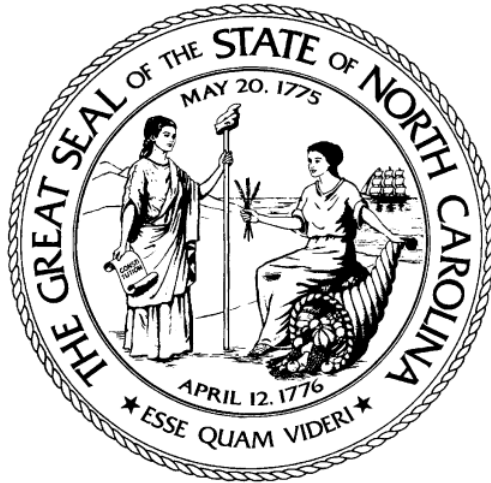


**Criminal Background Check  
Prospective Child Care Providers Report**

**Session Law 2022-74, Section 9C.3.(c)**



**Joint Legislative Oversight Committee on Health  
and Human Services**

**By  
North Carolina Department of Health and  
Human Services**

**September 28, 2023**

## **Background and Reporting Requirements**

SECTION 9C.3.(b) of Session Law 2022-74 amended G.S. 110-90.2 to allow provisional employment of prospective child care providers awaiting completed criminal background check determinations as required in G.S. 110-90.2 under specific circumstances, adding the following new subsection:

“(d1) The Department may allow a prospective child care provider to begin employment on a provisional basis when the Department has not yet received satisfactory results from the county, State, and federal criminal history checks but receives satisfactory results from either the federal or State criminal history check for the prospective child care provider. However, until the Department makes its determination regarding checks from the county, State, and federal criminal histories, a prospective child care provider employed provisionally pursuant to this subsection shall be supervised at all times by a child care provider who has received qualifying results on the child care provider's criminal history checks within the last five years. If the county, State, and federal criminal history checks are not completed within 45 days from the date the checks were requested and there are no disqualifying results on any of the completed components of the criminal history checks, the Department shall provide written notification to the provisional child care provider that the child care provider is qualified to provide child care and is no longer subject to provisional status.”

Session Law 2022-74, Section 9C.3.(c) requires the Division of Child Development and Early Education to submit an annual report by December 1, 2022, and subsequently each year for five years thereafter, to the Joint Legislative Oversight Committee on Health and Human Services on the following: (1) The number of prospective child care providers employed provisionally pursuant to this section. (2) The number of provisional child care providers who qualified to provide child care because that provider was no longer subject to provisional status. (3) Any concerns or issues that arise as a result of implementing this section. (4) Any other information the Department deems relevant.

**(1) The number of prospective child care providers employed provisionally pursuant to this section:**

As of December 1, 2022, a total of 1,761 prospective child care providers were employed provisionally pursuant to this section.

**(2) The number of provisional child care providers who qualified to provide child care because that provider was no longer subject to provisional status:**

As of December 1, 2022, a total of 1,706 provisional child care providers qualified to provide child care because that provider was no longer subject to provisional status.

**(3) Concerns or issues that arise as a result of implementing this section:**

Pursuant to this section, 217 providers were able to qualify without supplying all background checks required of 42 U.S. Code 9858-Criminal Background Checks.