

INSTRUCTIONS FOR COMPLETING BACKGROUND CHECKS

These instructions are for:

- Licensed child day centers
- Religious-exempt child day centers
- Certified preschools
- Unlicensed child care programs (centers and homes) that receive subsidy funds
- Licensed family day homes
- Voluntarily registered family day homes
- Licensed family day systems
- Family day homes approved by the family day system

Pursuant to §§ 22.1-289.032, 22.1-289.035, 22.1-289.039 and 22.1-289.040 of the *Code of Virginia*, all employees or volunteers at a licensed family day system or child day program that is licensed, registered, approved, or otherwise regulated by the Commonwealth are required to undergo comprehensive background checks prior to beginning employment or volunteer service and every five years thereafter. Pursuant to § 22.1- 289.036, applicants for licensure, registration or approval, and his agents, and adult household members that reside in a family day home must also undergo comprehensive background checks.

The Office of Child Care Health and Safety at the Virginia Department of Education (VDOE) ensures that providers meet these requirements. The Office of Background Investigations (OBI) at the Virginia Department of Social Services processes requests for background checks and screens applicants' results.

Office of Background Investigations: General Information

Hours of operation

OBI is staffed Monday-Friday from 8:30 am to 4:00 pm. Messages may be left on voicemail at other times and calls will be returned the next business day.

Points of contact

OBI Supervisor

Kristen Eckstein
Phone: 804-726-7099
Email:
kristen.eckstein@dss.virginia.gov

Criminal background investigations

Phone: 804-726-7884
Fax: 804-726-7095
Email: backgrounds@dss.virginia.gov

Child Protective Services (CPS) Central Registry

General questions: 804-726-7549

Billing questions: 804-726-7549

Email: crs_operations@dss.virginia.gov

Lois Kennedy, Supervisor

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This document provides information about how to obtain a comprehensive background check, which includes:

- [Sworn Statement or Affirmation](#)
- [Virginia Child Abuse and Neglect Central Registry Search](#)
- [National Fingerprint Results](#)
- [Out of State Criminal Record Search](#)
- [Out of State Sex Offender Registry Search](#)
- [Out of State Child Abuse and Neglect Search](#)

A provider is responsible for safeguarding the background results. State and Federal laws prohibit secondary dissemination of background check records by the child day program or family day system unless specifically permitted under §§ 22.1-289.035 and 22.1-289.036 of the Code of Virginia.

This document also provides information about [provisional hire](#) and [background check portability](#), including who is eligible to request portability and how to request portability.

Sworn Statement or Affirmation

All individuals required to undergo a background check are required to provide a [sworn statement or affirmation](#) prior to employment or volunteer service, disclosing whether they have:

- Ever been convicted of or is the subject of pending criminal charges for any offense within or outside the Commonwealth; or
- Been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth.

Virginia Child Abuse and Neglect Central Registry Search

In addition to the individuals listed on page one of this document, the Virginia Child Abuse and Neglect Central Registry Search is also required for any household members of a family day home who are 14 years of age or older.

Providers should submit the **Request for Search of the Central Registry and Release of Information** and fee for each search to OBI using the secure OBI [portal](#) prior to employment or volunteering.

Fees

Payments are made directly through the OBI [portal](#) by credit card, debit card or electronic check. Each Request for Search of the Central Registry and Release of Information costs \$10. Please be advised that there is also a 2.3% service charge when using a debit or credit card. All fees are non-refundable.

Completing the *Request for Search of the Central Registry and Release of Information Form*

Tips for completing the form in the portal:

- Log into the OBI portal or register if you are a first time user. First time users that are providers and facilities licensed and regulated by VDOE, such as child care programs, school based systems, Head Start programs, or other educational based programs should select DOE User type when registering for an OBI portal account.
- Follow all instructions provided within the portal.
- All required fields are marked with a red asterisk *.
- Enter the email address of the individual for whom you wish to request a background check on. This will trigger an email to the individual to grant permission for you to obtain the background check.
 - If the individual does not have an email address, you will instead select “manual entry” and follow the prompts accordingly.
- Once the individual has electronically authorized your agency to request a background check for them, you will return to the OBI [portal](#) to finish the request.
- An agency code is not required unless your program has been assigned an agency code by OBI. NOTE: The agency code is not the same as your FieldPrint Code, and most programs do not have an agency code for central registry requests.
- Complete all required fields in the form.
- The middle name field should be the middle name given at birth. If the individual does not have a middle name, enter NMN.
- The maiden name is the last name given at birth (not a previous married name). If a maiden name is not applicable, enter NMN.
- The requestor must list a valid email address so the search results can be emailed. If an email is not listed, results will be mailed, but this will delay the results.
- Any questions or concerns related to the information required should be submitted to the Central Registry mailbox at crs_operations@dss.virginia.gov.

