

# DHHS Children's Services Licensing National Criminal History Record Information Check (NCHRIC) Orientation

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# What you will learn

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This slide will teach you .....

- Who is required to complete the DHHS Fingerprint Background Child Care Check (National Criminal History Record Information Check)
- What is included in the DHHS Fingerprint Background Child Care Check (National Criminal History Record Information Check)
- How to complete the DHHS Fingerprint Background Child Care Check (National Criminal History Record Information Check)
- How/where to submit the DHHS Fingerprint Background Child Care Check Application (National Criminal History Record Information Check)
- What happens when an applicant is determined eligible or ineligible
- The Nebraska State Patrol information
- License Exempt/Subsidy Programs

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# Federal Requirements

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If you are interested this is the federal requirement link that can provide you more information.

<https://childcareta.acf.hhs.gov/resource/criminal-background-check-requirements-ccdbg-act-background-check-requirements>

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# State Statute

**Nebraska Revised Statute 71-1912.** Department; investigation; inspections; national criminal history record information check; procedure; cost; background checks; person ineligible for employment;

(5)(a) A person applying for a license as a child care provider or a licensed child care provider under the Child Care Licensing Act shall submit a request for a national criminal history record information check for each child care staff member, including a prospective child care staff member of the child care provider, at the applicant's or licensee's expense, as set forth in this section. **Beginning on October 1, 2019**, a prospective child care staff member shall submit to a national criminal history record information check (i) **prior to employment**, except as otherwise permitted under 45 C.F.R. 98.43, as such regulation existed on January 1, 2019, or (ii) prior to residing in a family child care home.

A child care staff member who was employed by a child care provider prior to October 1, 2019, or who resided in a family child care home prior to October 1, 2019, shall submit to a national criminal history record information check by October 1, 2021, unless the child care staff member ceases to be a child care staff member prior to such date. (b) A child care staff member shall be required to undergo a national criminal history record information check not less than once during each five-year period. A child care staff member shall submit a complete set of his or her fingerprints to the Nebraska State Patrol. **The Nebraska State Patrol shall transmit a copy of the child care staff member's fingerprints to the Federal Bureau of Investigation for a national criminal history record information check.** The national criminal history record information check shall include information concerning child care staff members from federal repositories of such information and repositories of such information in other states, if authorized by federal law for use by the Nebraska State Patrol. The Nebraska State Patrol shall issue a report to the department that includes the information collected from the national criminal history record information check concerning child care staff members.

**The department shall seek federal funds, if available, to assist child care providers and child care staff members with the costs of the fingerprinting and national criminal history record information check.** If the department does not receive sufficient federal funds to assist child care providers and staff members with such costs, then the child care staff member being screened, applicant for a license, or licensee shall pay the actual cost of the fingerprinting and national criminal history record information check, except that the department may pay all or part of the cost if funding becomes available. The department and the Nebraska State Patrol may adopt and promulgate rules and regulations concerning the costs associated with the fingerprinting and the national criminal history record information check. The department may adopt and promulgate rules and regulations implementing national criminal history record information check requirements for child care providers and child care staff members. (c) A child care staff member shall also submit to the following background checks at his or her expense not less than once during each five-year period: (i) A search of the National Crime Information Center's National Sex Offender Registry; and **(ii) A search of the following registries, repositories, or databases in the state where the child care provider is located or where the child care staff member resides and each state where the child care provider was located or where the child care staff member resided during the preceding five years: (A) State criminal registries or repositories; (B) State sex offender registries or repositories; and (C) State-based child abuse and neglect registries and databases.**

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# State Statute CONT.

**(d) Any individual shall be ineligible for employment by a child care provider if such individual:** (i) Refuses to consent to the national criminal history record information check or a background check described in this subsection; (ii) Knowingly makes a materially false statement in connection with the national criminal history record information check or a background check described in this subsection; (iii) Is registered, or required to be registered, on a state sex offender registry or repository or the National Sex Offender Registry; or (iv) Has been convicted of a crime of violence, a crime of moral turpitude, or a crime of dishonesty.

