

Child Care and Development Block Grant Act of 2014 Background Check Requirements



Comprehensive Background Checks Required:

- A search of the state criminal and sex offender registry in the state where the child care provider resides and each state where such person resided during the previous 5 years;
- A search of the state-based child abuse and neglect registry in the state where the child care provider resides and each state where such person resided during the previous 5 years;
- A search of the National Crime Information Center (NCIC) and FBI database;
- A search of the National Sex Offender Registry

Prohibitions:

An individual is prohibited from employment by a child care provider receiving a subsidy if such individual:

- Refuses to consent to a criminal background check (described above);
- Knowingly makes a materially false statement in connection with a background check;
- Is registered or required to register on a state sex offender registry or the National Sex Offender Registry;
- Has been convicted of any of the following felonies: murder, child abuse and neglect; a crime against children - including pornography, spousal abuse, rape or sexual assault, kidnapping, arson, physical assault or battery or a drug-related offense committed during the previous 5 years; or
- Has been convicted of a violent misdemeanor committed as an adult against a child, including: child abuse, child endangerment, sexual assault, or of a misdemeanor involving child pornography.

Centers are ineligible to receive a child care subsidy if they employ anyone with the above criminal past.

Effective Dates:

- **For current providers**, background checks need to be done prior to the last day of the second full fiscal year after enactment and not less often than once during each 5 year period. [*Assume: end of FY2017*]
- **Prospective staff**: Prospective staff on or after the date of enactment, prior to the date the individual becomes a staff member of the provider; and not less than once during each 5 year period. (subject to below note of interest – potentially applies only to states where a fingerprint check is currently required).

Interesting: A staff member shall not be required to submit a background check request if:

- The staff member received a background check within the last 5 years and while employed by or seeking employment by another child care provider within the state;
- The state provided to the first provider a qualifying background check result (consistent with this subchapter) for the staff member; and
- The staff member is employed by a child care provider within the state or has been separated from employment from a child care provider within the state for a period less than 180 days.

The state shall provide for an appeals process.

Fees: States cannot charge fees in excess of the cost of processing applications.

Penalty: State penalty of 5% on Child Care and Development Block Grant Funds for non-compliance.