Note: If the search form submitted through the portal is not completed correctly, it will be returned for revision, and an email notification that the request has been returned will be sent to the requestor.

Downloading the request form for signature is no longer required unless you selected “manual entry”. If manual entry was selected, after fully completing the form in the portal, the requestor should download and print the form so it can be signed by the individual, and then upload the signed form in the portal for submission. **The Central Registry Release of Information Form #032-02-0151-12 that was previously**

used prior to the portal being available is not accepted through the OBI portal. NOTE: Forms no longer have to be notarized.

After submitting the request form (electronically signed or manually signed) and payment through the portal, individuals will receive a results letter indicating if the person for whom the search was conducted was found in the central registry system. This letter will be emailed to the requesting agency. If a record of a founded complaint is located, the results letter will indicate there was a “match” and include information on which local department of social service (LDSS) office made the finding. The LDSS can be contacted to obtain specific information about the complaint resulting in the finding. Contact your licensing inspector if you are unsure how the information you obtained will impact hiring or retaining individuals.

Frequently asked questions for Virginia Child Abuse and Neglect Central Registry Search

What if I do not have a social security number?

Individuals who do not have a social security number (SSN), including those with only an assigned individual taxpayer identification number (ITIN), cannot submit requests through the online portal. These individuals will need to manually complete the Central Registry Release of Information Form #032-02-0151-12 and mail in the form with the applicable payment to the Virginia Department of Social Services; Office of Background Investigations; 5600 Cox Road, 2nd Floor; Glen Allen, Virginia 23060. Be sure to leave the SSN field blank and include a written statement with the request form that the individual does not have an SSN. The request form can be found on the VDSS [website](#).

Is the hard copy Central Registry Release of Information Form #032-02-0151-12 still available for completion and mailing?

Individuals may still manually complete the Central Registry Release of Information Form #032-02-0151-12 and mail the request and payment to the Virginia Department of Social Services (VDSS), but individuals are strongly advised to use the online portal when possible. Manual submissions delay the processing time due to mailing delays. The request form can be found on the VDSS [website](#), but be advised that the mailing address has changed effective January 10, 2024. Manual forms and applicable payments should be mailed the Virginia Department of Social Services; Office of Background Investigations; 5600 Cox Road, 2nd Floor; Glen Allen, Virginia 23060.

Criminal Background Investigations

Each provider should designate one criminal background investigation contact person. All correspondence and questions from OBI about fingerprint background checks will be directed to this contact. In order to keep contact lists and addresses current, any changes in the designated point of contact should be reported to OBI.

Fingerprint-based Criminal History Search

The fingerprinting vendor, Fieldprint®, will collect all identifying information on the applicant, collect fees, take prints, and electronically submit the information to the Virginia State Police (VSP) and the Federal Bureau of Investigations (FBI). VSP and the FBI send results to OBI. OBI staff will screen criminal history results received from VSP and the FBI in order to provide the requesting provider a determination of eligibility on the individual being searched. The fingerprint-based criminal history record search includes a national criminal record check, a Virginia criminal record check, a Virginia sex offender registry check, and the NCIC national sex offender registry search.

VDOE is currently covering the cost of fingerprint-based criminal history searches through June of 2025 for those individuals in child day programs and family day systems who are required to be fingerprinted by §§ 22.1-289.032, 22.1-289.035, 22.1-289.036, 22.1-289.039 and 22.1-289.040 of the *Code of Virginia*. **FieldPrint can only be used by the program types specified in the above sections of the Code.**

Once VDOE is no longer covering the cost of fingerprint-based criminal history searches, child day programs and family day systems will be responsible for the fees below for each request:

\$59.00	Employees, applicants, agents, caregivers, approved providers in a family day system, household members
\$39.00	Volunteers

Note: Fingerprints through Fieldprint cannot be obtained until for new child day programs until VDOE has an application for licensure, registration or approval on file.

