

Hiring Prohibitions

Child Care Regulations by Provider Type

Child Care Center Regulations CSR 78-1

8.5. Hiring Prohibitions.

8.5.a. A center shall not employ or use an individual who is currently on parole or probation for a felony conviction, or is currently under indictment, has pending charges, or has been convicted or entered a plea of guilty or no contest to any of the disqualifying offenses as defined in W. Va. Code §16-49-1(8) and W. Va. Code R. §69-10-2.10., or other crimes that the Secretary determines may pose a risk to children.

8.5.b. A center shall not hire or continue to employ or use any individual who is determined by the Department to have abused or neglected a child or incapacitated adult.

8.5.c. A center may not employ or use an individual who has entered a plea of guilty or no contest, or has been convicted of a disqualifying offense unless the Secretary grants a waiver or variance.

8.5.d. A center may not use an individual who failed to disclose a conviction or pending charges on a WV CARES self-disclosure application and consent form or failed to disclose a finding of abuse or neglect unless the Secretary grants a waiver or variance.

Family Child Care Facility Regulations CSR 78-18

16.2. The Secretary shall not grant a certificate of license to a family child care facility if any of the individuals listed in subsection 16.1 of this rule is determined to be ineligible pursuant to WV CARES. A negative fitness determination will result if the individual:

16.2.a. Is on parole or probation for a WV CARES disqualifying offense;

16.2.b. Has been convicted of or is currently under indictment or charged with any of the WV CARES disqualifying offenses; or

16.2.c. Other crimes that the Secretary determines may pose a risk to children.

16.3. If the individuals listed in subsection 16.1 of this rule failed to report convictions to the Department, a family child care facility shall not operate or continue operations unless the facility owner requests a waiver or variance and it is approved by the Secretary.

Family Child Care Homes Regulations CSR 78-19

6.4.b. The Secretary shall not grant a certificate of registration to a family child care home if the caregiver or a household member:

6.4.b.1. Is currently under indictment or charged with any disqualifying offense as defined in W. Va. Code §16-49-1(8) and W. Va. Code R. §69-10-2.10.;

6.4.b.2. Is on parole or probation for a felony; or

6.4.b.3. Other crimes that the Secretary determines may pose a risk to children.

Family Child Care Informal and Relative Family Child Care Home CSR78-20

6.4.b. The secretary shall not grant a certificate of registration to an informal or relative family child care home if the caregiver or a household member is an active recipient of child or adult protective services or has a history of substantiated child or adult abuse or neglect as determined by a court of law or an investigation by the department's protective services staff.

6.4.c. The secretary shall not grant a certificate of registration to an informal or relative family child care home if the caregiver or a household member:

6.4.c.1. Is currently under indictment or charged with any crime referenced in subsection 6.4.c.3;

6.4.c.2. Is on parole or probation for a felony or disqualifying offense;

6.4.c.3. Has been convicted of any of the disqualifying offenses as defined in W. Va. Code § 16-49-1(8) and W. Va. Code R. §69-10-2.10; or

6.4.c.4. Other crimes that the secretary determines may pose a risk to children.

Out-of-School Time Regulations CSR 78-21

7.5. Hiring Prohibitions.

7.5.a. A program shall not employ or use an individual who is currently under indictment or has pending charges, is currently on parole or probation for a felony conviction, or has been convicted or entered a plea of guilty or no contest to any of the disqualifying offenses as defined in W. Va. Code §16-49-1(8) and W. Va. Code R. §69-10-2.10, or other crimes that the Secretary determines may pose a risk to children.

7.5.b. A program shall not employ or use any individual who is determined by the Department to have abused or neglected a child or incapacitated adult.

7.5.c. A program shall not employ or use an individual who has entered a plea of guilty or no contest, or has been convicted of a disqualifying offense unless the Secretary grants a waiver or variance.

7.5.d. A program shall not use an individual who failed to disclose a conviction or a finding of abuse or neglect unless the Secretary grants a waiver or variance.