

DATE: September 28, 2017

TO: Children's Residential Facilities
Child-Caring Institutions

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 requirements 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. Completing background checks is a Code requirement and not just a paperwork process.

Background checks include:

- sworn statement or affirmation
- national criminal background investigation (fingerprint check)
- Search of the Child Protective Services (CPS) central registry.

For Applicants

- If a violation is cited due to an applicant, agent, 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 Specialist (LS) 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 LS of the date that the background checks were received.
- A license cannot be issued if any required background check(s) have not been completed. A complete application includes documentary proof that the applicant, agent are in compliance with all applicable background check laws and regulations.
- If the applicant does not send documentation to the LS that the background check(s) have been requested within the 10 day timeframe, the department may consider further action to be taken, including denial of the application.

- Before issuance of an initial license, all required background check results must be received and reviewed for any applicant or agent, listed on the application.
- Before issuance of a renewal license, all required background check results must be received and reviewed for any *new* applicant or agent listed on the application.

For Providers:

- If there is a background check violation the facility must:
 - Not allow the employee to work with children;
 - Provide the LS with documentary proof that the request has been submitted, as soon as possible, but no later than 10 business days from following notification; and
 - Upon receipt, send documentation to the LS of the date that the background checks were received.
- Documentation of background checks may be sent to the LS by email (scan and send), U.S. mail, or provided in-person at the Central Regional Office. If documentation is brought to the office, please drop it off with a member of the Child Welfare Unit (Lafond Massie, Robin Ely, or LS). **Due to confidentiality concerns, we ask that fax not be used to send background check documentation.**
- Before submission to the LS, all documentation should have Personally Identifying Information (PII) including social security numbers, personal addresses, and birth dates redacted.
- If the facility has not sent documentation to the LS 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, upon receipt of the background checks, does not send documentation to the LS of the date that the background checks were received, the department may consider further action to be taken including enforcement action.

Risk ratings:

- All background check violations 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 LS if you have questions or need additional information. Let's work together to reduce the number of background check violations!