(e) The department may adopt and promulgate rules and regulations for purposes of this section. **(f) A child care provider shall be ineligible for a license under the Child Care Licensing Act and shall be ineligible to participate in the child care subsidy program if the provider employs a child care staff member who is ineligible for employment under subdivisions (d) or (e) of this subsection.** (g) National criminal history record information and information from background checks described in this subsection subject to state or federal confidentiality requirements may only be used for purposes of granting a child care license or approving a child care provider for participation in the child care subsidy program. (h) For purposes of this subsection: (i) Child care provider means a child care program required to be licensed under the Child Care Licensing Act; and (ii) Child care staff member means an individual who is not related to all of the children for whom child care services are provided and: (A) Who is employed by a child care provider for compensation, including contract employees or self-employed individuals; (B) Whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider; or (C) Who is residing in a family child care home and who is eighteen years of age or older.

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# Child Care Staff Member Defined

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Per Federal requirements the following people must complete the National Criminal History Record Information Check:

Child care staff member means an individual who is not related to all the children for whom child care services are provided and:

- (A) Anyone employed by a child care provider for compensation, including contract employees or self-employed individuals;
- (B) Anyone whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider; or
- (C) A non parent volunteer, or
- (D) Who is residing in a family child care home and who is eighteen years of age or older

Reference Nebraska Revised Statute 71-1912

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# What is included in the NCHRIC?

Any individual 18 years of age or older living in or providing care in a child care program is required to have a full set of background checks completed at least once every 5 years while employed at or living in a child care program.

The required checks include:

- fingerprint based national criminal history;
- state criminal history;
- state sex offender registry;
- child abuse and neglect registries, repositories, or databases for every state in which the individual has resided during the previous 5 years.

**\*\*\*At this time, all staff employed at a licensed Child Care Center, School-Age-Only Center, or Preschool are required to complete the APS/CPS Central Registry check(s) using the portal.\*\*\***

Central Registry Check portal link <https://dhhs.ne.gov/pages/abuse-and-neglect-central-registry.aspx>

Reference Nebraska Revised Statute 71-1912

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# Filling out the Application

- The application must be completed in full and **legible**.

- The applicant needs to complete:
  - Name
  - Date of Birth
  - Address
  - Phone number
  - Email Address
  - Sign & Date (current date within last 30 days)

Legal Name: _____		
Last	First	Middle Initial
Date of Birth (MM/DD/YYYY): _____		
ALL Previous Names: _____ ( <input type="checkbox"/> aliases / <input type="checkbox"/> maiden name/ <input type="checkbox"/> name change)		
**HAVE YOU BEEN MADE ELIGIBLE UNDER A DIFFERENT NAME <input type="checkbox"/> No <input type="checkbox"/> Yes _____		
Address: _____		City/State/Zip Code _____
Phone Number: _____	Email Address: _____	
<small>*For fastest outcomes, eligibility results can be provided via email.</small>		
<small>I give consent for Children's Services Licensing to check a National Criminal History Record Information Check as well as Nebraska and out-of-state fingerprint and non-fingerprint-based registries and databases and provide my employment eligibility status to the identified child care program on Page 2. I also acknowledge that I have received the Privacy Act Statement and Noncriminal Justice Applicant's Privacy Rights disclosures as required by Federal law found at the end of this application.</small>		
Signature: _____		Date: _____

- The applicant's name on the application must be the same as what is listed on one of the acceptable forms of ID such as a driver's license, visa, and/or passport.