Registering with Fieldprint

All individuals required to submit a fingerprint based criminal history search must register online with Fieldprint® using the process below:

1. Access the Virginia Fieldprint® website at <https://fieldprintvirginia.com/>.
2. Click “Schedule an Appointment” button.
3. Follow the on-screen instructions to register with Fieldprint® or log-in if you are an existing user.
4. On the “Reason” screen, enter your Fieldprint Code. You cannot schedule the appointment without this Code. If you lose your Fieldprint Code, contact OBI at 804-726-7884 or backgrounds@dss.virginia.gov.
5. Complete demographic information.
6. Under “Additional Information”, enter your “Facility ID” number found in the Fieldprint Code document from OBI. You cannot schedule the appointment without this ID. If you lose your Facility ID, contact OBI at 804-726-7884 or backgrounds@dss.virginia.gov.

7. If you have lived out of state in the past five years, enter each location and dates starting with the most recent. If you have had more than five addresses out of state in the past five years, enter the five most recent addresses.
8. Make sure that the “Facility ID” you entered is correct and the facility you are being fingerprinted for is shown. If it is not correct, select back and re-enter the ID or contact the person who gave you the number.
9. Read through the “Authority for Release of Information”. Check the “I Agree” box and provide information requested.
10. The “Find a Location” screen will have your home address. If you want to use that address to find a Fieldprint location nearest you, select “Find”. If you want to enter a different address (ex. your work address) enter that address and select “Find”.
11. Schedule an appointment by selecting a location, date, and time and selecting the “Schedule” button. You will see a pop up, select “Continue” if you are going to keep the appointment and “Cancel” if you want to choose a different time.
12. Print appointment confirmation (includes the Fieldprint® appointment number located above the appointment date & time) and bring it along with two forms of identification (one must be a picture ID). The appointment cannot be completed if these items are not present.

Acceptable primary forms of identification

- State-issued driver’s license
- State-issued non-driver’s license ID card
- U.S. passport
- Military identification card
- Work visa with photo
- DOD Common Access Card
- Foreign passport
- Foreign driver’s license

Acceptable secondary forms of identification

- Credit card/debit card
- Birth certificate
- Citizenship or naturalization certificate
- School ID with photograph
- Bank statement
- Paycheck stub
- Marriage certificate
- Utility bill
- Vehicle registration/title

Note: The Fieldprint Code and Facility ID are necessary for completing the online registration. The Fieldprint Code and Facility ID identify which program you are working with and what type of applicant you are. For child day programs and family day systems, your role will either be an applicant or agent, a volunteer, an employee, or a household member. You should use the Fieldprint Code that is for your role. If you do not have a Fieldprint Code or Facility ID, contact the Office of Background Investigations (OBI) at (804) 726-7884 or backgrounds@dss.virginia.gov.

Fieldprint will charge rescheduling fees if you fail to appear for your appointment or cancel within 24 hours of the scheduled appointment time.

Fieldprint codes and Facility IDs are sent to the facility point of contact for criminal background investigations. Contact OBI at 804-726-7884 or backgrounds@dss.virginia.gov if there is a question regarding the code or the facility ID.

If you have a question about which individuals in a program are required to be fingerprinted or other licensing questions, contact your licensing inspector. OBI will not be able to answer these questions.

If you have questions about scheduling an appointment, call Fieldprint at 877-614-4364.

Note: Fieldprint locations are handicapped accessible so individuals with physical challenges that limit mobility will be able to access fingerprinting services.

Reprints

If fingerprints are rejected by the State Police or FBI, Fieldprint will contact the individual to schedule a new appointment. Reprints must be taken as soon as possible after being notified that a reprint is needed in order to complete the background investigation process and be in compliance with state law.

There is no fee for reprints.

Notification of name search

If fingerprints continue to be rejected by the Virginia State Police or by the FBI, OBI will request a name check. If this happens, the provider will be notified. Once the request is approved and the name check has been completed, a final determination letter will be sent to the agency for retention in the agency file.

Evaluating criminal background investigation results

OBI is responsible for screening the Virginia and FBI records for facilities.

