children’s own home, the following apply:

DCF 202.08 (6)(e) 1. The operator is not required to comply with pars. (a) and (b).

DCF 202.08 (6)(e) 2. The operator may not care for any children who do not reside in the home.

Care in the child’s home is exempt from the licensing law. When the certification is approved in child’s home, the group rules do not apply. The operator may not have more than 3 children under age 7 unrelated to the operator. The operator may not bring any other children to be cared for in the home.

SECTION 65. Table 202.08 (6):

Table 202.08 (6)			
MAXIMUM NUMBER OF CHILDREN IN CERTIFIED CHILD CARE			
Related or Operator’s Own Children Under 7 years of Age	Non-related Children Under 7 years of age	Additional Children Ages 7 and older	Maximum Number of Children*
0	3	Additional children ages 7 through 12 (if special needs up to 19) may be cared for as long as the maximum total number of children is not exceeded.	6
1	3		6
2	3		6
3	3		6
4	2		6
5	1		6
6	0		6

WHEN CHILDREN UNDER THE AGE OF 2 YEARS ARE PRESENT	
Number of Children Under 2 Years of Age	Maximum Number of Children*
0	6
1	6
2	6
3	5
4	4

*The maximum number does not include the provider's certified child care operator's natural, adopted, step or foster children 7 years of age and older or any children 7 and older who live in the residence.

Note: Under s. 48.65 (1), Stats., if a provider takes care of 4 or more children under the age of 7 who are not related to the provider, for compensation, the provider must obtain from the department of health and family services a license to operate a child care center.

The definition for 'provider' in the statutes refers to 'entity', not an individual provider. This means, if two individuals care for children in one setting, the law does not allow the number of children to be doubled.

*Teens attending certified care:
During summer, it is common that teens attend certified care. If the teen is working as a helper, background checks must be conducted. The certifier may ask the provider to submit a job description for the teen. If the teen is not functioning as a helper, s/he will be counted in the group size.*

PROVIDER INTERACTIONS WITH CHILDREN.

A child care provider shall interact with the children in a caring and positive manner and:

Actions that are aversive, cruel or humiliating, and actions that may be psychologically, emotionally or physically painful, discomfoting, dangerous or potentially injurious are prohibited.

Examples of prohibited actions include all of the following: yelling and screaming at the children, biting or putting anything in or on a child's mouth.

"Verbal abuse" includes, but is not limited to, profane, insulting or coarse language sometimes but not always delivered in a loud or threatening manner or language which is ego deflating, causing loss of self-esteem.

DCF 202.08 (7) (a) Shall protect children in care from danger and be aware of where each child is at all times.

See Supervision

DCF 202.08 (7) (b) May not hit, spank, pinch, shake, slap, throw, or inflict any other form of corporal punishment on the child, or use any discipline that is frightening to the child, including

binding or trying to restrict the child's movement or enclosing the child in a confined space such as a closet, basement, locked room, box, or similar cubicle.

"Physical restraint" does not include:

- *Briefly holding a child in order to calm or comfort the child*
- *Holding a child's hand or arm to escort the child from one area to another*
- *Moving a disruptive child who is putting him/herself/others in danger and is unwilling to leave the area when other methods such as talking to the child have been unsuccessful.*
- *Intervening or breaking up a fight.*

If a child has an outburst that puts him/herself or another person in danger of harm, the provider has the responsibility to protect the child and others from danger. Once a child has an outburst, it is recommended that the operator work with the parents to develop a plan to help manage the child's behavior in a way that does not include the use of a physical restraint. The operator may want to refer the child to a pediatrician, Birth-to-3, the public school or a mental health professional for an evaluation.

High chairs may not be used as a physical restraint.

DCF 202.08 (7) (c) May not verbally abuse or threaten a child or make derogatory remarks about the child or the child's family.

DCF 202.08 (7) (d) Shall provide positive guidance and redirection for the children and set clear limits for the children.

DCF 202.08 (7) (e) Shall help each child develop self control, self esteem, and respect for the rights of others.

