

From: Licensing [mailto:DSS_LICENSING@LISTSERV.COV.VIRGINIA.GOV] **On Behalf Of** Williams, Edwina (VDSS)
Sent: Wednesday, January 17, 2018 3:03 PM
To: DSS_Licensing
Subject: OBI screening fingerprint communication 6
Importance: High

This file with an attachment is being sent to child day centers, family day homes, voluntarily registered family day homes, family day systems, religiously exempt child day centers, certified preschools, short-term child day centers and unlicensed child day programs receiving child care subsidy assistance from the Virginia Department of Social Services Email Distribution Service.

*****Please do not reply to this email.*****

UPDATE:

Our 'go live' date of 1/16/18 has been delayed due to system problems and Fieldprint codes have not been sent out yet. Please continue to do background checks the way you have been doing them (name checks) until we notify you of a new 'go live' date, which we hope will be very soon.

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COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

DATE: January 17, 2018

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
Unlicensed Child Day Programs Receiving Child Care Subsidy Assistance

FROM: Charlene Vincent, Director, Division of Licensing – Children’s Programs

SUBJECT: Fingerprint based background checks – implementation memo #6
Update on go live date and screening results from fingerprint based background checks

UPDATE:

Our ‘go live’ date of 1/16/18 has been delayed due to system problems and Fieldprint codes have not been sent out yet. Please continue to do background checks the way you have been doing them (name checks) until we notify you of a new ‘go live’ date, which we hope will be very soon.

This memo is to provide you information about the Office of Background Investigations’ (OBI) process for screening results from fingerprint based background checks.

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

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

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

Timing of determination letter

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.

Can someone work before they get a determination letter?

No. New employees or volunteers cannot begin to work before the determination letter is received. This is a change from current practice.

Keep the determination letters in your records

Licensing inspectors will be checking for the determination letter for everyone required to submit a background check.

These determination letters DO NOT transfer to another employer. If an individual changes employers, they must get a new fingerprint based background check.

As a reminder, all current individuals who require a background check must have a fingerprint check completed by September 30, 2018.

If there are questions, please contact your licensing inspector or licensing office, or OBI, 804-726-7884, if the question is about a specific determination letter received.