2020 SESSION

ENROLLED

1

VIRGINIA ACTS OF ASSEMBLY - CHAPTER

2 An Act 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.

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Approved

[S 668]

7 Be it enacted by the General Assembly of Virginia:

8 1. That §§ 63.2-1720.1, as it is currently effective and as it shall become effective, and 63.2-1721.1,
9 as it is currently effective and as it shall become effective, of the Code of Virginia are amended
10 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.

- 15 A. No child day center or family day home licensed in accordance with the provisions of this chapter 16 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 17 which the employee or volunteer will be alone with, in control of, or supervising children any person 18 who (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a 19 founded complaint of child abuse or neglect within or outside the Commonwealth. All applicants for 20 21 employment or to serve as volunteers shall undergo a background check in accordance with subsection 22 Β.
- 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;

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

30 3. Authorize the child day center or family day home to obtain a copy of information from the
 31 central registry maintained pursuant to § 63.2-1515 on any investigation of child abuse or neglect
 32 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 36 37 shall be forwarded through the Central Criminal Records Exchange to the Federal Bureau of 38 Investigation for the purpose of obtaining national criminal history record information regarding such 39 applicant. Upon receipt of an applicant's record or notification that no record exists, the Central Criminal 40 Records Exchange shall forward the information to the Department, and the Department shall report to 41 the child day center or family day home whether the applicant is eligible to have responsibility for the 42 safety and well-being of children. In cases in which the record forwarded to the Department is lacking 43 disposition data, the Department shall conduct research in whatever state and local recordkeeping 44 systems are available in order to obtain complete data before reporting to the child day center or family 45 day home.

46 B. (Effective July 1, 2020) Any applicant required to undergo a background check in accordance 47 with subsection A shall:

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

51 2. Submit to fingerprinting and provide personal descriptive information described in subdivision B 2
 52 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

56 4. Authorize the child day center or family day home to obtain a copy of the results of a criminal

57 history record information check and sex offender registry check from any state in which the applicant58 has resided in the preceding five years.

59 The applicant's fingerprints and personal descriptive information obtained pursuant to subdivision 2 60 shall be forwarded by the Department or its designee or, in the case of a child day program operated by 61 a local government, may be forwarded by the local law-enforcement agency through the Central 62 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 63 notification that no record exists, the Central Criminal Records Exchange shall forward the information 64 65 to the Department, and the Department shall report to the child day center or family day home whether 66 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 67 research in whatever state and local recordkeeping systems are available in order to obtain complete data 68 before reporting to the child day center or family day home. 69

C. The child day center or family day home shall inform every applicant for compensated employment or to serve as a volunteer 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 eligibility to have responsibility for the safety and well-being of children.

75 D. Any person making a materially false statement regarding the sworn statement or affirmation 76 provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor.

77 E. Further dissemination of the background check information is prohibited other than to the
78 Commissioner's representative or a federal or state authority or court as may be required to comply with
79 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, or any substantially similar offense under the laws of another jurisdiction, 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.

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

91 H. (Effective July 1, 2020) Fees charged for the processing and administration of background checks
 92 pursuant to this section shall not exceed the actual cost to the state or the local law-enforcement agency
 93 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 who is (i) convicted of any barrier crime as defined in § 19.2-392.02 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 of such conviction or finding.

\$ 63.2-1720.1. (For expiration date, see Acts 2018, cc. 146 and 278) 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.

105 A. No child day center, family day home, or family day system licensed in accordance with the 106 provisions of this chapter, child day center exempt from licensure pursuant to § 63.2-1716, registered 107 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 108 109 provide child care services funded by the Child Care and Development Block Grant shall hire for 110 compensated employment, continue to employ, or permit to serve as a volunteer who will be alone with, in control of, or supervising children any person who (i) has been convicted of any barrier crime as 111 112 defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or 113 outside the Commonwealth. All applicants for employment, employees, applicants to serve as volunteers, 114 and volunteers shall undergo a background check in accordance with subsection B prior to employment 115 or beginning to serve as a volunteer and every five years thereafter.