Providers are notified of the individual's status based on evaluation of the information received from VSP and the FBI. OBI staff will screen the results against the **barrier crimes list** and determine if an individual is eligible.

Determination letters

OBI will email a determination letter to the provider for the individual who submitted fingerprints to let them know if the individual is eligible or not eligible to work with children.

There are three different types of letters.

1. **Eligible:** eligible to work with children.
2. **Not Eligible:** not eligible to work with children. "Not eligible" letters are sent when:
 - o An individual has a conviction of any barrier crime as defined in § 19.2-392.02. Convictions include prior adult convictions and juvenile convictions or adjudications of delinquency based on a crime that would be a felony if committed by an adult within or

outside the Commonwealth; or

- An individual has a conviction of any other felony not included in clause (i), (ii), (iii), (iv), or (v) unless five years have elapsed from the date of conviction.

A child day program or family day system cannot allow volunteer service or hire anyone who has received a “not eligible” letter. Home-based programs cannot have a household member who has received a “not eligible” letter.

3. **Unable to Determine:** there is not enough information to determine if a person is eligible or not eligible to work with children. This may happen when:
- A disposition has not been reported by the court to the State Police/FBI;
 - A record has been purged or destroyed by the court; or
 - The record includes charges such as “fail to appear” or “contempt of court” charges. These are not barrier crimes, but OBI researches the underlying charge to verify/confirm the original charge to make sure it was not barrier related.

In each case, OBI has researched all available state and local record keeping systems, has contacted law enforcement, or has contacted the clerks of court where the conviction was documented and has not been able to determine whether the applicant was convicted of a barrier crime.

The “Unable to Determine/Adequate Information is Not Available” letter is a final determination letter from OBI.

The decision to hire an individual with an “unable to determine/adequate information is not available letter” is up to the provider. It is recommended that the provider take a statement from the individual about any arrests, charges, or convictions that may be on the criminal history record and document all information provided based on what the individual discloses. If at any point, a barrier conviction is disclosed, the facility must treat the case as “not eligible”. It is recommended that the individual sign the statement, the statement be attached to OBI’s determination letter, and both documents be placed in the individual’s file.

OBI is not allowed to release information from the criminal history records to providers.

Requesting a copy of the criminal history record

FBI	If an individual wants to request a copy of their FBI criminal history record, they can visit the FBI website at https://www.fbi.gov/
Virginia State Police	If an individual wants to request a copy of their Virginia criminal history record, they can visit the Virginia State Police website at: https://vsp.virginia.gov/services/criminal-background/

Challenging criminal background check results

If, after reviewing the identification record, the individual believes it is incorrect or incomplete in any respect and wishes changes, corrections, or updating of the alleged deficiency, he should make direct
(Revised 6/29/2024)

contact with the agency (court, law enforcement agency, etc.) that contributed the questioned information through the procedures described below.

Reports to a provider from OBI can be modified only after the individual challenges his record, it is corrected by the court or law enforcement agency, and the correction reported by the court/agency to the State Police or FBI. The individual must then submit fingerprints in order to obtain an accurate record.

If an applicant admits to having a barrier conviction or pending barrier charge, he is not entitled to proceed with the challenge procedure.

Applicants should not be told to contact OBI for more information. The provider should provide the individual with a copy of the barrier crimes and refer them to either the State Police or FBI websites to request a copy of their criminal record.

FBI

If an individual is denied because of information appearing on the individual's FBI record and it comes to the individual's attention that he is not the person of the record, the individual may initiate a challenge of the information contained in the record. The agency is required by state and federal laws to provide the individual with a copy of the challenge procedures. The challenge procedures can be found at: <https://www.fbi.gov/services/cjis/identity-history-summary-checks>

Virginia State Police

In instances where it comes to an individual's attention that his name or other descriptive information is a matter of record in the Central Criminal Records Exchange, and he is not the person of the record, then the individual may initiate a challenge of the information contained in the record. An individual should report this information to a local sheriff, police or State Police Headquarters and request to be fingerprinted for the purpose of challenging a criminal record.

The individual to be fingerprinted must show personal identification. The official taking the fingerprints must document on letter head that he has reviewed the individual's personal identification and obtained the fingerprints. This letter and the fingerprints are to be mailed to the following address:

Manager
Central Criminal Records Exchange
Virginia Department of State Police
P.O. Box 27472
Richmond, VA 23261-7472

Within five work days, the individual who initiated the challenge will receive written confirmation of the fingerprint search results, whether he is or is not the person of the record, and record modification(s) taken, if applicable.

