

INSTRUCTIONS FOR COMPLETING BACKGROUND CHECKS

These instructions are for:

- Licensed child day centers
- Religiously exempt child day centers
- Certified preschools
- Unlicensed child day programs (centers and homes) that receive subsidy funds
- Exempt out of school time programs
- Licensed family day homes
- Voluntarily registered family day homes
- Licensed family day systems
- Family day homes approved by the family day system

Pursuant to §§ 22.1-289.032, 22.1-289.035, 22.1-289.039 and 22.1-289.040 of the *Code of Virginia*, all employees or volunteers at a licensed family day system or child day program that is licensed, registered, approved, or otherwise regulated by the Commonwealth are required to undergo comprehensive background checks prior to beginning employment or volunteer service and every five years thereafter. Pursuant to § 22.1-289.036, applicants for licensure, registration or approval, and his agents, and adult household members that reside in a family day home must also undergo comprehensive background checks. Pursuant to § 22.1-89.030, exempt out-of-time school programs are required to complete background checks in § 22.1-289.039 and, if applicable, § 22.1-289.040, which refer to requirements in § 22.1-289.035.

The Office of Child Care Health and Safety at the Virginia Department of Education (VDOE) ensures that providers meet these requirements. The Office of Background Investigations (OBI) at the Virginia Department of Social Services processes requests for background checks and screens applicants' results.

Office of Background Investigations: General Information

Hours of operation

OBI is staffed on Monday-Friday from 8:30 a.m. to 4 p.m. Messages may be left on voicemail at other times and calls will be returned the next business day.

Points of contact

OBI Criminal Background Fingerprint Unit Program Supervisor: Angela Rush-Henderson Criminal team phone: 804-726-7884 Email: backgrounds@dss.virginia.gov	Central Registry Search Unit (Virginia Child Abuse and Neglect Search Request) Program Supervisor: Lois Kennedy Central Registry team phone: 804-726-7549 Email: crs_operations@dss.virginia.gov
--	---

This document provides information about how to obtain a comprehensive background check, which includes:

- [Sworn Statement or Affirmation](#)
- [Virginia Child Abuse and Neglect Central Registry Search](#)
- [National Criminal Record Check Fingerprint Requests](#)

- [Out of State Criminal Record Search](#)
- [Out of State Sex Offender Registry Search](#)
- [Out of State Child Abuse and Neglect Search](#)

A provider is responsible for safeguarding the background results. State and Federal laws prohibit secondary dissemination of background check records by the child day program or family day system unless specifically permitted under §§ 22.1-289.035 and 22.1-289.036 of the *Code of Virginia*.

This document also provides information about [provisional hire](#) and [background check portability](#), including who is eligible to request portability and how to request portability.

Sworn Statement or Affirmation

All individuals required to undergo a background check are required to provide a [sworn statement or affirmation](#) prior to employment or volunteer service, disclosing whether they have:

- Ever been convicted of or is the subject of pending criminal charges for any offense within or outside the Commonwealth; or
- Been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth.

Virginia Child Abuse and Neglect Central Registry Search

In addition to the individuals listed on page one of this document, the Virginia Child Abuse and Neglect Central Registry Search is also required for any household members of a family day home who are 14 years of age or older.

Providers should submit the **Request for Search of the Central Registry and Release of Information** and fee for each search to OBI using the secure OBI [portal](#) prior to employment or volunteering.

Fees

Payments are made directly through the OBI [portal](#) by credit card, debit card or electronic check. Each Central Registry Search request submission costs \$12. Please be advised that there is also a 2.5% service charge when using a debit or credit card. All fees are non-refundable.

Completing the *Request for Search of the Central Registry and Release of Information Form*

Tips for completing the form in the portal:

- Log into the OBI [portal](#) or register if you are a first time user. First time users that are providers and facilities licensed or overseen by VDOE, such as child care programs, out-of-school time programs, school based systems, Head Start programs, or other educational

based programs should select DOE User type when registering for an OBI portal account.

- Follow all instructions provided within the portal.
- All required fields are marked with a red asterisk *.
- Enter the email address of the individual for whom you wish to request a background check on. This will trigger an email to the individual to complete the required information for the central registry search request including adding an electronic signature, and to grant permission for you to obtain the background check results.
- If the individual does not have an email address, select “manual entry” and follow the steps on the screen to type in all the required information for the applicant who needs the central registry search.
- Once the individual has electronically authorized your agency to request a background check for them, you will return to the OBI [portal](#) to finish the request.
- An agency code is not required for completion and submission of a central registry search; this field should be left blank. Complete all required fields in the form.
- The middle name field should be the middle name given at birth. If the individual does not have a middle name, enter NMN.
- The maiden name is the last name given at birth (not a previous married name). If a maiden name is not applicable, enter NMN.
- The requestor must list a valid email address so the search results can be emailed. If an email is not listed, results will be mailed, but this will delay the results.
- Any questions or concerns related to the information required should be submitted to the Central Registry mailbox at crs_operations@dss.virginia.gov.

Note: If the search form submitted through the portal is not completed correctly, it will be returned for revision, and an email notification that the request has been returned will be sent to the requestor.

