

General Questions Regarding Background Checks

Who is required to have background check?

Kansas law (KSA 65-516) requires a background check for each individual residing, working or regularly volunteering in a licensed child care facility.

Background check requirements are protections intended to reduce the risk of abuse or neglect for children in regulated out-of-home child care settings. Parents need to be confident that individuals caring for their children do not have prior records of behavior that could endanger children.

What kinds of background checks are conducted?

Depending on the age of the individual and their role in the facility one of the following two types of checks are conducted:

- 1. A comprehensive fingerprint-based check consisting of:
 - a. A Federal Bureau of Investigation (FBI) fingerprint check;*
 - b. A search of the National Crime Information Center's National Sex Offender Registry; and*
 - c. A search of the following registries, repositories or databases in the state where the individual resides and each state where the individual has resided in the previous 5 years:
 - i. State criminal registry or repository;*
 - ii. State sex offender registry or repository; and*
 - iii. State-based child abuse and neglect registry and database.**
 - d. Out of state background checks for any state other than Kansas that an individual has lived in during the past 5 years and will include state criminal history, state sex offender registry and the state abuse and neglect registry.**
- 2. A name-based check consisting of:
 - a. An adult and juvenile criminal records search of the Kansas Bureau of Investigation (KBI) database;*
 - b. A search of the Kansas Criminal Offender Registry; and*
 - c. A search of the Department for Children and Families Child Abuse and Neglect Registry.**

Will there be a charge for fingerprint checks?

No, effective September 1, 2021 Child Care & Development Block Grant supplemental funds allocated by American Rescue Plan (ARP) Act of 2021 have been designated to pay your Application Fee and Background Check Fee until further notice.

There is no charge for out of state background checks.

Local fees may apply.

If an individual works at multiple facilities will duplicate fingerprint background checks be required?

No. Individuals working at more than one licensed facility are not required to submit fingerprints for each location; provided there is a current record of a fingerprint-based background check on file at KDHE. Each facility must list the individual as a current affiliate and receive verification from KDHE that a fingerprint-based check is not required.

**Note: a new comprehensive fingerprint-based background check is required when an individual has been separated from employment in a licensed facility for more than 180 days.*

How often will background checks be required?

Fingerprint-based checks must be completed every five years. KDHE will notify the affiliate when this process is due.

Additionally, a new background check is required if an individual or resident has been separated from employment or removed from any licensed facility affiliate list for more than 180 days.

Kansas name-based background checks are automatically conducted every 2.5- 3 years.

What is needed before I get the fingerprinting completed?

Please refer to the KDHE CCL website for detailed steps.

Where do I go to get my fingerprints taken?

A list of locations is available on the KDHE Child Care Licensing web page; however, this is not an exclusive list. This must be completed in a location within Kansas.

If I've had fingerprints taken for a background check for another reason, can those results meet the child care requirement?

No, new prints will be required. This is because background check information cannot be shared between agencies or businesses and each may have specific prohibitions mandated by law.

What happens if my fingerprints are rejected?

Fingerprints may be rejected due to a bad print or if there is not sufficient ridge detail. If prints are rejected a new set will be required. If prints are rejected a second time, KDHE will run a name-based background check and accept those results. A new packet will be mailed or may be picked up from your local licensing surveyor.

Will there be any charges if I must have my fingerprints taken again due to rejected prints?

No, there is no fee for the resubmission of fingerprints due to rejected prints to KDHE. The fingerprinting location site may charge; however, this is not common when reprinting is needed due to a rejected first print.

When will I receive my temporary permit?

Persons applying for an initial license must be submitted with the application.

- 1. Applicants applying for a License or Group Day Care Home license will not be issued a temporary permit until all residents have cleared the background checks.*
- 2. Applicants applying for a Child Care Center, Preschool, School Age Program or Drop in Program will not be issued a temporary permit until the owner, administrator and the program director have cleared the background checks.*

What does it mean for my facility if staff is onsite prior to results being received for a comprehensive background check?

Facilities that have individuals working on site that were submitted for a comprehensive, fingerprint-based background check but have not yet cleared may see a Consultation on the Notice of Survey

Findings (NOSF) that states, "Facility submitted individuals as required and results remain pending." A Consultation is not a violation and is not viewable by the public via online Facility Inspection Results.

How will I know someone has cleared the comprehensive fingerprint background check?

Licensees will be notified by email to check the Provider Access Portal. If the licensee does not have an email address on file a letter will be mailed to the facility address. Background check status can be viewed in the My Facilities tab accessing the Manage Affiliates link.

How do I know when someone has cleared a name-based background check?

Licensees will not receive a notification that a name-based individual has cleared however, status can be viewed in the My Facilities tab accessing the Manage Affiliates link. The licensee should assume the individual has cleared unless notified by KDHE the individual is prohibited.