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# Filling out the Application (CON'T)

	Yes	No
<p>1. Are you a NEW child care staff member or household member, NEVER been fingerprinted for child care and NEVER made eligible to work or reside in child care?</p> <p><i>If YES to #1, continue to #5. You MUST get fingerprinted. If NO to #1, continue to #2.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>2. Have you been fingerprinted and previously determined eligible to work or reside in a child care, but have NOT worked or resided in a child care for 180 days or more?</p> <p><i>If YES to #2, Continue to #5. You MUST complete the fingerprinting process again. Children's Service Licensing will NOT distribute your previous eligibility status results to the child care listed below. If NO to #2, continue to #3.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>3. Are you a CURRENT child care staff member or household member and already ELIGIBLE to work or reside in a child care?</p> <p><i>If YES to #3, Continue to #5. The eligibility letter will be sent to the child care listed on Page 2 of this application. If NO to #3, sign and date Page 1 of this application and have your employer move to Page 2.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>4. <b>INELIGIBLE</b> – Were you determined ineligible to work or reside in child care and would like your background check reviewed again?</p> <p><i>If YES, you MUST be past the 30-day ineligibility appeal request timeframe. You must complete the fingerprinting process again and have your employer move to Page 2.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>5. Have you lived outside of Nebraska in the last 5 years? If YES, which states? _____ <i>If YES to #5, you will be required to complete additional documents to request criminal records and child and adult abuse registry checks from the above listed state(s). The Department will make these request documents available to you. Sign and date Page 1 of this application and have your employer move to Page 2.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>

Completing questions 1 through 5 by the applicant

- Question 1 – The applicant have never been made eligible
- Question 2 – The applicant were previously eligible, but the applicant hasn't worked in the past 180 days prior to their new employment with your program.
- Question 3 – The applicant is eligible, has already received an eligibility letter at a previous program or current program, and now needs a copy of the letter again.
- Question 4- The applicant is ineligible and would like their background check reviewed again
- Question 5- The applicant has or has not lived outside of Nebraska in the past 5 years. This question must be answers by all applicants.

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# Filling out the Application (CON'T)

Page 2: Completed by the Director/Owner of the Child Care Program		
Is your <u>child care</u> program <b>LICENSED</b> ?	<input type="checkbox"/> Yes License Number: _____	<input type="checkbox"/> No ONLY applies to new applicants PENDING a License Number OR College students
Is your <u>child care</u> program license <b>PENDING</b> ?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is your child care program <b>LICENSE EXEMPT</b> ? <i>License Exempt means: Providers not subject to state licensure, caring for children in the provider's own home (not including their own children) or in the home of the child; regulated by Child Care Subsidy.</i>	<input type="checkbox"/> Yes Subsidy Org or ID Number: _____	<input type="checkbox"/> No
Is your child care program <b>PENDING a LICENSE EXEMPT</b> number?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Child Care Program Name: _____		
Address: _____		Phone Number: _____
Child Care Program Email: _____		
*For fastest outcomes, eligibility results can be provided via program's email.		
<i>I acknowledge that I understand the instructions above and attest the information provided by the applicant is true and accurate to the extent of my knowledge.</i>		
Owner/Director Signature: _____		Date: _____

- The Director/Owner needs to complete:
  - License number (if applicable)
  - Subsidy Org or ID Number
  - Child Care program name
  - Address
  - Phone number
  - Email Address
  - Sign & Date (current date within last 30 days)



# Filling out the Application (CON'T)

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## Applications may be returned if:

- The applicant and/or director have not signed and dated (current date) the application.
- The application is not legible and unable to be read.
- The application is missing date of birth of applicant.

Please note: Pending licenses (applicants in the processing of getting licensed) must have the application for a license submitted to Children's Service Licenses (CSL). CSL **cannot** process the DHHS Fingerprint Background Child Care Check (National Criminal History Record Information Check) without a pending license application on file.

