

Module 1

SECTION THREE

OPERATING A STRONG FAMILY CHILD CARE BUSINESS Steps to Becoming Licensed



Section 3.3 Fingerprints

Learning Outcomes

After each activity, participants will be able to:

Activity 1

- Locate and understand basic information about fingerprinting requirements when applying to become a licensed family child care provider

Activity 2

- Explain fingerprinting in the context of the background check process

Handouts

28. The background check
29. Licensing regulations - Fingerprints

Key Points

- Prior to the Department of Social Services issuing a license, the applicant(s) and all adults residing in the home need to obtain a California criminal record clearance or exemption and clear checks of the Child Abuse Central Index in California, and the FBI.
- All individuals subject to a criminal record review need to be fingerprinted and sign a Criminal Record Statement under penalty of perjury.
- In certain instances, some individuals may be exempt from the requirement to submit fingerprints: volunteers, students, third-party retained contractors, medical professionals, health agency employees, and attendants or facilitators for a child with a developmental disability (California Health & Safety Code, Section 1522). Providers, however, may enforce more stringent requirements for their sites.
- The Department of Justice provides the Caregiver Background Check Bureau (CBCB) with notification of any subsequent child abuse reports after the initial background check.

Activity #1

Learning Outcomes

Locate and understand basic information about fingerprinting requirements when applying to become a licensed family child care provider

Materials Needed

Laptop & projector
Handout 29: Licensing Regulations – Fingerprints

Methodology: Lecture, audio-visual, discussion

Preparation

Set up the laptop/projector so that Handout 29 is displayed overhead. Distribute Handout 29 to each participant.

Activity

Review the Key Talking Points with the participants (large group).

Direct participants to the bottom of the page, the source of the information, so the participants have it for future reference. Identify the source.

Use the projector to show p.16 of the Community Care Licensing Manual of Policies and Procedures. Then, review pp. 17 and 18. Without going into much detail, go over Sections 102370 (a)(b)(c).

Ask questions to encourage the participants to reflect on the information being presented and to think about how it relates to them. For example:

- *Who needs to be fingerprinted? How is an adult defined?*
- *Who may be exempt from submitting fingerprints?*
- *Are all volunteers and students exempt from being fingerprinted? Why? Why not?*
- *What are individuals declaring when they sign LIC508?*

Key Points

- All individuals subject to a criminal record review need to sign a Criminal Record Statement under penalty of perjury. (LIC508)
- Prior to issuing a license, the DSS requires the applicant and all adults residing in the home to be fingerprinted and obtain a CA criminal record clearance or exemption, and clear checks of the Child Abuse Central Index in CA, and the FBI.
- In certain instances, some individuals may be exempt from the requirement to submit fingerprints (CA H&S Code, Section 1522). Providers, may be more stringent.

Activity #2

Learning Outcomes

Explain fingerprinting in the context of the background check process

Materials Needed

Handout 28: The Background Check

Methodology: Reading, teaching others

Activity

Distribute Handout 28 and ask each participant to review the chart.

Invite participants to talk with a neighbor about their understanding of the process.

Encourage participants to think of questions about the fingerprinting process that are not clear.

Expand the conversation to include the whole group, and ask for volunteers to explain their understanding of the process.

When questions arise, turn to the participants to explore the answers first.