Downloading the request form for signature is no longer required unless you selected “manual entry”. If manual entry was selected, after fully completing the form in the portal, the requestor should download and print the form so it can be signed by the individual and then upload the signed form in the portal for submission. **The Central Registry Release of Information Form #032-02-0151-12 that was previously used prior to the portal being available is not accepted through the OBI portal.** NOTE: Forms no longer have to be notarized.

After submitting the request form (electronically signed or manually signed) and payment through the portal, the requesting agency will receive the results letter indicating whether the person for whom the search was conducted was found in the central registry system. The letter is only sent to the requesting agency or entity. Contact your licensing inspector if you are unsure how the information you obtained will impact hiring or retaining individuals. If the requestor or applicant disagrees with the results, they should email the central registry unit at crs_operations@dss.virginia.gov and explain why they do not agree. The requestor or applicant must include enough information in the email for the central registry unit to review and follow up accordingly.

Frequently asked questions for the Virginia Child Abuse and Neglect Central Registry Search

What if I do not have a social security number (SSN)?

OBI can issue a pseudo SSN to be used only for OBI purposes. The applicant should contact OBI by emailing crs_operations@dss.virginia.gov and request a pseudo SSN to complete the OBI processes. Once a pseudo SSN is received by the applicant, they can proceed to complete the search request online. OBI strongly recommends use of the online portal, but if that isn't an option, applicants may manually complete the Central Registry Release of Information Form #032-02-0151-12 and mail in the form with the applicable \$12 payment to the Virginia Department of Social Services; Office of Background Investigations; 5600 Cox Road; Glen Allen, Virginia 23060. Be sure to leave the SSN field blank and include a written statement with the request form that the individual does not have an SSN. The request form can be found on the VDSS [website](#).

Is the hard copy Central Registry Release of Information Form #032-02-0151-12 still available for completion and mailing?

Individuals may still manually complete the Central Registry Release of Information Form #032-02-0151-12 with the \$12 payment by mail, but OBI strongly recommends that all providers and individuals use the OBI provider portal online. Online requests allow for a more efficient process and are completed in a timelier manner. Mail requests are delayed due to the standard mail delivery system and processing delays. The request form can be found on the VDSS [website](#). Mail completed forms with payment to: Virginia Dept. of Social Services; Office of Background Investigations; 5600 Cox Road; Glen Allen, VA 23060.

National Criminal Record Check Fingerprint Requests

Each provider should designate one criminal background investigation contact person. All correspondence and questions from OBI about fingerprint background checks will be directed to this contact. In order to keep contact lists and addresses current, any changes in the designated point of contact should be reported to OBI immediately by email to backgrounds@dss.virginia.gov. Changes in email that are not reported may cause delays in receiving determination letters.

Fingerprint-based Criminal History Search

The fingerprinting vendor, Fieldprint®, will collect all identifying information on the applicant, collect fees, take prints, and electronically submit the information to the Virginia State Police (VSP) and the Federal Bureau of Investigations (FBI). VSP and the FBI send results to OBI. OBI staff will screen criminal history results received from VSP and the FBI in order to provide the requesting provider a determination of eligibility on the individual being searched. The fingerprint-based criminal history record search includes a national criminal record check, a Virginia criminal record check, a Virginia sex offender registry check, and the NCIC national sex offender registry search.

Applicants for licensure, voluntary registration or vendor approval, religiously exempt child day centers and certified preschools: Upon receipt of an initial application or filing, the program will receive instructions for obtaining a Fieldprint facility ID from OBI.

Exempt out-of-time school programs will need to complete a '[Request for Facility ID for Fingerprints](#)' form to submit to OBI. OBI will provide the Fieldprint Code and facility ID. This request form should not be used by any other program type.

The Fieldprint Code and Facility ID are necessary for completing the online registration. The Fieldprint Code and Facility ID identify which program you are working with and what type of applicant you are. For child day programs and family day systems, your role will either be an applicant or agent, a volunteer, an employee, or a household member. You should use the Fieldprint Code that is for your role. If you do not have a Fieldprint Code or Facility ID, contact the Office of Background Investigations (OBI) at 804-726-7884 or backgrounds@dss.virginia.gov.

Effective January 1, 2026, all criminal background fingerprint fees will be the responsibility of the provider or applicant, paid directly to Fieldprint at the time of appointment scheduling.

Child day programs and family day systems will be responsible for the fees below for each request:

\$ 63.23	Employees, applicants, agents, caregivers, approved providers in a family day system, household members
\$ 43.23	Volunteers

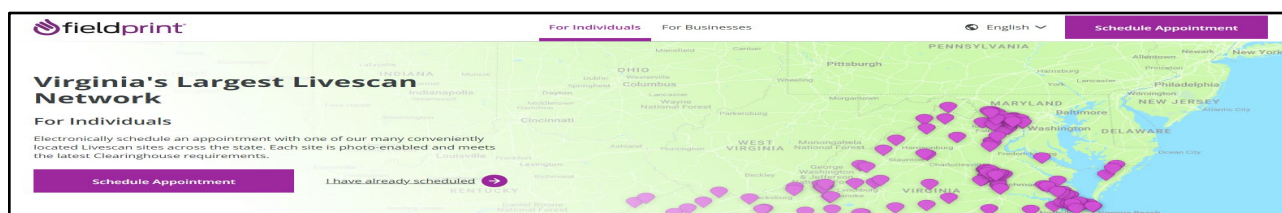
Note: Fingerprints through Fieldprint cannot be obtained for new child day programs until VDOE has an application for licensure, registration or approval on file, or until OBI has a 'Request for Facility ID for Fingerprints' form for exempt out-of-school time programs.

