

## BACKGROUND SCREENING FREQUENTLY ASKED QUESTIONS

<b>GENERAL QUESTIONS:</b>	
<b>Who is required to have a criminal background screening completed?</b>	Owners and Members of the Governing Body, Directors, Employees, Providers of Care, Volunteers, anyone who lives in the home or facility age 12 or older, and anyone who has unsupervised contact with a child in care.
<b>What is the time frame for submitting Initial CBS/LIS documents?</b>	<p>New License or Certificate: All background screening forms must be submitted and cleared before a license or certificate can be issued.</p> <p>Existing License or Certificate: A Licensee or Certificate Holder must submit required background clearance documents within 5 working days of a person volunteering, a new person's first day of work, a new person age 12 or older moving into the home or facility, and any child residing in the home or facility turning 12 years old. Child Care Licensing will use the postmark date on the envelope or the date the documents were hand delivered to determine if the required documents were submitted within 5 working days.</p>
<b>A caregiver works in another child care program and has her background check done. Can I copy that for her to work at my facility?</b>	No. Background screening forms need to be submitted for each licensed facility or home. However, if the person has submitted a fingerprint card and fees previously to Child Care Licensing and has not lived out of the state since, only an initial CBS/LIS form is required. If the fingerprint card was previously submitted to Child Care Licensing, please send a note with the initial form indicating when the fingerprints were done or the name of the facility where the individual previously worked.
<b>Do volunteers have to have criminal background screenings?</b>	Yes. Anyone providing care to children, whether they are paid or not, needs to complete a background check.
<b>Do I have to submit forms for staff or volunteers who work for less than five days?</b>	Yes. Rule requires that a background screening is completed on all employees, regardless of the number of days they work. You do have five days after their first day of volunteering or being employed to submit the required forms.
<b>Can I fax in the required forms?</b>	No. You must submit the form with the signature in blue or black ink. Faxed copies cannot be accepted.
<b>If a background clearance has been completed by another state agency, can that count?</b>	No. A new background clearance needs to be completed by the Child Care Licensing Program.
<b>Do parents who volunteer in the child care need to submit background clearance forms?</b>	If a parent never has unsupervised access to any child other than their own, they do not need to submit background screening forms. However, if they are ever going to be unsupervised with any other child in care, then they do need to submit the initial form.

<p><b>When do special guests need a background screening done?</b></p>	<p>If the parents or guardians of children have an agreement (such as an IEP or an IFSP) with a school or other agency to have their child receive services while in care, the individual providing these services is not required to have a background screening through Child Care Licensing. The child will be considered to be under the care of the school or other agency during the time they are receiving services.</p> <p>Providers sometimes bring in outside guest presenters to offer special programs to the children in care. For example, a provider may bring in someone to put on a puppet show or a play, or to offer dance lessons to children. In these cases, the person coming in to make the special presentation does not need a background clearance, unless the provider leaves the guest presenter alone with children, so that the guest presenter has unsupervised access to children in care. If the guest presenter does have unsupervised access to children in care, a background clearance is needed. In other words, if there is a caregiver present in the same room with the children and the guest presenter during the time the guest is in the facility, a background clearance is not needed.</p>
<p><b>Do I have to submit forms for staff who were fired/quit and then came back to work?</b></p>	<p>Yes. If a person quits or is fired, and then returns to work, and were not considered an employee during the time they would gone, they will need to submit a new initial CBS/LIS form when they start working again.</p> <p>If a person is on leave, for example, maternity leave, but the center still considers him/her an employee, he/she should be included on the renewal background screening forms. However, if the leave is longer than 90 days, a new initial form (and fingerprints, if required) would need to be submitted.</p>
<p><b>Where can I get my fingerprints done? How much does it cost? Where can I get a fingerprint card?</b></p>	<p>A fingerprint card is required for any new covered individual who is 18 years of age or older, and who has not resided in Utah continuously for the past five years. If a person turned 18 after they moved to Utah, he/she does not need to submit a fingerprint card and fee.</p> <p>Required individuals must obtain an acceptable set of fingerprints from local law enforcement or Public Safety and submit them to Child Care Licensing, along with the fingerprint fee of \$30.25 per person.</p> <p>Fingerprint cards are available at the Child Care Licensing offices or by calling Public Safety at 801-965-4445.</p>
<p><b>If a fingerprint card was submitted in the past, and I want to work for another program or center, do I need to submit fingerprints again?</b></p>	<p>No. After an initial FBI clearance through Child Care Licensing, a covered individual does not need to complete another FBI clearance unless they have moved from Utah. An initial CBS/LIS form will need to be submitted at the new facility, but a covered individual only needs to submit fingerprint cards one time if he/she continuously lives in Utah. If the fingerprint card was previously submitted to Child Care Licensing, please send a note with the initial form indicating when the fingerprints were done or the name of the facility where the individual previously worked.</p>