**The State Patrol will not process fingerprints without DHHS Children's Service Licensing first receiving a completed application, which is the authorization for the state Patrol to process the fingerprints.**

- Link to application: <https://dhhs.ne.gov/licensure/Documents/ChildCareCriminalHistoryCheckApplicationPH-20.pdf>

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# Submitting the Application

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**Submit the APPLICATION to Children's Services Licensing:**

[DHHS.ChildCareLicensing@nebraska.gov](mailto:DHHS.ChildCareLicensing@nebraska.gov)

OR

DHHS Licensure Unit  
Children's Services Licensing  
PO Box 94986  
Lincoln NE 68509-4986

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# Go to a Nebraska State Patrol Office for fingerprinting

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## Step 1:

Sign up for an appointment:

<https://www.nebraska.gov/apps-nsp-appointment-calendar/schedule/index>

## Step 2:

- Pay the FEE of \$45.25 to the Nebraska State Patrol:  
**Fee covered by State of Nebraska 5/16/22-4/30/24**

- **Please note:** Take one form of **PHOTO ID** with you to the Nebraska State Patrol Office when getting your fingerprints. Acceptable forms of ID include a driver's license, visa, and/or passport.

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# What if I can't go to Nebraska State Patrol?

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There are more options:

## Option 1:

Livescan locations will print out cards for the applicant. **Completed Livescan cards need to be mailed to the following location.**

You must mail two (2) fingerprint cards to:  
Nebraska State Patrol  
Attn: Backgrounds  
4600 Innovation Drive  
Lincoln, NE 68521

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# What if I can't go to Nebraska State Patrol?

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## Option 2

### Rolled Ink Print Cards

1. Submit 2 Cards to ensure best chance of cards being accepted by the FBI.
2. Ensure all information is typed or legibly printed using blue or black ink.
3. Complete all Required Fields or their fingerprints will be **IMMEDIATELY REJECTED**.
4. Required Fields are Date of Birth, Place of birth, Name, Sex, Date fingerprinted, and reason fingerprinted.
5. Sign the card and the official fingerprinting them signs and dates (complete date mm/dd/yyyy) the card.
6. Ensure that fingerprint impressions are rolled completely from nail to nail.
7. Ensure fingerprint impressions are in the correct sequence and notations are made for any missing fingerprinted impression (i.e. amputation or bandaged) by the official.
8. Fingerprints should always be done in black ink.

You must mail (2) fingerprint cards  
Nebraska State Patrol  
Attn: Backgrounds  
4600 Innovation Drive  
Lincoln, NE 68521

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# Status update(s)

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If the applicant has been fingerprinted AND an application has been turned into DHHS.

- It can take up to 45 days to get the background check completed.
- If it has been more than 30 days since submitting the application and completing fingerprints
  - Call DHHS Children's Services Licensing 1-800-600-1289 or Email DHHS Children's Services Licensing ([dhhs.childcarelicensing@nebraska.gov](mailto:dhhs.childcarelicensing@nebraska.gov)) for a status update.

You can call State Patrol at 402-479-4971 for updates when it comes to your fingerprint scans.

You can at anytime call or email DHHS Children's Services Licensing to get a status update for your eligibility and application status.

- [dhhs.childcarelicensing@nebraska.gov](mailto:dhhs.childcarelicensing@nebraska.gov)
- Call DHHS Children's Services Licensing 1-800-600-1289

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# The Process to get an Eligibility Letter

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- Once the background check is completed by the Nebraska State Patrol sends the paperwork to DHHS Children's Services Licensing.
- DHHS Children's Services Licensing reviews 391 NAC Chapters 1-5 Disqualification Regulations to determine eligibility.
- Both the applicant and the Child Care Program will receive a letter stating whether the applicant is Eligible or Ineligible. DHHS Children's Services Licensing will email a copy of the letter to both the applicant and the provider if the email addresses are provided.