Facility Fieldprint Registration Instructions

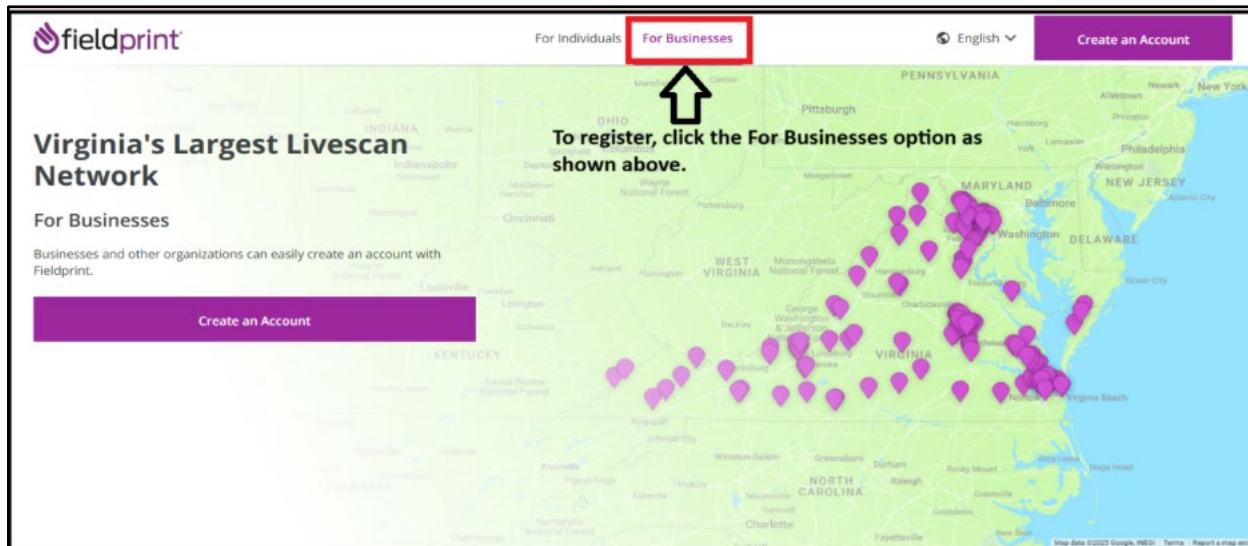
****IMPORTANT: All VDOE providers must register a new business account with Fieldprint after January 1, 2026, in order to successfully send applicants for fingerprinting.**

All providers required to send applicants for a fingerprint based criminal history search must register online with Fieldprint. Before you begin, you will need your Fieldprint codes. If you do not know what your facility Fieldprint codes are, you must contact OBI directly at backgrounds@dss.virginia.gov.

1. Access the [Virginia Fieldprint® website](#).



- The Fieldprint website is shown below. To register your facility so applicants can schedule appointments, you will need to select “For Businesses.”



- Create an Account. You will be directed to a registration page to enter information details specific to your agency.

The screenshot shows the registration page for businesses on the Fieldprint website. The page is titled 'General Information' and includes a sidebar with navigation options: 'General', 'Contact Information', 'Payment', 'Service Agreement', 'Confirmation', and 'Instructions'. The 'General' section is active. The form contains the following fields:

- Organization Legal Name *
- Address *
- Address 2
- City *
- Country * (Dropdown menu: United States of America (USA))
- State * (Dropdown menu: Select One)
- ZIP Code *
- Phone *
- Fax Number
- Annual Fingerprint Volume *
- Virginia Agency * (Dropdown menu: Select One)

A red box highlights the 'Virginia Agency' dropdown menu. Below the dropdown, there is a warning icon and the text: 'Please select the Virginia Agency.'

NOTE: You will choose VA. Dept. of Social Service as the Virginia Agency.

The screenshot shows the 'General Information' section of the Fieldprint registration form. On the left is a navigation menu with options: General, Contact Information, Payment, Service Agreement, Confirmation, and Instructions. The 'General' tab is active. The form fields include: Organization Legal Name, Address, Address 2, City, Country (set to United States of America), State, ZIP Code, Phone, Fax Number, and Annual Fingerprint Volume. The 'Virginia Agency' field is highlighted with a red box. A dropdown menu is open for this field, showing options: VA Dept of Social Service (highlighted with a red box), VA Dept of Behavioral Health Services, VA Criminal Justice Services, and VA National Child Protection Act. There is also a 'Select One' option at the bottom of the dropdown.

4. Fieldprint Codes. After choosing VA Dept of Social Service, you will enter your facility Fieldprint codes. If you do not know what your facility Fieldprint codes are, you must contact OBI directly. Please contact them at backgrounds@dss.virginia.gov. Once entered, select “Continue.”