Contact your local Child Care Resource and Referral agency or a technical college for courses on Positive Guidance and other child development topic.

It is recommended that time-outs not be used for children under age 3.

Time out may be used for specified types of behavior which a provider wishes to stop, provided:

- *The behaviors are identified to the children.*
- *The child is within sight and sound and supervision of an adult.*
- *The reason for the time out is explained to the child.*
- *The time out is short—not more than five minutes. One minute per year of age is recommended.*
- *The child is praised after the completion of the time out.*
- *There is not a special "Time Out" chair or area where the child must go to take a time out.*

DCF 202.08 (7) (f) May not use time out periods that exceed 5 minutes. For purposes of this paragraph, a "time out" is an interruption of unacceptable behavior by the removal of the child from the situation.

DCF 202.08 (7) (g) May not punish a child for lapses in toilet training.

DCF 202.08 (7) (h) Shall respond promptly to a crying infant or toddler's needs.

DCF 202.08 (7) (i) Shall provide physical contact and attention to each infant and toddler throughout the day, including holding, rocking, talking to, singing to, and taking on walks inside and outside the home.

DCF 202.08 (7) (j) Shall periodically change the position and location in the room of a non-walking child who is awake.

ACTIVITIES

DCF 202.08 (8) (a) A child care provider shall plan activities so that each child may be or do all the following:

1. Be successful and feel good about himself or herself.
2. Use and develop language.
3. Use large and small muscles.
4. Learn new ideas and skills.
5. Participate in imaginative play.

Even though, the certification rules do not require the operator to have written policies pertaining to activities, it is recommended that the operator includes language regarding Activities into his/her written policies. A sample copy of written policies can be found at:

http://www.dpi.state.wi.us/ccic/pdf/policy_samp_fcc.pdf

Daily activity plan should include a schedule, a summary of the kinds of activities which will be planned such as outdoor play, group and individual activities, field trips, stories and other language and literacy development activities, music, art and time for child-selected free play.

If children under two years of age are in care, the plan should also include time for one-on-one interaction between the provider and the infants and toddlers.

The providers may order free materials on programming from WCCIC at <http://www.dpi.state.wi.us/ccic/ccicres.html#prog>

DCF 202.08 (8)(b) A child care provider shall offer daily activities according to the age and developmental level of the children in care and shall include a flexible balance of all the following:

DCF 202.08 (8)(b) 1. Daily indoor and outdoor activities, except that outdoor activities are not required during inclement weather or when not advisable for health reasons.

The provider must take the children outside each day unless the weather is inclement. See definition for inclement weather. There are very few days that children cannot go outside. This requirement also pertains to infants and toddlers.

If a child cannot go outside due to a health reason, the operator must have an arrangement that allows the healthy children be outside while the child with a health condition can remain in the house. This can be achieved by having a 2nd adult available (2nd adult must be approved by the certifying agency). The provider may also use a baby monitor for the child who remains in the home, however the provider must be able to guide the child's behavior and activities as required under the rule that defines supervision.

DCF 202.08 (8)(b) 2. Active and quiet play.

DCF 202.08 (8)(b) 3. Protection from excess fatigue and overstimulation.

DCF 202.08 (8)(b) 4. Individual and group activities.

DCF 202.08 (8)(b) 5. At least 15 minutes reading to the children daily.

DCF 202.08 (8)(b) 6. Opportunities for a non-walking child who can creep or crawl to move freely in a safe, clean, open, warm, and uncluttered area each day.

DCF 202.08 (8)(c) A child care provider may use television only to supplement daily activities for children. No child may be required to watch television.

If used, television programs should compliment the daily activities/curriculum. Soap operas, game shows, situation comedies, talk shows, and other adult programming, etc. are not appropriate and it is recommended they not be on when children are present. Children's videotapes and DVDs may be used, but they may not constitute a major portion of the program for children.

