

**BACKGROUND SCREENING
FREQUENTLY ASKED QUESTIONS**

(12/2016)

GENERAL QUESTIONS	
Who is required to have background screenings?	All Covered Individual must have background screenings. Covered Individuals are owners, members of the governing body, directors, employees, providers of care, volunteers, anyone age 12-years-old and older who lives in the home or facility, and anyone who has unsupervised contact with a child in care.
What is the time frame for submitting background screening information?	<p><u>New Licenses, Certificates, and Approvals:</u> Background screening information and fees must be submitted and the background screening approved before a new license, certificate, or approval is issued.</p> <p><u>Existing Licenses, Certificates, and Approvals</u> Background screening information and fees must be submitted with 10 days of a new Covered Individual becoming involved with the facility. Background screenings are good for one year. Background screening information and fees must be re-submitted before the expiration date of the current background screening.</p>
Do volunteers have to have background screenings ?	Yes. Anyone providing care to children, whether or not he/she is paid, needs to have a background screening.
Do I have to submit background screening information for staff or volunteers who work for less than ten days?	Yes. Rule requires that background screenings are completed for all staff and volunteers, regardless of the number of days they work or volunteer. You have ten days after their first day of working or volunteering to submit background screening information and fees.
Does a background screening done by another state agency count?	No. The background screening needs to be done by the Child Care Licensing staff.
Do parents who volunteer in the child care facility need to submit background screening information?	If parents never have unsupervised access to any child other than their own, they do not need to submit background screening information. However, if they are ever going to be left unsupervised with any other child in care, they need to submit background screening information and fees.

FROM HOME PROVIDERS	
My child is turning 12 years old next month. Can I submit the background screening form today?	No. Child Care Licensing has no authority to run a background screening on any child younger than 12-years-old.
Does a background screening need to be done if a household member has no contact with the children in care?	A background screening still needs to be completed. Utah law requires that a background screening be completed for any person residing in a home where child care is provided.
If family members or friends visit me for an extended period of time, do I have to submit background screening information for them?	<p>If visitors stay with you for less than two weeks, they are not considered to be residing at your home and you do not have to submit background screening information for them. During the time they are there, they cannot ever have any unsupervised access to any child in care.</p> <p>If visitors stay with you for two weeks or longer, they are considered to be residing in the home and you have to submit background screening information within ten days of them arriving at your home.</p>
A family member just returned from active duty. Do I have to submit a background screening information for him? Does he have to submit a fingerprint card?	Yes, within ten days of him returning home you have to submit a background screening information (including fingerprints) and fees. This is required for any family member returning home after a mission, military deployment, and other similar activities outside of Utah.
My child went to school out of state, but kept our address as her permanent address. Do she need to submit a fingerprints?	Yes. Any time she comes home for two weeks or more, you need to submit background screening information (including a fingerprint card) and fees, within ten days of her arriving at your home.
If a family member who previously cleared a background screening is out of the home for a short time, do I have to submit another form if he comes back home?	Yes, because he established residency at another location.

<p>I rent out part of my home. Do I have to submit background screening information for the tenants?</p>	<p>You do not have to submit background screening information for the tenants if all of the following conditions are met:</p> <ol style="list-style-type: none"> 1. The rented part of the home has a separate outside entrance, and there is no interior doorway (inside the house) between the rented out part of the home and the rest of the home; and 2. There is a signed rental/lease agreement between the you and the tenants; and 3. The rented part of the home has a separate mailing address and mailbox from the rest of the home; and 4. There is no potential for the tenants to have unsupervised access to the children in care, including when the children are playing outdoors. <p>If all of the above conditions are not met, you have to submit background screening information and fees for the tenants.</p>
<p>I am renting part of a home and am doing child care only in my part. Do I need to submit background screening information for the other people living in the home?</p>	<p>You do not have to submit background screening information if all of the following conditions are met:</p> <ol style="list-style-type: none"> 1. Your part of the home has a separate outside entrance, and there is no interior doorway (inside the house) between your part of the home and the rest of the home; and 2. There is a signed rental/lease agreement between you and the home owner; and 3. Your part of the home has a separate mailing address and mailbox from the rest of the home; and 4. There is no potential for the individuals living in the part(s) of the home not rented by you to have unsupervised access to the children in care. <p>If all these conditions are not met, you have to submit background screening information and fees for the other people living in the home.</p>
<p>If my mother (sister, friend, other relative, etc.) only comes to care for the kids when I get my nails done (go to a doctor appointment, shop, etc.). Does she still need a background screening?</p>	<p>Yes, because she has unsupervised contact with the children.</p>

