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# Child Care Services Division

## South Dakota Department of Social Services

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**Topical Webinar**  
**Background Checks**  
**April 2017**

# Child Care and Development Block Grant Reauthorization

The Child Care and Development Block Grant Act was signed into law on November 19, 2014. The major provisions of this law are listed below:

1. Protect the health and safety of children in child care;
2. Help parents make informed child care choices and access information to support child development;
3. Provide equal access to stable, high quality child care for low-income children; and
4. Enhance the quality of child care and the early childhood workforce changes for states in the months ahead.



## Webinar Series

This webinar is the fourth in a series covering various topics related to the new Federal Law and corresponding administrative rules.

Today we will be covering changes for child care providers related to the background check requirements.

This information is similar to the letter you received in April outlining the requirements and deadlines.



# Background Check Requirements

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The new Federal law requires that by September 30, 2017, all licensed center staff meet the requirements of the background checks.

This means:

1. All current licensed center staff will have a background check that is not older than 5 years.
2. The background check includes all required checks.

The background check requests were requested to be submitted by May 1, 2017 so CCS can complete them by the deadline.

# Background Check Requirements

A Background Check Includes:

- A Federal Bureau of Investigation (FBI) fingerprint check;
- A Division of Criminal Investigation (DCI) fingerprint check;
- A Central Registry of Child Abuse and Neglect screening;
- A Sex Offender Registry (SOR) Check; and
- A National Crime Information Center Sex Offender Registry (NCIC SOR) check.

The law also requires out-of-state checks on employees who have lived in a different state within the past 5 years. Those will begin in July or August. Those checks include from each of those states a:

- Central Registry Screening;
- State Criminal Check; and
- Sex Offender Registry Check.

# Background Check Requirements

- Background checks are required of all staff. A *staff* is defined as a person who is in a caregiving role, or who has unsupervised access at any time to children in care.
- Background checks are required once every five years.

# Crimes That Prohibit Employment

The following convictions would prohibit an individual from working in a licensed center:

- a crime that would indicate harmful behavior towards children;
- a crime of violence as defined by SDCL [22-1-2](#) or a similar statute from another state;
- A sex crime pursuant to SDCL chapters [22-22](#) or 22-24A or SDCL 22-22A-3 or similar statutes from another state;
- Felony spousal abuse or physical assault or battery;
- Within the preceding five years, a conviction for any other felony
- Conviction of child abuse pursuant to chapter 26-10;
- An individual whose name appears on the sex offender registry;
- An individual whose name appears on the central registry for child abuse and neglect;
- Knowingly making false statements in connection with this background check;
- Being registered, or required to be registered, on a Sex Offender Registry; or
- Refusing to consent to the criminal background check.



# What Does This Mean for Licensed Centers?

## 1. For Current Staff:

- **Employed under 5 years, submit the following by May 1:**
  - ✓ FBI fingerprint card
  - ✓ Declaration Form
- **Employed over 5 years submit the following by May 1 and again once every 5 years:**
  - ✓ FBI fingerprint card
  - ✓ DCI fingerprint card
  - ✓ Permission to Screen for Child Abuse and Neglect
  - ✓ Declaration form

## 2. For New Staff:

- **Submit the following now and again once every 5 years:**
  - ✓ FBI fingerprint card
  - ✓ DCI fingerprint card
  - ✓ Permission to Screen for Child Abuse and Neglect
  - ✓ Declaration form

# Submitting Background Check Requests

There is a change in where documents are submitted:

- All background check documents (FBI, DCI, Declaration and Permission to Screen) are sent to:

**Child Care Services**  
**910 E. Sioux Avenue**  
**Pierre, SD 57501**

- CCS will distribute the fingerprint cards to DCI/FBI and conduct the remaining screenings.

# Background Check Results

When the FBI, DCI, NCIC, the central registry and the sex offender registry checks are completed, CCS will do the following:

1. Cleared screenings (either there are no convictions or the convictions don't meet the prohibitions listed above):
  - CCS sends letter to center director indicating the individual is eligible for employment.
  
2. Rap sheet includes convictions that prohibit employment:
  - CCS sends letter to the center director indicating the individual is ineligible for employment. No information on the nature of the crime is able to be provided (not allowed by FBI).
  - CCS sends a separate letter to the individual indicating the reason for ineligibility. CCS is not able to provide a physical copy of the rap sheet to the individual but we can explain verbally what the issues were.

