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HOUSE BILL NO. 1568

House Amendments in [ ] — February 2, 2017

A BILL to amend and reenact §§ 63.2-1720 through 63.2-1721.1, as they shall become effective, 63.2-1722, 63.2-1724, and 63.2-1725 of the Code of Virginia, relating to child care providers; criminal history background check; penalty.

Patron Prior to Engrossment—Delegate Orrock

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-1720 through 63.2-1721.1, as they shall become effective, 63.2-1722, 63.2-1724, and 63.2-1725 of the Code of Virginia are amended and reenacted as follows:

§ 63.2-1720. (Effective July 1, 2017) Assisted living facilities, adult day care centers, child-placing agencies, and independent foster homes; employment for compensation of persons or use of volunteers convicted of certain offenses prohibited; background check required; penalty.

A. No assisted living facility, adult day care center, child-placing agency, *or* independent foster home~~, or family day system~~ licensed in accordance with the provisions of this chapter~~, or registered family day homes or family day homes approved by family day systems,~~ shall hire for compensated employment or continue to employ persons who have an offense as defined in § 63.2-1719. All applicants for employment shall undergo background checks pursuant to subsection C.

B. A licensed assisted living facility or adult day care center may hire an applicant convicted of one misdemeanor barrier crime not involving abuse or neglect, if five years have elapsed following the conviction.

C. Background checks pursuant to subsection A require:

1. A sworn statement or affirmation disclosing whether the person has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and, in the case of licensed child-placing agencies~~,~~ *and* independent foster homes~~, and family day systems, registered family day homes, and family day homes approved by family day systems~~, whether or not the person has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. A criminal history records check through the Central Criminal Records Exchange pursuant to § 19.2-389; and

3. In the case of licensed child-placing agencies~~,~~ *and* independent foster homes~~, and family day systems, registered family day homes, and family day homes approved by family day systems~~, a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

D. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision C 1 is guilty of a Class 1 misdemeanor.

E. A licensed assisted living facility, licensed adult day care center, licensed child-placing agency, *or* licensed independent foster home~~, licensed family day system, registered family day home, or family day home approved by a family day system~~ shall obtain for any compensated employees within 30 days of employment (i) an original criminal record clearance with respect to convictions for offenses specified in § 63.2-1719 or an original criminal history record from the Central Criminal Records Exchange and (ii) in the case of licensed child-placing agencies~~,~~ *and* independent foster homes~~, and family day systems, registered family day homes, and family day homes approved by family day systems~~, a copy of the information from the central registry for any compensated employee within 30 days of employment. However, no employee shall be permitted to work in a position that involves direct contact with a person or child receiving services until an original criminal record clearance or original criminal history record has been received, unless such person works under the direct supervision of another employee for whom a background check has been completed in accordance with the requirements of this section. If an applicant is denied employment because of information from the central registry or convictions appearing on his criminal history record, the licensed assisted living facility, adult day care center, child-placing agency, *or* independent foster home~~, or family day system, registered family day home, or family day home approved by a family day system~~ shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the applicant.

F. No volunteer who has an offense as defined in § 63.2-1719 shall be permitted to serve in a licensed child-placing agency~~,~~ *or* independent foster home~~, or family day system, registered family day home, or family day home approved by a family day system~~. Any person desiring to volunteer at a licensed child-placing agency~~,~~ *or* independent foster home~~, or family day system, registered family day~~

