

**NEWS from the North Dakota Department of Human Services
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Federal law enhances criminal background check requirements for North Dakota licensed and regulated child care providers

BISMARCK, N.D. – On Oct. 1, the North Dakota Department of Human Services will implement two additional federal requirements for criminal background checks of North Dakota licensed and regulated child care providers. The changes are the result of the federal Child Care and Development Block Grant Act of 2014, which directed states to implement additional criminal background check requirements to ensure the protection and safety of children in licensed and regulated child care.

The first change requires all child care staff, regardless of position or age, to complete a comprehensive fingerprint-based background check. This includes volunteers who may have unsupervised access to children.

The second requirement impacting providers is that new staff members cannot begin work until the department receives and reviews their in-state Bureau of Criminal Investigation (BCI) or their national Federal Bureau of Investigation (FBI) criminal history records. New staff can begin working under direct supervision if their record shows no convictions that would disqualify them from working with children. A new staff member can begin full unrestricted employment only after their entire background check is complete, which may include receiving records from each state he or she has lived in during the past five years.

“We anticipate there may be some child care providers that will be concerned about their ability to address staff turnover quickly and efficiently,” said Tara Reed, of the department’s Children and Family Services Division. “We have been proactive in implementing the new federal requirements in stages over the past three years. We also have created efficiencies like transitioning to electronic records to help minimize the impact on providers and families.”

The background check process is very detailed. Applicants need to make sure they complete all the required information on their application to avoid delays in processing their background checks.

“Incomplete applications are one of the main causes of delays in completing background checks,” Reed said. “When the department receives an incomplete application, it is sent back to the provider to correct and resubmit. This really slows down the process.”

Reed said about 30 percent of the background check applications the department receives for processing are incomplete and returned to the provider for correction and resubmission.

Other factors that cause delays are requests for additional authorization forms that are required by other states. Receiving results from other states can also take time.

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As part of the application process, individuals need to be fingerprinted. The department's eight regional human services centers offer fingerprinting services by appointment with no fee. Applicants need to bring their completed application and valid government-issued photo identification. The process takes less than a half hour. Human service center contact information is online at www.nd.gov/dhs/locations/regionalhsc/. Individuals may also get fingerprinted at any law enforcement agency or other qualified third-party agency. Fees may apply.

The department's background check process for early childhood services includes mandatory reviews of BCI and FBI criminal history records; National Crime Information Center's National Sex Offender Registry, the North Dakota Sex Offender Registry, the North Dakota Child Abuse/Neglect Index, the North Dakota Offenders Against Children Registry, interstate sex offender and child abuse and neglect registries; and interstate criminal record repositories. Searches are also done of North Dakota and Minnesota public court websites. Tribal court and child welfare records are searched, as needed.

These two federal requirements are part of a series of background check enhancements affecting early childhood services. The state has already implemented several other federal requirements. Most recently, North Dakota incorporated into the background check process searches of interstate criminal history records and interstate sex offender registries of each state an individual has lived within the past five years.

The department mailed information about the upcoming changes to about 1,800 licensed and regulated early childhood service providers who will be affected by this change. Enhanced information about fingerprint-based background checks is online at www.nd.gov/dhs/services/childcare/.

In calendar year 2017, the department's Children and Family Services Division completed about 5,500 fingerprint-based background checks for early childhood service providers and their staff members.

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