

Background Checks: A Guide for West Virginia Child Care Providers



DIVISION OF EARLY CARE AND
EDUCATION | 350 Capitol Street,
Room B-18 Charleston, WV 25301
(304)352-4547 dhhr.wv.gov/bfa/ece

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Section 1: Background Checks for West Virginia Child Care Providers

Introduction

On November 19, 2014, President Barack Obama signed the Child Care and Development Block Grant (CCDBG) Act of 2014 (Pub. L. 113-186) into law following its passage in the 113th Congress. The CCDBG Act, as amended (42 U.S.C. 9858 et seq., and hereinafter referred to as the “Act”), along with Section 418 of the Social Security Act (42 U.S.C. 618) authorizes the Child Care and Development Fund (CCDF), which is the primary federal funding source devoted to providing low-income families who are working or participating in education or training activities with help paying for child care and improving the quality of child care for all children.

By September 30, 2018, states and territories were required to have policies and procedures for the following specific background check components and must be conducting those checks for all child care staff, in accordance with 45 CFR 98.43 and 98.16(o).

Federal and state laws require that providers complete all eight checks every five years. Beginning January 2018, the West Virginia Department of Humans Services (DoHS) entered into an agreement with West Virginia’s Office of the Inspector General (OIG) to process criminal background checks through the West Virginia Clearance for Access: Registry and Employment Screening (WV CARES). WV CARES participates in the state Rap Back (Record of Arrest and Prosecution Background) program. All child care providers required to complete background checks are automatically enrolled in the Rap Back program through WV CARES, which allows West Virginia to meet (and partially exceed) CCDF Reauthorization requirements.

Federal law is not limited to providers serving children participating in the CCDF system. In order to receive CCDF funds, states are required to establish background check requirements for staff members of all child care providers. The definition of a “child care provider” in federal law means center-based child care providers and family child care providers of child care services for compensation on a regular basis who:

- are not related to all children for whom child care services are provided; and
- are licensed, regulated or registered under state law or receiving CCDF funds.

The law also includes a definition of a “child care staff member” to mean:

- individuals (other than those related to all children for whom services are provided) who are employed by a child care provider for compensation; or
- whose activities involve the care and supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider.

All states are required to provide the results of the background check to the child care provider in a statement called an “Eligible Fitness Determination” that indicates whether the staff member is eligible or ineligible, without revealing specific disqualifying information. Both federal and state law crimes that disqualify an individual from working in child care include, but are not limited to:

- refusal to participate in the background check process;
- knowingly make materially false statements in connection to the background check; and
- felony conviction for murder, child abuse or neglect, crimes against children and incapacitated adults, rape, sexual assault, kidnapping, arson, physical assault, or a drug related offense

committed during the preceding five years or a violent misdemeanor committed as an adult against a child.

A list of hiring prohibitions for disqualifying offenses in child care regulations by child care provider type can be accessed on the ECE website Provider Information tab Background Check Information section at the following link: <https://dhhr.wv.gov/bfa/ece/Provider%20Information/Pages/Provider-Background-Check-Information-.aspx>

Federal law requires states to have an appeal process for child care staff members (and prospective staff members) to appeal the results of their background check to challenge accuracy and completeness.

Not only are background checks required by law, but all children deserve to be safe and well cared for. Child care providers are required to keep children from harm. One way to do this is to make sure every adult with access to children has a comprehensive background check.

This guide is intended to act as a resource for both in-state and out-of-state child care providers seeking background check information.

Section 2: West Virginia Child Care Providers

Background Checks Requirements

A criminal background check must include eight specific components (98.43(2)(b)), which includes three in-state checks, two national checks, and three interstate checks:

	In-State	National	Interstate
1. State CIB check (via WV CARES; fingerprint only)	X		
2. State sex offender check (via WV CARES)	X		
3. State protective services record check (via DHHR)	X		
4. Federal Bureau of Investigations check (FBI check via WV CARES; fingerprint only).		X	
5. National Crime Information Center (NCIC) National Sex Registry (NSOR) (via WV CARES).		X	Offender
6. State check in any other state where the individual has resided in the past five years or who works in the state of WV and resides in another state (fingerprints optional).			X
7. State check of the sex offender registry or repository in any other state where the individual has resided in the past 5 years or who works in the state of WV and resides in another state.			X
8. Child abuse and neglect registry and database in any other state where the individual has resided in the past five years or who works in the state of WV and resides in another state.			X

Section 3: How Do I Get the Background Checks That I Need?

