

Tribal Background Check Requirement Highlights

Applicability of Rules

- Tribal Lead Agencies
- 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, 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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