## Background Check Process

1. Employee completes FBI and DCI fingerprint cards, Declaration form and Permission to Screen form. Fingerprints are rolled on the cards.
2. Director sends the four documents to CCS.
3. When the Central Registry screening is completed, the results will be sent to the program as soon as possible so hiring can begin. As per usual, no person may start work until the Central Registry results are completed.
4. Applicant can be employed at the Center after the Permission to Screen for Reports of Child Abuse Central Registry is completed and the director receives the results. The employee is to be supervised at all times by someone who has already been completely screened, until the rest of the check results are returned.
5. Once all check results are obtained, CCS will send a letter that indicates whether the employee is eligible or ineligible for employment. The letter will indicate all checks that were completed.
6. The Director is responsible for tracking when employees will need their next screening, within five years after the initial one.

## Federal Bureau of Investigation (FBI) Check

- This is a fingerprint check. The FBI conducts this check and will compare the fingerprints to their FBI database.
- This check is to search for any convictions the individual has had throughout the United States.
- Although this database is to include information from all 50 states, there are times some information is missing. It is only as complete as the information inputted into it. That is why the state checks are also completed.
- Centers did not previously complete this check because the FBI does not release information to a private business, only entities such as a state government.
- The FBI does not allow any sharing of the information from this check.

## Division of Criminal Investigation (DCI) Check

- This is a fingerprint check. The DCI conducts this check and will compare the fingerprints to their DCI database.
- This check is to search for any convictions the individual has had in South Dakota.
- Although this database is to include information that would also be posted on the FBI database, there are times some information is missing. It is only as complete as the information inputted into it. That is why the FBI checks are also completed.
- Centers have been required to complete this check since 2005.

# National Crime Information Center (NCIC) Check

- The NCIC has several different components. CCS checks only the Sex Offender Registry component of this NCIC database.
- This check is done when the DCI and FBI fingerprint cards are send in.

# Central Registry of Child Abuse and Neglect

- The form used for this check is the Permission to Screen form.
- This is a Department of Social Services registry, so persons who apply to work in a program licensed by the Department, are screened for known substantiations of child abuse or neglect.
- This registry is different than a criminal check. The Department can find someone has abused or neglected children and that doesn't mean there is always a conviction associated with it.
- The results of this screening have always been required to be on file prior to the applicant being hired to care for children. That is still required.

# Sex Offender Registry Screening

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- This check has been required since 2005.
- CCS will conduct this check when a licensed program submits the background check documents.
- The SD Sex Offender Registry is located on the Attorney General's Office website.

# Licensing Specialist Contact Information

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**Rapid City:** 605-394-2525 or 800-644-2914  
Lori Janssen (Ext. 610) or Tina Uecker (Ext. 611)

**Pierre:** 605-773-3612 or 800-226-1033  
Christina Lusk (Ext. 225)

**Aberdeen:** 605-626-3160 or 866-239-8855  
Julie Hermansen (Ext. 238)

**Brookings:** 605-688-4330 or 866-267-5228  
Rachel Holm (Ext. 208)

**Mitchell:** 605-995-8000 or 800-231-8346  
Debra Bigge (Ext. 213)

**Sioux Falls:** 605-367-5444 or 866-801-5421  
Denise Ferguson (Ext. 221); Shannon Terhark (Ext. 422)  
Rita Trager (Ext. 423); Stacie Ugofsky (Ext. 424)

## Reminder of Effective Dates Specified in the Act

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- 9.30.16 - All requirements without a specific date
- 9.30.17 - Criminal Background Checks
- 11.19.17 - Results of Monitoring and Inspection Reports to be posted on website

# Child Care & Development Block Grant Act of 2014

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The Federal Office of Child Care has several resources on their website that includes a timeline for effective dates, frequently asked questions, and a copy of the law in full. The link to the Office of Child Care website is:

<http://www.acf.hhs.gov/programs/occ/ccdf-reauthorization>

Email to submit comments or questions regarding the implementation of proposed changes:

[Carroll.Forsch@state.sd.us](mailto:Carroll.Forsch@state.sd.us) or [Carrie.Shoop@state.sd.us](mailto:Carrie.Shoop@state.sd.us)

The power point presentation for past webinars are located on the CCS website for reference at

<http://dss.sd.gov/childcare/blockgrant.aspx>. This April presentation will also be posted for your reference.