

VIRGINIA ACTS OF ASSEMBLY -- 2000 SESSION

CHAPTER 248

An Act to amend and reenact § 63.1-198.2 of the Code of Virginia, relating to criminal records checks by unlicensed child day centers.

[S 141]

Approved April 2, 2000

Be it enacted by the General Assembly of Virginia:

1. That § 63.1-198.2 of the Code of Virginia is amended and reenacted as follows:

§ 63.1-198.2. Records check by unlicensed center.

Any child day center which is exempt from licensure pursuant to § 63.1-196.3 shall require a prospective employee or volunteer or any other person ~~officially involved in the operations of the facility in which the center is located~~ *who is expected to be alone with one or more children enrolled in the child day center* to ~~first~~ obtain *within twenty-one days of employment or commencement of volunteer service*, a search of the central registry maintained pursuant to § 63.1-248.8 on any founded complaint of child abuse or neglect and a criminal records check as provided in subdivision A 11 of § 19.2-389 and shall refuse employment or work to any person who has been (i) the subject of a founded complaint of child abuse or neglect, (ii) convicted of any offense specified in § 63.1-198.1, or (iii) convicted of any other felony in the five years prior to employment. Such facility shall also require a prospective employee *or volunteer* 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, (ii) convicted of or is the subject of pending charges for any offense specified in this section within the Commonwealth or any equivalent offense outside the Commonwealth, or (iii) convicted of or is the subject of pending charges for any other felony in the five years prior to employment. For purposes of this section, convictions shall include prior adult convictions and juvenile convictions and adjudications of delinquency based on an offense which would have been at the time of conviction a felony conviction 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 because of information from the central registry or convictions appearing on his criminal history record, the facility 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.