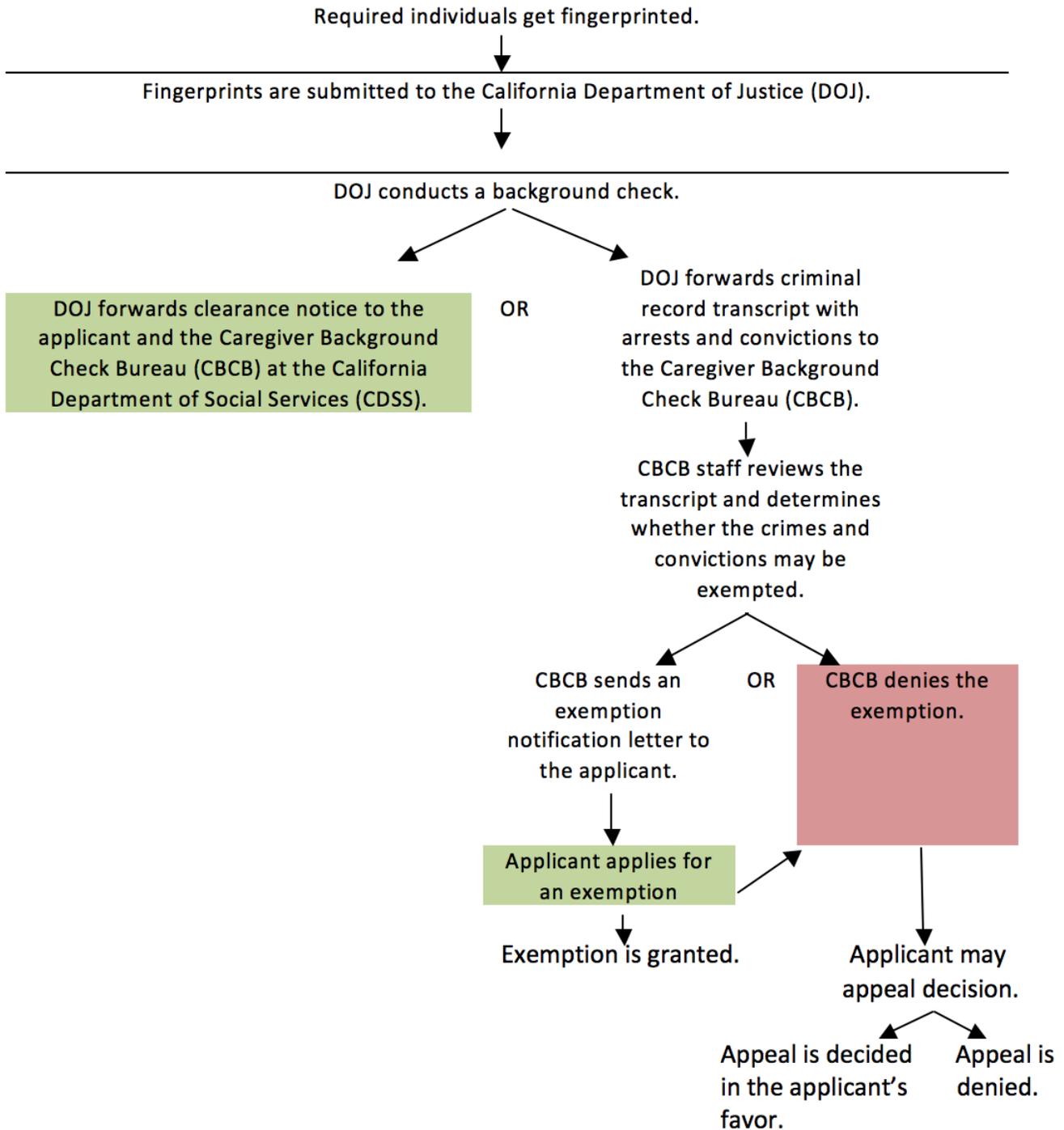
Incorporate the key talking points into the conversations if participants do not bring them up.

Key Points

- The Department of Justice provides the Caregiver Background Check Bureau (CBCB) with notification of any subsequent child abuse reports after the initial background check.



HANDOUT #28: THE BACKGROUND CHECK



Detailed information about the background check process can be accessed at:
<http://www.cclld.ca.gov/PG404.htm>



HANDOUT #29: LICENSING REGULATIONS - FINGERPRINTS

Excerpts from: Department of Social Services. *Manual of Policies and Procedures, Community Care Licensing Division, Family Child Care Homes, Title 22, Division 12, Chapter 3*
<http://www.dss.cahwnet.gov/ord/entres/getinfo/pdf/fccman.pdf>

LIC508 form is at <http://www.dss.cahwnet.gov/cdssweb/entres/forms/English/LIC508.PDF>
 FAQ about fingerprinting can be accessed at <http://www.ccl.d.ca.gov/res/pdf/FAQ-CBCB2.pdf>

SECTION REGULATION

102370 (a) Criminal Record Clearance

102370 (b) Criminal Record Clearance

102370 (c) Criminal Record Clearance (LIC508 form)

102370.1 Criminal Record Exemptions

102370 CRIMINAL RECORD CLEARANCE 102370

- a. Prior to the Department issuing a license, the applicant(s) and all adults residing in the home shall obtain a California criminal record clearance or exemption.

1. **Section 1596.871(a)(5)** of the Health and Safety Code states in part:

An applicant and any person specified in subdivision (b) shall submit a second set of fingerprints to the Department of Justice, for the purpose of searching the records of the Federal Bureau of Investigation, in addition to the search required by subdivision (a). If an applicant meets all other conditions for licensure, except receipt of the Federal Bureau of Investigation's criminal history information for the applicant and persons listed in subdivision (b), the department may issue a license if the applicant and each person described in subdivision (b) has signed and submitted a statement that he or she has never been convicted of a crime in the United States, other than a traffic infraction, as defined in paragraph (1) of subdivision (a) of Section 42001 of the Vehicle Code. If, after licensure, the department determines that the licensee or person specified in subdivision (b) has a criminal record, the license may be revoked pursuant to Health and Safety Code Section 1596.885. The department may also suspend the license pending an administrative hearing pursuant to Health and Safety Code Section 1596.886.