~~home,~~ ~~or~~ ~~family~~ ~~day~~ ~~home~~ ~~approved~~ ~~by~~ ~~a~~ ~~family~~ ~~day~~ ~~system~~ shall provide the agency~~,~~ ~~system,~~ or home with a sworn statement or affirmation pursuant to subdivision C 1. Such licensed child-placing agency~~,~~ *or* independent foster home~~,~~ ~~or~~ ~~family~~ ~~day~~ ~~system,~~ ~~registered~~ ~~family~~ ~~day~~ ~~home,~~ ~~or~~ ~~family~~ ~~day~~ ~~home~~ ~~approved~~ ~~by~~ ~~a~~ ~~family~~ ~~day~~ ~~system~~ shall obtain for any volunteers, within 30 days of commencement of volunteer service, a copy of (i) the information from the central registry and (ii) an original criminal record clearance with respect to offenses specified in § 63.2-1719 or an original criminal history record from the Central Criminal Records Exchange. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision C 1 is guilty of a Class 1 misdemeanor. If a volunteer is denied service because of information from the central registry or convictions appearing on his criminal history record, such licensed child-placing agency~~,~~ *or* independent foster home~~,~~ ~~or~~ ~~family~~ ~~day~~ ~~system,~~ ~~registered~~ ~~family~~ ~~day~~ ~~home,~~ ~~or~~ ~~family~~ ~~day~~ ~~home~~ ~~approved~~ ~~by~~ ~~a~~ ~~family~~ ~~day~~ ~~system~~ shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the volunteer. The provisions of this subsection shall apply only to volunteers who will be alone with any child in the performance of their duties and shall not apply to a parent-volunteer of a child attending a licensed child-placing agency~~,~~ *or* independent foster home~~,~~ ~~or~~ ~~family~~ ~~day~~ ~~system,~~ ~~registered~~ ~~family~~ ~~day~~ ~~home,~~ ~~or~~ ~~family~~ ~~day~~ ~~home~~ ~~approved~~ ~~by~~ ~~a~~ ~~family~~ ~~day~~ ~~system~~, whether or not such parent-volunteer will be alone with any child in the performance of his duties. A parent-volunteer is someone supervising, without pay, a group of children that includes the parent-volunteer's own child in a program that operates no more than four hours per day, provided that the parent-volunteer works under the direct supervision of a person who has received a clearance pursuant to this section.

G. No volunteer shall be permitted to serve in a licensed assisted living facility or licensed adult day care center without the permission or under the supervision of a person who has received a clearance pursuant to this section.

H. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

I. A licensed assisted living facility shall notify and provide all students a copy of the provisions of this article prior to or upon enrollment in a certified nurse aide program operated by such assisted living facility.

J. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

§ 63.2-1720.1. (Effective July 1, 2017) Child day centers, family day homes, and family day systems; employment for compensation or use as volunteers of persons convicted of or found to have committed certain offenses prohibited; national background check required; penalty.

A. No child day center ~~or~~, family day home, *or family day system* licensed in accordance with the provisions of this chapter, *child day center exempt from licensure pursuant to § 63.2-1716, registered family day home, family day home approved by a family day system, or child day center, family day home, or child day program that enters into a contract with the Department or a local department to provide child care services funded by the Child Care and Development Block Grant* shall hire for compensated employment, continue to employ, or permit to serve as a volunteer ~~in~~ ~~a~~ ~~position~~ ~~that~~ ~~is~~ ~~involved~~ ~~in~~ ~~the~~ ~~day-to-day~~ ~~operations~~ ~~of~~ ~~the~~ ~~child~~ ~~day~~ ~~center~~ ~~or~~ ~~family~~ ~~day~~ ~~home~~ ~~or~~ ~~in~~ ~~which~~ ~~the~~ ~~employee~~ ~~or~~ ~~volunteer~~ *who* will be alone with, in control of, or supervising children any person who has an offense as defined in § 63.2-1719. All applicants for employment ~~or~~, *employees, applicants* to serve as volunteers, *and volunteers* shall undergo a background check in accordance with subsection B *prior to employment or beginning to serve as a volunteer and every five years thereafter*.

B. Any ~~applicant~~ *individual* required to undergo a background check in accordance with subsection A shall:

1. Provide a sworn statement or affirmation disclosing whether he has ever been convicted of or is the subject of pending charges for any offense within or outside the Commonwealth and whether he has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. Submit to fingerprinting and provide personal descriptive information described in subdivision B 2 of § 19.2-392.02; and

3. Authorize the child day center ~~or~~, family day home, *or family day system described in subsection A* to obtain a copy of ~~information~~ ~~from~~ *the results of a search of* the central registry maintained pursuant to § 63.2-1515 ~~on~~ ~~any~~ ~~investigation~~ ~~of~~ ~~child~~ ~~abuse~~ ~~or~~ ~~neglect~~ ~~undertaken~~ ~~on~~ ~~him~~ *and any child abuse and neglect registry or equivalent registry maintained by any other state in which the individual has resided in the preceding five years for any founded complaint of child abuse or neglect against him.*

The ~~applicant's~~ *individual's* fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding such

~~applicant~~ *individual*. Upon receipt of ~~an applicant's~~ *the individual's* record or notification that no record exists, the Central Criminal Records Exchange shall forward the information to the Department, and the Department shall report to the child day center ~~or~~, family day home, *or family day system described in subsection A as to*whether the ~~applicant~~ *individual* is eligible to have responsibility for the safety and well-being of children. In cases in which the record forwarded to the Department is lacking disposition data, the Department shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data before reporting to the child day center ~~or~~, family day home, *or family day system*.

