



**DEPARTMENT OF HEALTH AND SENIOR SERVICES**  
**DIVISION OF REGULATION AND LICENSURE**  
**SECTION FOR CHILD CARE REGULATION**

**Background Screening Process for Licensed Child Care Facilities.**

- All individuals who work in child care program must have a:
  - child abuse and neglect screening and
  - criminal history record checkin accordance with child care rules.
- The Family Care Safety Registry (FCSR) is one tool that is available to provide the screening; however, its use is not mandated.
- Beginning in December 2006<sup>1</sup>, individuals with background screening findings that want a child care license or want to work in the child care industry are compared to a master charge code list to determine if the individual can be employed in the child care industry. One of three determination codes is assigned to each offense listed on the master charge code list. Those codes are:
  - ineligible (marked by “NO”)
  - eligible (marked by “X”)
  - more information is needed to make a decision (marked by “MI”)
- Written notifications are made to the licensee about the individual’s status throughout the determination process.

**Application Process.**

- For individuals who are designated to supply more information, a complete application containing the following is required:
  - Personal identifying information about the applicant (such as date of birth and employment history);
  - One (1) sponsorship letter from a current or potential employer that explains why the applicant does not present a threat to the health, safety or welfare of children. The letter must also include the duties the applicant will perform at the facility;
  - Official documents that describe each offense in detail. These can include:
    - Police report for incident(s);
    - Ticket issued at the time of the offense(s);
    - Charging documents from the court record (such as Information, Amended Information, Complaint, etc);

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<sup>1</sup> The Section recently revised its background screening process. All prior determinations on file are being reviewed. If the prior determination does not have sufficient documentation on file to support the determination, the applicant will be asked to provide the information.

- Court documents (such as transcripts, plea agreement, etc);
- Child abuse/neglect report(s) from Department of Social Services;
- Employee disqualification list report(s) from the Department of Health and Senior Services or Department of Mental Health;
- Foster parent licensing discipline report(s).

→A description written by the applicant about each event that resulted in each potentially disqualifying offense or incident.

→Any other information the applicant wants the review team to consider.

### **Review Process – Circumstances to be Considered**

- Applications will be reviewed by a review team appointed by the Section Administrator.
- The following factors can be considered during a review and determination:
  - The applicant’s age at the time the crime was committed or at the time the incident occurred;
  - The circumstances surrounding the incident;
  - The length of time since the conviction or since the occurrence of the incident;
  - The length of time since the applicant completed his or her sentence for the offense, whether or not the applicant was confined, conditionally released, on parole or probation;
  - Whether the applicant demonstrates a repetitive pattern of offenses or incidents;
  - Whether the applicant has falsified or misrepresented information submitted to the Department;
  - The duties the applicant will perform at the facility;
  - Whether the employer demonstrates knowledge of the applicant’s offense/incident;
  - Whether children were present and/or put at risk during the offense/incident;
  - Any other relevant information.
- If, at the time of an application, or during the determination process, the applicant has been accused of offenses, the division may suspend its decision about the applicant until the matter is resolved. It will be at the Section’s discretion whether this individual can be permitted to work during the pendency of any proceedings related to the offense.
- Any determination granted to an applicant applies only to the information on file at the Department at the time of the review and shall not apply to any other hiring restriction or exclusion imposed by any other federal or state laws or regulations.
- Nothing in this procedure shall be construed to mean that the Department encourages the hiring of a particular applicant whose application for background screening review has been approved.
- The Department Director, or the director’s designee, may withdraw a decision if he/she receives information or finds that there has been a material change in the circumstances upon which the determination was granted.

- At the discretion of the licensee, an applicant may be employed following submission of a completed application on a conditional basis during the application review period.
- Applicants who have had his/her application denied after completing the review process may reapply one (1) time every twelve (12) months. Applicants received prior to the twelve (12) month time frame will not be reviewed.
- All applications for background screening determinations and related documents shall become records maintained by the department.
- The Department’s Office of General Counsel will provide consultation with the Section as needed.
- All decisions rendered by the Section are final. Department level appeals are not available. Appeals are available under Chapter 536.

**AUTHORITY:**

**19 CSR 30-62.102(1)(A) states:**

*“Day care personnel shall be of good character and intent and shall be qualified to provide care conducive to the welfare of children.”*

**Similar rules for family homes exist – 19 CSR 30-61.105(1)(D)**

**19 CSR 30-62.102(1) (K) states:**

*“Volunteers counted in staff/child ratios, caregivers and other personnel shall be screened for child abuse/neglect. The screening shall be requested by the provider within ten (10) days of any individual beginning employment or volunteering in the facility. Any investigated allegation of child abuse or neglect in which the investigator finds reasonable cause to believe that the individual is the alleged perpetrator of child abuse or neglect, shall be evaluated by the department. After review, the department may prohibit the person from being present in the facility during child care hours.*

**Similar rules for family homes exist – 19 CSR 30-61.105(1)(K)**

**19 CSR 30-62.102(1)(L) states in part:**

*“The child care provider shall request and have on file the results of a criminal record review from the Missouri State Highway Patrol as defined by 19 CSR 30-62.042 Initial Licensing Information and 19 CSR 30-62.052 License Renewal. The child care provider shall request a criminal record review within ten (10) days following a change of the facility owner(s), board president or chairperson, the center director or group day care home provider, employees of the provider, or volunteers counted in the staff/child ratios. The department may request a criminal record review from the Missouri State Highway Patrol for any adult present in the facility when child care children are present. The criminal record reviews shall include records of criminal convictions, pending criminal charges, and suspended imposition of sentence during the term of probation. . .*

*2. Any information received by the department that indicates that the subject of the criminal record review poses a threat to the safety or welfare of children shall be evaluated by the department. After review, the department may prohibit such person from being present on the premises of the facility during child care hours.”*

**Similar rules for family homes exist – 19 CSR 30-61.105(1)(L)**

**19 CSR 30-62.102(1)(M) states:**

*“Any person present at the facility during the hours in which child care is provided shall not present a threat to the health, safety or welfare of the children”*

**Similar rules for family homes exist – 19 CSR 30-61.115(5)**

*Section 210.221, RSMo* sets for the powers and duties of the Department concerning child care licensing.

*Section 210.906, RSMo*, requires every child care worker hired on or after January 1, 2001 to complete registration with the Family Care Safety Registry.

*Section 210.922, RSMo*, allows the Department to use information contained in the Family Care Safety Registry to carry out its statutory duties.

**Attachments:**

- Master Charge Code List
- Sample Form – Request for Background Screening Information