



ADMINISTRATION FOR  
**CHILDREN & FAMILIES**



# New Background Check Requirements

January 2015





## Criminal Background Checks (658H)

- Requires States to conduct criminal background checks on all child care providers and their staff members. Not limited to providers serving CCDF children. Relative caregivers excluded.
- A “child care provider” means a center-based child care provider, family child care provider, or another provider of child care services for compensation on a regular basis that:
  - is not related to all the children served; and
  - is licensed, regulated, or registered under State law or receives CCDF funds.
- A “child care staff member” means an individual (other than an individual who is related to all children for whom child care services are provided):
  - who is employed by a child care providers for compensation; or
  - whose activities involve the care or supervision of children for a child care provider or unsupervised access to children.



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## Criminal Background Checks (658H)

- A comprehensive background check must include searches of:
  - State criminal and sex offender registry,
  - State child abuse and neglect registry,
  - National Crime Information Center (run by the FBI),
  - FBI fingerprint check using Integrated Automated Fingerprint Identification System, and
  - National Sex Offender Registry (operated by DOJ)
- Includes list of disqualifying crimes, allows State discretion to provide exceptions for felony drug offenses.
- Staff members must complete a background check every 5 years.
- States must have appeals process for staff members.



## Frequently Asked Questions

- 1. TO WHOM DO THE BACKGROUND CHECK REQUIREMENTS APPLY?**
- 2. DOES THE BACKGROUND CHECK REQUIREMENT APPLY TO FAMILY CHILD CARE PROVIDERS?**
- 3. HOW OFTEN MUST BACKGROUND CHECKS BE CONDUCTED?**



## Frequently Asked Questions

4. **WHAT WOULD MAKE A CHILD CARE STAFF MEMBER INELIGIBLE FOR EMPLOYMENT BY A PROVIDER THAT DELIVERS CCDF SERVICES?**
5. **ARE STATES REQUIRED TO PROTECT THE PRIVACY OF THE RESULTS OF BACKGROUND CHECKS?**
6. **ARE STATES REQUIRED TO HAVE AN APPEALS PROCESS?**



## Frequently Asked Questions

7. ARE STATES ALLOWED TO PUBLICALLY RELEASE THE RESULTS OF INDIVIDUAL BACKGROUND CHECKS?
8. WHAT ARE THE COSTS OF THE COMPREHENSIVE BACKGROUND CHECKS?
9. WHEN MUST A STATE HAVE THEIR POLICIES AND PROCEDURES FOR BACKGROUND CHECKS IN PLACE?



## The 2016-18 State/Territory Plan

- The CCDF Plan is a tool for the State to show
  - how the State will administer the program
  - provide details of the implementation plans
  - progress towards implementation of the new requirements of the CCDBG Act of 2014



## Section 5

- Establish Standards and Monitoring Processes to Ensure the Health and Safety of Child Care Settings
  - Standards and Licensing Practices
  - Monitoring and Enforcement Actions
  - Criminal Background Checks



## Implementation Plan for 5.3.1

- Describe the status of the State's requirements, policies, and procedures for criminal background checks for child care staff members and child care providers.
- The implementation deadline is no later than September 30, 2017



## Example Implementation Plan – [Question 5.3.1]

a) Overall Goal/ Objective	b) Overall Status/ Justification	c) Overall Target Completion Date	d) Steps/ Activities	e) Activity Start Date	f) Activity End Date	g) Responsible Agency
Goal tied to requirement (e.g., implement policies, develop website, etc)	For example, not yet started  In progress	Date for overall goal	List each step out	Identify start date for each step	Identify end date for each step	Identify agency responsible for each step
			Step 1			
			Step 2			
			Step 3			



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## Completion of the Implementation Plan

- Once completed, the State will submit an amendment that will allow certification that the requirement is complete.
- The plan must be complete no later than the effective date of the requirement.



## Federal Register Posting

- 30 day public comment period
- Only one comment period due to emergency clearance process
- All comments are sent directly to the Office of Management and Budget (OMB)

Office of Management & Budget

Paperwork Reduction Project

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## Discussion Questions

- **What State agencies (partners) do you currently work with to conduct background checks?**
  - Which components of the background checks are you currently doing?
  - How do you communicate with partners?
  - Have you been working with your partners on the new background check requirements?
  - Is there a centralized background check registry/database?



## Discussion Questions

- **Have any States successfully built partnerships to obtain background checks from other States where an employee previously resided?**
  - What experience do you have in coordinating BC searches with other states where staff may have resided?
  - How are you prepared to help other states who seek information on a provider who lived in your states?



## Discussion Questions

- **What additional clarification (policy or otherwise) is needed?**
- **What additional TA supports would be useful for implementation?**