C. The child day center ~~or~~, family day home, *or family day system described in subsection A* shall inform every ~~applicant for compensated employment or to serve as a volunteer~~ *individual* required to undergo a background check pursuant to this section that he is entitled to obtain a copy of any background check report and to challenge the accuracy and completeness of any such report and obtain a prompt resolution before a final determination is made of the ~~applicant's~~ *individual's* eligibility to have responsibility for the safety and well-being of children.

D. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor.

E. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

F. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

G. Notwithstanding the provisions of subsection A, a child day center may hire for compensated employment persons who have been convicted of not more than one misdemeanor offense under § 18.2-57 if 10 years have elapsed following the conviction, unless the person committed such offense while employed in a child day center or the object of the offense was a minor.

H. Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state of such processing and administration.

I. Any ~~person employed for compensation at a licensed child day center or family day home or permitted to serve as a volunteer at a licensed child day center or family day home in a position that is involved in the day-to-day operations of the child day center or family day home or in which he will be alone with, in control of, or supervising children~~ *individual required to undergo a background check pursuant to subsection A* who is (i) convicted of an offense as defined in § 63.2-1719 within or outside of the Commonwealth or (ii) found to be the subject of a founded complaint of child abuse or neglect within or outside of the Commonwealth shall notify the child day center ~~or~~, family day home, *or family day system described in subsection A* of such conviction or finding.

§ 63.2-1721. (Effective July 1, 2017) Background check upon application for licensure as a child-placing agency or independent foster home; penalty.

A. Upon application for licensure as a child-placing agency~~,~~ *or* independent foster home~~, or family day system or registration as a family day home~~, *all* (i) ~~all~~ applicants~~;~~ *and* (ii) agents at the time of application who are or will be involved in the day-to-day operations of the child-placing agency~~,~~ *or* independent foster home~~, family day system, or family day home~~ or who are or will be alone with, in control of, or supervising one or more of the children~~; and (iii) any other adult living in the home of an applicant for registration as a family day home~~ shall undergo a background check pursuant to subsection B. Upon application for licensure as an assisted living facility, all applicants shall undergo a background check pursuant to subsection B. In addition, foster or adoptive parents requesting approval by child-placing agencies ~~and operators of family day homes requesting approval by family day systems, and any other adult residing in the family day home or existing employee or volunteer of the family day home,~~ shall undergo background checks pursuant to subsection B prior to their approval.

B. Background checks pursuant to subsection A require:

1. A sworn statement or affirmation disclosing whether the person has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and whether or not the person has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. A criminal history records check through the Central Criminal Records Exchange pursuant to § 19.2-389; and

3. In the case of child-placing agencies, independent foster homes~~, family day systems, and family day homes~~, or adoptive or foster parents, a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

C. The person required to have a background check pursuant to subsection A shall submit the background check information required in subsection B to the Commissioner's representative prior to

issuance of a license~~,~~ ~~registration~~ or approval. The applicant shall provide an original criminal record clearance with respect to offenses specified in § 63.2-1719 or an original criminal history record from the Central Criminal Records Exchange. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor. If any person specified in subsection A required to have a background check has any offense as defined in § 63.2-1719, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723 or is not subject to an exception in subsection E, F, G, or H, (i) the Commissioner shall not issue a license to a child-placing agency~~,~~ *or* independent foster home~~,~~ ~~or family day system or a registration to a family day home~~; (ii) the Commissioner shall not issue a license to an assisted living facility; *or* (iii) a child-placing agency shall not approve an adoptive or foster home~~;~~ ~~or (iv) a family day system shall not approve a family day home~~.

D. No person specified in subsection A shall be involved in the day-to-day operations of a licensed child-placing agency~~,~~ *or* independent foster home~~,~~ ~~or family day system or a registered family day home~~; be alone with, in control of, or supervising one or more children receiving services from a licensed child-placing agency~~,~~ *or* independent foster home~~,~~ ~~or family day system or a registered family day home~~; or be permitted to work in a position that involves direct contact with a person receiving services without first having completed background checks pursuant to subsection B unless such person is directly supervised by another person for whom a background check has been completed in accordance with the requirements of this section.

E. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of not more than one misdemeanor as set out in § 18.2-57 not involving abuse, neglect, moral turpitude, or a minor, provided that 10 years have elapsed following the conviction.

F. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as a foster parent an applicant convicted of statutory burglary for breaking and entering a dwelling home or other structure with intent to commit larceny, who has had his civil rights restored by the Governor, provided that 25 years have elapsed following the conviction.

G. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of felony possession of drugs, who has had his civil rights restored by the Governor, provided that 10 years have elapsed following the conviction.

H. Notwithstanding any provision to the contrary contained in this section, a child-placing agency may approve as an adoptive or foster parent an applicant convicted of felony possession of drugs with intent to distribute who has had his civil rights restored by the Governor, provided 20 years have elapsed following the conviction.

I. If an applicant is denied licensure~~,~~ ~~registration~~ or approval because of information from the central registry or convictions appearing on his criminal history record, the Commissioner shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the applicant.

J. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

§ 63.2-1721.1. (Effective July 1, 2017) Background check upon application for licensure, registration, or approval as child day center, family day home, or family day system; penalty.

A. Every (i) applicant for licensure as a child day center ~~or~~, family day home, *or family day system, registration as a family day home, or approval as a family day home by a family day system*; (ii) agent of an applicant for licensure as a child day center ~~or~~, family day home, *or family day system, registration as a family day home, or approval as a family day home by a family day system* at the time of application who is or will be involved in the day-to-day operations of the child day center ~~or~~, family day home, *or family day system* or who is or will be alone with, in control of, or supervising one or more of the children; and (iii) adult living in ~~the~~ *such child day center or* family day home shall undergo a background check in accordance with subsection B prior to issuance of a license as a child day center ~~or~~, family day home, *or family day system, registration as a family day home, or approval as a family day home by a family day system and every five years thereafter*.

B. Every person required to undergo a background check pursuant to subsection A shall:

1. Provide a sworn statement or affirmation disclosing whether he has ever been convicted of or is the subject of any pending criminal charges for any offense within or outside the Commonwealth and whether or not he has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. Submit to fingerprinting and provide personal descriptive information described in subdivision B 2 of § 19.2-392.02; and

3. Authorize the ~~Department~~ *child day center, family day home, or family day system specified in*

subsection A to obtain a copy of ~~information from~~ *the results of a search of* the central registry maintained pursuant to § 63.2-1515 ~~on any investigation of child abuse or neglect undertaken on him~~ *and any child abuse and neglect registry or equivalent registry maintained by any other state in which the individual has resided in the preceding five years for any founded complaint of child abuse or neglect against him*.

Fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding the individual. Upon receipt of an ~~applicant's~~ *individual's* record or notification that no record exists, the Central Criminal Records Exchange shall forward the information to the Department. *The Department shall report to the child day center, family day home, or family day system described in subsection A as to whether the individual is eligible to have responsibility for the safety and well-being of children.* In cases in which the record forwarded to the Department is lacking disposition data, the Department shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data.

C. If any person specified in subsection A required to have a background check has an offense as defined in § 63.2-1719, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723, no license as a child day center ~~or~~, family day home, *or family day system or registration as a family day home shall be granted by the Commissioner and no approval as a family day home* shall be granted *by the family day system*.

D. Information from a search of the central registry maintained pursuant to § 63.2-1515 *and any child abuse and neglect registry or equivalent registry maintained by any other state in which the applicant, agent, or adult has resided in the preceding five years*, authorized in accordance with subdivision B 3, shall be obtained prior to issuance of a license as a child day center ~~or~~, family day home*, or family day system, registration as a family day home, or approval as a family day home by a family day system*.

E. No person specified in subsection A shall be involved in the day-to-day operations of the child day center ~~or~~, family day home, *or family day system*, or shall be alone with, in control of, or supervising one or more children, without first having completed any required background check pursuant to subsection B.

F. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor.