The screenshot shows the 'Fieldprint Codes' section of the registration form. On the left, there is a text box with instructions: 'If you do not know your Fieldprint code(s), you must contact OBI directly. EMAIL: backgrounds@dss.virginia.gov'. Below this, another text box states: 'All Fieldprint codes must be entered for correct registration. If you have more than 4 Fieldprint codes, you must contact Fieldprint. EMAIL: customerservice@myfieldprint.com'. The 'Virginia Agency' dropdown is set to 'VA Dept of Social Service'. Below this, there are four input fields labeled 'Fieldprint Code 1 *', 'Fieldprint Code 2', 'Fieldprint Code 3', and 'Fieldprint Code 4'. A purple 'Continue' button is located at the bottom right of the form.

5. Primary Contact Information. You will now enter the primary contact information for the account registration. This should be the 'decision maker' related to managing the account. You will also be able to enter a secondary contact, if desired.

The screenshot shows the 'fieldprint' logo in the top left and 'English' in the top right. A sidebar on the left contains navigation tabs: 'General' (selected), 'Contact Information', 'Payment', 'Service Agreement', 'Confirmation', and 'Instructions'. The main heading is 'Contact Information'. Below it, a sub-heading reads: 'Please provide the name and contact information for the individual who will be the PRIMARY contact on your account.' A red asterisk icon indicates 'Required Fields'. The form includes the following fields: First Name*, Last Name*, Title*, Address*, Address 2, City*, Country* (dropdown menu showing 'United States of America (USA)'), State* (dropdown menu showing 'Select One'), Zip Code*, Phone*, Fax Number, and Email Address* (with a placeholder 'e.g. example@domain.com'). Below the fields, a note states: 'We will automatically create an account for logging in to the myFieldprint portal using the Contact Information above. Please check "Yes" below if you'd like to create a second myFieldprint portal account to track your applicants' data.' At the bottom, there is a question 'Create a second account?*' with radio buttons for 'Yes' and 'No'.

6. Secondary Contact. A secondary contact can be created by choosing "Yes," under "Create a second account." If you do not want another person to have access to the account, choose "No." Then select "Continue."

This screenshot shows a portion of the registration form. It includes fields for Phone*, Fax Number, and Email Address* (with a placeholder 'e.g. example@domain.com'). Below these fields is the same explanatory text as in the previous screenshot. The 'Create a second account?*' question is highlighted with a red arrow pointing to the 'Yes' radio button, which is selected. Below this question are fields for 'First Name for Account*', 'Last Name for Account*', 'Title for Account*', 'Phone for Account*', and 'Email Address for Account*' (with a placeholder 'e.g. example@domain.com'). At the bottom of the form are two buttons: 'Back' and 'Continue'.

7. Payment Information. You will now enter payment information for your account.

****NOTE: Once a payment method is chosen, it cannot be changed. It becomes the standard payment method for your facility's/agency's Fieldprint account.**

There are two options: Applicant Pay or Provider Pay.

- a. Applicant Pay indicates the person being fingerprinted will pay for the criminal background fingerprint request. NOTE: The Applicant Pay option will keep the individual applicant's credit card information on file when they register for all account charges, including any cancellation, rescheduling or no-show fees.
- b. Provider Pay indicates the provider will pay for all criminal background fingerprint requests. Choosing Provider Pay opens fields for payment information to be entered and kept on file. NOTE: The Provider Pay option will keep the credit card information on file for all account charges, including any cancellation, rescheduling or no-show fees.

Once this section is completed, select "Continue."

The screenshot shows the 'Provider Pays' section of the Fieldprint registration process. On the left, there is a navigation menu with 'Confirmation' and 'Instructions' highlighted. The main content area is titled 'Provider Pays' and includes a sub-header: 'If you wish to pay for the fingerprinting services, please select this option. You will be asked to provide a valid credit card. Each time an applicant schedules a fingerprint appointment, this card will be charged.' Below this, there are several form fields: 'Credit Card Type*' with radio buttons for Visa, Mastercard, American Express, and Discover; 'Name as it Appears on Card*'; 'Credit Card Billing Address*'; 'Address 2'; 'City*'; 'State*' (a dropdown menu currently showing 'Select One'); 'Zip Code*'; 'Credit Card Number*'; and 'Expiration Date*' (MM/YY). At the bottom of the form are 'Back' and 'Continue' buttons.

8. SERVICE AGREEMENT: You should read the instructions and service agreement which are automatically downloaded. Click I agree to the terms and conditions of the agreement, enter your name and select "Submit Request." Once submitted, you will receive an email with the account login information.

The screenshot shows the 'Service Agreement' section of the Fieldprint registration process. On the left, the navigation menu has 'Service Agreement' highlighted. The main content area is titled 'Service Agreement' and includes a sub-header: 'Please read the instructions and Services Agreement that have been downloaded. If you did not download, please click [here](#).' Below this, there is a paragraph explaining the agreement and a checkbox: 'I agree to the terms and conditions of the agreement*'. Below the checkbox are two text input fields: 'Your Full Name*' and 'Today's Date'. At the bottom of the form are 'Back' and 'Submit Request' buttons. A 'Downloads' window is open in the top right corner, showing a file named 'Agreement.pdf' with an 'Open file' button. A red arrow points from the 'Agreement download' text in the main content area to the 'Open file' button in the Downloads window.