FROM CENTER PROVIDERS	
Do children 12-years-old and older need background screenings if they are enrolled at the center?	Children in care that are 12-years-old and older do <u>not</u> need background screenings unless they help out in a classroom with younger children.
Do I have to submit background screening information for out-of-state owners and/or board members?	If they are ever in the facility you have to submit background screening information (including fingerprints) and fees for them.
Do I have to submit background screening information for staff who never have unsupervised access to children?	Statute requires that all owners, employees, directors, governing board members, substitute caregivers, volunteers, and caregivers have background screenings. So, you need to submit background screening information and fees for all staff, whether or not they have unsupervised access to children.
We have a cleaning agency and different people from the agency clean our center in the evenings. Do I have to submit background screening information for them?	If they are not employees of the facility (they are employees of the cleaning agency) and they do not have unsupervised access to the children, you do not have to submit background screening information for them.

OTHER QUESTIONS	
Why do you look at juvenile records?	Statute requires that Child Care Licensing staff check juvenile records for Covered Individuals in a regulated child care facility.
Why can't a person be cleared if the criminal problem is not related to children?	Statute outlines specific criteria that has to be met before someone can be cleared to work at a regulated child care facility.
Which criminal problems will allow a person to be cleared and which won't?	<p>Child Care Licensing staff will not clear individual for with felonies, misdemeanor A's, and some misdemeanor B's and C's. Child Care Licensing staff will not clear individuals with charges under the criminal code 76-5, which are crimes against people. Child Care Licensing staff will not clear individuals with charges of anything sexual; the sale or supply of alcohol or tobacco to minors; contributing to the delinquency of a minor; battery; and/or assault.</p> <p>Rule allows some individuals to be cleared if they had a misdemeanor A conviction if the conviction is more than 10 years old, there have been no subsequent convictions, and the conviction is not something that always, regardless of the severity, results in a denial. Rule also allows exceptions for some individuals who have been denied and their conviction is a Misdemeanor A and it has been five years or longer since the conviction. In these cases, the applicant has to apply for expungement and submit a note from the Licensee of Certificate Holder that states that the person will not have unsupervised access to the children during the time it takes get his/her record expunged. For more information on these exceptions, contact the Background Clearance Unit Supervisor at 801-273-2859.</p>
If a person had a DUI, can he/she still work for a regulated child care facility?	He/she can not work at the child care facility if the DUI was a Misdemeanor A or a felony, or if it was a Misdemeanor B or C and a child was involved.

<p>What needs to be done to get a criminal problem expunged?</p>	<p><u>For Juvenile Records:</u> Covered Individuals must first get verification from the Department of Public Safety that they do not have an adult record. Then they must submit that verification to the juvenile court and petition the court where they were convicted to have the record expunged.</p> <p>If Covered Individuals have an adult record, they must expunge the adult record before they can expunge the juvenile record.</p> <p><u>For Adult Records:</u> Covered Individuals must apply to the Department of Public safety to have their record expunged. Public Safety staff will send letters to the individuals stating if they are eligible for expungement. If they are eligible, they then must petition the court where they were convicted to have their record expunged.</p> <p>Eligibility for expungement is based on how long ago the crime was committed and the total number of misdemeanor A's, misdemeanor B's and felonies the person has.</p>
<p>Can denials be appealed?</p>	<p>Denials can be appealed within 30 days of receiving them. However, the statute is very specific when it comes to denials.</p>