

DATE: September 12, 2017

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

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

SUBJECT: New Background Check Compliance Procedures

This memo is being sent to alert you that effective immediately, the department has initiated new procedures for corrective actions and risk assessment with any violation of background check laws and regulations.

In Virginia, compliance with background check regulations for licensed and regulated child welfare agencies is required by law as outlined in the Code of Virginia.

Background check regulations provide an important layer of protection to the health, safety and well-being of children in care.

We hope you will take this opportunity to review all backgrounds checks to ensure they are current and complete. We encourage you to keep all documentation showing when backgrounds were submitted and received. We also encourage you to keep a tickler list of some type to remind you when backgrounds expire so you can submit new requests in a timely manner. Completing background checks is a Code requirement and not just a paperwork process.

Background checks include:

- a sworn statement or affirmation,
- a criminal history record check (current requirement)
- a fingerprint based national criminal history search,(Upon Implementation)
- a search of the child abuse and neglect registry in Virginia, and
- For any child care program a search of the child abuse and neglect registry in any other state a person has lived in the past five year

NOTE: Until National Fingerprint Criminal History Checks have been implemented, providers are to continue to follow the current requirements for criminal history record checks.

For Applicants

- If a violation is cited for an applicant, agent, household member, existing employee or volunteer not having any part of the required background checks and a request has not been submitted, the applicant must provide the licensing inspector (LI) documentary proof that the request has been submitted, as soon as possible, but no later than 10 business days following notification; and
- The applicant must upon receipt of the background checks, send documentation to the LI of the date that the background checks were received.
- A license or certification cannot be issued if any required background check(s) have not been completed. A complete application includes documentary proof that the applicant, agent, or adult household member is in compliance with all applicable background check laws and regulations.
- If the applicant does not send documentation to the LI that the background check(s) have been requested within the 10 day timeframe, the department may consider further action to be taken, including a denial of the application.
- Before issuance of an initial license, all required background check results must be received and reviewed for any applicant (including corporate board officers), agent, or adult household member listed on the application.
- Before issuance of a renewal license, all required background check results must be received and reviewed for any *new* applicant (including corporate board officers), agent, or adult household member listed on the application.
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For Providers:

- If there is a violation where no background check request has been submitted or background checks have expired for a staff member, the provider must provide the LI with documentary proof that the request has been submitted, as soon as possible, but no later than 10 business days following notification; and
- The provider must upon receipt send documentation to the LI of the date that the background checks were received.
- Providers may scan/email, mail, or drop the information off at the LI's office. Fax should not be used due to confidentiality issues.

- Before submission to the LI, all documentation should have Personally Identifying Information (PII) such as social security numbers, personal addresses and birth dates redacted.
- If the provider has not sent documentation to the LI that the background check(s) have been requested within the 10 day timeframe, the department may consider further action to be taken including an enforcement action.
- If the facility/provider upon receipt of the background checks does not send documentation to the LI of the date that the background checks were received, the department may consider further action to be taken including an enforcement action.

Risk ratings:

- All background check violations for licensed and regulated programs will be assessed as a B-2 risk rating.
- At the discretion of the department, if risk scores are at a B-2 level or above, the inspector may conduct a follow up inspection to determine compliance.

Please contact your licensing inspector if you have any questions or need any additional information. Let's work together to reduce the number of background check violations!