

Criminal Record Check Requirements for Licensed Child Care Centers and Type A Homes

Sub. SB 163, which became effective on August 14, 2008, changed requirements for criminal record checks for owners, administrators and employees of child care centers and type A homes.

Frequently Asked Questions

Who is affected by the SB 163 changes?

All owners, administrators, and persons who are employed in any capacity in a licensed child care center or type A home are affected by SB 163. This includes college students, high school students, volunteers, those who have assigned hours or duties and persons or agencies that centers and type A homes contract with to provide services. Anyone employed by the center or type A home, regardless if children are present at the time of the employee's working hours, are now required to follow these requirements.

New owners and administrators, effective 9/1/08:

Prior to the issuance of an initial child care center or type A license, all owners and administrators have to complete a BCII and an FBI criminal records check and have the results reviewed and approved by the Ohio Department of Job and Family Services (ODJFS). A JFS 01311 "Criminal Records Check for Owners and Administrators of Child Care Centers and Type A Homes" must also be completed and sent to ODJFS. The results of the criminal records checks must be sent directly to ODJFS. **Criminal records check results sent by BCII to anyone other than ODJFS will not be accepted.** Both the BCII and the FBI criminal records checks will need to be repeated at every other license renewal (every four years).

Current owners and administrators who do not have criminal records checks on file dated September 1, 2004 or later:

If current owners or administrators have not had criminal records checks completed since September 1, 2004, they must obtain a BCII criminal records check and the results must be sent by BCII directly to ODJFS by March 1, 2009. A JFS 01311 "Criminal Records Check for Owners and Administrators of Child Care Centers and Type A Homes" must also be completed and sent to ODJFS. **Criminal records check results sent by BCII to anyone other than ODJFS will not be accepted.**

Persons applying to work as employees in any capacity in a child care center or type A home, effective 9/1/08:

Anyone applying for a position in a center or type A home will be required to complete a BCII and an FBI criminal records check request prior to the first day of employment. Programs will no longer need to verify five years of Ohio residency. The results of the criminal records check must to be sent by BCII directly to the administrator or child care center or type A home and must be in the file within thirty calendar days from the date of hire. The results of both the BCII and the FBI criminal records checks must be reviewed and approved by the administrator prior to a person having sole responsibility for the care, custody or control of a child. **Criminal records check results sent by BCII to anyone other than the administrator or the child care center or type A home will not be accepted.**

Current employees who do not have criminal records checks on file dated September 1, 2004 or later:

Employees in a child care center or type A home who have not had criminal records checks completed since September 1, 2004, must complete a BCII criminal records check and have the results sent by BCII directly to the administrator, the child care center or the type A home. **Criminal records check results sent by BCII to anyone other the administrator, child care center or type A home will not be accepted.**

Where can a criminal records check be obtained?

The Ohio Attorney General's website at www.webcheck.ag.state.oh.us lists the locations where both BCII and FBI criminal record checks can be obtained. Any local law enforcement agency can also be contacted. Please ask the agency submitting the request if they have both the Ohio (BCII) and the National WebCheck (FBI) machines.

Both criminal records checks (BCII and FBI) must be completed **electronically** through WebCheck so the fingerprints will be sent immediately to BCII. Fingerprint cards are accepted only under certain special conditions. Consult www.webcheck.ag.state.oh.us for more information.

How often do the BCII and FBI criminal records checks need to be repeated?

For owners and administrators:

Both the BCII and the FBI criminal records checks have to be repeated every four years at the time of the license renewal (every other license renewal).

For employees:

BCII criminal records checks have to be repeated every four years from the date of the last criminal records check. The FBI check may be repeated every four years at the administrator's discretion.

Where must the results of the criminal records check be sent?

Owners and administrators must have their results sent to the ODJFS central office at this address:

ODJFS, Bureau of Child Care and Development
Licensing Section – CRC
P.O. Box 182709
Columbus, Ohio 43218-2709

Employees must have their results sent to the administrator, the child care center or the type A home.

Can an owner or administrator send ODJFS a hard copy of the criminal records check results?

No. ODJFS will not accept a criminal records check sent or delivered by an individual to any ODJFS office. Only criminal records checks sent directly from BCII to ODJFS will be accepted.

Can an employee of a center or a type A home send a hard copy of the criminal records check results to the administrator?

No. The center or type A home administrator cannot accept criminal records checks sent or delivered to the center or type A home by an employee. Only criminal records checks sent directly from BCII to the administrator or child care center or type A home will be accepted.

What if an owner, administrator or employee had a criminal records check done recently for another job? Can these results be used instead of getting another check done?

If the results are less than one year old, the owner, administrator or employee may request, in writing, that BCII update the records check and send the new results to ODJFS or to the center or type A home. This is only for the BCII check. Consult www.webcheck.ag.state.oh.us for more information.

Can a criminal records check from another state be used for an owner, administrator or employee who needs a criminal records check under the new rules?

No. Due to differences in state statutes regarding the use and application of criminal records checks and prohibitive offenses, a clear criminal records check from another state is not necessarily an indicator that a person would pass the Ohio criminal records check requirements.

A letter was sent to an administrator from FBI that says the applicant "may not meet conditions of employment." What does this mean?

This indicates that the person may have a prohibitive offense as a result of the FBI criminal records check. If the employee wishes to continue employment, the employee must follow the directions on the letter to obtain a copy of the results, then bring the results to the child care center or administrator. The administrator will need to review the convictions to determine if the conviction is one that prohibits employment at a child care center.

How much does a criminal records check cost?

The Attorney General's office has established the cost of conducting the BCII background check as \$22.00 and the FBI check as \$24.00. Agencies who conduct the WebCheck may charge additional processing fees ranging from \$5.00 to \$40.00.

Is there a contact number to check on the status of a criminal record check request?

BCII's number is: (toll free) 1-877-224-0043 or 740-845-2375 or P.O. Box 365, London, OH 43140.

Was the Statement of Nonconviction updated?

Yes. The JFS 01328 "Statement of Nonconviction for Child Care Centers and Type A Homes" has been revised and has a revision date of 8/2008. The use of the JFS 01329 has been discontinued for centers and type A homes. **The JFS 01328 is now the only statement of nonconviction for child care centers and type A homes.** The revised JFS 01328 (rev. 8/2008) must be completed and signed by March 1, 2009 for **all** owners, administrators, employees in any capacity, second adults, volunteers, and all persons 18 years of age and older who reside in a type A home and any new hires after September 1, 2008. All persons must sign this form annually.

What is the JFS 01311?

The JFS 01311 "Criminal Records Check for Owners and Administrators of Child Care Centers and Type A Homes" (rev.8/2008) is a document that ODJFS uses to match BCII and FBI results with applicants, owners and administrators. This form must be completed and sent to ODJFS prior to the issuance of an initial license . The completion of this form is also required every four years when the owner or administrator needs an updated criminal records check.