Note: For further information, see the Wisconsin Model Early Learning Standards. These voluntary standards are designed to help child care providers develop programs and curriculum to help ensure that children are exposed to activities and opportunities that will prepare them for success in school and into the future. The standards are primarily intended as guidance on developmentally appropriate expectations and are not intended to be used as a checklist to gauge a child's progress. The standards are based on scientific research. Copies of the Wisconsin Model Early Learning Standards are available on the Wisconsin Early Childhood Collaborating Partners website at <http://www.collaboratingpartners.com/> or through the Child Care Information Center at 1-800-362-7353.

EQUIPMENT

DCF 202.08 (8m)(a) Safe indoor and outdoor play equipment shall be provided as follows:

Examples of unsafe play equipment include, but are not limited to:

- *Metal toys with sharp edges.*
- *Play housekeeping equipment which is coming apart.*
- *Hard plastic toys which have broken, sharp edges.*
- *Slides or rocking boats with protruding screws.*
- *Swing sets with chains which are rusting through.*
- *Permanently installed outdoor equipment which is not safely anchored.*

Any object that can slide through a tube that is no larger than the size of a cardboard toilet paper roll is considered a choking hazard. It is recommended that providers check small pieces of toys or equipment by using a choke tube.

For a list of toys and equipment that have been recalled, check the U.S. Consumer Product Safety Commission website www.cpsc.gov

Certain pull toys may have a cord or string the length of which may present a strangling hazard to a child. Strings on cribs and pull toys should not be longer than 12 inches so that cords cannot be wrapped around necks.

DCF 202.08 (8m)(a) 1. Equipment shall be scaled to the size and developmental level of the children in care.

DCF 202.08 (8m)(a) 2. Equipment shall be constructed in a sturdy manner and be in good operating condition with no sharp, rough, loose, or pointed edges.

DCF 202.08 (8m)(a) 3. Large, inflatable jumping toys may not be used during hours of child care.

This includes small mini trampolines and therapeutic trampolines as well as inflatable apparatus such as bounce houses or moon walks. This applies to all trampolines on the premises.

DCF 202.08 (8m)(b) Various types of play equipment shall be provided to allow for large and small muscle activity, dramatic play, and intellectual stimulation.

*WCCIC has materials on age-appropriate equipment and activities. Phone: 1-800-362-7353
Email: ccic@dpi.wi.gov*

DCF 202.08 (8m)(c) Indoor play equipment shall be provided to allow each child a choice of at least 3 activities involving equipment when all children are using equipment.

DCF 202.08 (8m)(d) Outdoor play equipment shall be provided to allow each child at least one activity when all children are using equipment at the same time.

Outdoor equipment may be permanently installed or equipment may be taken outdoors from the inside or a combination of both.

TRANSPORTATION.

When transporting children the certified child care operator shall ensure that:

DCF 202.08 (9) (a) The driver of the vehicle holds a valid driver's license. The certified child care operator shall have a copy of the driver's license on file.

If the children are transported by the operator or any other adult, the operator must have a copy of the driver's license in his/her records and must be available for if certifying agency will ask for it.

Note: Information on an individual's driving record is available by calling the Division of Motor Vehicles at (608) 261-2566 or through the website <http://www.dot.wisconsin.gov/drivers/drivers/points/abstract.htm>

DCF 202.08 (9) (b) The vehicle is registered in Wisconsin.

DCF 202.08 (9) (c) Each child is seated and properly restrained in an individual seat belt or, for a child under 4 8 years of age, a child safety restraint system, in compliance with s. 347.48 (2m) and (4), Stats., as follows:

DCF 202.08 (9) (c) 1. If the child is less than one year old or weighs less than 20 pounds, the child shall be properly restrained in a rear-facing individual child care safety seat.

DCF 202.08 (9) (c) 2. Subject to 1., if the child is at least 1 year old and weighs at least 20 pounds but less than 4 years old or weighs less than 40 pounds, the child shall be properly restrained in a forward-facing individual child car safety seat.

DCF 202.08 (9) (c) 3. If the child is at least 4 years old but less than 8 years old, weighs at least 40 pounds but not more than 80 pounds, and is not more than 57 inches in height, the child shall

be properly restrained in a shoulder-positioning child booster seat.

