

From: Licensing [mailto:DSS_LICENSING@LISTSERV.COV.VIRGINIA.GOV] **On Behalf Of** Williams, Edwina (VDSS)

Sent: Friday, July 01, 2016 10:11 AM

To: DSS_Licensing

Subject: Legislative Implementation 2016

The attached file is being sent to the providers of child day centers, family day homes, voluntarily registered family day homes, family day systems, religiously exempt child day centers and certified preschools from the Virginia Department of Social Services Email Distribution Service.

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COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

DATE: June 30, 2016

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, Children's Programs Director
Division of Licensing Programs

SUBJECT: Legislative Implementation 2016

This memo provides information on the legislative changes that will take place July 1, 2016.

Sex Offender Registry (HB 920)

[House Bill 920](#) changes the definition of "offense" in § [63.2-1719](#) in the Code of Virginia to include convictions that result in the requirement to register with the Sex Offender and Crimes Against Minors Registry or any similar registry in any other state. This legislation prohibits sex offenders from being employed by or operating a child welfare agency.

It is recommended but not required that providers search the Virginia Sex Offender Registry to determine if an individual is listed on this registry, and print out the results of the search. The link to this free search is: <http://sex-offender.vsp.virginia.gov/sor/index.html>; click on the left hand panel 'Search the Sex Offender Registry'. The list of crimes that convictions of which require registration in the Sex Offender Registry is found at: http://www.dss.virginia.gov/files/division/licensing/fdh/intro_page/background_investigations/guidance_procedures/convictions.pdf.

FDH Threshold Limits (HB 1570 and SB 1168)

[House Bill 1570](#) and Senate Bill 1168 were passed in 2015 and will take effect July 1, 2016. This legislation reduces the family day home licensure threshold as described in the definition of a 'family day home' in § [63.2-100](#) of the Code. Family day homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the home, must be licensed. A family day home where the children are all related to the provider by blood or

marriage is not required to be licensed. The threshold for voluntarily registered family day homes has also been changed; voluntarily registered family day homes now can only serve four or fewer children.

Fingerprint Checks (HB 1570, SB1168, budget bill)

Fingerprint checks will be required next year. All employees, volunteers, applicants, providers, and house hold members in licensed, registered, and regulated child care programs must undergo a fingerprint background check by July 1, 2017. ([HB1570](#) and SB1169 2015, [budget bill](#)) All individuals required to have a background check must submit to a fingerprint check. Further details about this process will be provided next year.

Penalty for Unlicensed Providers (HB 1189)

[House Bill 1189](#) adds language to § [18.2-371.1](#) of the Code of Virginia making a Class 4 felony for situations when a person responsible for the care of a child, by willful act or willful omission or refusal to provide care for the child's health, causes or permits serious injury to the life or health of the child. Willful act or willful omission includes operating or engaging in the conduct of a child welfare agency without first obtaining a license or after the license has been revoked or has expired and not been renewed.

If you have any questions please contact your licensing inspector.