**The program is responsible for keeping a copy of the eligibility letter available for review.**

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January 27, 2023

«Full\_Name»  
«M\_Address\_Line\_1»  
«M\_Address\_Line\_2»  
«M\_Address\_Line\_3»  
«M\_Address\_Line\_4»

Dear «Full\_Name»:

You recently submitted an application giving consent for Children's Services Licensing to check a National Criminal History Record Information Check as well as Nebraska and out-of-state fingerprint and non-fingerprint-based registries and databases for purposes of employment or residing in a CHILD CARE. The Department has determined you are **ELIGIBLE** as of «Eligibility\_Notice\_Sent» .

This determination decision will become final unless the Department receives information that would change the determination, such as any additional background information that could be received.

If you have questions, please contact Lisa Abraham, Program Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, P.O. Box 94986, Lincoln, NE 68509-4986; phone 402-840-5026; e-mail [lisa.abraham@nebraska.gov](mailto:lisa.abraham@nebraska.gov)

Sincerely,

Lindsay Braddock, Administrator  
Licensure Unit

Lisa Abraham, Program Specialist  
Children's Services Licensing  
301 Centennial Mall South  
Lincoln, NE 68509-4986

**References:**

NAC 391 Chapter 1-5  
Criminal History Record Check

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# Eligible Letter

Once the background check is completed

- Both the applicant and the Child Care Program will receive a letter stating whether the applicant is Eligible.
- Eligible means they don't have any **CRIMINAL** convictions.
- The program is still responsible for doing an APS/CPS check through the Central Registry Check portal.

# Ineligible Letter

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- Both the applicant and the Child Care Program will receive a letter stating whether the applicant is Ineligible.
- When an applicant is made ineligible, they have 30 days from the date on the letter to appeal the decision.
- If you request a **hearing**, you will be notified of the date, time, and place of the hearing and other pertinent information as required by law.
- If you do not respond in **writing** requesting a hearing, your eligibility determination is upheld without further notice, effective 30 days from the date of the letter.
- If the conviction can be set aside, expunged, or pardoned, the Department may be able to re-evaluate the determination.

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# Ineligible Letter

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Jim Pillen, Governor

January 27, 2023

«Full\_Name»  
«M\_Address\_Line\_1»  
«M\_Address\_Line\_2»  
«M\_Address\_Line\_3»  
«M\_Address\_Line\_4»

Dear «Full\_Name»:  
**RE: Employer Copy Only**

You recently submitted an application giving consent for Children's Services Licensing to check a National Criminal History Record Information Check as well as Nebraska and out-of-state fingerprint and non-fingerprint-based registries and databases for purposes of employment or residing in a child care program. **Effective** «Eligibility\_Notice\_Sent», you are **INELIGIBLE** for employment or residing in a licensed child care program.

This determination decision will become **final unless** you request a **hearing to appeal** the determination. Such hearing request must be made **in writing** and received by the Department within **thirty (30) days** of the date of this letter. If this conviction can be set aside, expunged, or pardoned the Department may be able to re-evaluate the determination. **If you request a hearing**, you will be notified of the date, time and place of the hearing and other pertinent information as required by law. You may request a copy of the Department's Rules of Practice and Procedure that further explain your rights in relation to that hearing. Following the hearing, the Director will enter an order setting forth the decision. The Director may: 1. Uphold the Program's determination; or 2. Modify the Program's determination.

**If you do not respond in writing requesting a hearing**, your eligibility determination is upheld without further notice, effective 30 days from the date of this letter.

If you have questions, please contact Lisa Abraham, Program Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, P.O. Box 94986, Lincoln, NE 68509-4986; phone 402-840-5026; e-mail [lisa.abraham@nebraska.gov](mailto:lisa.abraham@nebraska.gov)

Sincerely,

Charity Menefee  
Director of Operations  
Division of Public Health  
Department of Health and Human Services

Lindsay Braddock, Administrator  
Licensure Unit  
301 Centennial Mall South  
Lincoln, NE 68509-4986

CC: Employer  
**References:**  
NAC 391 Chapter 1-5  
Criminal History Record Check

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# License Exempt/Subsidy

- **If you are currently License Exempt and/or applying to be licensed:** submit your fingerprint applications with your license application and other supporting documents.
- **If you are not getting licensed:** submit your fingerprint applicant and check **LICENSE EXEMPT** and write your provider number (if applicable).

