



Policies and Procedures for Conducting Criminal Background Checks

Authority

Utah Statute provides Child Care Licensing (CCL) the authority to perform background screenings under *Title 26, Chapter 39, Section 404*. Statute also gives authority to the Department of Work Force Services (DWS) to perform background screenings under Title 35A, Chapter 3, Section 310.5. The Office of Child Care (OCC) at DWS contracts with CCL to perform background screenings. Administrative rules governing these background checks are found in *R430-6, and R986-700-751 through 756*.

CCL conducts background screenings on all covered individuals in licensed and legally exempt child care facilities. Covered individuals include all owners, directors, members of the governing body, employees, providers of care, volunteers (excluding parents of children enrolled in the program who are not left unsupervised), all individuals 12 and older residing in the facility where child care is provided, and anyone who has unsupervised access to children in care.

Child care providers have 10 working days to submit to CCL a completed and authorized background screening form, fingerprints, and all applicable fees for all Covered Individuals. Background screening forms are to be submitted online. The steps for submitting a background screening are listed at the end of this document.

A CCL background check includes:

- FBI national fingerprint database, Next Generation. This is done for individuals 18 years and older, and for 16 and 17 year old assistant caregivers
- UCJIS (Utah Criminal Justice Information System)
- Utah Juvenile Criminal History
- Utah Court Exchange
- LIS (Licensing Information System) in Human Services. LIS lists individuals with substantiated cases of child abuse and neglect
- Utah and National Sex Offender Registry names of individuals and facility address

Time Frames for CCL to Conduct Background Screenings

Normally, CCL will conduct a background screening and communicate the results to the provider within 10 working days from receiving a complete and authorized background screening form, fingerprints, and all required fees.

Some delays may occur when additional information is required, when fingerprints are rejected, or when fingerprint results have not been received. Additional delays may occur depending on workload issues such as the additional number of individuals needing to have background screenings done, or during the transition process for the implementation of new requirements.

Reasons for a Denial

Approval will be denied for any Covered Individual with a felony or misdemeanor A conviction, plea in abeyance, conversion, no contest, or diversion. Approval may also be denied for specific misdemeanor B or C convictions, such as offenses against a person, pornography, prostitution or any type of sexual offense, simple assault, lewdness, child abuse, contributing to the delinquency of a minor, selling or supplying alcohol to a minor, and animal cruelty. Individuals listed on the Utah or National Sex Offender Registry will also be denied.

If there is an error on a record or if the record can be expunged, it is the Covered Individual's responsibility to resolve the matter by contacting the Utah Department of Public Safety, Bureau of Criminal Identification. As soon as the matter is resolved, the Covered Individual must submit a new Background Screening form and legal documentation of the expungement, dismissal, etc. to CCL.

Confidentiality

All information regarding the Covered Individual's background screening will be kept confidential and no details regarding the screening can be released or disclosed over the phone. The provider will be notified if the Covered Individual is denied.

When contacted by other States' child care licensing agencies, CCL will only disclose that an individual cleared or did not clear a CCL background screening.

Background Screening Card

If the background screening is approved, a Background Screening Card will be issued for the approved Covered Individual and sent to the facility if not previously issued. The provider must make a copy of that card and keep it in the Covered Individual's file for review by CCL. The original Background Screening Card must be given back to the Covered Individual. An annual background screening must be done every year before the end of the month on the card by submitting a new online Background Screening Form and all required fees. A new Background Screening Card will not be issued every year.

A Covered Individual can use their current Background Screening Card to work or volunteer at any child care facility in Utah. **However, within ten working days from becoming involved with child care at a new facility, the covered individual must submit a background screening form and be authorized by the new facility through the child care licensing provider portal for verification and CCL approval.** No fees are required if the last background screening was done within the last 10 months. Fingerprints may be required if the new facility was initially regulated after June 30, 2013, or if the facility receives or plans to receive CCDF funds and fingerprints were not previously done using the FBI Next Generation fingerprint process.

Replacement cards can be requested for a \$5.00 fee.

If a Covered Individual has moved out of the state, a new background screening form, fingerprints, and fees must be submitted within ten working days of becoming involved with child care or moving into a facility where child care is provided.

Fingerprints

Fingerprints and all required fees must be submitted if, at the time of submission:

- The Covered Individual is 18 years old or older and has not lived in Utah continuously for the past five years.
- The Covered Individual is 18 years old or older and has an out-of-state driver's license.
- The Covered Individual is 18 years old or older and is involved with a new facility.

Fingerprints processed by someone different than CCL can be accepted if prior to submitting to the FBI, the person submitting the fingerprints contacts CCL to make the required payments and to get the codes needed so the FBI sends the results to CCL.

Next Generation FBI Fingerprints

The Next Generation FBI fingerprint or rap-back is a system through which the FBI will retain the covered individual's fingerprints and provide CCL with daily federal and state reports that match these fingerprints against any new charges, arrests, warrants or convictions. This Next Generation process allows CCL the ability to only require a covered individual to be fingerprinted once because of the continuous monitoring of the system.

A Next Generation FBI fingerprint check is required on all covered individuals associated with facilities that receive any monies from OCC. A Next Generation FBI fingerprint check is only required once, for as long as the individual is associated with any child care provider in Utah. All other background checks and fees are required every year.

ONLINE SUBMISSION OF BACKGROUND SCREENING FORMS

All Background Screening forms must be submitted online annually for each Covered Individual.

Step 1: The Covered Individual 18 years old and older or the parent/guardian of a Covered Individual younger than 18 years old completes and submits the Background Screening Form by:

- A. Going to the CCL website at childcarelicensing.utah.gov. (Log out of the Child Care Licensing Portal, if logged in.),
- B. Completing and submitting the background screening form found on the left-hand side of the page under the "Submit a Background Screening Form" tab, and
- C. Obtaining and submitting fingerprints, if required. (See requirements listed on the Background Screening form and above.).

Step 2: The Licensee/Certificate Holder/Exempt Provider authorizes each Covered Individual's completed Background Screening Form through the Care About Child Care (CAC) Child Care Licensing Portal by:

- A. Going to the Care About Childcare (CAC) website at careaboutchildcare.utah.gov.
- B. Clicking "Providers" (bottom center of the CAC home page).
- C. Clicking "Log In."
- D. Logging in using your CAC username and password. If you do not have a login, please contact your local CAC agency at careaboutchildcare.utah.gov or call toll-free at 1-855-531-2468.
- E. Clicking the "Child Care Licensing Portal" link (bottom center of the CAC home page).
- F. Clicking on "Background Screenings" in the menu on the left side of the page.
- G. In the "Pending Screenings for Covered Individuals" section, reviewing the names of each Covered Individual who submitted a background screening form.
- H. Clicking "Authorize" when you know the individual and want the background screening submitted.
- I. Clicking "Cancel" when you know the individual and don't want the background screening submitted, or when there is a duplicate.
- J. Clicking "Unknown to the Facility" when you don't know the individual.

Step 3: Pay the background screening fee for each Covered Individual and the fingerprint fee for each Covered Individual's fingerprints (if fingerprints are required).

Note: Family, Friend & Neighbor providers are not required to pay the background screening fee.

- A credit card payment may be made by calling 801-374-7688, 801-273-6617, or 801-273-2904. Please leave a message if no one answers.
- A check or money order made payable to the "Utah Department of Health" may be mailed or hand delivered to a CCL office.
- A cash payment in the exact amount may be hand delivered to a CCL.

If you have questions or concerns regarding these policies, the Background Screening Form, or the criminal background screening procedure, call the Background Clearance Unit at 866-320-0513.