July 19, 2019

Dear Child Care Provider:

This letter is to inform you about changes in our Criminal Background check laws and regulations to take effect August 5, 2019. The South Carolina Department of Social Services (SCDSS) must require all licensed, regulated and registered child care providers, as well as all child care providers eligible to deliver Child Care Development Fund (CCDF) services (which includes Child Care Vouchers), to have a comprehensive criminal background check. This new background check consists of a fingerprint-based criminal records check and Federal/State child abuse and neglect registry, State sex offender Registry checks including a review of the National Crime Information Center (NCIC) for National Sex Offender checks. The CCDF regulations and new State Law also require child care service providers to complete criminal background checks at least once every five (5) years. If you obtained a fingerprint check that was completed in 2019 you will not be required to obtain another. However, a Questionnaire must be filled out to complete your background check. These changes are in accordance with:

- Title 42 – United States Code (U.S.C)958 (F) – Criminal Background Checks;
- Title 45 Code of Federal Regulations (C.F.C), Subchapter A, Section 98.43 – Child Care Development Fund (CCDF);
- South Carolina Code of Laws, Section 63-13-40(A) Background Checks for Employment
- Senate Bill 595 signed by the Governor on May 16, 2019

Additionally, a person may now only be provisionally employed or may provisionally provide caregiver services after the favorable completion of the State Law Enforcement Division (SLED) name and date of birth-based background check and the SLED or Federal Bureau of Investigation (FBI) fingerprint-based background checks, until such time as the remaining fingerprint-based background check and the Central Registry check are completed. However, the person must execute a sworn statement on a form provided by the Department that he or she has not been convicted of any crime enumerated in this section and that he or she is not on the Central Registry for having perpetrated abuse or neglect upon a child. An individual provisionally employed must be directly supervised by, and in the presence of, a non-provisionally employed person at all times when providing direct care to children.

The criminal background check will involve a digital fingerprinting process known as Live Scan®. We will provide all existing and prospective child care applicants with a self-disclosure background investigation Questionnaire. This Questionnaire requests information involving all felony or misdemeanor convictions throughout the individual’s entire life, and a history of addresses in the State where the individual had resided within the past five (5) years. The Consent to Release form (DSS Form 2924) will also be provided to capture abuse and neglect information as necessary.

Therefore, effective August 5, 2019, new and existing child care providers will be required to have or obtain comprehensive criminal background checks on all existing and prospective child care staff members who are employed for compensation, or whose activities involve unsupervised access to children who are cared for by the child care provider. We will begin with all new applicants who are applying for a license or registration. At the same time, we will also conduct checks of existing providers starting with the Region I, Greenville, move to Region II, Richland, then on to Region III, Charleston, and lastly, Region IV, Florence.
Please see the following fees associated with the background checks:

<table>
<thead>
<tr>
<th>Facility Status</th>
<th>SLED Fees</th>
<th>FBI Fees</th>
<th>Live Scan Fees</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Profit Provider (regular)</td>
<td>$13.25</td>
<td>$13.25</td>
<td>$13.50</td>
<td>$40.00</td>
</tr>
<tr>
<td>For Profit provider (volunteer)</td>
<td>$11.25</td>
<td>$11.25</td>
<td>$13.50</td>
<td>$36.00</td>
</tr>
<tr>
<td>Non-Profit Charitable (regular)</td>
<td>$8.00</td>
<td>$13.25</td>
<td>$13.50</td>
<td>$34.75</td>
</tr>
<tr>
<td>Non-Profit Charitable (volunteer)</td>
<td>$8.00</td>
<td>$11.25</td>
<td>$13.50</td>
<td>$32.75</td>
</tr>
</tbody>
</table>

**Charitable status must be approved by SLED**

**New**
Additionally, an entire new section of the Law was enacted: 63-13-1110(A) states that it is unlawful for a person required to register as a Sex Offender (pursuant to Article 7, Chapter 3, Title 23) to work for any person or as a sole proprietor, with or without compensation, at any location where a minor is present and the person’s responsibilities or activities would include instruction, supervision, or care of a minor or minors, unless his employment or volunteer service is approved by a circuit court order and is recorded in his sex offender registry file.

**Group Child Care Homes and Family Child Care Homes**
Effective August 5, 2019, all household members, 15 years and older, must undergo a SLED/FBI fingerprint check, as well as a check of the National Crime Information Center (NCIC) National Sex Offender Registry, which will be repeated every five (5) years even if the household member was previously grandfathered from having fingerprints checked. They will also undergo a check of the Central Registry of Abuse and Neglect and State Sex Offender Registry for all household members ages 18 and above. You will also be provided with a self-disclosure background investigation Questionnaire. This Questionnaire requests information involving all felony or misdemeanor convictions throughout the individual’s entire life, and a history of addresses in the State where the individual had resided within the past five (5) years.

Please contact SCDSS Child Care Licensing – Central Office at 803-898-9020 or via email at centralofficechildcare@dss.sc.gov for guidance and instructions in relation to these statutory changes and improved background check process.

Thank you for all you do for the children and families of South Carolina.

Sincerely,

Michele J. Bowers, Director
Division of Early Care and Education

MJB/IbI