WV CARES

Registering with WV CARES is the first step to begin the process of obtaining criminal background checks. WV CARES processes the following background checks:

The State of West Virginia Crime Identification Bureau (CIB) check (fingerprint only)
The Federal Bureau of Investigations check (FBI) (fingerprint only)

Sex offender registry checks are completed through the WV CARES website at the time of application. During the screening process, providers are directed to a link for sex offender registries. The child care provider will conduct a search of the following registries while in the WV CARES website:

The State of West Virginia Sex Offender Registry check
The National Crime Information Center (NCIC) National
Sex Offender Registry (NSOR)

WV CARES Registration Process

Below is a step-by-step process for registering with WV CARES by setting up an administrative account:

Step 1: Set Up an Administrative Account - Contact WV CARES by phone at 304-558-2018 or email at wvcare@wv.gov to set up an administrative account. The individual who sets up the administrative account is responsible for creating the user account for their child care program (family child care home provider, family child care facility owner/operator, child care center director, out-of-school time director, or summer camp director).

If emailing WV CARES to set up an administrative account, put in the email subject line: **Set Up Administration Account**. In the body of the email include the **provider's full name**. Example: ABC Child Development Center (for a child care center, family facility, or out-of-school time program) or Jane Doe (for a family child care home provider). This email will generate a return email from WV CARES that will provide directions for the WV CARES system online training. Only the individual listed on the administrative account is responsible for completing the online training.

Step 2: WV CARES Online Training - The individual listed on the administrative account will receive an informational email on WV CARES online training. This initial email will provide instructions on accessing the online training and creating a username and temporary password. The individual setting up the account will also receive a Preferred Payment Method Registration form which will be attached to the email. When the form is completed, directions are given on how to pay the \$20 fee to WV CARES. The \$20 fee is paid for each individual who requires fingerprinting, including the individual

setting up the account, if that person is in a position that requires a background check. The \$20 fee (per person) pays for the prescreening completed by WV CARES.

Completing the Spreadsheet – The spreadsheet is available in the WV CARES online system. The individual setting up the administrative account will need to enter the names into the spreadsheet including all individuals that require a fingerprint background check such as household members 18 years of age and

older, all staff members, and all volunteers. The individual setting up the administrative account should be entered on the list if their position requires a fingerprint background check.

Step 3: Schedule an Appointment with IDEMIA to be Fingerprinted - Once WV CARES prescreening is complete, the provider will need to schedule an appointment to be fingerprinted at an Identogo/IDEMIA site. The last page of the application/prescreening process contains a link that can be used to access the Identogo/IDEMIA website. When an appointment is scheduled with Identogo/IDEMIA, the individual responsible for the administrative account will need to go back into the WV CARES system and enter the Identogo/IDEMIA appointment details and submit the WV CARES application.

Service Code Information

You will need a service code through Identogo/IDEMIA in order to complete a personal background check. A screen will ask for you to enter a code. If you do not know the West Virginia code, select "Click Here." Once selected, you will be prompted to "Select the State/Program for your ORI." Select "West Virginia" and then "Personal Record Check - West Virginia." Once selected, you will be given a service code and will be directed to complete the registration.

Step 4: Identogo/IDEMIA Payments - The Identogo/IDEMIA payment is in addition to the \$20 per person screening fee completed by WV CARES. The child care provider (i.e., the individual home/facility provider, center/program owner or organization) will need to pay \$34.50 for each person required to be fingerprinted at the time of the fingerprinting. There are two payment options available:

1. NCAC account – this account is linked to a major credit card. NCAC codes are used when scheduling appointments. Your credit card will be charged at the time the fingerprint is submitted.
2. Pay at the fingerprint location.