116 B. (Effective until July 1, 2020) Any individual required to undergo a background check in accordance with subsection A shall:

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

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

123 3. Authorize the child day center, family day home, or family day system described in subsection A 124 to obtain a copy of the results of a search of the central registry maintained pursuant to § 63.2-1515 and 125 any child abuse and neglect registry or equivalent registry maintained by any other state in which the 126 individual has resided in the preceding five years for any founded complaint of child abuse or neglect 127 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.

132 The individual's fingerprints and personal descriptive information obtained pursuant to subdivision 2 133 shall be forwarded through the Central Criminal Records Exchange to the Federal Bureau of 134 Investigation for the purpose of obtaining national criminal history record information regarding such 135 individual. Upon receipt of the individual's record or notification that no record exists, the Central 136 Criminal Records Exchange shall forward the information to the Department, and the Department shall 137 report to the child day center, family day home, or family day system described in subsection A as to 138 whether the individual is eligible to have responsibility for the safety and well-being of children. In 139 cases in which the record forwarded to the Department is lacking disposition data, the Department shall **140** conduct research in whatever state and local recordkeeping systems are available in order to obtain 141 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:

144 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;

147 2. Submit to fingerprinting and provide personal descriptive information described in subdivision B 2
148 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.

158 The individual's fingerprints and personal descriptive information obtained pursuant to subdivision 2 159 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 160 161 Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national 162 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 163 164 to the Department, and the Department shall report to the child day center, family day home, or family 165 day system described in subsection A as to whether the individual is eligible to have responsibility for 166 the safety and well-being of children. In cases in which the record forwarded to the Department is 167 lacking disposition data, the Department shall conduct research in whatever state and local recordkeeping 168 systems are available in order to obtain complete data before reporting to the child day center, family 169 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.

177 E. Further dissemination of the background check information is prohibited other than to the 178 Commissioner's representative or a federal or state authority or court as may be required to comply with **179** 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.

183 G. Notwithstanding the provisions of subsection A, a child day center may hire for compensated
184 employment persons who have been convicted of not more than one misdemeanor offense under
185 § 18.2-57, or any substantially similar offense under the laws of another jurisdiction, if 10 years have
186 elapsed following the conviction, unless the person committed such offense while employed in a child
187 day center or the object of the offense was a minor.

188 H. (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.

H. (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.

194 I. Any individual required to undergo a background check pursuant to subsection A who is (i) convicted of any barrier crime as defined in § 19.2-392.02 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, family day home, or family day system described in subsection A of such conviction or finding.

198 § 63.2-1721.1. (For effective date, see Acts 2018, cc. 146 and 278) Background check upon 199 application for licensure as child day center or family day home; penalty.

A. Every (i) applicant for licensure as a child day center or family day home; (ii) agent of an applicant for licensure as a child day center or family day home 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 who is or will be alone with, in control of, or supervising one or more of the children; and (iii) adult living in the 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.

B. (Effective until July 1, 2020) Every person required to undergo a background check pursuant tosubsection 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;

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

3. Authorize the Department 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 Department 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 person has resided in the preceding
five years.

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 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.

B. (Effective July 1, 2020) Every person required to undergo a background check pursuant tosubsection 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;

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

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

4. Authorize the Department 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 person has resided in the preceding
five years.

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

240 forwarded by the Department or its designee or, in the case of a child day program operated by a local 241 government, may be forwarded by the local law-enforcement agency through the Central Criminal 242 Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal 243 history record information regarding the individual. Upon receipt of an applicant's record or notification 244 that no record exists, the Central Criminal Records Exchange shall forward the information to the 245 Department. In cases in which the record forwarded to the Department is lacking disposition data, the 246 Department shall conduct research in whatever state and local recordkeeping systems are available in 247 order to obtain complete data.

248 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.

259 F. Any person making a materially false statement regarding the sworn statement or affirmation260 provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor.

261 G. If an applicant is denied licensure because of information from the central registry or convictions
262 appearing on his criminal history record, the Commissioner shall provide a copy of the information
263 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.

267 I. (Effective until July 1, 2020) Fees charged for the processing and administration of background268 checks pursuant to this section shall not exceed the actual cost to the state of such processing and269 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.

273 J. For the purposes of this section, "agent" means a person who is authorized to act on behalf of the **274** applicant or licensee.

275 § 63.2-1721.1. (For expiration date, see Acts 2018, cc. 146 and 278) Background check upon
276 application for licensure, registration, or approval as child day center, family day home, or family
277 day system; penalty.