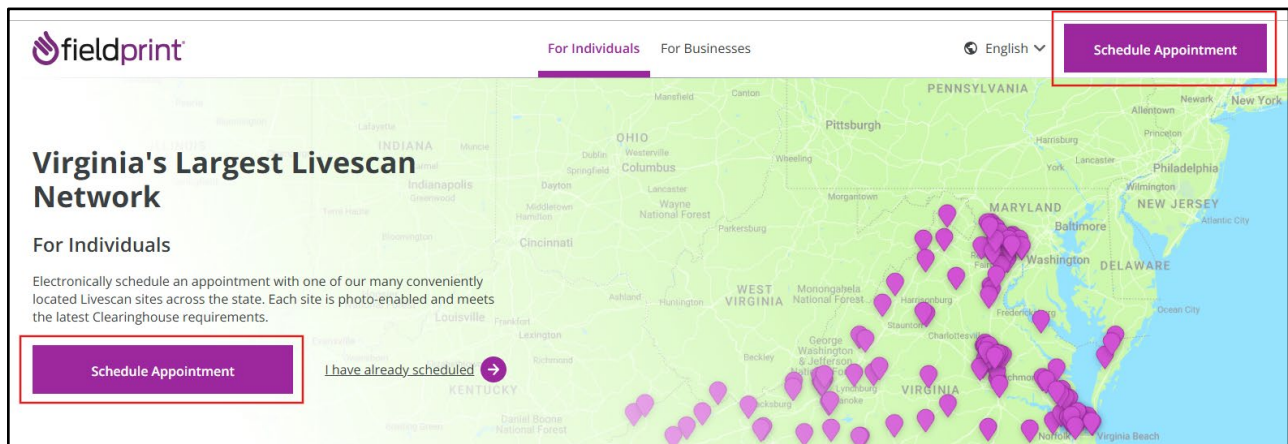
NOTE: Fieldprint does not invoice provider accounts unless special circumstances exist. If you believe you have a special circumstance such as a volume above 1,000 applicants, please contact Fieldprint directly to discuss your situation.

Individual Applicants, Employees and Volunteers Registering with Fieldprint

****IMPORTANT: All VDOE providers must register a new business account with Fieldprint after January 1, 2026, in order to successfully send applicants for fingerprinting.**

All individuals required to submit a fingerprint based criminal history search must register online with Fieldprint® using the process below in order to schedule a fingerprinting appointment. **You must first obtain the Fieldprint code and the Facility ID from the prospective (or current) child day program or family day system.**

1. Access the [Virginia Fieldprint® website](#).
2. Click the “Schedule an Appointment” button.



3. Follow the on-screen instructions to register with Fieldprint® if you are a first time user or log in if you are an existing user.
4. Once logged in, follow the Fieldprint instructions and enter all required information.
5. You will be able to select a Fieldprint location of your choosing where you will be fingerprinted as well as the best date and time for your schedule.
6. It is recommended that you print or save your appointment confirmation electronically (includes the Fieldprint® appointment number located above the appointment date and time) and bring it along with two forms of identification (one must be a picture ID). The appointment cannot be completed if these items are not present.

Acceptable primary forms of identification

- State-issued driver's license
- State-issued non-driver's license ID card
- U.S. passport
- Military identification card
- Work visa with photo
- DOD Common Access Card
- Foreign passport
- Foreign driver's license

Acceptable secondary forms of identification

- Credit card/debit card
- Birth certificate
- Citizenship or naturalization certificate
- School ID with photograph
- Bank statement
- Paycheck stub
- Marriage certificate
- Utility bill
- Vehicle registration/title

Rescheduling and Cancellation Fees

Fieldprint charges a \$7.95 fee each time an applicant changes, cancels, or fails to appear for an appointment. Please keep this in mind before scheduling an appointment.

Fieldprint Codes and Facility IDs

Fieldprint Codes and Facility IDs are sent to the facility point of contact for criminal background investigations. Contact OBI at 804-726-7884 or backgrounds@dss.virginia.gov if there is a question regarding the Fieldprint Code or the facility ID.

If you have a question about which individuals in a program are required to be fingerprinted or other licensing questions, contact your licensing inspector. OBI will not be able to answer these questions.

If you have questions about scheduling an appointment, call Fieldprint at 877-614-4364.

Note: Fieldprint locations are handicapped accessible so individuals with physical challenges that limit mobility will be able to access fingerprinting services.

Reprints

If fingerprints are rejected by the Virginia State Police or FBI, you will receive an email from OBI and a notice from Fieldprint to set up a new appointment. When you schedule the new appointment, make sure you tell Fieldprint that this is a reprint so your new fingerprints are linked to the ones that were rejected. NOTE: There are no additional fees for the reprint unless you change or cancel your appointment.

Notification of name search

If fingerprints continue to be rejected by the Virginia State Police or by the FBI, OBI will request a name search, and the provider will be notified by email. Once the request is approved and the name search has been completed, a final determination letter will be sent to the provider for retention in the facility file.

Evaluating criminal background investigation results

OBI is responsible for screening the Virginia and FBI records for facilities.

Providers are notified of the individual's status based on evaluation of the information received from VSP and the FBI. OBI staff will screen the results against the barrier crimes list and determine the applicant's eligibility.

Prior to a final determination

Sometimes OBI cannot immediately determine if an applicant is eligible to work with children because there is not enough information about their criminal record. In these cases, OBI will contact the applicant to request more details and an explanation of the criminal charges that appear in their history. OBI will also request that the applicant provide a copy of their completed sworn statement submitted to their prospective employer. The applicant should send this information as quickly as possible so OBI can make a final decision of Eligible or Not Eligible.

