

# Background Checks to Promote Child Safety and Learning



**C**hief among safety standards is that children are safe in the care of child care providers. **Parents expect their children to be safe in child care.** Parents need to know that their child care providers and others who come into contact with children including volunteers:

- Do **not** have a record of violent offenses.
- Do **not** have a substantiated case of child abuse or neglect.
- Are **not** sex offenders.
- Have **not** engaged in other behaviors which mean that they should not be in the business of caring for children.

**A full background check is key to providing this protection.** It includes:

- Using fingerprints for checks of Federal Bureau of Investigation (FBI) criminal history records.
- Using fingerprints for state checks of criminal history records.
- Checking the child abuse registry.
- Checking the sex offender registry.

State requirements on background checks vary widely. Only five states (Alaska, Illinois, Michigan, South Carolina and Tennessee) require comprehensive background checks for all types of licensed child care.

The reality is that many states do not require fingerprints to check state and federal records. Given the transitory nature of the child care field, it is important that fingerprints are used to conduct checks of criminal records. A simple background check using a name search is not as effective as a background check using a fingerprint match. Individuals can have very common names or use aliases. It is NACCRRRA's position that background checks are of limited value unless they are based on fingerprints. **A name check can be manipulated, a fingerprint check cannot.**



The reality about background checks in child care centers is:

- Only 30 states (including the District of Columbia) use fingerprints to conduct a FBI criminal records check.
- Only 28 states use fingerprints to conduct a state criminal records check.
- **Only 10 states require centers to conduct a full background check** by using a fingerprint to check state and federal criminal records, checking the child abuse and neglect registry and checking the sex offender registry.

Forty-two states license small family child care homes where care is provided to six or fewer children. The reality about background checks in small family child care homes is:

- 22 states use fingerprints to conduct a FBI criminal records check.
- 24 states use fingerprints to conduct a state criminal records check.
- Only eight states conduct a full background check for small family child care homes.

*(continued)*

**Nine states do not start licensing family child care homes until there are seven or more children in the home. In those states, there are no background check requirements for providers in small, unlicensed family child care homes. Children in these homes are in situations where their safety is unknown.**

**Forty-two states have specific requirements for large family child care homes. The reality about background checks in large family child care homes is:**

- 27 states use fingerprints to conduct a FBI criminal records check.
- 27 states use fingerprints to conduct a state criminal records check.
- Only 10 states conduct a full background check.

The Crime Control Act of 1990<sup>1</sup> requires a background check for federal government employees who work in federal child care programs. The law requires that the checks be based on fingerprints and that the checks are conducted through the FBI and each state's criminal history records for which an employee lists current or former residence. Federal agencies may deny employment to any individual convicted of "a sex crime, an offense involving a child victim, or a drug felony." The Department of Defense expanded these requirements to include family child care providers, their assistants and substitutes and their family members age 12 and older.

The Child Care and Development Block Grant (CCDBG) under current law contains no background check requirement.

A recent study of the Federal Child Safety Pilot Program<sup>2</sup> found that requiring fingerprints is both reasonably priced and worth the effort:

- Fingerprint checks can be completed in less than a week and can be completed at a nominal fee (\$18-\$24).
- Of the more than 30,000 background checks conducted, about 6.4 percent of volunteers (who sought to work with children) were found to have criminal records.

- More than 25 percent of the individuals with criminal records had committed an offense in a state other than the state in which they were applying to volunteer.

### **Parents support fingerprint checks.**

NACCRRA's 2010 parent poll<sup>3</sup> shows that more than nine in 10 parents (92 percent) favor proposals that would require states to conduct a background check using fingerprints on every paid child care provider caring for unrelated children on a regular basis.

### **NACCRRA recommends that Congress protect children by:**

- Reauthorizing CCDBG to require comprehensive background checks, including fingerprint checks for all child care providers caring for unrelated children and for all providers receiving federal subsidies.
- Prohibiting the use of CCDBG or TANF funds to pay convicted felons to provide child care.
- Requiring all paid providers (caring for unrelated children on a regular basis) to have a state license or permit.

<sup>1</sup> 101st Congress. (1990). S.3266 *Crime Control Act of 1990*. Subtitle E—Child care worker employee background checks. Retrieved December 1, 2010, from <http://thomas.loc.gov/cgi-bin/query/F?c101:1:./temp/~c101UdycZI:e63066>

<sup>2</sup> Federal Bureau of Investigation, CJIS Division. (2003). *PROTECT Act pilot program* [PowerPoint]. Retrieved December 1, 2010, from [www.search.org/files/ppt/01-04Nash.ppt](http://www.search.org/files/ppt/01-04Nash.ppt)

<sup>3</sup> NACCRRA. (2010). *The economy's impact on parents' choices and perceptions about child care*. Retrieved December 1, 2010, <http://www.naccrra.org/publications/naccrra-publications/publications/9890928-Parent-Poll-Report-FINALNov5-2010.pdf>