

CRIMINAL HISTORY RECORD CHECKS GUIDELINES FOR LICENSED CHILD CARE PROVIDERS

Our Mission:

Ensuring safeguards and enhancing quality for children in out-of-home care.

Introduction and Purpose

A criminal history record check and child **protection** registry check are required under Title 11, Chapter 85, Subchapter V and Title 11, Chapter 85, Section 8563 of the Delaware Code. The purpose of these checks is the protection of children. To this end, applicants seeking licensure for a child care facility, as well as employees, volunteers, substitutes, household members or any person who for any reason has direct access to children at any licensed child care facility shall be subject to a criminal history record check and child **protection** registry check.

It is the position of the Department of Services for Children, Youth and Their Families (DSCYF), that child care persons be free from any prior activity that may lead to the risk of harm to any child.

What is a criminal history record check?

A State (Delaware) and Federal (national) report of a person's entire criminal history.

What is a Child Protection Registry check?

A search of the DSCYF child abuse registry for substantiated cases of child abuse or neglect.

Who is required to have a criminal history record check and Child Protection Registry check?

Individuals 18 and over who have direct access to children in a:

- Family Child Care Home
- Large Family Child Care Home
- Day Care Center

What is the process?

1. Schedule a fingerprint appointment with the Delaware State Police by calling **1-800-464-4357**.
2. Receive a Fingerprint Verification form as proof of being fingerprinted.
3. Delaware State Police forward criminal results to the Criminal History Unit.
4. The Criminal History Unit conducts a child **protection** registry check.
5. If the Criminal History Unit determines that an individual is prohibited or unsuitable, you will be contacted.

What are the responsibilities of a Child Care Provider?

- Ensure that all individuals subject to the law have been fingerprinted.
- Immediately terminate child care persons when notified of a prohibited offense.
- Maintain a copy of the Fingerprint Verification form for each individual.
- Notify the Criminal History Unit when an individual has been terminated within 6 months after being fingerprinted.

What are grounds for denying employment or licensure?

1. **Prohibited Offenses** are any criminal convictions of a sexually related offense or other offenses against children.
2. **Unsuitable Offenses** are criminal convictions other than those that are prohibited. These convictions will be reviewed and evaluated by a Criminal History Specialist in the Criminal History Unit. A recommendation will be made utilizing the following criteria:
 - Type of offense (including but not limited to):
 - Offenses against an individual where physical harm or death has taken place.
 - Drug Offenses.
 - Offenses involving weapons, explosive devices or threat of harm.
 - Offenses involving public indecency and obscenity.
 - Offenses that show a disregard of others.
 - Cruelty to animals or deviant behavior.
 - Frequency of offenses
 - Length of time since offense(s)
 - Age at the time of the offense(s)
 - Severity of the offense(s)
 - Record since the offense(s)
 - Current Probationary status as result of the offense(s)
 - Delacare Requirements
3. **Child abuse or neglect** - Cases investigated by the DSCYF identifying the person as a perpetrator in a substantiated case of child abuse or neglect may also result in an unsuitable determination.

For More Information Contact:

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