Frequently asked questions about fingerprinting and criminal background checks

Who is required to have a fingerprint-based criminal background check?

Applicants for licensure or voluntary registration, agents of an applicant, employees, volunteers, and adult household members in a family day home are required to have a fingerprint based background check.

Unlicensed child day programs that are approved subsidy vendors are also required to have fingerprint-based checks for owners, employees, and adult household members.

When do all individuals required to have a fingerprint based check need to have it completed?

- All **employees and volunteers** must have a fingerprint based background check completed before that individual begins employment or volunteer service.
- **Household members** must have completed a fingerprint based background check within 30 days of joining the household and prior to issuance of a license, registration or approval.
- **Applicants for licensure, registration, approval, or the Child Care Subsidy Program (approved subsidy vendor) and their agents**, must have fingerprint background checks. Licenses, registrations, or approvals will not be granted until fingerprint based background checks are completed.
- **New applicants, partners, members, officers, directors and agents** must complete a fingerprint based background check within 30 days of appointment to the legal entity.

Can someone work before they get a determination letter?

No. New employees or volunteers cannot begin to work before the determination letter is received. Effective July 1, 2024, applicants for employment or volunteering may be provisionally hired and begin work once completed satisfactory fingerprint results are received. These individuals must be supervised by a person with all background check components completed within the last five years until all required background checks are received.

How long will it take for the results of a fingerprint check to be available?

If there is no criminal record, an eligible letter should be emailed within three days to a week from the fingerprint appointment date.

If there is a criminal record, OBI must wait for the full record to be sent from the Virginia State Police and conduct any necessary research to determine if there is a barrier conviction. This process can take two weeks or longer. The final determination letter will be emailed once all research has been completed.

How often do I need to be fingerprinted?

Background checks are required every five years.

Fingerprint-based background check results are not currently transferrable between different employers, but background check portability can be requested for prospective employees or volunteers pursuant to § 22.1-289.035 J of the Code of Virginia.

Are individuals with an “Unable to Determine” letter from the Office of Background Investigations (OBI) eligible for provisional hire or portability?

There is nothing in the Code that prohibits an individual with an “unable to determine” letter from the OBI from being eligible for provisional hire or portability. **The decision to hire an individual with an “unable to determine/adequate information is not available letter” is up to the provider.** It is recommended that the provider take a statement from the individual about any arrests, charges, or convictions that may be on the criminal history record and document all information provided based on what the individual discloses. If at any point, a barrier conviction is disclosed, the facility must treat the case as “not eligible”. It is recommended that the individual sign the statement, the statement be attached to OBI’s determination letter, and both documents be placed in the individual’s file.

Out-of-State Criminal Background, Sex Offender Registry Search, and Child Abuse and Neglect Searches

Anyone who has lived in another state in the past five years is required to request out of state background checks **for each state they have lived in within the past five years**. Processes vary from state to state.

- Applicants and agents for licensure, approval, and registration must request an out of state check when they initially apply for a license, approval, or registration. Licenses, registrations, or approvals will not be granted until eligible out of state background checks are obtained. Home based programs must also obtain out of state background checks for adult household members prior to licenses, registrations or approvals being granted.
- Out of state background checks (criminal background, sex offender registry, and child abuse and neglect searches) must be requested for prospective employees and volunteers prior to beginning employment or volunteer service.
- Adult household members for home-based programs must obtain eligible out of state criminal record checks and sex offender registry checks within 30 days of becoming a resident or turning 18 years of age, and prior to issuance of a license, registration or approval.
- **New applicants, partners, members, officers, directors and agents** must obtain eligible out of state background checks within 30 days of appointment to the legal entity, and prior to issuance of a license, registration or approval.

Child day programs and family day systems are required to maintain this information in personnel files or household member files.

Out of State Criminal Background Checks

To obtain an out of state criminal background check, view the [Interstate Criminal Background Check Contact Chart](#) that lists the contact information for each state and territory of the United States. It is

important to follow the instructions and requirements listed as each state has different processes on how to request a search. If you have questions, use the contact information in the column named “Interstate Criminal Background Check” for state criminal history check questions. The Office of Background Investigations (OBI) of Virginia will not be able to answer questions about the other state’s background check process.

