

# Child Care Provider Background Record Check



Request for  
Criminal Background Check

## Department of Social Services

### Frequently Asked Questions: Background Checks for Licensed, Registered, & Informal/In-home Child Care Providers

#### **What are the requirements for background checks to work in a childcare program or before and after school program, provide registered family childcare or provide care as an informal/in-home provider?**

The required background record checks, include:

##### **State Checks**



- South Dakota Criminal Registry - fingerprints are required to complete this process.
- South Dakota Sex Offender Registry - Once background check forms are submitted, DSS will complete this check for you.
- South Dakota Child Registry for Abuse and Neglect (i.e. Central Registry) - The [South Dakota Permission to Screen for Reports of Abuse or Neglect](#) form is required for this process.

##### **Federal Checks**



- National Crime Information Center (NCIC) – The FBI will complete this check with the submission of FBI fingerprints and provide these results to SD DSS; and
- National Criminal Record Check (FBI) - fingerprints are required to complete this process. The fingerprint check completed for in-state checks will satisfy this requirement.

#### **Who is required to have a background record check?**

You must complete a background record check if you are:

- ✓ Applying for Family Day Care Registration with the State of South Dakota.
- ✓ A household member, assistant, or volunteer of a South Dakota State registered family day care provider.
- ✓ In-formal/in-home providers.
- ✓ A provider, program employee or volunteer with a South Dakota State licensed child or school age care program.
- ✓ Any adult who will have unsupervised access to children in state registered or licensed care.

### **I am an Informal or In Home provider, what requirements do I have?**

Informal, and In Home Providers, please contact your [Regional Licensing Specialist](#) for next steps and additional information.

### **I am new to South Dakota, what checks do I need in this case?**

Those having lived outside the State of South Dakota within the past 5 years, must have the South Dakota required checks, which include:



- ✓ South Dakota Criminal History Check
- ✓ South Dakota Offender Registry Check
- ✓ South Dakota Child Abuse and Neglect Registry Check
- ✓ National FBI Fingerprint Criminal History Check, and the
- ✓ NCIC National Sex Offender Registry Check

In addition, checks with their previous states of residence within the past five (5) years for those individuals who are 18 years of age or older are required, including:

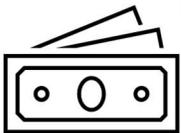
- ✓ State Criminal History Check, for any state where you have resided as an adult.
- ✓ In-State Sex Offender Registry Check, for any state where you have resided as an adult.
- ✓ In-State Child Abuse and Neglect Registry Check, for any state where you have resided as an adult.

Each state has their own process and forms. Additional information and links to state forms can be found by visiting the “Out-of-State Background Check Forms from Other States” section of the website at: [Child Care Provider Forms \(sd.gov\)](#)

### **How often are background record checks required?**

Request(s) for background record checks must be submitted before a child or school age care provider or program employee is hired (initial Background Check) and conducted again once every 5 years thereafter as part of a renewal. Individuals may start and continue work in a supervised capacity once either the South Dakota Criminal Check or National FBI Fingerprint Criminal History Check results have been returned for their initial. This requirement is the same regardless of your role, (i.e., teacher, director, or provider type). Individuals may also continue to work in a supervised capacity if the date of their last check is past five years, and while they await their renewal, pending they have results from the South Dakota Criminal Check or National FBI Fingerprint Criminal History Check.

### **Will there be a charge for fingerprint checks?**



All requests must be submitted to the Office of Licensing and Accreditation for processing. There is no charge for processing fingerprints as the Department of Social Services pays all current in-state South Dakota and out-of-state fees. If someone has moved out of South Dakota, and another state is completing a check on their behalf, there may be associated charges. Any processing requests made outside of the Office of Licensing and Accreditation are not eligible for reimbursement.

### **Where can I get my fingerprints taken?**

There are several locations where an individual can obtain fingerprints. You may go to a Department of Social Services offices across the State to complete this process. Please contact an office listed on the Child Care Website [Licensing Districts \(sd.gov\)](https://www.sd.gov/licenses/licenses-districts) to learn more about fingerprinting availability. There is no fee charged for fingerprinting with the Department. The Department of Social Services is also partnering with licensed childcare programs across the state to assist with electronic fingerprints. To find out more, or coordinate a time to have this completed, please contact your [Regional Licensing Specialist](#). You may also contact your local law enforcement agencies to learn if civil employment prints are a service provided.

### **What do I need to get my fingerprints taken?**

Please bring a valid photo ID to the fingerprint location.

### **If I've had fingerprints taken for a background record check for another reason, can those results meet the childcare requirement?**

No, new fingerprints will be required. Background record check information cannot be shared between agencies or businesses and the type of background record check information required by law may be different.

