

CRIMINAL BACKGROUND CHECKS INSTRUCTIONS

In order to protect our children's safety under the CCDBG Act of 2014, important provisions were implemented to strengthen criminal background check requirements for all child care providers and their staff.

What does a comprehensive background check include under the new law?

Under the new law, a comprehensive background check must be done through the following entities:

1. Federal Bureau of Investigation (FBI);
2. Nevada Criminal History Repository;
3. Child Abuse and Neglect System (CANS);
4. National Sex Offender Repository;
5. Other local/national law enforcement agencies; and
6. Child Protective Services agencies.

The original background check should take place in the jurisdiction where the staff member will be employed.

Who does the background check requirement apply to?

These provisions apply to all licensed, regulated or registered child care providers (including child care centers, family child care homes, all household members over the age of 18 and any adult non-household members who will have access to the child(ren)) and their staff receiving CCDBG funds.

How often must background checks be conducted?

A comprehensive background check must be conducted at least once every 5 years. Fingerprinting must be completed and submitted within 24 HOURS after date of hire, or date of FFN registration if you are a subsidy provider, and every 5 years thereafter.

What would make a child care provider and their staff member ineligible?

A child care provider or staff member may be suspended, terminated, or disqualified from employment, FFN participation, and/or licensure based on the background check findings and the following disqualifying crimes:

- Refuses a background check;
- Knowingly makes a materially false statement in connection with the background check;
- Is registered, or is required to be registered, on the State or national Sex Offender Registry;
- Has been convicted of a felony consisting of murder; child abuse or neglect; crime against children, including child pornography; spousal abuse; crime involving rape or sexual assault; kidnapping; arson; physical assault or battery; or drug-related offense committed during the preceding 5 years; or
- Has been convicted of a violent misdemeanor committed as an adult against a child, including the following crimes: child abuse, child endangerment, sexual assault, or of a misdemeanor involving child pornography.

How is the privacy of the results of the background checks protected?

The results of the background checks will be provided in a statement that indicates whether the staff member is eligible or ineligible, without revealing specific disqualifying information. The results of each individual background checks may not be publicly release.

What is the Appeals Process?

Child Care Providers and staff members (including prospective staff members) must be given the opportunity to:

- Appeal the results of their background check to challenge for accuracy and completeness,
- Receive instructions on how to completed the appeals process, and
- Ensure that the appeals process is completed in a timely manner.

What is the cost of the comprehensive background check and who will be responsible for paying the Nevada Department of Public Safety?

The fee of the background check for the provider or staff member is \$36.25 plus additional fingerprint rolling fee that the law enforcement agency charges. However, these background check fees will be reimbursed by the Child Care & Development Program (CCDP) once the background check is cleared.

The following instructions are from the Division of Public and Behavioral Health, Child Care Licensing Program who will be doing the background check investigations:

Steps to follow for licensing providers:

STEP 1: Applicant and Owner/Director must complete and sign the Consent and Release Form. Incomplete forms will not be accepted and will be returned.

STEP 2: Obtain the appropriate fingerprint referral from the employer where applicable.

STEP 3: Take the Consent and Release and Fingerprint card to the Local Law Enforcement agency.

STEP 4: Contact the Nevada Department of Public Safety at 775-684-6262 for payment and submission information. Mail the money order and the fingerprint card to:

**NEVADA DEPARTMENT OF PUBLIC SAFETY
CRIMINAL HISTORY REPOSITORY
333 West Nye Lane, Suite 100
Carson City, NV 89706**

STEP 5: Upon completion of fingerprinting, a copy of the Consent and Release form and applicable work card(s) must be sent to the Child Care Licensing for audit purposes.

**STATE OF NEVADA
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH
CHILD CARE LICENSING PROGRAM
ATTN: BACKGROUND INVESTIGATIONS
3811 W. Charleston Blvd., Suite 210
Las Vegas, NV 89102
FAX: 702-486-6660**

STEP 6: Once appropriate card(s) and/or reports are received, Child Care Licensing will notify the facility of the applicant's background clearance status.

Steps to follow for Family, Friends, and Neighbors (FFN) Providers:

STEP 1: Subsidy Program provides the Consent and Release Form that must be completed and signed by the FFN Provider.

STEP 2: Subsidy Program provides instructions to direct the FFN Provider to the appropriate jurisdiction for fingerprinting.

STEP 3: FFN Provider mails the Money Order and the Fingerprint Card to the Nevada Department of Public Safety for processing.

STEP 4: FFN Provider sends the Consent and Release Form and directs all questions to:

Joshua Lancaster
Child Care Licensing
3811 W. Charleston Blvd., Suite 210
Las Vegas, NV 89102
702-486-7918
jlancaster@health.nv.gov

STEP 5: A Clearance of Denial Memo will be issued to the Subsidy Program based upon the background screening results for the FFN Provider. The Subsidy Program will then contact the FFN Provider regarding the results and advise them if they can continue being a part of the FFN Provider Program.

BACKGROUND CHECK INSTRUCTIONS FOR ALL EXISTING FFN PROVIDERS

The Children's Cabinet: on April 15, 2017 an RFI will be sent out to all FFN providers and the staff members in the north with instructions on how to get their fingerprints rolling and submitted for the background check. This process should be completed in 90 days.

Las Vegas Urban League: a 100 RFI's per month will be sent out to all FFN providers and the staff members in the south with instructions on how to get their fingerprints rolling and submitted for the background check. This process should be completed until all existing FFN providers had been addressed with the background checks.

For provider auditing purposes all child care subsidy providers and the staff members must submit a copy of the Consent Release Form or a copy of the Temporary Card stamped by the issuance office as verification that they are complying with the background check requirements.