Important: Starting January 1, 2026, OBI will no longer use "Unable to Determine" as a final decision. All applicants will receive a final determination of either Eligible or Not Eligible.

Determination letters

OBI will email a determination letter to the provider for the individual who submitted fingerprints to let them know if the individual is eligible to work with children.

There are two different types of determination letters.

1. **Eligible:** The individual is eligible to work or volunteer with children.
2. **Not Eligible:** The individual is not eligible to work or volunteer with children. "Not eligible" letters are sent when:
 - An individual has a conviction of any barrier crime as defined in § 19.2-392.02. Convictions include prior adult convictions and juvenile convictions or adjudications of delinquency based on a crime that would be a felony if committed by an adult within or outside the Commonwealth; or
 - An individual has a conviction of any other felony not included in clause (i), (ii), (iii), (iv), or (v) unless five years have elapsed from the date of conviction.

A child day program or family day system cannot allow volunteer service or hire anyone who has received a "not eligible" letter. Additionally, home-based programs cannot have a household member who has received a "not eligible" letter.

OBI is not allowed to release information from the criminal history records to providers.

Challenge process

If you receive a Not Eligible determination letter and believe it is wrong, you may challenge it by following the process below:

- Submit your request in writing to backgrounds@dss.virginia.gov within 15 days of the Not Eligible determination letter date.
- Include your name, date of birth, and a clear explanation of why you believe the determination was made in error.
- Attach any documents that support your challenge request.

Requesting a copy of the criminal history record

- FBI If an individual wants to request a copy of their FBI criminal history record, they can visit the FBI website at <https://www.fbi.gov/>
- Virginia State Police If an individual wants to request a copy of their Virginia criminal history record, they can visit the Virginia State Police website at: <https://vsp.virginia.gov/services/criminal-background/>

Challenging criminal background check results

If, after reviewing the identification record, the individual believes it is incorrect or incomplete in any respect and wishes changes, corrections, or updating of the alleged deficiency, he should make direct contact with the agency (court, law enforcement agency, etc.) that contributed the questioned information through the procedures described below.

Reports to a provider from OBI can be modified only after the individual challenges his record, it is corrected by the court or law enforcement agency, and the correction reported by the court/agency to the State Police or FBI. The individual must then submit fingerprints in order to obtain an accurate record.

If an applicant admits to having a barrier conviction or pending barrier charge, he is not entitled to proceed with the challenge procedure.

Applicants should not be told to contact OBI for more information. The provider should provide the individual with a copy of the barrier crimes and refer them to either the State Police or FBI websites to request a copy of their criminal record.

FBI

If an individual is denied because of information appearing on the individual's FBI record and it comes to the individual's attention that he is not the person of the record, the individual may initiate a challenge of the information contained in the record. The agency is required by state and federal laws to provide the individual with a copy of the challenge procedures. The challenge procedures can be found at: <https://www.fbi.gov/services/cjis/identity-history-summary-checks>.

Virginia State Police

In instances where it comes to an individual's attention that his name or other descriptive information is a matter of record in the Central Criminal Records Exchange, and he is not the person of the record, then the individual may initiate a challenge of the information contained in the record. An individual should report this information to a local sheriff, police or State Police Headquarters and request to be fingerprinted for the purpose of challenging a criminal record.

The individual to be fingerprinted must show personal identification. The official taking the fingerprints must document on letter head that he has reviewed the individual's personal

identification and obtained the fingerprints. This letter and the fingerprints are to be mailed to the following address:

Manager
Central Criminal Records
Exchange Virginia Department of
State Police
P.O. Box 27472
Richmond, VA 23261-7472

Within five work days, the individual who initiated the challenge will receive written confirmation of the fingerprint search results, whether he is or is not the person of the record, and record modification(s) taken, if applicable.

Frequently asked questions about fingerprinting and criminal background checks

Who is required to have a fingerprint-based criminal background check?

Applicants for licensure or voluntary registration, agents of an applicant, employees, volunteers, and adult household members in a family day home are required to have a fingerprint based background check.

Unlicensed child day programs that are approved subsidy vendors are also required to have fingerprint-based checks for owners, employees, and adult household members. Employees, applicants for employment, volunteers and applicants for volunteering at religiously exempt child day centers, certified preschools, and exempt out-of-school time programs are required to have a fingerprint based background check.

When do all individuals required to have a fingerprint based check need to have it completed?

- All **employees and volunteers** must have a fingerprint based background check completed before that individual begins employment or volunteer service.
- **Household members** must have completed a fingerprint based background check within 30 days of joining the household and prior to issuance of a license, registration or approval.
- **Applicants for licensure, registration, approval, or the Child Care Subsidy Program (approved subsidy vendor) and their agents**, must have fingerprint background checks. Licenses, registrations, or approvals will not be granted until fingerprint based background checks are completed.
- **New applicants, partners, members, officers, directors and agents** must complete a fingerprint based background check within 30 days of appointment to the legal entity. Licenses, registrations, or approvals will not be granted until fingerprint based background checks are completed.

Can someone work before they get a determination letter?

No. New employees or volunteers cannot begin to work before the determination letter is received. Effective July 1, 2024, applicants for employment or volunteering may be provisionally hired and begin work once completed satisfactory fingerprint results are received if a sworn statement or affirmation has also been completed and all other required background checks

have been requested. These individuals must be supervised by a person with all background check components completed within the last five years until all required background checks are received.

