

# Tribal Background Check Requirement Highlights

## Applicability of Rules

- Licensed, regulated, and registered providers\*
- CCDF providers\*
- Current and prospective staff members\*
  - Including those employed before 11/19/2014 (date of enactment)

\*Except those related to all children in care.

## Individuals Subject to Background Checks

- Those employed by a provider for compensation
- Contracted employees and self-employed
- Those who care for, supervise, or have unsupervised access to children in care
- Adults living in a family child care home\*\*

\*\*Tribes may describe an alternative background check approach to specific components, subject to OCC approval.

## Required National and State-based Background Checks

### FBI Check + Current State of Residence

National FBI Fingerprint Criminal History Check

In-State Criminal History Check

**Fingerprint Required:**

- FBI Check
- In-State Criminal

NCIC National Sex Offender Registry Check

In-State Sex Offender Registry Check

**Fingerprint Optional:**

- In-State SOR
- Out-of-State SOR
- Out-of-State Criminal



In-State Child Abuse and Neglect Registry Check

**Name Based:**

- NCIC NSOR
- All CAN Checks

### Previous State(s) of Residence for Last 5 Years

State Criminal History Check

State Sex Offender Registry Check

State Child Abuse and Neglect Registry Check

**The FBI fingerprint check is national, why doesn't it cover the out-of-state background check requirements?**

Only offenses/records with a valid fingerprint make it into the national FBI database.

Checking the individual State records helps mitigate gaps between the State and FBI records.

Background checks are required prior to employment and at least every 5 years.

Background checks should meet a standard 45-day or less turnaround time.\*\*

Individuals may start work once the FBI or State fingerprint check is returned as satisfactory, but must be continually supervised until a determination is made on all checks.

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