To request a West Virginia background check and service code lookup, click on the following link to the ECE website under the Provider Information tab Background Check Information section:

[https://www.google.com/url?client=internal-element-cse&cx=efcd0214bfec9f13c&q=https://dhhr.wv.gov/bcf/ece/COVID/Documents/Background%2520Check%2520Guide_FINAL_%252008062021%2520\(1\).pdf&sa=U&ved=2ahUKEwjn3aHP_cmFAxWsElkFHeJUAQsQFnoECAUQAQ&usg=AOvVaw3xStZi9oy_amNW75YyIAVM&arm=e](https://www.google.com/url?client=internal-element-cse&cx=efcd0214bfec9f13c&q=https://dhhr.wv.gov/bcf/ece/COVID/Documents/Background%2520Check%2520Guide_FINAL_%252008062021%2520(1).pdf&sa=U&ved=2ahUKEwjn3aHP_cmFAxWsElkFHeJUAQsQFnoECAUQAQ&usg=AOvVaw3xStZi9oy_amNW75YyIAVM&arm=e)

State Protective Services Record Check Procedures (via DHHR) - The protective services background check shall be conducted on all child care providers, including household members over age 18, staff, and volunteers. The procedures for the protective services record check differ by provider type, but the same form is used for all provider types. Click on the following link to the ECE website under the Provider Information tab Background Check Information section to access the form:

<https://dhhr.wv.gov/bfa/ece/Provider%20Information/Pages/Provider-Background-Check-Information-.aspx>

Family Child Care Providers (Facility and Home Providers)

The Authorization and Release for Protective Services Background Check form must be completed by every owner, operator, staff member, household member over age 18, and volunteer. When completed, submit the form directly to the West Virginia Department of Human Services, Bureau for Social Services, 350 Capitol Street, B-18, Charleston WV 25301.

Centers and Out-of-School Time Programs

The Authorization and Release for Protective Services Background Check form must be completed by every center owner, director, staff, and volunteer. When completed, submit the form directly to the West Virginia Department of Human Services, Bureau for Social Services, 350 Capitol Street, B-18, Charleston WV 25301.

A state protective services background check must be conducted every five years for child care centers and out-of-school time providers.

Section 4: Interstate Background Checks – West Virginia Providers

Interstate background checks are background checks for individuals who live outside the state of West Virginia but work in West Virginia, and individuals who have lived in another state other than West Virginia during the past five years.

All provider types must conduct the following background checks for any owner, operator, director, staff member, household member over age 18, and volunteer that live outside West Virginia and those who have resided in another state during the past five years:

1. A criminal background check for each state the individual has resided during the past five years. A fingerprint check is optional.
2. A check of the sex offender registry or repository in any other state where the individual has resided in the past five years.
3. A check of the child abuse and neglect registry and database in any other state where the individual has resided in the past five years.

Criminal Background Contact Information for Other States

The following link is a resource to simplify finding criminal background check contact information for other states maintained by the National Center on Subsidy Innovation and Accountability (NCSIA): [Interstate Child Care Background Check Contact List | Early Childhood Training and Technical Assistance System \(hhs.gov\)](#). Click on Interstate Child Care Background Check Contact List in the Attachment box.

Compact States

Compact states are states that have approved of, and participate in, the National Crime Prevention and Privacy Compact Act of 1998 to enable electronic information sharing for noncriminal justice purposes (such as employment) among the federal government and states. The Compact allows participating states to distribute its criminal history record information to other states for noncriminal justice purposes in accordance with the laws of the receiving state. The National Fingerprint File (NFF) is a database of fingerprints, or other unique personal identification information relating to an arrested or charged individual, which is maintained by the FBI to provide positive fingerprint identification of record subjects. Only a Compact state can join the NFF program.

West Virginia is a Compact State. What does this mean?

If a child care owner, operator, staff member, household member over age 18, or volunteer resides in another state and works in West Virginia, or has lived in another state during the past five years, an FBI fingerprint check satisfies the requirement for an interstate criminal background check if the responding

state (where the child care staff member has resided within the past five years) participates in the National Fingerprint File (NFF) program. It is not necessary to conduct both the FBI fingerprint check and the search of an NFF state's criminal history record repository. Note: This does not apply to child and abuse neglect background checks. These must still be done in the state(s) where individuals resided during the past five years. For the map that shows compact states, click on the following link: [Compact Council States and Territories Map — FBI.](#)

Example #1: West Virginia is a compact state and Ohio is a compact state. A child care center operator doing business in West Virginia is going to hire a staff member that lives in Ohio. The potential staff member will still reside in Ohio and work at the child care center in West Virginia. The potential staff member is required to have a fingerprint background for the state of West Virginia (through WV CARES). The potential staff member will only need a fingerprint check for the state of West Virginia because Ohio is a compact state, which eliminates the requirement for the potential staff member to have a fingerprint check in the state of Ohio. If the potential staff member would reside in Pennsylvania and would work in West Virginia, a fingerprint background check would be required in West Virginia and Pennsylvania because Pennsylvania is not a compact state.