G. If an ~~applicant~~ *individual* is denied licensure, *registration, or approval* because of information from the central registry *or any child abuse and neglect registry or equivalent registry maintained by any other state*, or convictions appearing on his criminal history record, the Commissioner shall provide a copy of the information obtained from the central registry, *any child abuse and neglect registry or equivalent registry maintained by any other state,* or the Central Criminal Records Exchange ~~or both~~ to the ~~applicant~~ *individual*.

H. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

I. Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state of such processing and administration.

§ 63.2-1722. Revocation or denial of renewal based on background checks; failure to obtain background check.

A. The Commissioner may revoke or deny renewal of a license or registration of a child welfare agency, assisted living facility, or adult day care center; a child-placing agency may revoke the approval of a foster home; and a family day system may revoke the approval of a family day home if the assisted living facility, adult day care center, child welfare agency, foster home, or approved family day home has knowledge that a person specified in § 63.2-1720, 63.2-1720.1, 63.2-1721, or 63.2-1721.1 required to have a background check has an offense as defined in § 63.2-1719, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723 or is not subject to the exceptions in subsection B of § 63.2-1720, subsection G of § 63.2-1720.1, or subsection E, F, ~~or~~ G, *or H* of § ~~63.2-1721.1~~ *63.2-1721*, and the facility, center, *home,* or agency refuses to separate such person from employment or service *or allows the household member to continue to reside in the home*.

B. Failure to obtain background checks pursuant to §§ 63.2-1720, 63.2-1720.1, 63.2-1721, and 63.2-1721.1 shall be grounds for denial ~~or~~, revocation, *or termination* of a license, registration, or approval *or any contract with the Department or a local department to provide child care services to clients of the Department or local department*. No violation shall occur if the assisted living facility, adult day care center, child-placing agency, independent foster home, family day system, family day home, or child day center has applied for the background check timely and it has not been obtained due to administrative delay. The provisions of this section shall be enforced by the Department.

§ 63.2-1724. Records check by unlicensed child day center; penalty.

Any child day center that is exempt from licensure pursuant to § 63.2-1716 shall require ~~a prospective employee or volunteer or~~ *all applicants for employment, employees, applicants to serve as volunteers, and volunteers and* any other person who is expected to be alone with one or more children enrolled in the child day center to obtain ~~within 30 days of employment or commencement of volunteer service, a search of the central registry maintained pursuant to § 63.2-1515 on any founded complaint of child abuse or neglect and a criminal records check as provided in subdivision A 11 of § 19.2-389. However, no employee shall be permitted to work in a position that involves direct contact with a child until an original criminal record clearance or original criminal history record has been received, unless such person works under the direct supervision of another employee for whom a background check has been completed in accordance with the requirements of this section~~ *a background check in accordance with § 63.2-1720.1*. A child day center that is exempt from licensure pursuant to § 63.2-1716 shall refuse employment or service to any person who has any offense defined in § 63.2-1719. ~~Such center shall also require a prospective employee or volunteer or any other person who is expected to be alone with one or more children in the child day center to provide a sworn statement or affirmation disclosing whether or not the applicant has ever been (i) the subject of a founded complaint of child abuse or neglect, or (ii) convicted of a crime or is the subject of pending criminal charges for any offense within the Commonwealth or any equivalent offense outside the Commonwealth.~~ The foregoing provisions shall not apply to a parent or guardian who may be left alone with his or her own child. For purposes of this section, convictions shall include prior adult convictions and juvenile convictions or adjudications of delinquency based on a crime that would have been a felony if committed by an adult within or outside the Commonwealth. ~~Any person making a materially false statement regarding any such offense shall be guilty of a Class 1 misdemeanor. If an applicant is denied employment or service because of information from the central registry or convictions appearing on his criminal history record, the child day center shall provide a copy of the information obtained from the central registry or Central Criminal Records Exchange or both to the applicant.~~ Further dissemination of the information provided to the facility is prohibited.

~~The provisions of this section referring to volunteers shall apply only to volunteers who will be alone with any child in the performance of their duties and shall not apply to a parent-volunteer of a child attending the child day center whether or not such parent-volunteer will be alone with any child in the performance of his duties. A parent-volunteer is someone supervising, without pay, a group of children which includes the parent-volunteer's own child, in a program which operates no more than four hours per day, where the parent-volunteer works under the direct supervision of a person who has received a clearance pursuant to this section.~~

§ 63.2-1725. Child day centers or family day homes receiving federal, state, or local child care funds; eligibility requirements.

