

# Criminal Records and Comprehensive Background Checks

A satisfactory Fingerprint Records Check Determination or Comprehensive Records Check Determination that is valid and current is required for all employees, provisional employees, potential employees, administrators, and any adults who will be present in the program when children are present and prior to any individuals over age 17 residing in a program. Residents age 17 and older in a program must also have a satisfactory determination prior to and while residing in the program.

## Intent

To protect children from risk of abuse, harm, or neglect.

## What is considered?

In order to provide a safe and secure environment for the children enrolled in the child care program, all reasonable measures must be taken to protect children from the risk of abuse or neglect. Based on this objective, criminal background checks are required for all employees, regardless of age, and all other individuals who are involved with child care.

Comprehensive Records Check Determinations are made by the Department, based upon search results from federal and state entities, including those listed below. A satisfactory determination is required for individuals involved with child care, and it means there has been no reported criminal activity that could negatively pose a risk to children.

## Search Results that Inform the Determination:



### National Registries

- Federal Bureau of Investigation fingerprint check
- National Crime Information Centers National Sex Offender Registry



### State Registries

Registries, repositories or databases in the state where the person resides and in each state where such individual resided during the preceding five years:

- criminal registry or repository
- state sex offender registry or repository
- state based child abuse and neglect database



### State and Federal Laws

Compliance is required with relevant state and federal laws.

## Important Considerations:

### Are children present?

An individual providing services for the child care program with no satisfactory determination or an unsatisfactory determination cannot be onsite when children are present, regardless of whether they are with children or not, and they cannot reside in a program that provides child care.

### Complete prior to hiring and keep up to date.

A satisfactory determination is good for 5 years, as long as the records check clearance date is:

- within the preceding 12 months of the hire date, and
- the employee has not been arrested or charged for any covered crime within that five-year period, and
- the employee has not had a break in service from the child care industry that lasted 6 months or longer anytime in the previous 10 years..

### Use DECAL KOALA.

- Submit background check applications.
- Port each employee's criminal records check determination to the program's profile.



**Required**

Rule Chapters:

CCLC 591-1-1-.09

FCCLH 290-2-3-.21

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## Frequently Asked Questions

### **Do my cook, driver, and maintenance person need a background check? Also, what about my temporary contract, seasonal, and summer employees and volunteers?**

Yes, all employees of any type or age need a background check, regardless of whether they work directly with children in a classroom or not, including full time, provisional, potential, students in training, part time, administrators, temporary, and contract employees. Volunteers who provide consistent services are considered employees or provisional employees, so if they serve more than once in a 90-day period, they also need background checks. A person who volunteers less than that does not need a background check. All volunteers require close and constant supervision at all times.

### **Do therapists providing services for children need background checks?**

Yes, if they work with the child in the presence of other children. If the therapist signs the child out and works with them individually in an area where no other children are present, they are not required to have a background check.

### **How long can I electronically port satisfactory determinations?**

Porting is available if the date listed as "received on this date" included in the clearance letter is within the preceding 12 months from the hire date.

### **What evidence documents the timeline for satisfactory determinations?**

The following types of documentation may all be considered in establishing a timeline for compliance: employee file, employment application, hire date, time cards, pay stubs, CBC documents (application, registration, out of state affidavit), and signed statements from employees, owner, and/or Director. Regardless, a satisfactory CBC letter issued by DECAL is required prior to an individual being onsite when children are present.

### **Is it enough for the background check to be in progress?**

No. A completed valid and current satisfactory determination is required prior to an employee being hired and renewals for ongoing employees are required prior to expiration.

### **What happens if my program is found to be noncompliant with these requirements?**

When licensing rules are not followed, programs are at an increased risk of violations that could result in a support or deficient compliance status and additional adverse actions, such as revocations. Revocations will be pursued for programs with knowing and intentional criminal records check violations.

## Additional Questions?

For more information, check out our website at: [www.decal.ga.gov](http://www.decal.ga.gov) > **CCS> Criminal Records Checks**

To submit applications or check on the status of applications, access **DECAL KOALA** at: <https://decalkoala.com/>

For out of state background check questions, email: [Outofstate@decal.ga.gov](mailto:Outofstate@decal.ga.gov).

For all other questions regarding criminal records check requirements, email: [CRC@decal.ga.gov](mailto:CRC@decal.ga.gov).