Example #2: A family child care facility operator doing business in West Virginia is going to hire a staff member that resides in West Virginia. The potential staff member has also lived in Ohio, Pennsylvania, and Florida during the past five years. A fingerprint background check is required for the state of West Virginia (through WV CARES). The potential staff member will also be required to have a background check in the state of Pennsylvania because the state of Pennsylvania is not a compact state. The requirement for a background check in the states of Ohio and Florida are eliminated because the states of Ohio and Florida are compact states.

Section 5: Out-of-State Child Care Providers

Background Checks for Out-of-State Child Care Providers

If you are a child care provider operating in another state and have staff or household members over 18 years of age who reside in the state of West Virginia or have resided in West Virginia during the previous five years, an interstate background check will need to be completed (criminal, sex offender and adult/child protective services) unless your state is a compact state. Interstate background checks are background checks for individuals who live in the state of West Virginia but work in another state, and for individuals who have lived in West Virginia during the past five years. The following link is a resource to simplify finding criminal background check contact information for other states maintained by the National Center on Subsidy Innovation and Accountability (NCSIA): [Interstate Child Care Background Check Contact List | Early Childhood Training and Technical Assistance System \(hhs.gov\).](#) Click on Interstate Child Care Background Check Contact List in the Attachment box.

Follow the processes below to request and receive background checks.

1) Criminal Background Checks – Criminal background checks for out-of-state child care providers are completed through Identigo/IDEMI. Please log onto <https://uenroll.identigo.com/workflows/228QQN> and follow the step-by-step directions.

The West Virginia background check and service code lookup, can be accessed from the ECE website Provider Information tab's Background Check Information section at the following link:

<https://dhhr.wv.gov/bfa/ece/Provider%20Information/Pages/Provider-Background-Check-Information-.aspx>

Note: West Virginia is an Interstate Identification Index (III)/National Fingerprint File (NFF) participant, also known as a compact state. The compact allows participating states to distribute its criminal history record information to other states for noncriminal justice purposes in accordance with the laws of the receiving state. An FBI fingerprint check satisfies the requirement to perform an interstate check of another state's criminal history record repository if the responding state (where the child care staff member has resided within the past five years) participates in the III/NFF compact. It is unnecessary to conduct both the FBI fingerprint check and the search of an NFF state's criminal history record repository. To see if the state in which you reside is an III/NFF participant, log onto <https://www.fbi.gov/services/cjis/compact-council/interstate-identification-index-iii-national-fingerprint-file-nff>. For a map that indicates the compact states, click on the following link: [Compact Council States and Territories Map — FBI](#).

- 2) **Sex Offender Registry** – To complete a search of the West Virginia State Police Sex Offender Registry, log onto <https://apps.wv.gov/StatePolice/SexOffender> and follow the steps to conduct the search.

- 3) **Adult/Child Protective Services** – Adult/child protective services record checks are completed by the West Virginia Department of Human Services. Log onto <https://dhhr.wv.gov/bfa/ece/Provider%20Information/Pages/Provider-Background-Check-Information-.aspx> and complete the Authorization and Release for Protective Services Records Check form. Mail the completed form to the following address: West Virginia Department of Human Services, Bureau for Social Services, 350 Capitol Street, B-18, Charleston WV 25301. Click on the following link to the ECE website under the Provider Information tab Background Check Information section to access the Authorization Release Record Check form: <https://dhhr.wv.gov/bfa/ece/Provider%20Information/Pages/Provider-Background-Check-Information-.aspx>

Questions can be directed by email to DHHR's Division of Early Care and Education at ECEProviders@wv.gov. Please include your name, email address and telephone number in the email.

