

Fingerprinting Frequently Asked Questions – Child Day Care Programs

Who is required to have a fingerprint-based criminal background check?

If you are an applicant for licensure or voluntary registration, an agent of an applicant, a current employee, a current volunteer, an adult household member in a family day home, or applicants for employment or for volunteering you will be required to have fingerprint based checks.

If you are a child care provider that is an approved subsidy vendor even if you are not licensed or registered, you will be required to have fingerprint based checks.

Anyone who currently submits a name based criminal background request will be required to submit a fingerprint based criminal background request. So, if you work in or with a child day center, in a family day home, in a voluntarily registered family day home, are part of a family day system, or work in a religiously exempt child day center, this means you.

The law covers new employees and volunteers as well as current employees and volunteers.

What is an “alias” name?

An “alias” name is any name that an individual uses at one time or another. An example of an “alias” is a maiden name.

When do all individuals required to have a fingerprint based check need to have it completed by?

Employees and volunteers

All employee and volunteers that are hired on or after the date we begin fingerprint checks must have a fingerprint based background check completed before that individual begins employment or volunteer service.

Household members

Within 30 days of an adult becoming a household member, the individual must have completed a fingerprint based background check.

New applicants/agent for licensure, registration, or subsidy vendor

New applicants for licensure, registration, or subsidy vendor must have fingerprint background checks as part of the application.

New board officers who are applicants or agents must complete a fingerprint based background check within 30 days of appointment as a board officer.

Licenses, registrations, or approvals will not be granted until fingerprint based background checks are completed.

When will the Virginia Department of Social Services start requiring fingerprint based background checks?

As of January 16, 2018 fingerprint based background checks will be required for all new employees, volunteers, applicants, agents, and household members.

Current employees, volunteers, applicants, agents, and adult household members must follow the implementation schedule.

Child Care Individuals who had a name check completed in:	Month to begin fingerprinting:
January 2015 ** Individual from a religious exempt child day center with name checks completed 2014 or earlier	January 2018
February 2015 ** Individual from a religious exempt child day center with name checks completed 2014 or earlier	February 1, 2018
March – June 2015 ** Individual from a religious exempt child day center with name checks completed 2014 or earlier	March 1, 2018
July – December 2015	April 1, 2018
January – June 2016	May 1, 2018
July – December 2016	June 1, 2018
January – June 2017	July 1, 2018
July – December 2017	August 1, 2018
January 2018	September 1, 2018

Is the fingerprint background check in addition to the name check we already do?

The fingerprint background check replaces the name based criminal history search (SP-167 and SP-230).

What happens if my fingerprints get rejected?

If your fingerprints are rejected, Fieldprint will contact you directly to schedule a new appointment for fingerprinting. If your prints are rejected a second time, the Office of Background Investigation will request a name search for you. You will be notified by OBI if this happens.

How much does a fingerprint background check cost?

The Department of Social Services will cover the cost of fingerprinting until September 30, 2018. After September 30, 2018, the Fieldprint website will include a payment screen. Programs should be budgeting for this expense beyond September 30, 2018.

The current costs are:

Employees, applicants, agents, caregivers, approved providers in a family day system, household members	\$57.00
Volunteers	\$38.00

This fee covers the FBI check, the Virginia State Police check, processing by the Office of Background Investigations, and the Fieldprint fee.

How long will it take for the results of a fingerprint check to be available?

If there is no criminal record, an eligible letter should be emailed within three days to a week from the fingerprint appointment date.

If there is a criminal record, OBI must wait for the full record to be sent from the Virginia State Police and conduct any necessary research to determine if there is a barrier conviction. This process can take two weeks or longer. The final determination letter will be emailed once all research has been completed.

How often do I need to be fingerprinted?

Background checks are required every five years. Fingerprints based background check results are not transferrable between jobs. If you change jobs, you must complete a new fingerprint based background check with your new employer.

Can someone work before they get a determination letter?

No. New employees or volunteers cannot begin to work before the determination letter is received.

Who do I contact if I do not agree with the criminal history results?

Individuals can request a copy of their FBI criminal history record at: <http://www.fbi.gov/about-us/cjis/identity-history-summary-checks>

If an individual is denied because of information appearing on the individual’s FBI record and it comes to the individual’s attention that he is not the person of the record, the individual may initiate a challenge of the information contained in the record. The provider/facility is required by state and federal law to provide the individual with a copy of the challenge procedures. The challenge procedures can be found at: <http://www.fbi.gov/about-us/cjis/identity-history-summary-checks>

Individuals can request a copy of their Virginia criminal history record at: http://www.vsp.state.va.us/CJIS_Criminal_Record_Check.shtm

In instances where it comes to an individual's attention that his name or other descriptive information is a matter of record in the Central Criminal Records Exchange (CCRE) and he is not the person of the record, then the individual may initiate a challenge of the information contained in the record. An individual should report this information to a local sheriff, police or State Police headquarters and request to be fingerprinted for the purpose of challenging a criminal record. The individual to be fingerprinted must show personal identification. The official taking the fingerprints must document on letterhead paper that he has reviewed the individual's personal identification and obtained the fingerprints. This letter and the fingerprints are to be mailed to the following address:

Manager
Central Criminal Records Exchange
Virginia Dept. of State Police
P.O. Box 27472
Richmond, VA 23261-7472

Where can I go to be fingerprinted?

Fieldprint is the company DSS is working with to take fingerprints. You must make an appointment online. Fieldprint will not take walk in appointments. There are many locations across the state for you to choose from. You can find locations at this website: <https://fieldprintvirginia.com/> and enter the address or zip code of your location to find a fingerprinting site.

What is a Fieldprint Code?

The Fieldprint Code is specific to your facility and identifies which program you are working with and what type of applicant you are. For child day programs you will either be an applicant or agent, a volunteer, an employee, or a household member.

What happens after fingerprints are submitted?

Fingerprints are electronically submitted to the Virginia State Police and the FBI. The results of these searches are returned to OBI. Staff will screen the results against the barrier crimes list and determine if an individual is eligible to work with children. You can find a copy of the barrier crimes list here: http://www.dss.virginia.gov/files/division/licensing/cdc/intro_page/background_investigations/guidance_procedures/barrier_crimes_for_child_day_programs.pdf

OBI will email a determination letter to the provider let them know if the individual that submitted fingerprints is eligible or not eligible to work with children.

There are different types of letters.

- Eligible –eligible to work with children
- Not Eligible –not eligible to work with children
- Unable to Determine – there is not enough information to determine if a person is eligible or not eligible to work with children

Why would someone get a “not eligible” letter?

The following are reasons why a “not eligible” letter has been sent:

- Conviction of a barrier crime, including a felony crime within the past five years
- Registry on the Sex Offender and Crimes Against Minors Registry

Anyone with a “not eligible” letter cannot be employed, volunteer, or be approved for licensure, registration, or as a subsidy vendor.

What happens if a provider receives an “unable to determine letter”?

- The provider should contact OBI to clarify what information is needed.
- The provider should ask the individual to sign a statement explaining the situation and attach it to the “unable to determine” letter.
- If there is knowledge of a barrier conviction, the provider must treat it as “not eligible”, and that individual cannot be employed, volunteer, or be approved for licensure, registration, or as a subsidy vendor.

You can find more information about what to do with an “unable to determine” letter in the background procedures document found here: http://www.dss.virginia.gov/family/children_background.cgi

If there is a Virginia criminal record, it will be mailed to the provider with a “not eligible” or “unable to determine” letter.