



COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

DATE: June 30, 2017

TO: Licensed Child Day Centers
Licensed Family Day Homes
Voluntarily Registered Family Day Homes
Licensed Family Day System
Religious Exempt Child Day Centers
Certified Preschools

FROM: Charlene Vincent, Director
Division of Licensing- Children's Programs

SUBJECT: Criminal background check legislation, House Bill 1568

This memo will inform you of changes in legislation concerning criminal background check legislation that passed in the 2017 Virginia General Assembly session.

What is House Bill 1568?

House Bill 1568 is the legislation affecting the Code of Virginia concerning background checks for child care providers. This legislation requires background checks that include:

- a sworn statement or affirmation,
- a fingerprint based national criminal history search,
- a search of the child abuse and neglect registry in Virginia, and
- a search of the child abuse and neglect registry in any other state a person has lived in the past five years.

Changes include:

- a fingerprint based search instead of a name search;
- a search of a child abuse and neglect registry in any other state a person has lived in the past five years; and
- a five year repeat for background checks instead of a three year repeat.

Sworn Statement or Affirmation

The Sworn Statement or Affirmation form has changed. It now includes the questions “Have you lived outside of Virginia in the past five years?” and “If so, what state(s) have you lived in?” The updated form can be found under each program type on the VDSS website.

After July 1, 2017, new applicants for licensure and registration need to complete this form upon application.

New employees and volunteers need to complete this form prior to the first day of employment/volunteering.

New household members need to complete this form when they begin residing in the home.

Who needs to get fingerprinted?

This law applies to people who work with or for:

- licensed child day centers,
- licensed family day homes,
- family day systems,
- family day homes approved by a family day system,
- registered family day homes,
- religious exempt child day centers, and
- child day centers and family day homes that enter into a contract with VDSS or a local department to provide child care services funded by the Child Care and Development Block Grant.

You need to be fingerprinted if:

- you are applying for a license, approval or registration.
- you are an agent of an applicant for license or registration.
- you are an applicant for employment or volunteering.
- you are a current employee or volunteer.
- you are a current licensee or family day home provider
- you are a household member in a family day home.

When will I need to get fingerprinted?

VDSS is currently working with a fingerprint vendor to set up the process for submitting fingerprints to the State Police/FBI and is updating the VDSS background information system to allow VDSS Office of Background Investigations staff to screen background results. Once the implementation process has been developed, more information will be sent out, including timeframes for conducting fingerprint background checks.

Please continue to conduct a name search as part of the background check until VDSS informs you of the implementation plan.

Who needs an out of state child abuse and neglect registry check?

Anyone who has lived in another state in the past five years is required to request a check of the child abuse and neglect registry for each state they have lived in the past five years.

This link will connect you with the Adam Walsh State Contact for Child Abuse Registries:

<http://www.cdss.ca.gov/Portals/9/CCLD/Revised%20AW%20Contact%20List.pdf?ver=2017-04-03-084448-420>. This registry includes contact information for each state along with the procedures, forms, and fees needed to complete the search.

New applicants and agents for licensure, approval, and registration must request an out of state check when they initially apply for a license, approval, or registration.

New employees, new volunteers, and new household members need to request an out of state check within 30 days of hire, beginning volunteer service, or becoming a resident.

Current licensees, agents, employees, and household members must request out of state child abuse checks by September 1, 2017 for any individual who has lived in another state in the past five years.

If results from the out of state checks are not received within 45 days of the request, you must follow up with the other state(s) and keep documentation of that follow up contact.

If a state does not have a child abuse or neglect registry or will not search the registry for residents of another state, please keep documentation of the request to search along with any information sent from the state indicating no search could be conducted.

How often do I have to repeat background checks?

Effective July 1, 2017, background checks must be completed every five years. The Virginia and out of state CPS checks and the Sworn Statement of Affirmation must be repeated within five years from the date of the last check.

Please continue to follow the name check based criminal history check requirements, repeating the name checks every three years, until VDSS has notified you that there is a system in place to conduct fingerprint based background checks.

Certified preschool programs should continue to follow current criminal history record requirements until they are notified to obtain a VDSS fingerprint based background check.

Voluntary Registered Family Day Homes must continue repeating name check based criminal history checks every two years, and submit the results with their renewal application, until they are notified to obtain a VDSS fingerprint based background check.

Once VDSS has a system in place to process child care fingerprint checks, these checks through VDSS must be repeated within five years from the date of the eligible letter.

Barrier crime conviction notification to employer

Please inform your staff of the following requirement:

If any employee or volunteer is convicted of any barrier crime or found to be the subject of a founded complaint of child abuse or neglect within or outside of Virginia, that person shall notify the child day center or family day home of such conviction or finding.

Please contact your licensing inspector if you have any questions. If you do not have an assigned inspector, please contact your regional licensing office at http://www.dss.virginia.gov/contact_us/dolp_district_children.pdf.