<p>Is your <u>child care</u> program <b>LICENSE EXEMPT</b>?</p> <p><b>License Exempt means:</b> <i>Providers not subject to state licensure, caring for children in the provider's own home (not including their own children) or in the home of the child; regulated by Child Care Subsidy.</i></p>	<p><input type="checkbox"/> Yes</p> <p>Subsidy Org or ID Number: _____</p>	<p><input type="checkbox"/> No</p>
<p>Is your <u>child care</u> program <b>PENDING</b> a <b>LICENSE EXEMPT</b> number?</p>	<p><input type="checkbox"/> Yes</p>	<p><input type="checkbox"/> No</p>

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Jim Pillen, Governor

January 27, 2023

«Full\_Name»  
«M\_Address\_Line\_1»  
«M\_Address\_Line\_2»  
«M\_Address\_Line\_3»  
«M\_Address\_Line\_4»

Dear «Full\_Name»:

You recently submitted an application giving consent for Children's Services Licensing to check a National Criminal History Record Information Check as well as the Nebraska and out-of-state fingerprint and non-fingerprint-based registries and databases for purposes of employment or residing in a LICENSE EXEMPT CHILD CARE SUBSIDY PROGRAM. The Department has determined you are ELIGIBLE as of «Eligibility\_Notice\_Sent».

This determination decision will become final unless the Department receives information that would change the determination. Such as any additional background information that could be received.

If you have questions, please contact Lisa Abraham, Program Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, P.O. Box 04988, Lincoln, NE 68509-4988; phone 402-840-5026; e-mail [lisa.abraham@nebraska.gov](mailto:lisa.abraham@nebraska.gov)

Sincerely,

Lindsay Braddock, Administrator  
Licensure Unit

Lisa Abraham, Program Specialist  
Children's Services Licensing  
301 Centennial Mall South  
Lincoln, NE 68509-4988

**References:**  
NAC 301 Chapter 1-5  
Criminal History Record Check

# Subsidy Letter

Once the background check is completed

- The applicant and DHHS Subsidy will receive a copy of the letter.
- Eligible means the applicant doesn't have any Criminal convictions.

