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SENATE BILL NO. 668

Offered January 8, 2020

Prefiled January 7, 2020

A BILL to amend and reenact §§ 63.2-1720.1, as it is currently effective and as it shall become effective, and 63.2-1721.1, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to child care providers; out-of-state background checks.

Patrons—Boysko, Bell, Howell, McClellan, Morrissey and Peake

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-1720.1, as it is currently effective and as it shall become effective, and 63.2-1721.1, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 63.2-1720.1. (For effective date, see Acts 2018, cc. 146 and 278) Licensed child day centers and licensed family day homes; 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 licensed in accordance with the provisions of this chapter 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 will be alone with, in control of, or supervising children any person who (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. All applicants for employment or to serve as volunteers shall undergo a background check in accordance with subsection B.

B. (Effective until July 1, 2020) Any applicant 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 to obtain a copy of information from the central registry maintained pursuant to § 63.2-1515 on any investigation of child abuse or neglect undertaken on him; ~~and~~

4. ~~Authorize the child day center or family day home to obtain a copy of the results of a criminal history record information check and sex offender registry check from any state in which the applicant has resided in the preceding five years.~~

The applicant'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. Upon receipt of an applicant'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 whether the applicant 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.

B. (Effective July 1, 2020) Any applicant 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 to obtain a copy of information from the central registry maintained pursuant to § 63.2-1515 on any investigation of child abuse or neglect

59 undertaken on him; and

60 4. *Authorize the child day center or family day home to obtain a copy of the results of a criminal*
61 *history record information check and sex offender registry check from any state in which the applicant*
62 *has resided in the preceding five years.*

63 The applicant's fingerprints and personal descriptive information obtained pursuant to subdivision 2
64 shall be forwarded by the Department or its designee or, in the case of a child day program operated by
65 a local government, may be forwarded by the local law-enforcement agency through the Central
66 Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national
67 criminal history record information regarding such applicant. Upon receipt of an applicant's record or
68 notification that no record exists, the Central Criminal Records Exchange shall forward the information
69 to the Department, and the Department shall report to the child day center or family day home whether
70 the applicant is eligible to have responsibility for the safety and well-being of children. In cases in
71 which the record forwarded to the Department is lacking disposition data, the Department shall conduct
72 research in whatever state and local recordkeeping systems are available in order to obtain complete data
73 before reporting to the child day center or family day home.

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

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

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

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

87 G. Notwithstanding the provisions of subsection A, a child day center may hire for compensated
88 employment persons who have been convicted of not more than one misdemeanor offense under
89 § 18.2-57, or any substantially similar offense under the laws of another jurisdiction, if 10 years have
90 elapsed following the conviction, unless the person committed such offense while employed in a child
91 day center or the object of the offense was a minor.

92 H. (Effective until July 1, 2020) Fees charged for the processing and administration of background
93 checks pursuant to this section shall not exceed the actual cost to the state of such processing and
94 administration.

95 H. (Effective July 1, 2020) Fees charged for the processing and administration of background checks
96 pursuant to this section shall not exceed the actual cost to the state or the local law-enforcement agency
97 of such processing and administration.

98 I. Any person employed for compensation at a licensed child day center or family day home or
99 permitted to serve as a volunteer at a licensed child day center or family day home in a position that is
100 involved in the day-to-day operations of the child day center or family day home or in which he will be
101 alone with, in control of, or supervising children who is (i) convicted of any barrier crime as defined in
102 § 19.2-392.02 or (ii) found to be the subject of a founded complaint of child abuse or neglect within or
103 outside of the Commonwealth shall notify the child day center or family day home of such conviction
104 or finding.

105 **§ 63.2-1720.1. (For expiration date, see Acts 2018, cc. 146 and 278) Child day centers, family**
106 **day homes, and family day systems; employment for compensation or use as volunteers of persons**
107 **convicted of or found to have committed certain offenses prohibited; national background check**
108 **required; penalty.**

109 A. No child day center, family day home, or family day system licensed in accordance with the
110 provisions of this chapter, child day center exempt from licensure pursuant to § 63.2-1716, registered
111 family day home, family day home approved by a family day system, or child day center, family day
112 home, or child day program that enters into a contract with the Department or a local department to
113 provide child care services funded by the Child Care and Development Block Grant shall hire for
114 compensated employment, continue to employ, or permit to serve as a volunteer who will be alone with,
115 in control of, or supervising children any person who (i) has been convicted of any barrier crime as
116 defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or
117 outside the Commonwealth. All applicants for employment, employees, applicants to serve as volunteers,
118 and volunteers shall undergo a background check in accordance with subsection B prior to employment
119 or beginning to serve as a volunteer and every five years thereafter.