DCF 202.08 (9) (c) 4. Children under age 13 years may not ride in the front seat of a vehicle.

Below are websites that offer information on the proper ways to restrain children in a motor vehicle:

Fact sheet explaining the booster seat law:

<http://dcf.wisconsin.gov/childcare/certification/pdf/boosterseatlaw.pdf>

US Dept of Transportation:

<http://www.nhtsa.dot.gov/people/injury/childps/parentguide2005/>

National Highway Traffic Safety Administration:

<http://www.nhtsa.dot.gov/portal/site/nhtsa/menuitem.9f8c7d6359e0e9bbb30811060008a0c/>

DCF 202.08 (9) (d) A written transportation permission slip signed by a parent or guardian is on file.

The Child Care Enrollment form can be used to meet this requirement. The form can be found at

<http://dcf.wisconsin.gov/childcare/certification/forms.htm>

DCF 202.08 (9) (e) Children are not left unattended in a vehicle.

The operator must assure that the children are never left unsupervised in a vehicle. If a mini-van is used, the driver must make sure that no child has fallen asleep on the back of the van.

MEALS AND SNACKS.

The certified child care operator shall ensure that each child receives proper nourishment while in child care as follows:

DCF 202.08 (10) (a) Each child shall be served one meal or snack at least once every 3 hours.

This applies to children who attend the certified care during the day.

DCF 202.08 (10) (b) Each child in attendance for 4 or more hours shall be served a noon or evening meal which consists of a protein food, fruit and vegetable, a cereal or bread product and pasteurized grade A vitamin D milk.

The provider must assure that the children receive meals as follows:

Time Present	Number of Meals and Snacks
At least 2 ½ but less than 4 hours	1 snack
At least 4 but less than 8 hours	1 snack and 1 meal
At least 8 but less than 10 hours	2 snacks and 1 meal
10 or more hours	2 meals and 2 or 3 snacks

It is recommended that the meals meet the US dept of agriculture Child and Adult Food Program (CACFP) minimum meal requirements. The requirement can be found at:

Ages 1 to 12 years:

http://www.legis.state.wi.us/rsb/code/hfs/hfs045_app_b.pdf

Infants under 12 months:

http://www.legis.state.wi.us/rsb/code/hfs/hfs045_app_c.pdf

DCF 202.08 (10) (c) Each infant who is unable to hold his or her own bottle shall be held for bottle feeding. Bottles may not be propped.

Meals should be served related to the child's sleeping schedule rather than the schedule of the other children in care. There shall be no specifically scheduled nap time for all infants as a group. As children begin to mature, a child's schedule will slowly be changed to eliminate the a.m. nap and to slowly begin to integrate the child into the schedule of other children in the home. Priority will continue to be given to the individual eating and sleep needs of the child.

If the parents provide food for their children while attending certified care, the operator must ensure that the food provided meets the guidelines in this chapter. If any components are missing, the operator must supplement the child's meal.

The certifying agency is encouraged to give information on the CACFP to all new applicants. Informational materials can be found at <http://dpi.wi.gov/fns/cacfp1.html>

REST.

DCF 202.08 (11) The certified child care operator shall ensure that each child has a clean, comfortable and safe place to rest as follows:

It is recommended that children under 5 years of age in care for more than 4 consecutive hours shall have a nap or rest period.

DCF 202.08 (11) (a) Each child shall be allowed to have undisturbed rest or a nap, when needed, in a place that is clean, safe and comfortable.

Each child who has a nap or rest period shall be provided with a bed, cot, soft mat, sleeping bag, crib or playpen..

Each child shall be provided with an individually identified sheet and blanket or sleeping bag that may be used only by that child until it is washed. Sleeping bags and bedding shall be stored in a sanitary manner and washed at least after every 5 uses or as soon as possible if wet or soiled.

Cots, sleeping bags and 2-inch thick mats shall be long enough so the child's head or feet do not rest off the pad.

Sofas may be used provided the child has a sheet/blanket or sleeping bag so that the child does not sleep directly on the sofa.

