

CAREGIVER BACKGROUND CHECKS SUBSTANTIALLY RELATED INVESTIGATION REPORT

Use of form: Use of this form is voluntary. However, completion of this form can be used to document compliance with the requirement under DCF 12.06(3) that an agency is required to document its determination of whether a conviction or delinquency adjudication for an offense that is not a serious crime is substantially related to the care of a client or the activities of a program for purposes of s. 48.685(5m). Personal information you provide may be used for secondary purposes [Privacy Law, s.15.04(1)(m), Wisconsin Statutes].

Instructions: Check all crimes and adjudications identified during the background check against the Child Care Barred Offenses Table to ensure nothing bars the person from being employed by the center. If nothing bars the person from employment, complete this form to document that you reviewed the required factors under DCF 12.06(1) in reaching a determination regarding substantial relationship for each crime or adjudication identified. If you have questions about how to determine whether a crime or delinquency adjudication is substantially related for this purpose, contact your legal counsel. If, in your estimation, any crime or delinquency adjudication is substantially related, you may refuse to employ or contract with a caregiver.

“Substantially related” means that placing the convicted or adjudicated delinquent person in a situation offering temptations or opportunities similar to those present in the crime(s) for which the person previously had been convicted or adjudicated delinquent creates an unreasonable risk that the person will commit another crime.

Date Form Completed (mm/dd/yyyy)	Name of Person Completing Form		
Employee Name	Date Hired (mm/dd/yyyy)	Date of Review (mm/dd/yyyy)	
Employee Role / Position	Employment Decision <input type="checkbox"/> Employed <input type="checkbox"/> Employed with limitations / restrictions <input type="checkbox"/> Terminated		

REVIEW OF THE JOB Consider all of the following in relation to the job or caregiving role.

Describe the nature and scope of the employee's job and contact with children.

Describe: 1) The nature and scope of the employee's discretionary authority and degree of independence in judgment relating to decisions or actions which affect the care of clients; and, 2) The employee's responsibility for making independent decisions relating to the care of children.

Describe any opportunity the job presents for the commission of similar offenses.

Describe the extent to which acceptable job performance requires the trust and confidence of children and their parent(s) or guardian(s).

Describe the amount and type of supervision this employee receives in this position.

CONVICTION(S) OR DELINQUENCY ADJUDICATION(S) CONSIDERED

Conviction(s) – Include date(s) for each item listed.

Delinquency adjudication(s) Include date(s) for each item listed.

REVIEW OF EACH OFFENSE Consider all of the following in relation to each criminal conviction or delinquency adjudication listed above.

Specify whether intent is an element of the offense.

Based on documents reviewed (police report, criminal complaint), specify any elements or circumstances of the offense which might substantially relate to the job duties or circumstances of the job.

Specify any pattern of offenses.

Specify the extent to which the offense relates to children or other vulnerable persons or the activities of the center.

Specify whether the crime involves violence or threat of harm.

Specify whether the crime is of a sexual nature.

REVIEW OF THE INDIVIDUAL Consider all of the following in relation to the person.

Specify the number and type of crimes for which the individual has been convicted or adjudicated delinquent.

Specify the length of time between the conviction or delinquency adjudication and the employment decision.

List the person's employment history including references, if available.

Specify whether the person participated in or completed any pertinent programs of a rehabilitative nature.

Specify the individual's probation, extended supervision or parole status.

Specify the individual's ability to perform or continue to perform the job or caregiving role consistent with the safe and efficient operation of the program and the confidence of clients and the parents or guardians of clients.

Specify the age of the individual on the date the crime(s) were committed.

ADDITIONAL COMMENTS, IF APPLICABLE

CONCLUSION

Yes No Does the crime substantially relate to the care of children?

Action taken - specify.
