

VIRGINIA ACTS OF ASSEMBLY -- 1999 SESSION

CHAPTER 727

An Act to amend the Code of Virginia by adding a section numbered 63.1-198.5, relating to records checks of unlicensed child welfare agencies; penalty.

[H 1992]

Approved March 28, 1999

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 63.1-198.5 as follows:

§ 63.1-198.5. Records checks of unregulated child day centers or family day homes and their employees and volunteers receiving state and local funds; penalty.

Whenever any unlicensed or unregistered child day center or family day home applies to enter into a contract with a local department of social services to provide child care services to clients of the local department of social services, the local department of social services shall require a criminal records check pursuant to subdivision A 11 of § 19.2-389, as well as a search of the central registry maintained pursuant to § 63.1-248.8 on any child abuse or neglect investigation, of the applicant, any employee, prospective employee, volunteers, 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 family day home. The applicant shall provide the local department of social services with copies of these records checks. The child day center or family day home shall refuse employment or work to any person who has been (i) the subject of a founded complaint of child abuse or neglect or (ii) convicted of any offense specified in § 63.1-198.1. 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 or is the subject of any pending charges for any offense specified in this section 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 to the person. Further dissemination of the information provided to the facility, beyond dissemination to the local department of social services, is prohibited.