Each mat, cot or crib mattress shall be covered with the child's individual sheet for exclusive use by that child. No child shall sleep on a bare, uncovered surface. Seasonally appropriate coverings, such as sheets or blankets that are sufficient to maintain adequate warmth, shall be available and shall be used by each child.

A large adult-size blanket may be used as both sheet and blanket on a bed, cot, mat or sofa used as a bed if it is placed under and over the child.

DCF 202.08 (11) (b) Each child shall have a personal clean sheet or blanket or both and pillowcase if a pillow is used.

If family beds are used, the sheet and blanket or sleeping bag should be placed over the family bedding. When children sleep over night, it is recommended that a bed or a cot is provided.

No more than one child may occupy a single size bed, cot, mat or sleeping bag.

DCF 202.08 (11) (c) To reduce the risk of sudden infant death syndrome, each infant shall be placed to sleep on his or her back, unless otherwise directed by the child's physician. All sleeping arrangements for children under one year of age shall use firm mattresses and may not use soft bedding materials, such as comforters, pillows, fluffy blankets, or stuffed toys.

DCF 202.08 (11) (d) A safe crib or playpen shall be available for each child under one year of age to use for napping.

All children under one year of age must be placed to sleep on his or her back in a crib. If a child falls asleep in a swing or car seat, the child must be removed from the swing or car seat and placed to sleep on his or her back in a crib. Only the child's physician may authorize a sleep position other than the back for a child under one year of age. Once a child is able to roll over unassisted, the child may assume the sleep position most comfortable to him/her.

Infants shall sleep alone in cribs or playpens.

Please see consumer Products Safety Commission information on Safe Cribs:

<http://www.cpsc.gov/CPSCPUB/PREREL/prhtml01/01131.pdf>

PROVIDER AND PARENT COMMUNICATION.

The certified child care operator shall be in ongoing communication with a child's parent or ensure that a substitute child care provider is in ongoing communication with a child's parent by doing all of the following:

DCF 202.08 (12) (a) Allowing parents to visit and observe the program of child care during any hours that care is being provided.

The certified operator (or substitute if applicable) shall permit parents to visit and observe the operations at any time during the hours of operation unless parental access is prohibited or restricted by court order. When access is prohibited or restricted by court order, permission to call for the child is also affected. A copy of the court order must be on file.

Further information about parental rights to children's records may be obtained from www.legalexplorer.com.

The provider may lock the door for security.

DCF 202.08 (12) (b) Talking to each child's parent at least once a week about his or her child's development, activities, likes and dislikes.

DCF 202.08 (12) (c) Developing a written information contract that specifies the charge for child care and the expected frequency of payment for the service. A contract for each enrolled child shall be signed by the certified child care operator and a parent or guardian.

To avoid disagreements, it is advisable that the certified operator includes basic information into the parent/provider contract such as, child's days and times of attendance, holiday closings, vacation, illness policy, whether the premises are covered by a liability insurance, notice needed for termination, etc.

Licensing has developed a policy sample that works well with certified operators as well. The sample can be found at: http://www.dpi.state.wi.us/ccic/pdf/policy_samp_fcc.pdf (pdf version) or http://www.dpi.state.wi.us/ccic/word/policy_temp_fcc.doc (Word format. This can be modified if the user has MS Word program installed in the computer). The parent and operator must sign the document agreeing to follow the policies. If circumstances change, the operator should give a notice to the parents about the change. A new written policy document including the changes should be created and then signed by both parties. A copy should be given to the parent.

DCF 202.08 (12) (d) Making a copy of the applicable certification standards available to each parent.

The Certification rules can be found at <http://www.legis.state.wi.us/rsb/code/DCF/DCF202.pdf>. The operators can also meet this requirement by having the parent review the Parent Check list at <http://dcf.wisconsin.gov/childcare/certification/forms.htm>

DCF 202.08 (12) (e) Displaying a copy of the certificate in an area easily seen by parents and visitors.

DCF 202.08 (12) (f) Using an enrollment form that includes:

1. The parents' home and work phone numbers.
2. The parents' signed consent for emergency medical care.
3. A name and number to call if the child requires emergency medical care.

