

Questions and Answers

Child Care Licensing Background Checks – Fingerprints

UPDATED: May 16th, 2022

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

1. Since the May 16, 2022 announcement that ALL fingerprinting will be paid for, do I have to pay Nebraska State Patrol?

ANSWER: NO, NEW and EXISTING staff do not need to pay Nebraska State Patrol \$45.25 for fingerprint processing from May 16, 2022 until September 30, 2023.

2. Will I get reimbursed for any staff who submitted fingerprints before the May 16, 2022 announcement?

ANSWER: NO, unfortunately there is no reimbursement for the expenses paid before the May 16, 2022 announcement.

3. May staff start before the fingerprint based national criminal history check is completed and eligibility determined?

ANSWER: NO. Background checks are required prior to employment. Eligibility to work in a child care program must be determined by the Department AND the eligibility record must be on file at the licensed child care program before a staff can begin work.

4. 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 Nebraska State Patrol Website and clicking on the document called “Public LiveScan Locations.”

https://statepatrol.nebraska.gov/sites/default/files/public_livescan_list_0.pdf

5. 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.

6. What is a parent volunteer?

ANSWER: Uncompensated parent volunteer means the parent of a child enrolled in the center who, without compensation, assists in the care of children, does not count in the staff-to-child ratio, and who is not left alone with children other than his/her own at the center. A parent volunteer does not need to complete the fingerprinting process.

- 7. Does this background check (fingerprinting) replace the current background checks which are required in the child care licensing regulations 391 NAC Chapters 1-5? Such as those obtained through local law enforcement or State Patrol or One Source?**

ANSWER: 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, if the individual is age 13 or older
- 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

- 8. Why do I need to send DHHS, Public Health, Office of Children's Services Licensing an application to get fingerprinted?**

ANSWER: DHHS Public Health Office of Children's Services Licensing MUST be the official requester of a record check for the purpose of employment in child care. When DHHS enters the application it alerts Nebraska State Patrol that a check is needed.

- 9. 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 regardless of non-profit status.

- 10. Is fingerprinting required for non-profit church groups that use volunteers to offer nursery and Sunday school?**

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

- 11. 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.

12. 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.

13. I want to hire someone who has already been determined eligible to work in child care. How do I get those results?

ANSWER: The individual would need to submit a new Application for a National Criminal History Record Check to Child Care Licensing. 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.

14. 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.

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

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

16. 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, in state statute, Nebraska State Patrol is the specified entity that will obtain the fingerprint based criminal record checks for licensed child care.

17. If I get my prints scanned or taken at a Public LiveScan location, OTHER THAN THOSE LISTED AT

https://statepatrol.nebraska.gov/sites/default/files/public_livescan_list_0.pdf,

will further action be required on my part?

ANSWER: YES, if you complete the process at a location OTHER THAN THOSE LISTED AT https://statepatrol.nebraska.gov/sites/default/files/public_livescan_list_0.pdf, you may need to pay an additional fee for this service and will be given a “fingerprint card” which you will need to submit to:

Nebraska State Patrol
Criminal Identification Division
4600 Innovation Drive
Lincoln, NE 68521

18. If I am going from a provisional to an operating license, do I have to have the Fingerprint National Criminal History Record Check done?

ANSWER: Starting October 1, 2019, a provisional child care license may not be issued until a Fingerprint National Criminal History Record Check is completed and the licensee is determined eligible. In most situations the Fingerprint National Criminal History Record Check eligibility letter is valid for 5 years.

19. 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. Fingerprints are completed by any prospective staff member prior to employment. In most situations the Fingerprint National Criminal History Record Check eligibility letter is valid for 5 years.

20. 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 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 college program does not require these fingerprints at enrollment, you must have the fingerprinting process done before you can be at the licensed child care program.

21. If an individual is not an American citizen, but is 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.

22. 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.

23. 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.

24. 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.

25. I'm a licensed child care provider. I am receiving letters telling me someone is eligible to work in child care. What should I do with the letters?

ANSWER: The eligibility letter must be kept in the staff file for your Child Care Inspection Specialist to review when a records check is completed. This is proof that the criminal background check process was completed.

26. I want to hire someone who brought the eligibility letter with them to the interview. Can I take their letter and put it in their file? Can they start right away?

ANSWER: Child care programs should complete an application to formally request the eligible letter through the established process. Following this process reduces the risk of accepting a document that the Department hasn't verified as accurate or current.

27. I work in a child care. I just received a letter saying I was ineligible to work in a child care, but I was eligible before. Why am I ineligible now?

ANSWER: In this instance you were determined ineligible because DHHS received information that you were convicted of a disqualifying crime listed in the child care licensing regulations 391 NAC Chapters 1-5. Typically, this is determined because Nebraska State Patrol sends alerts when someone who fingerprinted for a licensed child care program was arrested.

28. I worked at a child care and left to take a different job. I was not working at the child care for more than 6 months. Can I still use my eligible letter?

ANSWER: NO, federal requirements state that anyone who has not worked in a licensed child care program within the last 180 days (approximately 6 months) must be fingerprinted again with employment eligibility re-determined.

29. I was told by DHHS that I have to have someone who worked for me 6 ½ months ago re-fingerprinted. Why?

ANSWER: Federal requirements state that anyone who has not worked in a licensed child care program within the last 180 days (approximately 6 months) must be fingerprinted again with employment eligibility re-determined.

30. What is Nebraska State Patrol checking when they take my fingerprints?

ANSWER: Nebraska State Patrol is checking FBI and state fingerprint based criminal records, the State of Nebraska sex offender registry, and the national sex offender registry.

31. The child care fingerprint criminal history check application states: “I give consent for Children’s Services Licensing to check Nebraska... databases...” What does DHHS Children’s Services Licensing check when I give consent for a background check?

ANSWER: Children’s Services Licensing checks in-state, non-fingerprint based criminal offenses. Currently, the results from these databases are considered and used to determine if someone is eligible or ineligible to work in child care. The current letters prospective child care staff, household members, volunteers, and contract workers receive reflect the employment determination based on the results DHHS and Nebraska State Patrol find in the criminal databases.

32. I’m a new child care center director. What do I need to do to make sure new staff I hire can work at my center?

ANSWER:

- READ THOROUGHLY all of the documents and information regarding fingerprinting located on the Child Care Licensing Website.
- Complete and submit the Application to DHHS at the email or mailing address listed on page 2 of the application.
- Submit the payment to Nebraska State Patrol. **WAIVED until September 30, 2023.**
- Go to a Nebraska State Patrol Office and get fingerprinted or submit fingerprint cards per the instruction on page 2 of the application.
- Keep the “eligible” letter in the employee’s file.
- Do not have employees or volunteers in your child care program that are considered **INELIGIBLE.**