

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 1992]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 63.1-198.5 as follows:**8 *§ 63.1-198.5. Records checks of unregulated child day centers or family day homes and their*
9 *employees and volunteers receiving state and local funds; penalty.*

10 *Whenever any unlicensed or unregistered child day center or family day home applies to enter into a*
11 *contract with a local department of social services to provide child care services to clients of the local*
12 *department of social services, the local department of social services shall require a criminal records*
13 *check pursuant to subdivision A 11 of § 19.2-389, as well as a search of the central registry maintained*
14 *pursuant to § 63.1-248.8 on any child abuse or neglect investigation, of the applicant, any employee,*
15 *prospective employee, volunteers, agents involved in the day-to-day operation, all agents who are alone*
16 *with, in control of, or supervising one or more of the children, and any other adult living in a family*
17 *day home. The applicant shall provide the local department of social services with copies of these*
18 *records checks. The child day center or family day home shall refuse employment or work to any person*
19 *who has been (i) the subject of a founded complaint of child abuse or neglect or (ii) convicted of any*
20 *offense specified in § 63.1-198.1. The child day center or family day home shall also require the above*
21 *individuals to provide a sworn statement or affirmation disclosing whether or not the person has ever*
22 *been (i) the subject of a founded case of child abuse or neglect or (ii) convicted of or is the subject of*
23 *any pending charges for any offense specified in this section within the Commonwealth or any*
24 *equivalent offense outside the Commonwealth. Any person making a materially false statement regarding*
25 *any such offense shall be guilty of a Class 1 misdemeanor. If a person is denied employment or work*
26 *because of information from the central registry or convictions appearing on his criminal history record,*
27 *the child day center or family day program shall provide a copy of such information obtained from the*
28 *central registry or Central Criminal Records Exchange to the person. Further dissemination of the*
29 *information provided to the facility, beyond dissemination to the local department of social services, is*
30 *prohibited.*