



# Comprehensive Background Checks

Stephanie Murray, Child Care Program Specialist, OCC

Theresa Campisi, CBC TA Lead, NCSIA



# Agenda

- ◆ Building Partnerships
- ◆ Eligibility Determination
- ◆ Waivers for Extraordinary Circumstances (COVID-19)
- ◆ 2020-2021 Look Ahead
- ◆ Resources



## 3 primary categories to background check requirements

National	In-state	Inter-state
1. National FBI criminal history check, with fingerprint	3. In-state criminal history check, with fingerprint	6. Inter-state criminal history check
2. NCIC National sex offender registry (NSOR) check	4. In-state sex offender registry check	7. Inter-state sex offender registry check
	5. In-state child abuse and neglect registry check	8. Inter-state child abuse and neglect registry check

↑  
All five of these checks must be performed for all designated individuals

↑  
All three of these checks must **also** be performed for each additional state where the individual has resided within five years

All checks must meet a 45-day or less turnaround time

# Building Partnerships

- ◆ Have you established a regular call, meeting or other collaboration with your criminal justice partners and/or child abuse and neglect partners?
- ◆ What steps did the Lead Agency utilize to build those partnerships? Any challenges?



ADMINISTRATION FOR  
**CHILDREN & FAMILIES**



Virtual Tribal, State, and Territory Administrators Meeting 2020



# Eligibility Determination

**Who can make a determination that a prospective staff member is eligible to work?**

**The Lead Agency is required to make determinations regarding a child care staff member's eligibility for employment.**

The Lead Agency must provide a response for the background check to the child care provider in a statement that indicates only whether the prospective staff member is eligible or ineligible, without revealing specific, disqualifying information or other information regarding the individual.

If the staff member is ineligible, the Lead Agency must provide information about each specific disqualifying crime to the prospective staff member, as well as information on how to appeal the results of the background check to challenge the accuracy and completeness.

# Eligibility Determination

- ◆ How does the Lead Agency receive background check information from partner agencies?
- ◆ How does the Lead Agency notify eligibility or ineligibility to the prospective staff person?
- ◆ How does the Lead Agency notify eligibility or ineligibility to the provider?

# Waivers for Background Checks

Current Plan Period:

FY 2019-21 CCDF Plan

*Effective October 1, 2018 – September 30, 2021*

Scenarios for Requesting Waivers	Deadline	Process
Background Check Waivers for Extraordinary Circumstances for States Granted Transitional Waivers Expiring on September 30, 2020	September 30, 2020	Apply for a new waiver for extraordinary circumstances using an update to the ACF-118 system (Appendix A).
Waivers for Extraordinary Circumstances for Non-Compliant Requirements	September 30, 2020	Submit a waiver request for extraordinary circumstances using the existing process.
Renewals for Current Background Check Waivers for Extraordinary Circumstances	January 28, 2021	Submit a renewal request to the OCC Regional Office by email.



# Peer Discussion

- ◆ How has COVID-19 affected state and territory operations?
- ◆ How have the Lead Agency and partners collaborated to continue CBC operations to ensure safety of children in care?

# 2020-2021 Look Ahead

- ◆ CCDF State/Territory Plan Changes
- ◆ Interagency Task Force
- ◆ Research/Focus Groups
- ◆ Intensive Technical Assistance (TA)



# CCDF State/Territory Plan Changes

- ◆ ***Federal Register* Publication of the FY 2022–2024 State and Territory Child Care and Development Fund Plan Preprint (September 10, 2020)**
- ◆ Implementation milestone language has been removed. Lead agencies will now be asked to describe the procedures that a provider uses to request a background check and the procedures and policies that a lead agency follows to respond to and complete a background check.
- ◆ Revised Consumer Education Website reporting requirement will require lead agencies to provide certain background check related information on their Consumer Education Websites (i.e., relevant state agency contact information, state-specific instructions, etc.) that is needed to initiate an interstate background check request.
- ◆ The public comment period for the draft CCDF Plan Preprint will end on November 10, 2020.

# Polling Question

- ◆ Would you be willing and able to participate in a very focused Task Force (virtual) to discuss challenges to background check efforts due to COVID-19, facilitate solutions to common challenges, provide expertise to a group of other stakeholders and work on such things as a Road Map to success?

# Polling Question

- ◆ Would you be willing to participate in a research focus group to discuss Child Abuse and Neglect (CAN) registry challenges?

# Polling Question

- ◆ Would you be willing to sign up for intensive TA involving you (Lead Agency) and other agencies in your state (law enforcement, state police, licensing) to help address challenges/barriers in your background check implementation process?

# New Resources

- ◆ Child Care Background Check Basics TA Guide
  - Federal authorities, differences between various sex offender checks, federal and state rap back programs, NFF/Compact states, relationship building with criminal justice partners (state identification bureaus (SIBs))
- ◆ Best Practices in CCDF Comprehensive Background Checks
  - Highlights state websites and technical solutions to background check implementation



Thank You

