

Questions and Answers

Child Care Licensing Background Checks – Fingerprints

UPDATED: 3/11/2021

Please note: This document has been updated three times since the original version dated September 16, 2019 because additional questions have been asked.

1. Since the March 11, 2021 announcement that ALL fingerprinting will be paid for, do I have to pay the Nebraska State Patrol?

ANSWER: NO, NEW and EXISTING staff do not need to pay the Nebraska State Patrol \$45.25 for fingerprint processing from DATE until September 30, 2021.

2. Will I get reimbursed for any NEW staff who submitted fingerprints before the March 11, 2021 announcement?

ANSWER: NO, unfortunately there is no reimbursement for the expenses paid before March 11, 2021.

3. Is it true that NEW staff can start before the fingerprint based national criminal history check is back and eligibility determined?

ANSWER: YES, it is true. New staff MUST submit a fingerprint application to DHHS Children's Services Licensing before the new staff can start. Newly hired staff cannot be left alone until the fingerprint eligibility determination is received by the child care.

4. Why are NEW staff only allowed to do this until September 30, 2021?

ANSWER: NEW staff are allowed to work while supervised until September 30, 2021 due to a federal waiver that expires on October 1, 2021.

5. Will I still be expected to get fingerprinted when I receive the roll-out letter?

ANSWER: YES, all EXISTING child care providers, staff, family members and volunteers will continue to receive the roll-out letter and are expected to fingerprint during the assigned timeframe.

6. I am currently a licensed child care provider, do I need to get fingerprinted immediately?

ANSWER: NO, Individuals currently licensed to provide child care or currently employed or currently residing in a licensed child care will receive additional information at a later date

regarding the schedule and plan for completing the fingerprinting process before the deadline of October 1, 2021.

Effective October 1, 2019 and beyond individuals who wish to become newly licensed, new employees of a child care program, or new residents in a child care program, are required to complete the fingerprinting process before getting licensed, being employed, or residing in a child care program.

7. Are there additional places where an individual can go to complete the fingerprinting process?

ANSWER: A list of additional sites can be found by going to the Child Care Licensing Website and clicking on the document called “Public LiveScan Fingerprinting Sites.”

<https://dhhs.ne.gov/licensure/Pages/Child-Care-Licensing.aspx>

8. Does this law apply to persons who substitute or volunteer in a child care program?

ANSWER: A substitute is considered a child care staff member and must complete the fingerprinting process. A volunteer who cares for, supervises, or has unsupervised access to children in a child care program must complete the fingerprinting process. A parent volunteer does not need to complete the fingerprinting process.

9. Does this background check (fingerprinting) replace the current background checks which are required? Such as those obtained through local law enforcement or State Patrol or One Source? Why is it still required to complete other background checks if a national criminal history record check – fingerprinting is being done?

~~ANSWER: This requirement (fingerprinting) does NOT replace the background checks which are already required. It is an additional federal requirement. There are instances in which a national criminal history check—fingerprints will NOT capture state specific convictions because the individual was not “fingerprinted” for the offense. This is the reason that all background checks are necessary.~~

A letter was sent to all child care programs on 2/6/2020 informing programs that they no longer need to complete an additional criminal history record check for any staff.

The letter sent on 2/6/2020 also states:

Until further notice, Licensees and Directors of child care programs will continue to complete:

- APS/CPS Central Registry Checks
- Criminal History Record Checks for individuals who have lived in Nebraska less than 12 months

□ Sex Offender Registry Checks for individuals under 18 years old

10. Why do I need to send DHHS Public Health Children's Services Licensing an application to get fingerprinted?

ANSWER: You **MUST** send an application to DHHS Public Health Office of Children's Services Licensing to allow DHHS Public Health Office of Children's Services Licensing to request a record check for the purpose of employment in child care.

11. Does the requirement for fingerprinting apply to non-profit child care programs such as those attached to a 501C church? Is there a different fee schedule/cost for Non-Profit providers?

ANSWER: If the child care program is licensed, then yes, background checks-fingerprinting is required. It is up to the licensee to determine how the cost of fingerprinting will be handled. As mentioned in the letter dated September 11, 2019, it is up to new employees to pay the cost of fingerprinting, unless the licensee decides otherwise.

12. Is fingerprinting required for non-profit church groups that offer nursery and Sunday school on Sunday mornings and the staffing is volunteers?

ANSWER: These programs are not licensed child care providers, therefore, fingerprints are not required.

13. How long does it take to be notified whether or not the individual is eligible or ineligible for employment in a child care program once the individual has submitted their fingerprints?

ANSWER: The typical turnaround time is 7-10 business days for Nebraska State Patrol to receive the FBI fingerprint criminal background check results, but can take up to 45 days. DHHS Public Health Children's Services Licensing receives the results and will determine if an individual is eligible or ineligible. Eligibility and ineligibility letters are typically sent to the individual and the provider within 2 business days. If additional out-of-state information is needed to determine someone's eligibility, the eligibility or ineligibility letter will be sent after those results are received.