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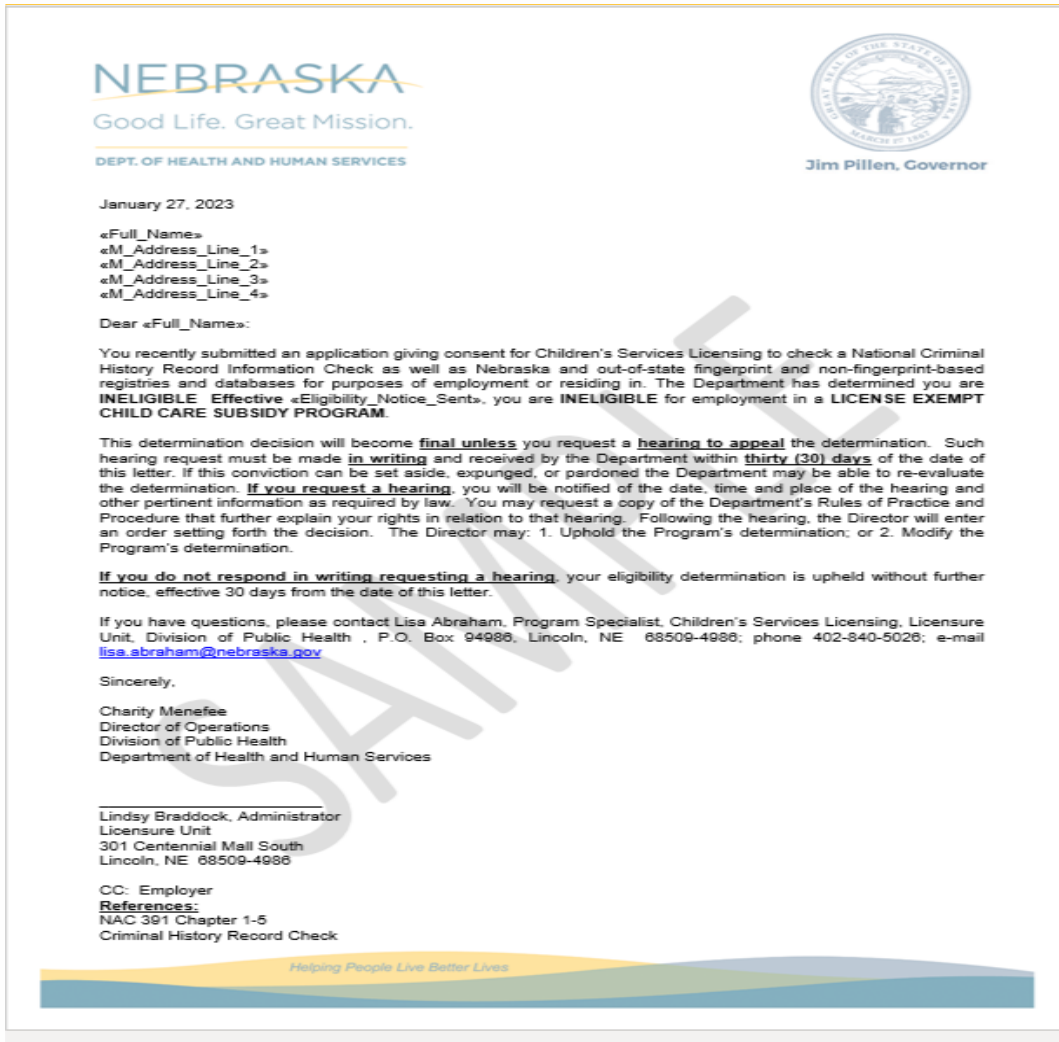
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# Subsidy Ineligible Letter



- If an applicant is determined ineligible the same letter is sent to the applicant and DHHS Subsidy.
- When an applicant is made ineligible, they have 30 days from the date on the letter to appeal the decision in **writing**.
- If you request a **hearing**, you will be notified of the date, time, and place of the hearing and other pertinent information as required by law.
- If you do not respond in writing requesting a hearing, your determination is upheld without further notice, effective 30 days from the date of this letter.

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# Did you know?

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If you didn't work or reside in child care for the past 180 days, you must be fingerprinted again.

The eligibility letter should not go from one provider to another. An application should be submitted so the applicant is listed under the specific provider's license number.

If you do not provide DHHS with the fingerprint application, the Nebraska State Patrol will not process your fingerprints for the background check.

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# Resources

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## Fingerprinting Q&A:

<https://dhhs.ne.gov/licensure/Documents/QAndAChildCareLicensingBackgroundChksUpdate.pdf>

**Public Live Scan Locations:** [https://statepatrol.nebraska.gov/sites/default/files/public\\_livescan\\_list.pdf](https://statepatrol.nebraska.gov/sites/default/files/public_livescan_list.pdf)

**Child Care Licensing Website:** <https://dhhs.ne.gov/licensure/pages/child-care-licensing.aspx>

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**Amy Blinston**

Program Specialist

Children's Services Licensing

Division of Public Health

**[DHHS.ChildCareLicensing@nebraska.gov](mailto:DHHS.ChildCareLicensing@nebraska.gov)**

**[Download your Certificate HERE](#)**



@NEDHHS



NebraskaDHHS



@NEDHHS

**[dhhs.ne.gov](http://dhhs.ne.gov)**

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