

Background Screening

- 1) **Who is required to complete a comprehensive background screening?** The statute requires anyone who meets the definition of a “Child Care Staff Member” to complete a comprehensive background screening. This includes the child care provider; persons employed by the child care provider for compensation, including contract employees or self-employed individuals; individuals or volunteers whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider; individuals residing in a family child care home who are seventeen years of age or older before 1/1/2021, or eighteen years of age or older on or after 1/1/2021; or individuals residing in a family child care home who are underage and have been certified as an adult for the commission of an offense;
- 2) **Do all Board members of a 501c3 non-profit center, board members of a corporation or a member of any other legal entity need to be fingerprinted?** Yes they do need to complete a comprehensive background screening because they meet the definition of a child care provider; however if the individual is not responsible for the oversight or direction of the child care facility and does not have independent access to the child care facility, they will not be required to request the results of a criminal background check under this section. In such a case the program will need to submit a written statement to SCCR stating that the individual is not responsible for the oversight or direction of the child care facility and does not have independent access to the child care facility. If the individual is in the child care facility during child care hours they would need to be accompanied by an individual with a qualifying criminal background check.
- 3) **How long does the comprehensive background screening take?** Although the statute requires that we process results in 45 days it is our goal to process them as quickly as possible. If everything is completed, the Background Screening Unit’s goal is to process the screening within one to three business days.
- 4) **Do candidates for employment need to be determined eligible before we can allow them into the building for an interview?** No, the individual does not meet the definition of a child care staff member.
- 5) **What background screening paperwork will a new employee need in order to start working?** They will need:
 - An eligible letter within the last 5 years; or
 - A temporary eligible letter; and
 - A Family Care Safety Registry screening.
- 6) **For the annual Family Care Safety Registry requirement, if you need the results within 30 days prior to the anniversary date, when should the request be conducted?** The date on the FCSR screening needs to be within 30 days prior to the anniversary date so you can make the request at any point during that time period.
- 7) **Can new staff who are waiting for comprehensive background screening results work as long as they are supervised by another staff member who has been determined eligible? I thought they could as long as they had an approved Family Care Safety Registry and a fingerprint receipt.** That was formerly the process; however, the newly updated statute now states that a prospective child

care staff member may begin work for a child care provider after the qualifying result has been received from the department.

- 8) **Can new staff who are waiting for comprehensive background screening results come in for supervised training since they are not counted in ratio?** Prospective child care staff members should not be employed (or present as a volunteer) until an eligible letter or temporary eligible letter has been received from the department, meaning that no training or orientation should be done until the eligibility letter is received.
- 9) **Do volunteers (example college students) who are not counted in ratios need to complete a comprehensive background screening with fingerprints?** You will need to reference the definition of a "Child Care Staff member" for this. The definition states that "...individuals or volunteers whose activities involve the care or supervision of the children for a child care provider..." So, for example, for individuals who will be doing hands on activities within the program, they would need to have a comprehensive background screening with fingerprints.
- 10) **Can a program apply for a variance for background checks?** No, this requirement is in the statute and SCCR cannot grant a variance to a statute.
- 11) **Does an individual need a new comprehensive background screening for each facility they work in if they begin working at a new facility?** No, they would not. The eligibility is for the individual and it is good for 5 years so the prospective employee will simply need to provide a copy of their current eligible letter. Prior to beginning their new employment, the new employer would need to conduct a Family Care Safety Registry and receive the results.
- 12) **Can you please send the code for fingerprinting?**
 - For licensed providers the code is on the Applicant Fingerprint Services form found under the Background Check Process tab on the SCCR website.
<https://health.mo.gov/safety/childcare/background-check-process.php>
 - For license-exempt providers that accept state subsidy the information can be found on the DSS website. <https://dss.mo.gov/cd/child-care/child-care-providers/background-screening.htm>
- 13) **Do I need to run the FCSR screening first or should the prospective staff member be fingerprinted first?** The Family Care Safety Registry needs to be conducted close to the date the individual is fingerprinted. If they are conducted within two weeks it does not matter which is done first.
- 14) **If a licensed provider also accepts state subsidy, will we need to conduct both the SCCR background screening process and the DSS background screening process?** No, you will not. If your program is licensed then you will follow what is on the SCCR site and if it is a license-exempt facility that accepts subsidy then you will follow what is on the DSS site. Please see the links on question 12 above.
- 15) **What is the fastest way to submit an Employer Criminal Background Check Notification form?** The fastest way to submit this notification form is to email it to scrcbs@health.mo.gov or to fax it. Both are located at the top of the form.
- 16) **How often do comprehensive background checks with fingerprinting need to be conducted?** This will need to be conducted every 5 years.