14. ~~May an employee begin work prior to receiving a response from DHHS Child Care Licensing that the employee has been found eligible for employment?~~

~~ANSWER: No, the employee may not begin work until the employer receives confirmation from DHHS Child Care Licensing that the employee is eligible for employment in a child care program.~~ DOES NOT APPLY UNTIL OCTOBER 1, 2021.

15. If an individual has recently completed the fingerprinting process while working in a child care program, will the individual need to complete the process again if s/he begins working in another child care program?

ANSWER: No, Child Care Licensing will have the “eligible” or “ineligible” determination on file and it can be shared with the subsequent child care employer, as long as there is no longer than a 180 day gap in employment. The individual would need to submit a new Application for a National Criminal History Record Check to Child Care Licensing.

16. Does the fingerprinting process need to be completed right away when a current employee turns 18 years of age?

ANSWER: Yes, the individual must complete the fingerprinting process within 30 days of turning 18.

17. We have prospective and existing staff members that have been fingerprinted for various things like: teaching licenses, military funding use Child Care Aware, obtaining conceal and carry permit, foster parenting, etc. If prospective and existing staff have already submitted fingerprints for these purpose do they need to fingerprint again?

ANSWER: YES, The FBI has specific guidelines that prohibit National Criminal History Check Fingerprint results to be shared for multiple purposes. Individuals will need to be fingerprinted specifically for the purpose of licensed child care.

18. Some child care providers use companies such as One Source, to do their background checks. If these companies can add National Criminal History Record Checks – Fingerprinting to their “package” of services, would this be acceptable?

ANSWER: NO, These companies cannot complete criminal history background checks that are as thorough as those completed through the Nebraska State Patrol. These companies do not have access to the same records as the Nebraska State Patrol. In state statute, NSP is the specified entity that will obtain the fingerprint based criminal record checks for licensed child care.

19. If I get my prints scanned at a Public LiveScan location OTHER THAN THOSE LISTED BELOW will further action be required on my part?

- Lincoln: Criminal Identification Division – 3800 NW 12th Street, Lincoln, NE 68521 – (402)479-4971
- Omaha: Troop A Headquarters – 4411 South 108th Street, Omaha, NE 68137 – (402)331-3333
- Norfolk: Troop B Headquarters – 1401 Eisenhower Ave, Norfolk, NE 68701 – (402)370-3456
- Grand Island: Troop C Headquarters – 3431 Old Potash Highway, Grand Island NE 68803 – (308)385-6000
- North Platte: Troop D Headquarters – 300 W. South River Road, North Platte NE 69101 – (308)535-8047
- Scotts Bluff: Troop E Headquarters – 4500 Avenue I, Scottsbluff, NE 69363 – (308)632-1211

ANSWER: If you complete the process at a location OTHER THAN THOSE LISTED ABOVE, you may need to pay an additional fee for this services and will be given a “finger print card” which you will need to submit to:

Nebraska State Patrol
Criminal Identification Division
3800 NW 12th Street, STE A
Lincoln, NE 68521

20. If I am going from a Provisional to an Operating License, do I have to have the Fingerprint National Criminal History Record Check done right away.

ANSWER: Changing from a provisional to an operating license is not an automatic reason to be fingerprinted. If your program operated prior to October 1, 2019 with a provisional license, your program will be part of the roll-out process. Your program will receive a letter when it is time to get your fingerprint based criminal record check completed for existing employees.

21. If my Child Care License is on probation, do I have to complete the Fingerprint National Criminal History Record Check before I can get my Operating License back?

ANSWER: Having a license on probation is not an automatic reason to be fingerprinted. If your program was licensed prior to October 1, 2019, your program will be sent additional information from Child Care Licensing about when to complete the fingerprinting process for existing employees (hired before October 1, 2019) prior to October 1, 2021.

22. Are practicum students or student teachers required to complete the fingerprinting process?

ANSWER: Yes, any individual who cares for, supervises, or has unsupervised access to children in a child care program must complete the fingerprinting process. Several college programs across Nebraska will require all students that may complete a practicum and/or student teaching in a licensed child care program to be fingerprinted as part of enrollment into the program. If your school program does not require these fingerprints at enrollment, you must have the fingerprint based criminal record check done before you can be in the licensed child care program.

23. If an individual is not an American citizen, but eligible to work using a work visa, does this individual complete the fingerprinting process in the same manner?

ANSWER: Yes, the individual would complete the fingerprinting process in the same manner.

24. Does a certificated teacher working in an accredited/approved school have to complete the fingerprinting process?

ANSWER: Yes, a certificated teacher must complete the fingerprinting process if they work in a licensed child care program.

25. Should I send in my application for fingerprinting before I submit my application to become a licensed child care provider?

ANSWER: No, we must receive an application to become a licensed child care provider before we can process an application for fingerprinting. We must have a child care provider, either licensed or in applicant status, to associate with each application for fingerprinting.

26. If I am not a licensed child care provider, nor am I applying to be a licensed child care provider, can I complete the fingerprinting process through DHHS Office of Children's Services Licensing?

ANSWER: No, Nebraska law specifically allows only licensed child care providers, or licensed child care provider applicants, to complete the fingerprinting process through DHHS Public Health Office of Children's Services Licensing.