If the state where the individual previously resided participates in the National Fingerprint File (NFF) program through the FBI, this additional state criminal background check is not required. NFF states are identified in the Interstate Criminal Background Check Contact Chart.

NOTE: The NFF state criteria only applies to criminal history background checks. A sex offender registry check and child abuse and neglect registry check are still required in the other state, even if the state is a NFF state.

Out of State Sex Offender Registry Check

To obtain an out of state sex offender registry check, view the [Interstate Criminal Background Check Contact Chart](#) that lists the contact information for each state and territory of the United States. It is important to follow the instructions and requirements listed as each state has different processes on how to request a search. If you have questions, use the contact information in the column named “Interstate Sex Offender Registry Check” for sex offender registry check questions. The Office of Background Investigations (OBI) of Virginia will not be able to answer questions about the other state’s background check process.

Programs may also obtain the out of state sex offender registry check through the United States Department of Justice [National Sex Offender Public Website \(NSOPW\)](#).

Out of State Child Abuse and Neglect Registry Check

To obtain an out of state child abuse and neglect check, view the [Interstate Criminal Background Check Contact Chart](#) that lists the contact information for each state and territory of the United States. It is important to follow the instructions and requirements listed as each state has different processes on how to request a search. If you have questions, use the contact information in the column named “Interstate Child Abuse and Neglect Registry Check” for child abuse and neglect registry check questions. The Office of Background Investigations (OBI) of Virginia will not be able to answer questions about the other state’s background check process.

Frequently asked questions for out of state background checks

What if I have lived in another country in the past five years?

The out-of-state requirement does not apply to other countries.

What if a state won't conduct a search for me?

We are aware that some states will only provide search results to another state agency, and some states will only provide search results for foster or adoptive parents. At this time, VDOE does not request searches in other states for individuals.

For states that clearly indicate they do not provide search results for child care programs, print off a screen shot of the limitation from the state's website and keep it as documentation. Any email or letter from a state indicating they will not search or will not release the results should be maintained as documentation of the request to search.

What will my inspector be looking for as evidence of submitting out of state check requests?

Licensing inspectors will be looking for evidence during inspections that the out of state requests have been submitted prior to beginning employment or volunteer service. If results are not received within 45 days, you must follow up with the state and document the follow up.

Evidence may include:

- Copy of a letter, email, or fax sent requesting a search
- Copy of the state's form used to request a search
- Any response received from another state confirming receipt of the request
- Copy of a letter, email, or fax sent to follow up on a search request
- Copy of the state's decision not to search or not to release results

I didn't receive the out of state results within 45 days of the request and followed up accordingly, now what should I do?

The federal government requires that state agencies respond to background checks request within 45 days. Therefore, if you submitted the out of state background check requests prior to the employee beginning employment or volunteering and the results weren't received within 45 days of the request, follow up with the appropriate state agency and document the results. If no response is received, a response is received indicating that the state does not provide results to private agencies, or a response is received that the results are delayed due to administrative reasons, retain this documentation in the employee's file to satisfy the requirement of obtaining the requests. The employee will no longer be required to be supervised by another individual; however, if at any point you receive documentation indicating that the individual has an ineligible background check, the employee must be separated from employment or volunteering.

If I hire seasonal staff, are they required to complete new background checks each year?

If a seasonal staff remains employed by the facility and the facility maintains the background check record for the staff member, the background check remains valid for 5 years and a new check must be completed every 5 years. If the staff becomes inactive or is not employed by the facility for 12 months or less, the facility may use the background check previously completed if the background check was completed within the last 5 years. Out of state checks will need to be included in the check completed 5 years after the initial check if the individual lived out of state. However,

repeating the background check components (Sworn Disclosure, Central Registry, Fingerprint Check, and In-state Sex Offender Registry, Out-of-State Sex Offender Registry, Out-of-State Criminal Record, and Out-of-State Child Abuse Registry) is the best way to ensure that a barrier crime was not committed while the employee was not employed at the facility.

I employ military personnel stationed in a different state and college students who attend school in another state. Are out-of-state checks required for each state the person was stationed or attended school required if the legal address never changed?