278 A. Every (i) applicant for licensure as a child day center, family day home, or family day system, 279 registration as a family day home, or approval as a family day home by a family day system; (ii) agent 280 of an applicant for licensure as a child day center, family day home, or family day system, registration 281 as a family day home, or approval as a family day home by a family day system at the time of 282 application who is or will be involved in the day-to-day operations of the child day center, family day 283 home, or family day system or who is or will be alone with, in control of, or supervising one or more 284 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, 285 286 family day home, or family day system, registration as a family day home, or approval as a family day 287 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:

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

294 2. Submit to fingerprinting and provide personal descriptive information described in subdivision B 2
 295 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

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 person has resided in the preceding five years.

Fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be 305 306 forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the 307 purpose of obtaining national criminal history record information regarding the individual. Upon receipt 308 of an individual's record or notification that no record exists, the Central Criminal Records Exchange 309 shall forward the information to the Department. The Department shall report to the child day center, 310 family day home, or family day system described in subsection A as to whether the individual is eligible 311 to have responsibility for the safety and well-being of children. In cases in which the record forwarded 312 to the Department is lacking disposition data, the Department shall conduct research in whatever state 313 and local recordkeeping systems are available in order to obtain complete data.

314 B. (Effective July 1, 2020) Every person required to undergo a background check pursuant to **315** subsection A shall:

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

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

322 3. Authorize the child day center, family day home, or family day system specified in subsection A
323 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 person has resided in the preceding five years.

Fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be 331 332 forwarded by the Department or its designee or, in the case of a child day program operated by a local 333 government, may be forwarded by the local law-enforcement agency through the Central Criminal 334 Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal 335 history record information regarding the individual. Upon receipt of an individual's record or notification 336 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 337 described in subsection A as to whether the individual is eligible to have responsibility for the safety 338 339 and well-being of children. In cases in which the record forwarded to the Department is lacking 340 disposition data, the Department shall conduct research in whatever state and local recordkeeping 341 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, 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, 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, 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.

358 F. Any person making a materially false statement regarding the sworn statement or affirmation **359** provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor.

360 G. If an 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 to the individual.

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

368 I. (Effective until July 1, 2020) Fees charged for the processing and administration of background
 369 checks pursuant to this section shall not exceed the actual cost to the state of such processing and
 370 administration.

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

374 J. For the purposes of this section, "agent" means a person who is authorized to act on behalf of the 375 applicant or licensee.

376 2. That every person who is employed by or permitted to serve as a volunteer who will be alone 377 with, in control of, or supervising children at a child day center, family day home, or family day 378 system licensed in accordance with the provisions of Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 379 of the Code of Virginia, child day center exempt from licensure pursuant to § 63.2-1716 of the 380 Code of Virginia, registered family day home, family day home approved by a family day system, 381 or child day center, family day home, or child day program that enters into a contract with the 382 Department of Social Services or a local department of social services to provide child care 383 services funded by the Child Care and Development Block Grant who has lived in another state in 384 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 385 Virginia, as it is currently effective and as it shall become effective, as amended by this act, and 386 387 provide results to the corresponding child day center, family day home, or family day system by 388 December 31, 2020.

389 3. That every (i) person who is licensed as a child day center, family day home, or family day 390 system, registered as a family day home, or approved as a family day home by a family day 391 system; (ii) agent, as defined in § 63.2-1721.1 of the Code of Virginia, as amended by this act, of a 392 person who is licensed as a child day center, family day home, or family day system, registered as 393 a family day home, or approved as a family day home by a family day system who will be 394 involved in the day-to-day operations of the child day center, family day home, or family day 395 system or who is or will be alone with, in control of, or supervising one or more children in a 396 child day center, family day home, or family day system; and (iii) adult living in a licensed child 397 day center or family day home, registered family day home, or family day home approved by a 398 family day system who has lived in another state in the previous five years shall complete the 399 out-of-state criminal history record information check and sex offender registry check described in 400 subdivision B 4 of § 63.2-1721.1 of the Code of Virginia, as it is currently effective and as it shall 401 become effective, as amended by this act, and provide results to the corresponding child day 402 center, family day home, or family day system by December 31, 2020.