DCF 202.08 (12) (g) Using information obtained on the department–provided “child care intake for child under 2 years” form, which collects essential information for infants and toddlers, to individualize the program of care for each child under 2 years of age.

This rule can be met by using the Child Enrollment and Health History form at <http://dcf.wisconsin.gov/childcare/certification/forms.htm>. This form should be on file before the first day the child attends care. The form is also available in Hmong and Spanish.

Enrollment information should include both parents if applicable. If parental access is limited by a court order, a current copy of the court order must be on file.

DCF 202.08 (12) (h) Informing a child's parent of any disciplinary action taken or any injury to the child that occurred during child care hours.

The parent must be notified immediately if a child has an emergency that requires medical attention. Minor injuries such as scratches and minor cuts should be reported at pick-up time. It is recommended that the operator uses a medical log to record injuries.

If a child is disciplined (including a time-out), the operator must notify the parent at pick-up time.

DCF 202.08 (12) (i) Informing the parent in writing whether the premises are covered by a child care liability insurance policy.

Most home and renter insurance policies do not cover damages caused by a business. Most insurance agents offer separate liability policies for child care operators. The certification rules do not mandate the operator to hold a separate child care policy, however, the operator must notify the parents in writing whether the premises are covered or not. This information should be included in the written contract described in (12)(c).

DCF 202.08 (12) (j) Notifying a parent if his or her child has been exposed to a diagnosed or suspected communicable disease reportable under ch. HFS 145 and transmitted through normal contact if the child care operator or child care provider is aware of the exposure.

Information on communicable diseases can be found at:

<http://dhs.wisconsin.gov/communicable/resources/pdffiles/DayCareExclCrit.pdf>

DISCRIMINATION PROHIBITED.

DCF 202.08 (13) The certified child care operator shall not discriminate on the basis of race, color, sex, sexual orientation, creed, handicap, or national origin or ancestry in accepting children or in the employment of employees.

MANDATORY CHILD ABUSE REPORTING.

DCF 202.08 (14) A provider who has reasonable cause to suspect that a child in his or her day care has been abused or neglected or that the child has been threatened with abuse or neglect and that abuse or neglect will occur shall immediately inform the county social or human services department, local law enforcement, or other organization designated in s. 48.981, Stats.

Child Care providers are mandated reporters of child abuse per 48.981(1) Stats. If a provider has reasonable cause to suspect that a child has been abused or neglected, s/he shall immediately contact the county/tribal social services, human services, Indian Child Welfare or local law enforcement agency. The phone number to the county/tribal child protective services is listed under "government" pages in your phone book.

"It shouldn't hurt to be a child" explains the reporting requirement for providers and also lists signs of possible abuse/neglect. The brochure is available at

<http://dcf.wisconsin.gov/publications/pdf/PFS0101.pdf>

Or can be ordered from the Wisconsin Child Care Information (WCCIC) center at ccic@dpi.wi.gov, 800-362-7353, or 608-224-5388.

KEY STATUTES RELATED TO CHILD CARE CERTIFICATION

Below is the statutory language pertaining to child care certification. The Chapter 48, Children's Code can be found at: <http://www.legis.state.wi.us/statutes/Stat0048.pdf>.

48.651 Certification of day care providers.

(1) Each county department shall certify, according to the standards adopted by the department under s. 49.1202 (1d), each day care provider reimbursed for child care services provided to families determined eligible under s. 49.1202, unless the provider is a day care center licensed under s. 48.65 or is established or contracted for under s. 120.13 (14). Each county may charge a fee to cover the costs of certification.

To be certified under this section, a person must meet the minimum requirements for certification established by the department under s. 49.1202 (1d), meet the requirements specified in s. 48.685 and pay the fee specified in this section. The county shall certify the following categories of day care providers:

(a) Level I certified family day care providers, as established by the department under s. 49.1202 (1d). No county may certify a provider under this paragraph if the provider is a relative of all of the children for whom he or she provides care.