For a list of regulations and regulation descriptions by provider type, click on the following link: [WV Child Care Regulations](#).

Section 6: Policies, Procedures, and Practices

Policies, procedures, and practices are in place for regulatory staff to monitor, inspect, and ensure all background checks have been conducted and individuals are eligible for employment. Currently, WV CARES is the vendor for all criminal background checks.

Child care policy addresses criminal, child abuse and neglect, and sexual offender related background checks.

Policies that apply to child care centers and family child care are addressed in section 4.1.

Protective services background checks for family child care providers are addressed in section 4.3 and child care center providers are in section 4.4.

Sexual offender background checks for child care centers and family child care providers are addressed in section 4.2.

For the current child care policy, click on the following link:

<https://dhhr.wv.gov/programs/Pages/Bureau-for-Children-and-Families.aspx>

Section 7: Resource Section

Authorization and Release for Protective Services Record Check

The Authorization and Release for Protective Services Record Check Form can be accessed by clicking on the following link to the ECE website under the Provider Information tab Background Check Information section to access the form:

https://mail.google.com/mail/u/0?ui=2&ik=31f0ef09ec&attid=0.1&permmsgid=msg-f:1796608295162388318&th=18eed5b9c1ac9f5e&view=att&disp=inline&realattid=f_lv45py3u0

Background Check Requirements Highlights

This resource highlights key requirements of the criminal background check requirements from the CCDF Act of 2014 and the CCDF final rule. This resource also includes the Interstate Child Care Background Check Contact List. To access the website: <https://childcareta.acf.hhs.gov/resource/background-check-requirements-highlights>

CCDF Act Background Check Requirements

This document provides highlights and information about background check requirements under the Child

Care and Development Fund. Topics include categories of checks and their differences, applicability to providers and staff, disqualifying crimes, and processes. To access the website: https://childcareta.acf.hhs.gov/sites/default/files/public/cbc_requirementspresentation_20190711.508.pdf.

CCDF Federal Code Background Check Requirements

The Child Care Development Block Grant law establishes federal requirements for background checks for in state and out of state child care providers. To access the website:

<https://www.law.cornell.edu/cfr/text/45/98.43>.

Child Care Policy - Background Check Policies and Practices – The child care policy can be accessed by clicking on the following link: <https://dhhr.wv.gov/bfa/ece/policies/Pages/default.aspx>

Child care center policies 10.10 – 10.10.2.

Family child care policies 4.0 – 4.4.

Note: Child care policy is currently being revised to show the current practice for all licensed and certified

programs.

[Compact Council States and Territories Map — FBI](#)

The map shows state and territory participation in the National Crime Prevention and Privacy Compact. To access the map click on the following link:

<https://dhhr.wv.gov/bcf/ece/policies/Documents/2015%203-2%20Child%20Care%20Policy%20Provider%20Regulation%20Final.pdf>

Criminal Background Check Resources

Criminal background check requirements are a focus topic for the National Center on Child Care Subsidy Innovation and Accountability. Comprehensive resources are available that break down the requirements into easier to understand language. To access the requirements click the following link:

<https://dhhr.wv.gov/bfa/ece/Provider%20Information/Pages/Provider-Background-Check-Information-.aspx>

Disqualifying Offenses

A list of child care regulations with hiring prohibitions for disqualifying offenses by child care provider type

can be accessed from the ECE website Provider Information tab's Background Check Information section at the following link: <https://dhhr.wv.gov/bfa/ece/Provider%20Information/Pages/Provider-Background-Check-Information-.aspx>

Requesting a West Virginia Background Check and Service Code – To access the step-by-step instruction guide, click on the ECE website Provider Information tab's Background Check Information section at the following link: <https://dhhr.wv.gov/bfa/ece/Provider%20Information/Pages/Provider-Background-Check-Information-.aspx>

WV Child Care Regulations

All licensed and registered child care providers in West Virginia are required to adhere to applicable child care regulations. Each set of regulations outlines background check requirements. To access the regulations click on the following link:

<https://dhhr.wv.gov/bfa/ece/policies/Pages/default.aspx>

W. Va. Code

Chapter 49 of the W. Va. Code requires all child care providers in the state to have background checks completed. To access W. Va. Code click on the following link: <https://code.wvlegislature.gov/49-2/>.