

Facilities considering placing applicants with findings reported by the Family Care Safety Registry (FCSR) will be notified whether a review of those offenses and/or incidents requires more information. Specific information requested by the licensed provider from FCSR on potential applicants will initiate the Background Screening Review process. FCSR will notify the licensed provider if a review of those offenses and/or incidents require more information. If needed, these application forms will be supplied to the provider after the background screening and are not available online.

For individuals who are designated to supply more information, the following is required:

- Completed Request for Review of Background Findings form. - completed by the applicant
- Explanation of Background Screening Findings form for each finding reported by the FCSR. This statement should include what happened, how it happened, why it happened, when and where it happened, persons present at the time and the circumstances from the applicant's point of view. Include why the applicant feels they do not pose a threat or risk to the health, safety or welfare of children. – completed by the applicant
- Applicant Sponsorship form. – completed by the employer

Include (if applicable):

- If there is a criminal offense finding, attach the police report(s) written by the officer from the arresting agency for each offense on the record. Contact the arresting agency in order to obtain this report. If no report is available, provide a signed statement, on the police department's official letterhead, that explains why the record is not available.
- If there is a child abuse/neglect finding, attach the investigation report from the Department of Social Services (DSS). This report is approximately 10 pages long and is available from the Department of Social Services, Children's Division Office, in the county where the incident occurred.

INCOMPLETE APPLICATIONS WILL BE RETURNED

Completed applications will be forwarded for review by a panel of professionals appointed by the Section for Child Care Regulation Administrator.

The following information will be taken into consideration during the review and determination:

- The applicant's age at the time the incident occurred.
- The circumstances surrounding the incident.
- The length of time since the incident occurred.
- The length of time since the applicant completed his/her sentence for the offense, whether the applicant was confined, conditionally released, on parole or probation.
- Whether the applicant demonstrates a repetitive pattern of offenses or incidents.
- Whether the applicant has falsified or misrepresented information submitted to the Department.
- The duties the applicant will perform at the facility.
- Whether the employer demonstrates knowledge of the applicant's offense/incident.
- Whether children were present and/or put at risk during the offense/incident.
- Any other relevant information.

Facilities will be notified by mail when a decision has been made by the review panel. Decisions are specific to the facility sponsor and the duties noted within the application.

If, at the time of an application, or during the determination process, the applicant has been accused of offenses, the division may suspend its decision about the applicant until the matter is resolved. It will be at the Section's discretion whether this individual can be permitted to work during the pendency of any proceedings related to the offense.

Any determination granted to an applicant applies only to the information on file at the Department at the time of the review and shall not apply to any other hiring restriction or exclusion imposed by any other federal or state laws or regulations.

Nothing in this procedure shall be construed to mean that the Department encourages the hiring of a particular applicant whose application for background screening review has been approved.

The Department Director, or the director's designee, may withdraw a decision if he/she receives information or finds that there has been a material change in the circumstances upon which the determination was granted.

At the discretion of the licensee, an applicant may be employed following submission of a completed application on a conditional basis during the application review period.

Applicants who have had his/her application denied after completing the review process may reapply one (1) time every twelve (12) months. Applicants received prior to the twelve (12) month time frame will not be reviewed.

All applications for background screening determinations and related documents shall become records maintained by the department.

The Department's Office of General Counsel will provide consultation with the Section as needed. All decisions rendered by the Section are final. Department level appeals are not available. Appeals are available under Chapter 536.

AUTHORITY:

19 CSR 30-62.102(1)(A) states:

“Day care personnel shall be of good character and intent and shall be qualified to provide care conducive to the welfare of children.”

Similar rules for family homes exist – 19 CSR 30-61.105(1)(D)

19 CSR 30-62.102(1) (K) states:

“Volunteers counted in staff/child ratios, caregivers and other personnel shall be screened for child abuse/neglect. The screening shall be requested by the provider within ten (10) days of any individual beginning employment or volunteering in the facility. Any investigated allegation of child abuse or neglect in which the investigator finds reasonable cause to believe that the individual is the alleged perpetrator of child abuse or neglect, shall be evaluated by the department. After review, the department may prohibit the person from being present in the facility during child care hours.

Similar rules for family homes exist – 19 CSR 30-61.105(1)(K)

19 CSR 30-62.102(1)(L) states in part:

“The child care provider shall request and have on file the results of a criminal record review from the Missouri State Highway Patrol as defined by 19 CSR 30-62.042 Initial Licensing Information and 19 CSR 30-62.052 License Renewal. The child care provider shall request a criminal record review within ten (10) days following a change of the facility owner(s), board president or chairperson, the center director or group day care home provider, employees of the provider, or volunteers counted in the staff/child ratios. The department may request a criminal record review from the Missouri State Highway Patrol for any adult present in the facility when child care children are present. The criminal record reviews shall include records of criminal convictions, pending criminal charges, and suspended imposition of sentence during the term of probation. . .

2. Any information received by the department that indicates that the subject of the criminal record review poses a threat to the safety or welfare of children shall be evaluated by the department. After review, the

department may prohibit such person from being present on the premises of the facility during child care hours.”

Similar rules for family homes exist – 19 CSR 30-61.105(1)(L)

19 CSR 30-62.102(1)(M) states:

“Any person present at the facility during the hours in which child care is provided shall not present a threat to the health, safety or welfare of the children”

Similar rules for family homes exist – 19 CSR 30-61.115(5)

Section 210.221, RSMo sets for the powers and duties of the Department concerning child care licensing.

Section 210.906, RSMo, requires every child care worker hired on or after January 1, 2001 to complete registration with the Family Care Safety Registry.

Section 210.922, RSMo, allows the Department to use information contained in the Family Care Safety Registry to carry out its statutory duties.