

## Frequently Asked Questions

Background Check Requirements for Child Care Providers

August 30, 2019

### 1. *What's new in the criminal background check law?*

The federal and state law changes encompass the following five areas:

A. *Expands scope of criminal background checks.*

All background checks for child care workers must include the following:

- National FBI criminal history check (using fingerprints).
- National Crime Information Center (NCIC) National Sex Offender Registry.
- South Carolina in-state criminal history check (using fingerprints); in-state central registry for abuse and neglect; and in-state sex offender registry.
- Out-of-state checks (using the same checks listed above) for any state the child care worker has resided in within the last five years.

B. *Increases frequency of checks.*

All child care providers must have a background check every five years. In addition, any child care worker who does not care for children for six months or more is required to have a background check before resuming employment.

C. *Expands who is required to have a background check.*

The law now requires background checks for all child care providers, including those who are exempt from licensing under state law but receive federal funding assistance (e.g., SC Vouchers).

In addition, group child care homes must now have full background checks completed on all household members age 15 and older.

D. *Adds exclusionary crimes.*

The federal law identifies specific crimes as exclusionary, meaning someone who has been convicted of that offense is not permitted to be hired in any child care facility that is licensed or registered by the state, or receives federal funding (including vouchers).

South Carolina state law has been updated to add the following crimes to the list of offenses that exclude an individual from working in a child care facility:

- Cruelty to children;
- Unlawful conduct toward a child;
- Child endangerment; and
- A violent crime where the crime is a felony or where the victim was a minor.

E. *Changes provisional employment requirements.*

A person may only be provisionally employed after the favorable completion of either the in-state or national fingerprint-based background check, until such time as the remaining criminal history and registry checks are completed. Provisional employment must be approved by DSS.

An individual who is provisionally employed must be directly supervised by, and in the presence of, a non-provisionally employed person at all times when providing direct care to children.

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### **2. When do I have to get a new background check? Will I be cited for not having all of my staff cleared by the deadline?**

DSS began requiring background checks for all new applicants effective August 5, 2019.

For existing child care providers, we are rolling the new process out by DSS Region. Providers are being asked to have all fingerprints completed and DSS Form 1706 Questionnaires submitted within 45 days following the roll-out date for their region. The roll-out dates are as follows:

<b>DSS Region</b>	<b>Roll-Out Date</b>	<b>45-Day Submission Deadline</b>
<b>Upstate Region</b> Abbeville, Anderson, Cherokee, Greenville, Greenwood, Laurens, Newberry, Oconee, Pickens, and Spartanburg Counties.	<b>August 12, 2019</b>	<b>September 27, 2019</b>
<b>Midlands Region</b> Aiken, Bamberg, Barnwell, Chester, Edgefield, Fairfield, Kershaw, Lancaster, Lexington, McCormick, Richland, Saluda, Union, and York Counties.	<b>November 15, 2019</b>	<b>January 1, 2020</b>
<b>Lowcountry Region</b> Allendale, Beaufort, Berkeley, Calhoun, Charleston, Colleton, Dorchester, Hampton, Jasper, and Orangeburg Counties.	<b>March 1, 2020</b>	<b>April 15, 2020</b>
<b>Pee Dee Region</b> Chesterfield, Clarendon, Darlington, Dillon, Florence, Georgetown, Horry, Lee, Marion, Marlboro, Sumter, and Williamsburg Counties.	<b>May 1, 2020</b>	<b>June 15, 2020</b>

Current child care providers in the Upstate Region were sent packets on August 12, 2019, with the necessary forms and information needed to begin the new background check process.

We recognize that child care facilities in the Upstate Region were not provided as much upfront notice of these new requirements. If a child care facility is making a good faith effort to meet the deadline outlined above, they will not be cited for not having background checks completed on all existing child care workers.

Facility operators may choose to have background checks completed for existing staff before the roll-out dates noted above. Please make sure the DSS Form 1706 (*Child Care and Development Block Grant Act Criminal Background Check Questionnaire*) is completed and submitted to DSS on or before the date the fingerprint scans are completed.

#### Renewals

DSS will work with child care providers whose license or registration is up for renewal to ensure their renewal is not inadvertently held up by the new background check process. Not having new background checks completed on all existing staff will not prevent an operator's ability to have their license or registration renewed timely.