120 B. (Effective until July 1, 2020) Any 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, family day home, or family day system described in subsection A to obtain a copy of the results of 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 individual has resided in the preceding five years~~ for any founded complaint of child abuse or neglect against him; ~~and~~

4. *Authorize the child day center, family day home, or family day system described in subsection A to obtain a copy of the results of a criminal history record information check, a sex offender registry check, and a search of the child abuse and neglect registry or equivalent registry from any state in which the individual has resided in the preceding five years.*

The 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 individual. Upon receipt of 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, 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 before reporting to the child day center, family day home, or family day system.

B. (Effective July 1, 2020) Any 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, family day home, or family day system described in subsection A to obtain a copy of the results of 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 individual has resided in the preceding five years~~ for any founded complaint of child abuse or neglect against him; ~~and~~

4. *Authorize the child day center, family day home, or family day system described in subsection A to obtain a copy of the results of a criminal history record information check, a sex offender registry check, and a search of the child abuse and neglect registry or equivalent registry from any state in which the individual has resided in the preceding five years.*

The individual's fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be forwarded by the Department or its designee or, in the case of a child day program operated by a local government, may be forwarded by the local law-enforcement agency through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding such individual. Upon receipt of 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, 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 before reporting to the child day center, family day home, or family day system.

C. The child day center, family day home, or family day system described in subsection A shall inform every 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 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

182 Commissioner's representative or a federal or state authority or court as may be required to comply with
183 an express requirement of law for such further dissemination.

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

187 G. Notwithstanding the provisions of subsection A, a child day center may hire for compensated
188 employment persons who have been convicted of not more than one misdemeanor offense under
189 § 18.2-57, or any substantially similar offense under the laws of another jurisdiction, if 10 years have
190 elapsed following the conviction, unless the person committed such offense while employed in a child
191 day center or the object of the offense was a minor.

192 H. (Effective until July 1, 2020) Fees charged for the processing and administration of background
193 checks pursuant to this section shall not exceed the actual cost to the state of such processing and
194 administration.

195 H. (Effective July 1, 2020) Fees charged for the processing and administration of background checks
196 pursuant to this section shall not exceed the actual cost to the state or the local law-enforcement agency
197 of such processing and administration.

198 I. Any individual required to undergo a background check pursuant to subsection A who is (i)
199 convicted of any barrier crime as defined in § 19.2-392.02 or (ii) found to be the subject of a founded
200 complaint of child abuse or neglect within or outside of the Commonwealth shall notify the child day
201 center, family day home, or family day system described in subsection A of such conviction or finding.

202 **§ 63.2-1721.1. (For effective date, see Acts 2018, cc. 146 and 278) Background check upon**
203 **application for licensure as child day center or family day home; penalty.**

204 A. Every (i) applicant for licensure as a child day center or family day home; (ii) agent of an
205 applicant for licensure as a child day center or family day home at the time of application who is or
206 will be involved in the day-to-day operations of the child day center or family day home or who is or
207 will be alone with, in control of, or supervising one or more of the children; and (iii) adult living in the
208 family day home shall undergo a background check in accordance with subsection B prior to issuance of
209 a license as a child day center or family day home.

210 B. (Effective until July 1, 2020) Every person required to undergo a background check pursuant to
211 subsection A shall:

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

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

218 3. Authorize the Department to obtain a copy of information from the central registry maintained
219 pursuant to § 63.2-1515 on any investigation of child abuse or neglect undertaken on him; *and*

220 4. *Authorize the Department to obtain a copy of the results of a criminal history record information*
221 *check and sex offender registry check from any state in which the person has resided in the preceding*
222 *five years.*

223 Fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be
224 forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the
225 purpose of obtaining national criminal history record information regarding the individual. Upon receipt
226 of an applicant's record or notification that no record exists, the Central Criminal Records Exchange
227 shall forward the information to the Department. In cases in which the record forwarded to the
228 Department is lacking disposition data, the Department shall conduct research in whatever state and local
229 recordkeeping systems are available in order to obtain complete data.

