



Standards for Daycare Licensing include criminal history checks of daycare staff and other individuals

CRIMINAL HISTORY COMPLIANCE

Facts and Guidelines

What is the criminal history background check?

The background check is a search of records, databases and registries which include the Federal Bureau of Investigation (FBI), the State of Idaho crime records, Idaho driving records, the statewide Child Abuse Central Registry, Adult Protection Registry, Sexual Offender Registry, Nurse Aide Registry and the Office of Inspector General exclusion list.

Who is required to complete a criminal history background check?

The IDAPA Standards for Daycare state each owner, operator, or applicant seeking licensure for a daycare center, group daycare facility, or a family daycare home must submit evidence that is satisfactory to the Department that owners, operators, staff and all other individuals thirteen (13) years of age or older who have unsupervised direct contact with children or are regularly on the premises have successfully completed, and received a clearance for, a Department criminal history and background check under the provisions of Sections 39-1105 and 39-1113, Idaho Code.

Background checks on youth 13-17 years old must include a check of juvenile justice records for each jurisdiction in which the youth has resided since becoming (13) years of age. The juvenile justice check is to include records of adjudication of the magistrate division of the district court, county probation services and department records.

Under Idaho Code, any person providing daycare for four (4) or more children in a family daycare home is required to obtain a criminal history check.

Where do I go to start a background check?

Go to the web site <https://chu.dhw.idaho.gov> and follow the instructions at the home page. If you need assistance completing your application you can contact the Criminal History Unit at 208-332-7990 or toll free at 1-800-340-1246. If you do not have a computer at home with internet access, computers are available at certain Health & Welfare offices for this purpose or check at your local library.

What if I live in a rural area and cannot get to an IDHW office to complete the fingerprint appointment?

If you cannot get to a Health & Welfare office that provides fingerprinting, you will still complete the application on the web site. Instead of scheduling a fingerprint appointment, you will need to contact the Criminal History Unit at 208-332-7990, toll free at 1-800-340-1246 or by email at crimhist@dhw.idaho.gov to obtain a fingerprint card and directions on completing the fingerprint process by mail.

NEW DAYCARE LICENSE APPLICATIONS:

- As a licensed daycare owner/operator, you will need to register with the Criminal History Unit and obtain an Employer Identification Number. You will provide this number on background check applications associated with your daycare.
- Each daycare owner, operator, staff member and all other individuals required to complete a Department criminal history and background check must be included on the daycare application and receive a criminal history clearance *prior* to the issuance of a new daycare license.

DAYCARE LICENSE RENEWAL APPLICATIONS:

- As a licensed daycare owner/operator, you are required to maintain compliance on an ongoing basis and keep records of all criminal history clearance for your staff and other individuals who must meet the criminal history requirements.
- Staff members and other individuals, who have obtained a department criminal history clearance and remain in the same place of employment or daycare residence, are not required to complete another background check unless potentially disqualifying information is obtained. Criminal convictions or juvenile justice adjudications for disqualifying crimes must be self-disclosed to the employer. The employer has five (5) days to report these findings to the Department.
- Your daycare license renewal application must be submitted at least forty-five (45) days prior to the expiration of the current daycare license. Each daycare owner, operator, staff member and all other individuals must be included on the daycare application. Verification of criminal history clearance will be completed prior to the issuance of a daycare license.

TRANSFER OF A CURRENT DEPARTMENT CLEARANCE:

- A department criminal history background check clearance, completed within three (3) years from the date of employment, can be transferred to any employer. To fulfill the criminal history requirement, the new employer must ensure that a new Idaho State Police record check is completed with no disqualifying crimes found. A copy of the department clearance letter and the Idaho State Police record check must be on file with the new employer. Additionally, the transfer must be reported by the employer to the criminal history unit to attach to the correct employer ID#.
- If a Department criminal history and background check clearance is more than three (3) years old from the date of hire, a new Department criminal history and background check is required.

WHEN CAN A NEW STAFF MEMBER WORK IN THE DAYCARE?

- The licensed daycare provider has three options as to when a new staff member can begin work. They may choose to start the staff member once they receive the signed and notarized criminal history application. They may want to wait until the after the fingerprint appointment or they may wait until the background check is cleared. Regardless, the provider is required to follow up through completion of the process and maintain records.

WHY IS A NOTARIZED SIGNATURE REQUIRED ON THE APPLICATION?

- The notarized signature on the application gives Health & Welfare the authorization to conduct the background check and share certain information with the employer or licensing agency. *Signing the application affirms that the information provided is correct.* Failure to disclose criminal record may result in the denial of application for a period of three years, or criminal prosecution for perjury.

Please remember, as a licensed daycare provider, your responsibilities include:

- Making employment and child safety decisions
- Prescreening applicants prior to their submitting an application
- Knowing how to use the criminal history web site and assisting applicants in submitting their application
- Identifying any disqualifying offenses that may pose a risk to health or safety
- Excluding applicants with disqualifying offenses. An applicant with disqualifying offenses will not clear a criminal history background check and cannot work in a daycare.
- Providing employees with the 4 digit Employer ID#, the type of service and contact information.
- Ensuring timeframes are met. Fingerprints are required to be submitted 21 days of signing the application and having it notarized. If the fingerprint appointment is not completed in this timeframe, the applicant or staff member is not in compliance with the criminal history requirements and cannot work or continue to work in a daycare.
- Reviewing background check results.
- Printing the clearance letter and keeping a copy on file.
- Conducting the Idaho State Police record check on all accepted criminal history clearance transfers and keeping a copy on file.
- Contacting the criminal history unit to add the Employer ID# to a transferred clearance.

If you have questions regarding these Facts and Guidelines for Criminal History Compliance for daycare licensing, please contact the Idaho Careline at 2-1-1 or 1-800-926-2588 and ask to speak with a vendor specialist, who will be happy to assist you.