

Understanding the Child Care Comprehensive Background Checks

MSDH is committed to ensuring child care providers understand the impact of the federal child care legislation and the Development Block Grant Act of 2014 (CCDBG Act) surrounding the comprehensive background check requirements. The CCDBG Act requires that all employees (including prospective employees) of all licensed, regulated, and/or registered child care programs and all child care providers eligible to deliver services funded by the Child Care and Development Fund (CCDF) must have a comprehensive background check.

Below you will find information relating to the purpose, requirements, and application processes for the Mississippi comprehensive background checks.

The comprehensive background check includes the following:

1. Mississippi Background check: A fingerprint-based search of the Mississippi Department of Public Safety database of crimes committed in Mississippi.
2. Mississippi Child Abuse Central Registry check: A name-based search of the Central Registry of reported cases of child abuse and neglect in Mississippi. The Central Registry is maintained by the Mississippi Department of Child Protective Services.
3. Mississippi Sex Offender Registry Check- A fingerprint-based search of the Mississippi Department of Public Safety sex offender database.
4. National Federal Bureau of Investigation (FBI) Criminal History check: A fingerprint-based search of the FBI database of crimes committed within the United States.
5. NCIC National Sex Offender Registry (NSOR) Sex Offender Registry Check: A fingerprint-based search of the NCIC FBI sex offender database.

If the child care staff member is working in Mississippi but residing in another state and/or has lived outside of Mississippi within the last 5 years, the following additional checks will be performed in each state the applicant has resided.

6. An intrastate Child Abuse and Neglect Registry check.
7. An intrastate background check.
8. An intrastate Sex Offender Registry check.

What is the purpose of the new Comprehensive Background Check?

The purpose of conducting a comprehensive background check is to determine an individual's suitability for work in a licensed, regulated, and/or registered childcare program in Mississippi.

What is the process for a Mississippi Comprehensive Background check?

1. Child care staff or potential child care staff must complete a MSDH comprehensive background check upon hire and every 5 years thereafter. Also, if an individual has been separated from employment in a child care facility for more than 180 days, he/she is required to complete a new comprehensive background check.
2. The provider will submit the application and payment thru a state-maintained website and the applicant will submit fingerprints to the MSDH Criminal History unit either by mailing a fingerprint card or visiting a MSDH LiveScan site.
3. The facility and individual together must complete a Child Abuse and Neglect Central Registry check DocuSign form.
4. If the child care staff member is working in Mississippi but residing in another state and/or has lived outside of Mississippi within the last 5 years, an intrastate background check, an intrastate sex offender registry check, and an intrastate child abuse and neglect registry check will be required from each state(s) where the applicant resided the preceding 5 years. The applicant will complete the MSDH out-of-state affidavit giving the MSDH Criminal History unit authority to request and receive the applicant's intrastate check results and to release a fitness determination to the applicant and the provider.
5. The child care background checks are processed through the Mississippi Criminal Information Center (MCIC), Mississippi Sex Offender Registry, Mississippi Child Abuse and Neglect Registry, Federal Bureau of Investigation (FBI), NCIC National Sex Offender Registry (NSOR), and all 3 interstate background checks, if applicable. After processing, the results are reported to the MSDH Criminal History Unit. If no disqualifying event is found, a letter of suitability is issued and the applicant and the child care facility are notified thru a state maintained website.
6. If a disqualifying event is identified either on the Mississippi comprehensive background check or the interstate background check, the MSDH Criminal History Fingerprint unit reports those events to the MSDH child care legal counsel for review. The MSDH child care legal counsel will issue an initial letter of non-suitability that additional information is required from the applicant related to the events identified in the background check. The individual and the facility will be notified that the applicant has 60 days from the date of the letter to send the additionally required documentation to the MSDH child care legal counsel for final review. If legal documentation is provided proving the individual was found not guilty, charges were dropped, or the case was dismissed, the child care legal counsel will review documentation and make a final fitness determination. The applicant and provider will be notified via the state-maintained website of the final determination.

7. The events following will result in a letter of non-suitability, including the background check record, being issued to the individual seeking employment and the facility.

- A. Felony possession or sale of drugs
- B. Felony murder
- C. Felony rape
- D. Felony sexual battery
- E. Misdemeanor sexual battery when the victim was a minor under the age of 18
- F. Felony arson
- G. Felony gratification of lust
- H. Felony aggravated assault
- I. Felony kidnapping
- J. Felony or misdemeanor domestic violence
- K. Any felony or misdemeanor sex offense listed in 45-33-23(h), including without limitation, exploitation of children, sexual abuse of vulnerable persons, voyeurism when a child is under 16, and crime relating to obscene electronic communications involving children § 97-29-45(1)(a)
- L. Felony or misdemeanor child abuse
- M. Felony or misdemeanor child neglect, delinquency, or abuse
- N. Felony or misdemeanor involving child pornography
- O. Is registered, or is required to be registered, on a state sex offender registry or repository or the National Sex Offender Registry
- P. Manslaughter
- Q. Armed Robbery
- R. Burglary
- S. DUI—if occurring within past 12 months from date of review; or if the criminal record contains 2 or more DUI arrests (effective March 1, 2014)
- T. Grand Larceny—within past 5 years from date of review
- U. Simple Assault—within past 15 years from date of review
- V. Possession or sale of drugs within the past five (5) years from date of review
- W. Exhibiting or brandishing a deadly weapon
- X. Retaliating or threatening a public servant or witness
- Y. Felony and misdemeanor shoplifting—if 2 or more within past 12 months from date of review (effective October 7, 2014)
- Z. Monetary felonies (non-violent)—i.e., embezzlement, within past 12 months from date of review; (effective April 9, 2014); and identity theft

8. If after 60 days, no additional documentation has been provided to the child care legal counsel, a final letter of non-suitability is issued to the applicant. The provider is also notified that the presence of the applicant in the child care facility will result in fines being levied against the licensee.