A. Whenever any child day center ~~or~~, family day home, *or child day program* that has not met the requirements of §§ ~~63.2-1720,~~ ~~63.2-1721~~ *63.2-1720.1, 63.2-1721.1,* and 63.2-1724 applies to enter into a contract with the Department or a local department to provide child care services to clients of the Department or local department, the Department or local department shall require a ~~criminal records check pursuant to subdivision A 43 of § 19.2-389, as well as a search of the central registry maintained pursuant to § 63.2-1515, on any child abuse or neglect investigation~~ *background check, at the time of application to enter into a contract and every five years thereafter,* of *(i)* the applicant; ~~any employee; prospective employee; volunteers;~~ *any* agents involved in the day-to-day operation; all agents who are alone with, in control of, or supervising one or more of the children; and any other adult living in a *child day center or* family day home *pursuant to § 63.2-1721.1; and (ii) all applicants for employment, employees, applicants to serve as volunteers, and volunteers pursuant to § 63.2-1720.1*. ~~The applicant shall provide the Department or local department with copies of these records checks.~~ The child day center ~~or~~, family day home [~~.~~ ,] *or child day program* shall not be permitted to enter into a contract with the Department or a local department for child care services when an applicant; any employee; a prospective employee; a volunteer, an agent involved in the day-to-day operation; an agent alone with, in control of, or supervising one or more children; or any other adult living in a family day home has any offense as defined in § 63.2-1719. ~~The child day center or family day home shall also require the above individuals to provide a sworn statement or affirmation disclosing whether or not the person has ever been (i) the subject of a founded case of child abuse or neglect or (ii) convicted of a crime or is the subject of any pending criminal charges within the Commonwealth or any equivalent offense outside the Commonwealth. Any person making a materially false statement regarding any such offense shall be guilty of a Class 1 misdemeanor. If a person is denied employment or work because of information from the central registry or convictions appearing on his criminal history record, the child day center or family day program shall provide a copy of such information obtained from the central registry or Central Criminal Records Exchange or both to the person.~~ Further dissemination of the information provided to the facility, beyond dissemination to the Department, agents of the Department, or the local

department, is prohibited.

B. Every child day center ~~or~~, family day home, *or child day program* that enters into a contract with the Department or a local department to provide child care services to clients of the Department or local departments that is funded, in whole or in part, by the Child Care and Development Block Grant, shall comply with all requirements established by federal law and regulations.

2. That every person who is employed by or permitted to serve as a volunteer who will be alone with, in control of, or supervising children at a child day center, family day home, or family day system licensed in accordance with the provisions of Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 of the Code of Virginia, child day center exempt from licensure pursuant to § 63.2-1716 of the Code of Virginia, registered family day home, family day home approved by a family day system, or child day center, family day home, or child day program that enters into a contract with the Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Block Grant shall undergo a background check described in § 63.2-1720.1 of the Code of Virginia, to be completed by September 30, 2017, or by the date specified on any federal waiver obtained by the Commonwealth.

3. That every (i) person who is licensed as a child day center, family day home, or family day system, registered as a family day home, or approved as a family day home by a family day system; (ii) agent of a person who is licensed as a child day center, family day home, or family day system, registered as a family day home, or approved as a family day home by a family day system or who will be involved in the day-to-day operations of the child day center, family day home, or family day system or who is or will be alone with, in control of, or supervising one or more children in a child day center, family day home, or family day system; and (iii) adult living in a licensed child day center or family day home, registered family day home, or family day home approved by a family day system shall undergo a background check described in § 63.2-1721.1 of the Code of Virginia, to be completed by September 30, 2017, or by the date specified on any federal waiver obtained by the Commonwealth.

[4. That the provisions of this act shall expire on July 1, 2018.

5. That if any provision of the federal Child Care and Development Block Grant Act of 2014 establishing requirements for national fingerprint-based criminal history background checks for (i) employees, applicants for employment, volunteers at or applicants to serve as volunteers at any licensed family day system, registered family day home, family day home approved by a family day system, child day center exempt from licensure pursuant to § 63.2-1716 of the Code of Virginia; (ii) applicants for licensure as a family day system, registration as a family day home or approval as a family day home by a family day system, agents of such applicants, and adults living in such family day homes; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant Act is repealed prior to July 1, 2018, the provisions of this act enacting such requirement shall expire upon the date such provision is repealed.]