<b>Who do I list on the CBS renewal form and disclosure?</b>	Anyone who has already had a background screening and the facility has received the initial form back in the mail, including all owners, board members, staff, and anyone living in the home or facility 12 years or older. If the owners live out of state and do not ever go to the facility they need to be listed on an out-of-state attestation form.
<b>If someone was just approved on an initial form, do they need to go on the renewal?</b>	Yes, if the program has received the initial form back in the mail.

<b>FOR HOME PROVIDERS:</b>	
<b>My child is turning 12 years old next month. Can I send in the Initial CBS/LIS form today?</b>	No. Child Care Licensing has no authority to run a background check on any person under 12 years old. If the form is submitted before a child turns twelve, it will be returned to resubmit within five days of the child's birthday.
<b>What if a household member has no contact with the children in care?</b>	A background screening still needs to be completed. Utah law requires that a criminal background check be done for any person residing in the home where child care is provided.
<b>If family members or friends come to visit me for an extended period of time, do I have to submit an Initial CBS/LIS form (and fingerprints, if from out of state) for them?</b>	<p>If a visitor stays with you for less than two weeks, they are not considered to be residing at your home. During the time that they are there, they cannot ever have any unsupervised access to any child in care.</p> <p>If visitors are going to stay longer than two weeks, they are considered to be residing in the home and the required forms will need to be submitted within five days of them arriving to the home.</p>
<b>My family member just returned from active duty (or a mission, etc.), do I need to submit a new form for him/her? Does he/she need to submit a finger print card?</b>	Yes, an initial CBS/LIS form along with a fingerprint card and \$30.25 will need to be submitted within five working days of the family member returning home from a mission, from military deployment, or other similar activities out of the state of Utah.
<b>My college student will be coming home for the summer, can I just add their name on the renewal now, even though they won't be moving in for three months?</b>	<p>Yes, providers' children who are attending an in-state college may be included on the renewal CBS/LIS forms and Disclosure Statements. If a student is not included on the renewal forms, then an initial CBS/LIS form must be submitted within 5 working days of the student returning home for two weeks or longer.</p> <p>Providers' children who are attending an out-of-state college and come home for two weeks or longer must submit initial CBS/LIS forms with fingerprint cards within 5 working days of returning home..</p>

<p><b>My child went to school out of state, but kept our address as the permanent address. Do they need to submit fingerprint cards?</b></p>	<p>Yes, they will need to submit fingerprints, fees and a new initial CBS/LIS form within five working days any time they come home for more than two weeks.</p>
<p><b>If a family member is out of the home only a short time and they have been previously cleared, do I have to do another clearance?</b></p>	<p>Yes, because he/she established residency in another location.</p>
<p><b>I rent out part of my home, do I have to submit background clearance forms for the tenants?</b></p>	<p>If the Provider is a landlord and rents out part of the home, the renters do not need approved background screenings if all of the following conditions are met:</p> <ol style="list-style-type: none"> <li>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,</li> <li>2. There is a signed rental/lease agreement between the Provider and the renter. And,</li> <li>3. The rented part of the home has a separate mailing address and mailbox from the rest of the home. And,</li> <li>4. There is no potential for the renters to have unsupervised access to the children in care, including when the children are playing outdoors.</li> </ol> <p>If all of the above conditions are not met, approved background screenings are required for renters in the home of the Provider.</p>
<p><b>I am renting part of a home and am doing child care only in my area, do I need to submit background clearance forms on other people living in the home?</b></p>	<p>If the Provider rents an apartment in a home and is not the home owner, individuals living in the part of the house not rented by the Provider do not need approved background screenings if all of the following conditions are met:</p> <ol style="list-style-type: none"> <li>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,</li> <li>2. There is a signed rental/lease agreement between the Provider and the home owner. And,</li> <li>3. The Provider's apartment has a separate mailing address and mailbox from the rest of the home. And,</li> <li>4. There is no potential for the individuals living in the part(s) of the home not rented by the Provider to have unsupervised access to the children in care.</li> </ol> <p>If all these conditions are not met, individuals living in the part(s) of the house not rented by the Provider need approved background screenings.</p>