How long will it take for the results of a fingerprint check to be available?

If there is no criminal record, an eligible letter should be emailed within three days to a week from the fingerprint appointment date.

If there is a criminal record, OBI must wait for the full record to be sent from the Virginia State Police and conduct any necessary research to determine if there is a barrier conviction. This process can take two weeks or longer. The final determination letter will be emailed once all research has been completed. If background check results are not received within 45 days of the request, the child day program or family day system should follow up with OBI.

How often do I need to be fingerprinted?

Background checks are required every five years.

Fingerprint-based background check results are not currently transferrable between different employers, but background check portability can be requested for prospective employees or volunteers pursuant to § 22.1-289.035 J of the *Code of Virginia*.

Are individuals with an “Unable to Determine” letter from the Office of Background Investigations (OBI) eligible for provisional hire or portability?

Effective January 1, 2026, OBI will no longer use “Unable to Determine” as a final disposition decision. All applicants will receive a final determination of either Eligible or Not Eligible.

For applicants or staff who already have an “Unable to Determine” disposition decision on file, there is nothing in the Code that prohibits an individual with an “Unable to Determine” letter from the OBI from being eligible for provisional hire or portability. **The decision to hire an individual with an “Unable to Determine/Adequate Information is Not Available Letter” is up to the provider.** It is recommended that the provider take a statement from the individual about any arrests, charges, or convictions that may be on the criminal history record and document all information provided based on what the individual discloses. If at any point, a barrier conviction is disclosed, the facility must treat the case as “not eligible”. It is recommended that the individual sign the statement, the statement be attached to OBI’s determination letter, and both documents be placed in the individual’s file.

Out-of-State Criminal Background, Sex Offender Registry Search, and Child Abuse and Neglect Searches

Anyone who has lived in another state in the past five years is required to request out of state background checks **for each state they have lived in within the past five years**. Processes vary from state to state.

- Applicants and agents for licensure, approval, and registration must request an out of state check when they initially apply for a license, approval, or registration. Licenses,

registrations, or approvals will not be granted until eligible out of state background checks are obtained. Home based programs must obtain out of state background checks for adult household members prior to licenses, registrations or approvals being granted.

- Out of state background checks (criminal background, sex offender registry, and child abuse and neglect searches) must be requested for prospective employees and volunteers prior to beginning employment or volunteer service.
- Adult household members for home-based programs must obtain eligible out of state criminal record checks and sex offender registry checks within 30 days of becoming a resident or turning 18 years of age, and prior to issuance of a license, registration or approval.
- **New applicants, partners, members, officers, directors and agents** must obtain eligible out of state background checks within 30 days of appointment to the legal entity, and prior to issuance of a license, registration or approval.

Child day programs and family day systems are required to maintain this information in personnel files or household member files.

Out of State Criminal Background Checks

To obtain an out of state criminal background check, view the [Interstate Criminal Background Check Contact Chart](#) that lists the contact information for each state and territory of the United States. It is important to follow the instructions and requirements listed as each state has different processes on how to request a search. If you have questions, use the contact information in the column named “Interstate Criminal Background Check” for state criminal history check questions. The Office of Background Investigations (OBI) of Virginia will not be able to answer questions about the other state’s background check process.

If the state where the individual previously resided participates in the National Fingerprint File (NFF) program through the FBI, this additional state criminal background check is not required. NFF states are identified in the Interstate Criminal Background Check Contact Chart.

NOTE: The NFF state criteria only applies to criminal history background checks. A sex offender registry check and child abuse and neglect registry check are still required in the other state, even if the state is a NFF state.

Out of State Sex Offender Registry Check

To obtain an out of state sex offender registry check, view the [Interstate Criminal Background Check Contact Chart](#) that lists the contact information for each state and territory of the United States. It is important to follow the instructions and requirements listed as each state has

different processes on how to request a search. If you have questions, use the contact information in the column named “Interstate Sex Offender Registry Check” for sex offender registry check questions. The Office of Background Investigations (OBI) of Virginia will not be able to answer questions about the other state’s background check process.

Programs may also obtain the out of state sex offender registry check through the United States Department of Justice [National Sex Offender Public Website \(NSOPW\)](#).

Out of State Child Abuse and Neglect Registry Check

To obtain an out of state child abuse and neglect check, view the [Interstate Criminal Background Check Contact Chart](#) that lists the contact information for each state and territory of the United States. It is important to follow the instructions and requirements listed as each state has different processes on how to request a search. If you have questions, use the contact information in the column named

“Interstate Child Abuse and Neglect Registry Check” for child abuse and neglect registry check questions. The Office of Background Investigations (OBI) of Virginia will not be able to answer questions about the other state’s background check process.

Frequently asked questions for out of state background checks

What if I have lived in another country in the past five years?

The out-of-state requirement does not apply to other countries.

What if a state won’t conduct a search for me?

We are aware that some states will only provide search results to another state agency, and some states will only provide search results for foster or adoptive parents. At this time, VDOE does not request searches in other states for individuals.

For states that clearly indicate they do not provide search results for child care programs, print off a screen shot of the limitation from the state’s website and keep it as documentation. Any email or letter from a state indicating they will not search or will not release the results should be maintained as documentation of the request to search.