### **How long will it take for the results of a background record check?**

Results depend on whether digital fingerprints or ink fingerprints have been submitted. Digital/electronic fingerprint results often come back faster than ink prints. Prints obtained electronically are immediately submitted to the State Department of Criminal Investigation for processing, therefore eliminating mail time. Also, to ensure expediency of your results, please ensure that all required forms and paperwork are complete and accurate.

### **When can a provider or program employee begin working?**

Providers and program employees may not begin work until one of the following results have been returned as satisfactory:

- FBI fingerprint check, or
- State criminal repository using fingerprints in the state where the staff member resides.

Once one of the above have been returned as satisfactory, prospective provider or program employee may begin working, but must be supervised until a determination is made on all checks. Once satisfactory background checks are received, the provider/center employee may begin working in an unsupervised manner.

Family Child Care Providers can begin operating immediately; however, are not eligible for federal funding (i.e., grants and childcare assistance reimbursement) until all background check requirements are completed. If you have questions, please feel free to discuss with your regional licensing specialist.

### **Who can make the determination as to whether a perspective employee is eligible to begin work?**

The South Dakota Department of Social Services is the entity who will facilitate the background screening to determine if the provider meets the criteria as outlined in [ARSD 67:42:17:13](#). DSS will provide a response for the background check to the childcare program in a statement that indicates only whether the prospective staff member is eligible or ineligible, without revealing specific, disqualifying information or other information regarding the individual.

### **What happens if my fingerprints are rejected?**

Fingerprints may be rejected due to poor quality. If your fingerprints are rejected, you will be notified that a new set of fingerprints must be submitted. Rejected prints must be submitted again within 90 days, otherwise DSS requires a new check be completed for all checks. If your fingerprints are rejected a second time, a name-based check will be completed.

### **If I change employment to another child or school age program, do I need to complete the background record check process again?**

If an employee has remained employed or has a gap of less than 180 days from previous child or school age care employment, another background record check is not required if the background check was completed within the last five years. The employee can obtain the eligibility letter from their current or previous employer and submit to the prospective child or school age care employer. Another option is to contact a childcare Licensing Specialist through the Department of Social Services to obtain a copy of the previous eligibility letter. To find your Licensing Specialist, please visit: [Licensing Districts \(sd.gov\)](#)

If an employee has been absent from child or school age care employment within the past 180 days a new background record check will be required.

### **How will I know I cleared the comprehensive background record check?**

As a family day care provider, your Licensing Specialists will notify you of your results. For a childcare or school age employee, your employer will receive a letter notifying them of your eligibility or ineligibility for employment. The Department will not publicly disclose any disqualifying crime or other related information to a childcare or school age program. In the event of a disqualifying result, a letter will also be sent directly to you by the Department of Social Services. The individual screened will be advised of the right to appeal the results and challenge the accuracy of the information obtained. Appeal information and steps will be provided on the letter of results.



### **Are there additional background record check requirements if a person has lived outside the United States in the past 5 years?**

No, there is not a required background record check for those that have lived outside of the United States within the previous 5 years of employment.

### **If staff are only seasonal, for example, working in a summer camp, are these checks still required?**

Yes, all components of the state and federally required comprehensive background record check process are required regardless of the employment status of a person.

**Are volunteers required to have a background record check?**

Volunteers who provide infrequent and irregular service that is supervised, or parent volunteers who are supervised do not meet the definition of a childcare provider and do not have to have a background check.

**If someone is working in the capacity of a cook, bus driver, secretary, custodian, or other program/building staff, do they need to go through a background record check?**

A program employee is defined as anyone working for compensation in the childcare program and whose activities involve unsupervised access to children in care. This definition covers all staff who may not regularly engage with children, but whose placement at the facility give them an opportunity for unsupervised access, and in any event where they may have unsupervised access, they must complete the background check process to ensure the safety of children.

**If providers/employees are employed but attending college out-of-state, is an out-of-state background record check required?**

Yes, if an individual has resided anywhere outside of South Dakota within the past 5 years, an out-of-state background record check is required.

**If a provider/employee leaves their employment over the summer but returns in the fall, is another background record check required?**

No, if an employee has remained employed or has a gap of less than 180 days from previous child or school age care employment, another background record check is not required.

**Is a background record check required for providers/family day care assistants who are under the age of 18?**

Yes, all in-state and national checks are required. An out-of-state check is not required for individuals under the age of 18.

**Where can I find out more about the requirements and process?**

The Department of Social Services have clearly outlined the steps in the background check process steps on their website at [Child Care Provider Forms \(sd.gov\)](https://www.sd.gov/Child-Care-Provider-Forms). All incidents which would prohibit employment are clearly listed on the DSS website and should be reviewed by applicants. Additionally, we encourage you to visit their website and watch the short video available.

Additionally, information regarding the process can be found through the Administration for Children and Families, Office of Child Care at [Criminal Background Check Requirement Resources | The Administration for Children and Families \(hhs.gov\)](https://www.acf.hhs.gov/child-care/criminal-background-check-requirement-resources)