

From: **Edwina Williams** <edwina.williams@dss.virginia.gov>  
Date: Tue, Jun 4, 2019 at 12:19 PM  
Subject: Criminal Records  
To: <DSS\_LICENSING@listserv.cov.virginia.gov>

The attached file is being sent to child day centers, family day homes, family day systems, religiously exempt child day centers, short-term child day centers, certified preschools, voluntarily registered family day homes 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.\*\*\***

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# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF SOCIAL SERVICES

**DATE:** June 4, 2019

**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:** Tara Ragland, Director  
Division of Licensing Programs

**SUBJECT:** Updated information about background check documentation

The Office of Background Investigations (OBI) will be changing part of the notification process for fingerprint based background check screenings. Virginia Department of Social Services received clarification regarding the release of criminal history records and will change who receives a copy of the Virginia criminal history record beginning June 1, 2019. This change impacts child care providers.

Previously, when a “not eligible” or “unable to determine” letter was issued for a criminal fingerprint-based background check, a copy of the Virginia criminal history record was sent to the child care provider. This procedure will change, in order to comply with federal law, 45 CFR § 98.43 (e) (2) (iii), regarding communication to child care providers about criminal records results. When issuing a ‘not eligible’ or ‘unable to determine’ letter, the Virginia criminal history record will no longer be mailed to child care providers. The Virginia criminal history record will be mailed to the individual who submitted fingerprints when a ‘not eligible’ letter is sent, indicating a barrier crime conviction.

If a provider receives an ‘unable to determine’ letter, the provider should inquire of the individual, asking about any barrier crime convictions. If at any time, the individual admits to a barrier crime conviction, the provider should consider this a ‘not eligible’ determination and shall not employ or approve the individual. The provider should document this inquiry and the response received.

The Child Day Care Programs Procedures for Conducting Background Investigations document has been updated to reflect this change. The procedures document can be found here:  
[http://dss.virginia.gov/files/division/licensing/background\\_index\\_childrens\\_facilities/fingerprint\\_based\\_background\\_checks/child\\_day\\_care/background\\_investigation\\_procedures\\_child\\_day\\_care\\_programs.pdf](http://dss.virginia.gov/files/division/licensing/background_index_childrens_facilities/fingerprint_based_background_checks/child_day_care/background_investigation_procedures_child_day_care_programs.pdf)

If there are any questions, please contact OBI at [backgrounds@dss.virginia.gov](mailto:backgrounds@dss.virginia.gov) or 804-726-7884.