- 17) **Is there any grandfathering for staff who were determined eligible under the previous statute who will not be eligible with the add offenses in the current statute?** No there was no provision for grandfathering allowed in the statute.
- 18) **If someone goes to college in another state but that is not their legal residence, do they need to complete a background screening from that state?** The statute does not reference legal residence, rather the statute states background screenings must be conducted in each state where the individual has resided during the preceding five year. If they lived in another state, whether they changed their address or not, they will need to report that state on the notification form.
- 19) **If someone failed to file an appeal within 10 days of the date on the letter, would they need to be re-fingerprinted to have the opportunity to appeal the decision?** If the individual does not appeal the determination within 10 days, the decision stands. If new fingerprints are conducted and the individual is again determined ineligible, they will be given the opportunity to appeal the decision within 10 days of date on the letter.

Employees who live or have lived out of state

- 1) **How long does it take to get the temporary eligible letter for a staff member who lives out of state or lived out of state in the past 5 years?** After the Background Screening Unit (BSU) receives the fingerprint results and the Family Care Safety Registry screening the BSU will review the results. Although the statute requires that we process results in 45 days it is our goal to issue the letter in 1-3 days.
- 2) **What do we do while an individual waits for results from another state since some states can take a long time?** Upon receipt of the Temporary Eligible letter, the employee may begin working pending the out of state results; however, the individual must be supervised at all times by someone who has been determined eligible to work in child care until the final eligibility determination is received.

Annual Process

- 1) **With the new annual process, will that change the number of inspections we will have each year?** The new process will not change the number of inspections you will receive each year. Providers will continue to be inspected at least twice a year.
- 2) **How will I know when our anniversary date is?** The anniversary date is based on the current expiration of your two year license or on the initial date of your license if you have not been licensed for two years. When your non-expiring license is issued, you will see the anniversary date on the top right hand corner of the license. You will receive notification from the local district office when your anniversary date is approaching; this notification will provide instruction and a reminder of forms to be submitted. As always, for any questions about your program you can reach out to your Child Care Facility Specialist.
- 3) **When are annual inspections conducted?** The annual compliance monitoring inspection will be conducted during the month of your anniversary date. For example, if your anniversary date is February 1, the annual compliance monitoring inspection will be conducted in the month of February.

- 4) **Would we need to have the owner(s), board chair, board members, members of a legal entity, etc. listed on the Listing of Child Care Staff Member(s)/Household Member(s)?** Yes, anyone who meets the definition of a child care staff member should be listed.
- 5) **If our program already conducts Family Care Safety Registry screenings at the beginning of the academic year, do we need to conduct them again 30 days prior to the anniversary date of our license?** You are required to run the Family Care Safety Registry screenings within 30 days prior to the anniversary date as printed on your license. You may also conduct them at other times during the year to meet your program's internal needs.
- 6) **Since the staffing needs change throughout the year to accommodate program needs, how do we complete the Listing of Child Care Staff Member(s)/Household Member(s)?** Fill out the form for the time of the annual compliance monitoring inspection. For directors/providers enter the hours worked during a typical week. If you have staff members who remain on staff but work in the summer only to accommodate increased enrollment, they should be included as they are still staff members.
- 7) **Can a provider request to change their anniversary date?** No, the anniversary date is selected based on the initial licensing date/renewal date as applicable and can only be changed if it would fall during a time when the program is not typically in operation.
- 8) **Where can I find all of the new forms that will be associated with the new annual process?** All of the forms can be found under the Forms tab on the SCCR website.
<https://health.mo.gov/safety/childcare/forms.php>
- 9) **How will a Group Child Care Home or Child Care center show compliance with local building and zoning codes? Will I receive a violation if I am unable to provide this?** Your documentation will look different based on your local building and zoning requirements. Some areas of the state have no local requirements so the documentation will be a written statement from the local municipality noting such. Some municipalities issue business licenses and/or certificates of occupancy which will show your compliance with local building and zoning codes. If you are unsure, please contact your Child Care Facility Specialist for questions about your program. As with all rules, if you are unable to provide the required documentation, a rule violation will be cited. The rule violation will be corrected when you provide the documentation to SCCR.
- 10) **How do we save information on the Equipment List or Listing of Child Care Staff Member(s)/Household Member(s)?** Before typing on the form, you will need to download a copy to your computer. You can edit the downloaded copy as needed over time. If you type on the form while it is open on the web browser, you will not be able to save the information to edit later.
- 11) **The Listing of Child Care Staff Member(s)/Household Member(s) does not have enough spaces to fit our staff, what should we do?** Just as you did with the previous staff sheet, you can use as many sheets as needed to list all of your child care staff members and/or household members.
- 12) **Will the Listing of Child Care Staff Member(s)/Household Member(s) be updated to add the additional requirements such as initial orientation training, background screening information, etc.?** No, this form has been simplified to only include the most basic information. During the

inspection process, your Child Care Facility Specialist will look for all information required by the rules so there is no need to burden you with entering the dates on this form.

- 13) **My assistant only works in emergency situations, do I still list him on the Listing of Child Care Staff Members/Household Members form?** Yes.

Other

- 1) **Were any rules changed regarding Nathan's Law?** Yes, the reference to related children in care was removed from the rules. Additionally, it was added that school age children living in the home are not counted in the capacity.