A provider who is related to all children in care will be paid at provisional certified rate even if the provider has taken the training specified in DCF 202.08 (1) (b) 2.

(b) Level II certified family day care providers, as established by the department under s. 49.1202 (1d).

(2m) Each county department shall provide the department of health services with information about each person who is denied certification for a reason specified in s. 48.685 (4m) (a) 1. to 5.

Certified operators (or applicants) who are denied or revoked due to a serious crime listed in the Appendix A of HFS 12, (II. Entities and Programs Serving Any Clients Under the Age of 18), or a governmental agency has substantiated abuse/neglect of a child/client or misappropriation of a client's property must be reported to DCF by using the HFS 12 – Negative Action Notice. The list of serious crimes and offenses can be found at:

http://www.legis.state.wi.us/rsb/code/hfs/hfs012_app_a.pdf

The HFS 12 - Negative Action notice is found at
<http://dhs.wisconsin.gov/forms/dcfs/cfs2191.pdf>

48.653 Information for day care providers.

The department shall provide each day care center licensed under s. 48.65 and each county agency providing child welfare services with a brochure containing information on basic child care and the licensing and certification requirements for day care providers. Each county agency shall provide each day care provider that it certifies with a copy of the brochure.

This statute requires the certifying agencies give a copy of the “Your Guide to Legal Child Care” (DWSW-11066) to each provider they certify. The brochure can be ordered from the Wisconsin Child Care Information Center (WCCIC) at 800-362-7353 or by emailing ccic@dpi.state.wi.us. This brochure is available in Spanish and Hmong.

48.6202 Parental access.

A day care provider that holds a license under s. 48.65, that is certified under s. 48.651, that holds a probationary license under s. 48.69 or that is established or contracted for under s. 120.13 (14) shall permit any parent or guardian of a child enrolled in the program to visit and observe the program of child care at any time during the provider’s hours of operation, unless the visit or observation is contrary to an existing court order.

The parental access is also included in DCF 202.08(12)(a). See comment under that rule for further information.

Open records law

Public records law, 19.31-19.37 WI Stats, means the law that allows the public to access information that has been filed or recorded by public agencies, such as the state, counties/tribes, certain non-profit agencies, etc. Most public records are accessible to the public either free-of-charge or for an administrative fee. Mental health, juvenile delinquency, Child Protective Services and AODA records are exempt from this law. Child care provider records fall under the open records law and can be accessed by the public.

OTHER TOPICS PERTAINING TO CERTIFICATION

Children’s Records:

DCF 202 requires operators to have certain forms for each enrolled child. The rule is silent about the length of storage of these documents, except the attendance records (must be kept 3 years), however, it is recommended that the children’s files are kept 3 years after the child is discharged. The operator must have current forms on file on each child while the child is enrolled in the program and they must be available to the certifier for review. It is recommended that the operator asks the parents to review the information included in their children’s forms at least annually (The Health form for children under age 2 years must be updated every 6 months).

School-Age Agreement

When a school age child comes or leaves the care without adult supervision, it is recommended that the operator completes CFS 104 – School-Age Agreement found at <http://dcf.wisconsin.gov/forms/pdf/CFS0104.pdf>. The operator should have a plan for situations when a child fails to arrive as scheduled from school or another activity. This form may also be used for non-school-age child for release to a specific activity or to an individual not listed on the enrollment form.

Confidentiality

DCF 202 is silent about confidentiality of children's records pertaining to certified care, however, it is advisable that the operator does not release information to a 3rd party without permission from the parents/guardian. The operator may release children's records to social welfare, law enforcement agency and the certification worker. Every parent has a right to their child's records. Only exceptions to this rule are if a court specifically orders that a parent does not have access to the records or denies a parent any contact whatsoever with a child. A copy of the court order that limits the parent's access must be on file.

