



Legislative Fiscal Bureau

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May, 2019

Joint Committee on Finance

Paper #210

Background Checks for Congregate Care Workers (Children and Families - Child Welfare Services)

[LFB 2019-21 Budget Summary: Page 87, #13]

CURRENT LAW

State law requires workers in child welfare facilities to pass a number of background checks, but not a fingerprint-based background check. However, pursuant to the Family First Prevention Services Act (passed as part of the Bipartisan Budget Act of 2018), federal law now requires criminal fingerprint checks for all workers in licensed congregate care facilities.

GOVERNOR

The bill would require child welfare licensing entities to perform fingerprint-based background checks for all workers (not just those with regular, direct contact with clients) at a congregate care facility. Congregate care facility would mean a group home, shelter care facility, or residential care center for children and youth. A congregate care worker would mean an adult who works in a congregate care facility, including a person who has or is seeking a license to operate a congregate care facility, but not including an unpaid volunteer.

DCF would be required to obtain fingerprint checks of the national crime information databases, unless the search has been otherwise terminated. Consistent to background checks conducted under current law, the bill would also clarify certain limitations on disclosures of background checks for congregate care workers. The bill would update appropriations for both the Department of Health Services and the Department of Children and Families (DCF) to allow for increased program revenue associated with fingerprint check fees.

MODIFICATION

Modify the bill to require DCF (or the licensing entity) to perform child abuse and neglect

registry checks of congregate care workers who have lived in other jurisdictions. Also, modify the bill to limit the use of the child abuse and neglect registry checks for the purposes of background checks for congregate workers as provided under federal law. Further, modify the bill to transfer provisions in the bill that would allow disclosure of congregate care fingerprint background check information, as permitted under federal law, from a subsection pertaining to background checks for certain caregivers to which the federal provisions do not apply to a newly created subsection pertaining to congregate care workers. Finally, in another provision relating to the disclosure of confidential reports and records specifically to agencies, include a cross reference to federal law to clarify that records may be disclosed to agencies in other states for purposes of a background check of a congregate care worker under the reference federal law.

Explanation: These modifications to the bill are needed to comply with changes to federal law under the Family First Prevention Services Act. Federal law requires that fingerprint based criminal background checks of national crime information databases and child abuse registry checks be applied to any adult working in a congregate care setting. Confidentiality of these checks is required under 42 USC § 67(a)(20).

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