Yes. §§ 22.1-289.035 B4 and 22.1-289.036 B4 require that “any” individual required to undergo a background check shall authorize the child day center, family day home, or family day system (licensed CDC, FDH, FDS, exempt child day center, registered FDH, FDH approved by a FDS, or subsidy child day program) to obtain a copy of the results of a criminal history record information check, a sex offender registry check, and a search of the child abuse and neglect registry or equivalent registry from any state in which the individual has “resided” in the preceding five years. The term “resided” or lived in any other state is not limited to only a legal residence. The regulation, Background Checks for Child Day Programs and Family Day Systems in 8VAC20-770 states that “living in” means to reside in a place for an extended or permanent period of time. The regulation, Background Checks for Child Day Programs and Family Day Systems in 8VAC20-770 states that “visit” means a stay or sojourn as a guest for no longer than 30 days.

Provisional Hire

Effective July 1, 2024, new applicants for employment and volunteering may be provisionally hired if the applicant has received qualifying results on a fingerprint-based background check through the Central Criminal Records Exchange or the Federal Bureau of Investigation, and all other background checks have been requested. The employee must be supervised and in the line of sight of another individual with all required background checks until all their background checks are received.

Current employees must continue to meet the requirements set out in § 22.1-289.035 of the Code. Previous background check requirements apply to all applicants and volunteers hired prior to July 1, 2024.

Portability Requests for a Criminal Record and Virginia Central Registry Check

Eligibility

Effective January 1, 2022, background check portability of a criminal record check and Virginia Central Registry check can be requested for any individual being hired by or who will be volunteering at a child day program or family day system described in Subsection A of [§ 22.1-289.035](#) of the Code of Virginia if the following conditions are met:

- The individual has completed a background check under § 22.1-289.035 within the last five years;
- The results of such background check indicated that the individual has not been convicted of any barrier crime as defined in [§ 19.2-392.02](#) and was not the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth; and
- The individual is currently or has been, within the previous 180 days, employed by or a volunteer at a child day center, family day home, family day system, or child day program described in

Subsection A of § 22.1-289.035.

If your program is not described in Subsection A of § 22.1-289.035, you are not eligible to request portability for a prospective employee or volunteer.

Request process

Providers should submit a portability request and fee for each request to OBI using the secure OBI [portal](#).

Fees

Payments are made directly through the OBI [portal](#) by credit card, debit card or electronic check. Each portability request costs \$15. Please be advised that there is also a 2.3% service charge when using a debit or credit card. All fees are non-refundable, so it is important that you confirm with the prospective employee or volunteer that they are eligible for background check portability prior to submitting your request.

Completing the portability request

Tips for completing the request in the portal:

- Log into the OBI portal or register if you are a first time user. First time users that are providers and facilities licensed and regulated by VDOE, such as child care programs, school based system, Head Start programs, or other educational based programs should select DOE User type when registering for an OBI portal account.
- Follow all instructions provided within the portal.
- All required fields are marked with a red asterisk *.
- After entering the requestor's contact information and the reason for the request, select "manual entry/upload process" and follow the instructions/prompts.
- Complete all required fields in the form. You will be required to enter information related to the individual's former employer and your agency's information. Select "current employer" when entering your agency's information though the individual is a prospective employee or volunteer. Employment dates are needed.
- The middle name field should be the middle name given at birth. If the individual does not have a middle name, enter NMN.
- The maiden name is the last name given at birth (not a previous married name). If a maiden name is not applicable, enter NMN.
- The requestor must list a valid email address so the search results can be emailed. If an email is not listed, results will be mailed, but this will delay the results.
- An agency code is not required unless your program has been assigned an agency code by OBI. NOTE: The agency code is not the same as your FieldPrint Code, and most programs do not have an agency code for central registry requests.
- Any questions or concerns related to the information required should be submitted to the OBI team at crs_operations@dss.virginia.gov.

Note: If the request form submitted through the portal is not completed correctly, it will be

returned for revision, and an email notification that the request has been returned will be sent to the requestor.

After submitting the request form and payment through the portal, individuals will receive a results letter providing the dates of the last completed criminal record and Virginia Central Registry Search, indicating if the person is eligible for employment. This letter will be emailed to the requesting agency. Contact your licensing inspector if you are unsure how the information you obtained will impact hiring or retaining individuals.