49.83 Limitation on giving information on children participating in Wisconsin Shares:

The statutes include language around confidentiality pertaining to children who qualify for Wisconsin Shares child care subsidy. Below are the laws pertaining to these children:

Except as provided under s. 49.32 (9), (10), and (10m), no person may use or disclose information concerning applicants and recipients of relief funded by a relief block grant, aid to families with dependent children, Wisconsin Works under ss. 49.141 to 49.161, social services, child and spousal support and establishment of paternity and medical support liability services under s. 49.22, or supplemental payments under s. 49.77 for any purpose not connected with the administration of the programs, except that the department of workforce development may disclose such information to the department of revenue for the sole purpose of administering state taxes. Any person violating this section may be fined not less than \$25 nor more than \$500 or imprisoned in the county jail not less than 10 days nor more than one year or both.

The exceptions apply to very particular situations, such as requests from law enforcement. In general, this statute supports the principle that personal information about parents and children should not be released without the permission of the parents.

REQUIRED ITEMS FOR FAMILY AND IN-HOME CERTIFICATION APPLICATION

Certifying agencies can be found at:

<http://dcf.wisconsin.gov/childcare/certification/pdf/certifiers.pdf>

Certification forms can be found at:

<http://dcf.wisconsin.gov/childcare/certification/forms.htm>

Items that need to be submitted to the certifying agency for INITIAL application.

1. [Application for Family and In-Home Child Care Certification](#)
Make sure that the form is fully completed and signed.
2. **Caregiver Background Check Information:**
 - [HFS-64 Background Information Disclosure](#) (BID) form for the applicant, substitutes, employees, volunteers, and household members age 10 and older.
 - Background Check fee (If applicable. Check your certifying agency for further information.)
3. **TB test results**
4. [Standards and Checklist \(DWSW-49\)](#). Check your certifying agency for further details. Some agencies collect this checklist at the home visit.
5. **Water test** (if the home does not have public water)
6. [Regulatory Agency Approval/Acknowledgement to Operate Child Care Business](#) (needed if the applicant is also a foster parent or holds a child care license or other license to care for adults or children)
7. [Landlord permission to operate child care business](#) (if the home is a rental property)
8. **Certification fee** (contact your certifying agency for further details)
9. **Training verification** (SIDS, SBS, Initial training for regularly certified providers)

Required Items for RE-CERTIFICATION

1. [Application for Family and In-Home Child Care Certification](#)
Make sure that the form is completed and signed.
2. **Caregiver Background Check Information:**
 - [HFS-64 Background Information Disclosure](#) (BID) form for the operator, substitutes, employees, volunteers, and household members age 10 and older.
 - Background Check fee (If applicable. Check your certifying agency for further information.)
3. **TB test results**
4. [Standards and Checklist \(DWSW-49\)](#). Check your certifying agency for further details. Some agencies collect this checklist at the home visit.
5. **Well water test** (if no public water available)
6. **Re-Certification fee** (Contact your certifying agency if applicable)
7. **Continuing education (regularly certified)** (Contact your certifying agency if applicable)

Required Items for Relocation to a NEW ADDRESS

1. [Application for Family and In-Home Child Care Certification](#)
Make sure that the form is completed and signed.
2. [Standards and Checklist \(DWSW-49\)](#). Check your certifying agency for further details. Some agencies collect this checklist at the home visit.
3. **Well water test** (if no public water available)
4. [Landlord permission to operate child care business](#) (if the new home is a rental property)
5. **Re-location fee** (If applicable. Contact your certifying agency for further details)

Items Required in the CHILD'S FILE

1. [Enrollment and Health History](#)
2. [Child Health Report](#) (required for children who are not enrolled in school)
3. [Day Care Immunization Record](#) (required for all children in care)
4. [Authorization to administer medication](#) (if medication is administered)
5. [Day Care Intake for Child Under 2 Years Old](#) (required for children under 2 years of age)
6. [Parent Checklist for Certified Family Day Care Providers](#) (Complete one for each family enrolled. Check your certifying agency if this form is required for subsidy families only or if all families should complete one)
7. **Written contract** signed by the provider and the parent. [Written Policies sample](#)

Most of the above forms are available also in Hmong, Russian and Spanish at <http://dcf.wisconsin.gov/childcare/certification/forms.htm>