

Findings from...

The 2005 Child Care Licensing Study

The 2005 Child Care Licensing Study was produced by the National Association for Regulatory Administration (NARA) and the National Child Care Information and Technical Assistance Center (NCCIC).

**Table M:
Criminal Background Check Requirements for
Center Staff in 2005**

State	Type of Background Check Required			
	Criminal History Records	Child Abuse and Neglect Registry	Fingerprints	Sex Offender Registry
Alabama*	✓	✓	✓	
Alaska*	✓		✓	
Arizona	✓		✓	
Arkansas*	✓	✓	✓	
California	✓	✓	✓	
Colorado*	✓	✓	✓	
Connecticut	✓		✓	
Delaware*				
District of Columbia				
Florida	✓			
Georgia	✓			
Hawaii	✓	✓	✓	
Idaho	NL	NL	NL	NL
Illinois	✓	✓	✓	✓
Indiana	✓			✓

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State	Type of Background Check Required			
	Criminal History Records	Child Abuse and Neglect Registry	Fingerprints	Sex Offender Registry
Iowa*	✓	✓		✓
Kansas*	✓	✓		
Kentucky	✓	✓		
Louisiana	✓		✓	
Maine*	✓	✓		
Maryland	✓	✓		
Massachusetts	✓			
Michigan*	✓	✓		✓
Minnesota				
Mississippi	✓	✓	✓	
Missouri	✓	✓		
Montana	✓	✓		
Nebraska*		✓		
Nevada				
New Hampshire	✓	✓		
New Jersey	✓	✓	✓	
New Mexico	✓		✓	
New York*				✓
North Carolina*	✓		✓	
North Dakota				
Ohio*	✓		✓	
Oklahoma*	✓			✓

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State	Type of Background Check Required			
	Criminal History Records	Child Abuse and Neglect Registry	Fingerprints	Sex Offender Registry
Oregon*	✓			
Pennsylvania	✓	✓		
Rhode Island	✓	✓	✓	
South Carolina	✓			✓
South Dakota		✓		
Tennessee	✓		✓	
Texas*	✓	✓		
Utah	✓			
Vermont*				
Virginia	✓			
Washington*	✓			
West Virginia*	✓	✓	✓	
Wisconsin	✓			
Wyoming	✓	✓		
Total	41	24	18	7

Key:

✓=Yes, state has requirement

NL=Facility not licensed

***Notes:**

Alabama: Criminal history background information checks shall be performed by the Alabama Department of Public Safety. National criminal history background checks shall be requested by the Alabama Department of Public Safety from the Federal Bureau of Investigation (FBI). Criminal history background reports shall be sent to the Alabama Department of Human Resources.

Alaska: A criminal history record check and fingerprint record check is required for staff age 16 and older who have contact with children.

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Arkansas: Federal criminal history record and fingerprint record checks are required for the owner/operator or anyone who has not been a resident of Arkansas for the past 6 years.

Colorado: If an individual has not lived in Colorado for at least 2 years, an FBI background check is conducted.

Delaware: NARA and NCCIC received information after data analyses were complete about Delaware's separate set of regulations on background checks. This error will be corrected when data are updated in the future.

The Delaware child care center licensing regulations indicate that personnel files must include a statement signed by the employee or volunteer stating the employee's/volunteer's status relative to conviction, current indictment, or involvement in any criminal activity involving violence against a person, child abuse, or neglect; possession, sale, or distribution of illegal drugs; sexual misconduct; gross irresponsibility or disregard for the safety of others; or serious violations of accepted standards of honesty or ethical behavior.

Iowa: The state may also conduct criminal and child abuse record checks in other states and may conduct dependent adult abuse, sex offender, and other public or civil offense record checks in Iowa or in other states.

Kansas: A criminal history record check and a child abuse and neglect registry check is required for each person in a center who is older than 10 years of age.

Maine: An annual motor vehicle check is required for all people employed in any child care facility in a capacity involving the transporting of minors.

Michigan: A criminal history record check is required only for licensees.

Nebraska: The state may investigate the character of prospective or existing licensees, any member of the licensee's household, and the staff and employees of programs by conducting national criminal history record information checks. The state requires a signed and dated statement from all staff, including volunteers, substitutes, and directors, that provides information concerning any felonies and/or misdemeanor arrests and convictions, and any pending criminal charges.

New York: State requires a sworn statement by the applicant indicating whether, to the best of the applicant's knowledge, he/she has ever been convicted of a misdemeanor or felony in New York State or any other jurisdiction. Information necessary to determine whether the applicant is the subject of an indicated report of child abuse and maltreatment is also required.

North Carolina: The state requires a signed statement, declaring under penalty of perjury, if an individual has been convicted of a crime other than a minor traffic violation. If the child care provider has lived in North Carolina for less than 5 consecutive years immediately preceding the date the fingerprint card is completed, a second fingerprint card shall be submitted in order to complete a national check.

Ohio: Before the first day of employment, all employees, administrators, owners, and people designated as second adults of a center shall sign statements attesting that they have not been convicted of or pleaded guilty to any offense listed in section 5104.09, 5104.012, or 5104.013 of the Revised Code and that no child has been removed from their home pursuant to section 2151.353 of the Revised Code. The statement shall document that the administrator has sent the fingerprint impression cards of all employees to the Ohio

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Bureau of Criminal Identification and Investigation. The administrator shall request an FBI check, in addition to the state record check, when the employee does not provide proof of Ohio residency for the 5-year period preceding the request.

Oklahoma: Employees who have resided in Oklahoma for less than 1 year must have a criminal history record check from their previous state of residence.

Oregon: A criminal history record check is required for volunteers only if they have unsupervised access to children.

Texas: Centers must request FBI criminal history checks for those who live outside of Texas or for whom there is reason to believe other criminal history exists. In these situations, centers must submit FBI fingerprints cards.

Vermont: The owner or operator of a facility licensed or registered by the state may ask the commissioner for the record of convictions and the record of substantiated reports of child abuse for a current employee or a person to whom the owner or operator has given a conditional offer of employment. The request shall be in writing and shall be accompanied by a release signed by the current or prospective employee. The owner or operator shall inform the current or prospective employee that he or she has the right to appeal the accuracy and completeness of the record. Upon receiving a request under this subsection, the commissioner shall ask the Vermont crime information center for the record of convictions of the current or prospective employee.

Washington: A criminal history record check is required for staff having unsupervised access to children.

West Virginia: The state requires a report of FBI records check for any staff member who has lived outside West Virginia within the past 5 years or who has established residence outside of West Virginia for more than 1 year since turning 18 years of age.