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### **3. What do I need to have to get my fingerprints checked?**

All current child care providers have a SAFE Form with their “CC” number on it, which is needed to access appointments with IdentoGo (Live Scan) to do the digital fingerprint scans. The SAFE form is provided at every license/registration renewal. A DSS Form 1706 (*Child Care and Development Block Grant Act Criminal Background Check Questionnaire*) is being provided to all current child care workers.

For new child care facilities applying for licensure or registration, the SAFE Form and DSS Form 1706 Questionnaire is emailed or mailed to the new applicant after DSS receives their application and zoning approval letter.

### **4. What if I was recently fingerprinted? Do I have to have them done again?**

Any child care worker who obtained a fingerprint scan on or after January 1, 2019, does not have to be fingerprinted again. However, a DSS Form 1706 (*Child Care and Development Block Grant Act Criminal Background Check Questionnaire*) must be completed and sent to DSS so that a background check can be run under the new requirements.

### **5. Where do I go to have a fingerprint scan done?**

The following cities have full service IdentoGo sites operating Monday-Friday and every other Saturday from 8:30 am to 5:00 pm:

- Myrtle Beach
- Greenville
- Columbia
- Charleston
- Florence
- North Augusta
- Rock Hill

There are other sites available on a part time basis. IdentoGo also operates several mobile sites across the state. Any child care provider who has 20 or more employees who need a fingerprint scan can make an appointment to have IdentoGo come to your facility and fingerprint the staff all at once. Child care providers may also coordinate with other facilities nearby to meet the 20-person minimum (for example, a child care center who employs 10 people may make an appointment together with another facility nearby that has 10 or more employees).

Please go to the website at <https://sc.ibtfingerprint.com/> or call (866) 254-2366 for additional information and to make an appointment.

### **6. How much will it cost for the new background checks?**

The background check fee is \$40 for child care providers and \$36 for volunteers. Child care operations that are considered “charitable organizations” are charged a slightly lower fee (\$34.75 for employees and \$32.75 for volunteers).

In order to help child care facility operators with the financial burden of obtaining fingerprint scans for all of their employees within a relatively short period of time, DSS will use federal funds to offset the costs to providers during this initial roll-out year.

Child care facilities may be reimbursed for 50% of the background check fees paid on behalf of their employees and volunteers.

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Family child care home and group child care home operators may be reimbursed for 50% of the background check fees paid on behalf of their household members.

This reimbursement only applies to current child care workers. Central Registry fees are not eligible for reimbursement.

DSS will issue further instructions for providers on how to obtain a reimbursement for background check fees.

### **7. How long does it take to get the results of the background check?**

DSS is currently averaging a 3-5 day turnaround time once the department receives the fingerprint scan and the completed DSS Form 1706 Questionnaire. If a child care worker/applicant has lived in multiple states besides South Carolina within the last five years, it may take longer to get the necessary information back from the other states.

As the roll-out progresses, DSS is taking steps to ensure background checks for new hires are prioritized. If the background check is for a new hire, clearly indicate this on the DSS Form 1706 Questionnaire. DSS has revised the 1706 form to include a check box for new hires. If the form you are submitting does not have this check box, simply write "New Hire" on the front of the form or in the email subject line when the form is submitted to DSS.

Other tips to help shorten the turnaround times for background checks:

- When you call IdentoGo or go online to make an appointment for fingerprinting, make sure you clearly identify the reason you are being fingerprinted is for "DSS Child Care", either on the online portal or when you speak with an IdentoGo representative.
- Submit all necessary forms, including the DSS Form 1706 (*Child Care and Development Block Grant Act Criminal Background Check Questionnaire*) on or before the date you are scheduled to have your fingerprint scanned. All background check-related forms (including the questionnaire, privacy statements, and central registry documents) will be made available online at [scchildcare.org](http://scchildcare.org).

### **8. Do I need to have a background check done before transferring to another child care facility?**

The deadline for "transfers" will be assigned according to the DSS Region a provider is going to work in, meaning a child care worker who has been caring for children within the last six months may start work at a new location without completing a background check as long as DSS has been notified of the pending transfer.

For example, if you are currently working in a child care facility in Spartanburg and have accepted a position in Florence, you must notify DSS of your new employment location before transferring, and have a background check completed on or before June 15, 2020 (the 45-day submission deadline for the Pee Dee Region).