<p><b>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 check?</b></p>	<p>Yes, because he/she has unsupervised contact with the children.</p>
---	--

<p align="center"><b>FOR CENTER PROVIDERS:</b></p>	
<p><b>Do children 12 years of age and older need criminal background screenings done if they are enrolled at the center?</b></p>	<p>A child in care that is 12 years of age or older does <u>not</u> need a CBS/LIS completed unless they help out in a classroom for younger children.</p>
<p><b>Do I have to submit background screening forms for out-of-state owners and/or board members?</b></p>	<p>Yes, either an initial CBS/LIS form and fingerprints, including the \$30.25 fee, or an out-of-state attestation form, depending on whether or not they ever have access to the children in care. A new out-of-state attestation form will need to be submitted with each renewal application.</p>
<p><b>Do I have to submit forms for staff who never have unsupervised access to children?</b></p>	<p>Statute requires that all owners, employees, directors, governing board members, substitute caregivers, volunteers, and caregivers complete a background screening. So, any employee of a center, regardless of whether or not they have access to the children in care, needs to complete a background screening.</p>
<p><b>We have a cleaning agency and different people from the agency clean our center in the evenings. Do I have to submit forms on them?</b></p>	<p>If they are not employees of the facility and they do not have unsupervised access to the children, they will not need to have a CBS/LIS form submitted on them.</p>

<p align="center"><b>OTHER QUESTIONS:</b></p>	
<p><b>Why do you look at juvenile records?</b></p>	<p>Statute requires that Child Care Licensing check juvenile records for covered individuals in a regulated child care facility.</p>
<p><b>Why can't we just let something go through if the criminal problem is not related to children?</b></p>	<p>Statute does not allow Child Care Licensing to clear based on the charges. Statute outlines specific criteria that has to be met before someone can be cleared to work at a child care facility.</p>

<p><b>What criminal problems will go through and what won't?</b></p>	<p>Child Care Licensing will deny an individual for all felonies and misdemeanor A's, and some misdemeanor B's and C's. Child Care Licensing will deny on all charges under the criminal code 76-5 which are crimes against people. Child Care Licensing will deny on all things sexual, sell and supply of alcohol and tobacco to minors, contributing to the delinquency of a minor, battery, and assault.</p> <p>Rule allows that some individuals may be cleared that have a misdemeanor A if the conviction is more than 10 years old, there are no subsequent convictions, and it is not something that is always denied on regardless of the severity. 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. The applicant has to apply for expungement and submit a note from the facility saying that the person will not have unsupervised access to the children during the time it takes get their record expunged. For more information on these exceptions, contact the Background Clearance Unit Supervisor at 801-883-4675.</p>
<p><b>If a person has a DUI, can they still work at a child care program?</b></p>	<p>No, if it is a misdemeanor A or a felony, or if it is a misdemeanor B or C and a child was involved.</p>
<p><b>What needs to be done to get a criminal problem expunged?</b></p>	<p><b>For Juvenile Records:</b> An applicant must get verification from the Department of Public Safety showing that they do not have an adult record. Then the applicant can submit that verification to the juvenile court and petition the court where he/she was convicted to have his/her record expunged.</p> <p>If the applicant does have an adult record, the adult record must be expunged before the juvenile record can be expunged.</p> <p><b>For Adult Records:</b> An applicant can apply to the Department of Public safety to have an adult record expunged. Public Safety will send a letter to the applicant stating if he/she is eligible for expungement. The applicant then needs to petition the court where he/she was convicted to have his/her 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 a person has.</p>
<p><b>Can we appeal denials?</b></p>	<p>A person has the right to appeal within 30 days of any denial. However, the statute is very specific when it comes to denials.</p>
<p><b>How long do I have to keep the CBS/LIS forms?</b></p>	<p>Initial CBS/LIS forms should be kept at the facility for at least one year. The most recent "Request for Annual Renewal of CBS/LIS Criminal History Information for Child Care" and "Disclosure &amp; Consent Statement" should be on site. All current attestation forms also should be kept on site.</p>