



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

TARA MYERS MS, CPM • Deputy Secretary for Human Services

December 23, 2019

DEAR DIRECTORS OF RESIDENTIAL CHILD CARE FACILITIES and RESIDENTIAL MATERNITY HOMES

ATTENTION: Directors, Human Resource Managers and Child Welfare Professionals

SUBJECT: New law requires fingerprint based criminal background checks for all adults working in child-care institutions

REQUIRED ACTION: Information Only Time Sensitive (12/23/19) Immediate

PURPOSE / BACKGROUND

On November 6, 2019, Governor Roy Cooper signed a law that now requires fingerprint based criminal records checks of national crime information databases, and child abuse and neglect registry checks on all adults working in a child-care institution. This change is pursuant to the Family First Prevention Services Act (Public Law 115-123), which was signed into law in February 2018. Compliance with the law is necessary for all child-care institutions in order for the state to receive federal reimbursement for eligible foster children who are placed in child-care institutions. Your facility is receiving this letter because the law requires compliance from all Residential Child Care Facilities and Residential Maternity Homes that receive foster care payments and are licensed under N.C.G.S. § 131D by the Division of Social Services. The requirement for fingerprint clearance applies to all staff employed by the agency, not just direct childcare staff. A child-care institution shall not employ an applicant, or allow an individual to volunteer, who refuses to consent to a criminal history record check as required by the new law.

WHAT ARE THE CHANGES?

The licensing of congregate care facilities by the Division of Social Services is governed primarily by N.C.G.S. § 131-D. The new law adds the following requirements for federal funding eligibility:

1. A new section of the North Carolina General Statutes, 108A-133 *Criminal history record checks required for child-care intuitions*, has been created to comply with P.L. 115-123.
2. All applicants for employment, including volunteers, are now required to have national criminal background checks.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • OFFICE OF THE SECRETARY

LOCATION: 101 Blair Drive, Adams Building, Raleigh, NC 27603
MAILING ADDRESS: 2001 Mail Service Center, Raleigh, NC 27699-2001
www.ncdhs.gov • TEL: 919-855-4800 • FAX: 919-715-4645

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

3. All current employees, including volunteers, will be required to have national criminal background checks. This requirement includes employees who have indirect contact with youth such as janitors, clerical assistants, etc.
4. The national criminal history record check shall include a check of the employee's or applicant's finger prints.

Next Steps

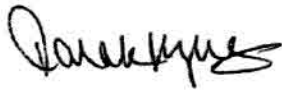
The Department of Health and Human Services Criminal Records Check Unit and the Division of Social Services, Child Welfare Section, are making necessary revisions to the criminal background check process to ensure compliance with the law.

The Department will send another communication in the near future with information on the updated changes, as well as the deadline by which the new background checks must be complete.

Questions

If you have questions, please contact Linda Waite at linda.waite@dhhs.nc.gov. Thank you for your anticipated participation and cooperation in this important process.

Sincerely,



Tara K. Myers
Deputy Secretary for Human Services
NC Department of Health and Human Services