230 B. (Effective July 1, 2020) Every person required to undergo a background check pursuant to
231 subsection A shall:

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

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

238 3. Authorize the Department to obtain a copy of information from the central registry maintained
239 pursuant to § 63.2-1515 on any investigation of child abuse or neglect undertaken on him; *and*

240 4. *Authorize the Department to obtain a copy of the results of a criminal history record information*
241 *check and sex offender registry check from any state in which the person has resided in the preceding*
242 *five years.*

243 Fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be

forwarded by the Department or its designee or, in the case of a child day program operated by a local government, may be forwarded by the local law-enforcement agency 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 record or notification that no record exists, the Central Criminal Records Exchange shall forward the information to the Department. 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 (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth, 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 shall be granted.

D. Information from a search of the central registry maintained pursuant to § 63.2-1515, 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.

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 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 is denied licensure 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.

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. (Effective until July 1, 2020) 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. (Effective July 1, 2020) Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state or the local law-enforcement agency of such processing and administration.

J. For the purposes of this section, "agent" means a person who is authorized to act on behalf of the applicant or licensee.

§ 63.2-1721.1. (For expiration date, see Acts 2018, cc. 146 and 278) 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, 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, 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, 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 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, 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. (Effective until July 1, 2020) 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 child day center, family day home, or family day system specified in subsection A to obtain a copy of the results of 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 individual has resided in the preceding five years for any founded complaint of child abuse or neglect against him; and

305 4. Authorize the child day center, family day home, or family day system described in subsection A to
306 obtain a copy of the results of a criminal history record information check, a sex offender registry
307 check, and a search of the child abuse and neglect registry or equivalent registry from any state in
308 which the person has resided in the preceding five years.

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

318 B. (Effective July 1, 2020) Every person required to undergo a background check pursuant to
319 subsection A shall:

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

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

326 3. Authorize the child day center, family day home, or family day system specified in subsection A
327 to obtain a copy of the results of a search of the central registry maintained pursuant to § 63.2-1515 and
328 any child abuse and neglect registry or equivalent registry maintained by any other state in which the
329 individual has resided in the preceding five years for any founded complaint of child abuse or neglect
330 against him; and

331 4. Authorize the child day center, family day home, or family day system described in subsection A to
332 obtain a copy of the results of a criminal history record information check, a sex offender registry
333 check, and a search of the child abuse and neglect registry or equivalent registry from any state in
334 which the person has resided in the preceding five years.

335 Fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be
336 forwarded by the Department or its designee or, in the case of a child day program operated by a local
337 government, may be forwarded by the local law-enforcement agency through the Central Criminal
338 Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal
339 history record information regarding the individual. Upon receipt of an individual's record or notification
340 that no record exists, the Central Criminal Records Exchange shall forward the information to the
341 Department. The Department shall report to the child day center, family day home, or family day system
342 described in subsection A as to whether the individual is eligible to have responsibility for the safety
343 and well-being of children. In cases in which the record forwarded to the Department is lacking
344 disposition data, the Department shall conduct research in whatever state and local recordkeeping
345 systems are available in order to obtain complete data.

346 C. If any person specified in subsection A required to have a background check (i) has been
347 convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint
348 of child abuse or neglect within or outside the Commonwealth, and such person has not been granted a
349 waiver by the Commissioner pursuant to § 63.2-1723, no license as a child day center, family day home,
350 or family day system or registration as a family day home shall be granted by the Commissioner and no
351 approval as a family day home shall be granted by the family day system.

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

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

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

364 G. If an individual is denied licensure, registration, or approval because of information from the
365 central registry or any child abuse and neglect registry or equivalent registry maintained by any other
366 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 to the 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. (Effective until July 1, 2020) 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. (Effective July 1, 2020) Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state or the local law-enforcement agency of such processing and administration.

J. For the purposes of this section, "agent" means a person who is authorized to act on behalf of the applicant or licensee.

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 who has lived in another state in the previous five years shall complete the out-of-state criminal history record information check and sex offender registry check described in subdivision B 4 of § 63.2-1720.1 of the Code of Virginia, as it is currently effective and as it shall become effective, as amended by this act, and provide results to the corresponding child day center, family day home, or family day system by December 31, 2020.

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, as defined in § 63.2-1721.1 of the Code of Virginia, as amended by this act, 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 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 who has lived in another state in the previous five years shall complete the out-of-state criminal history record information check and sex offender registry check described in subdivision B 4 of § 63.2-1721.1 of the Code of Virginia, as it is currently effective and as it shall become effective, as amended by this act, and provide results to the corresponding child day center, family day home, or family day system by December 31, 2020.