What will my inspector be looking for as evidence of submitting out of state check requests?

Licensing inspectors will be looking for evidence during inspections that the out of state requests have been submitted prior to beginning employment or volunteer service. If results are not received within 45 days, you must follow up with the state and document the follow up.

Evidence may include:

- Copy of a letter, email, or fax sent requesting a search

- Copy of the state’s form used to request a search
- Any response received from another state confirming receipt of the request
- Copy of a letter, email, or fax sent to follow up on a search request
- Copy of the state’s decision not to search or not to release results

I didn’t receive the out of state results within 45 days of the request and followed up accordingly, now what should I do?

The federal government requires that state agencies respond to background checks request within 45 days. Therefore, if you submitted the out of state background check requests prior to the employee beginning employment or volunteering and the results weren’t received within 45 days of the request, follow up with the appropriate state agency and document the results. If no response is received, a response is received indicating that the state does not provide results to private agencies, or a response is received that the results are delayed due to administrative reasons, retain this documentation in the employee’s file to satisfy the requirement of obtaining the requests. The employee will no longer be required to be supervised by another individual; however, if at any point you receive documentation indicating that the individual has an ineligible background check, the employee must be separated from employment or volunteering.

If I hire seasonal staff, are they required to complete new background checks each year?

If a seasonal staff member remains employed by the facility and the facility maintains the background check record for the staff member, the background check remains valid for 5 years and a new check must be completed every 5 years. If the staff becomes inactive or is not employed by the facility for 12 months or less, the facility may use the background check previously completed if the background check was completed within the last 5 years. Out of state checks will need to be included in the check completed 5 years after the initial check if the individual lived out of state. However, repeating the background check components (Sworn Disclosure, Central Registry, Fingerprint Check, and In-state Sex Offender Registry, Out-of-State Sex Offender Registry, Out-of-State Criminal Record, and Out-of-State Child Abuse Registry) is the best way to ensure that a barrier crime was not committed while the employee was not employed at the facility.

I employ military personnel stationed in a different state and college students who attend school in another state. Are out-of-state checks required for each state the person was stationed or attended school required if the legal address never changed?

Yes. §§ 22.1-289.035 B4 and 22.1-289.036 B4 require that “any” individual required to undergo a background check shall authorize the child day center, family day home, or family day system (licensed CDC, FDH, FDS, religiously exempt child day center, certified preschool, exempt out-of-school time program, registered FDH, FDH approved by a FDS, or subsidy child day program) 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. The term “resided” or lived in any other state is not limited to only a legal residence.

Are out-of-school time programs exempt under § 22.1-289.030 B11 of the Code required to obtain out of state background checks for employees and volunteers?

Yes. Out of state background check requirements apply to employees and volunteers of out-of-school time programs exempt from licensure under § 22.1-289.030 B11 if the individual has lived outside of the Commonwealth in the last five years.

Provisional Hire

Effective July 1, 2024, new applicants for employment and volunteering may be provisionally hired if the applicant has received qualifying results on a fingerprint-based background check through the Central Criminal Records Exchange or the Federal Bureau of Investigation, and all other background checks have been requested. The employee must be supervised and in the line of sight of another individual with all required background checks until all their background checks are received.

Current employees must continue to meet the requirements set out in § 22.1-289.035 of the Code. Previous background check requirements apply to all applicants and volunteers hired prior to July 1, 2024.

Portability Requests for a Criminal Record and Virginia Central Registry Check

Eligibility

Background check portability of a criminal record check and Virginia Central Registry check can be requested for any individual being hired by or who will be volunteering at a child day program or family day system described in Subsection A of [§ 22.1-289.035](#) of the *Code of Virginia* if the following conditions are met:

- The individual has completed a background check under § 22.1-289.035 within the last five years;
- The results of such background check indicated that the individual has not been convicted of any barrier crime as defined in [§ 19.2-392.02](#) and was not the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth; and
- The individual is currently or has been, within the previous 180 days, employed by or a volunteer at a child day center, family day home, family day system, or child day program described in Subsection A of § 22.1-289.035.

If your program is not described in Subsection A of § 22.1-289.035, you are not eligible to request portability for a prospective employee or volunteer.

Request process

Providers should submit a portability request and fee for each request to OBI using the secure OBI [portal](#).

Fees

Payments are made directly through the OBI [portal](#) by credit card, debit card or electronic check. Each portability request costs \$17. Please be advised that there is also a 2.5% service charge when using a debit or credit card. All fees are non-refundable, so it is important that you confirm with the prospective employee or volunteer that they are eligible for background check portability prior to submitting your request.

Completing the portability request

Tips for completing the request in the portal:

- Log into the OBI portal or register if you are a first time user. First time users that are providers and facilities licensed and regulated by VDOE, such as child care programs, school based system, Head Start programs, or other educational based programs should select DOE User type when registering for an OBI portal account.
- Follow all instructions provided within the portal.
- All required fields are marked with a red asterisk *.
- After entering the requestor's contact information and the reason for the request, select "manual entry/upload process" and follow the instructions/prompts.
- Complete all required fields in the form. You will be required to enter information related to the individual's former employer and your agency's information. Select "current employer" when entering your agency's information though the individual is a prospective employee or volunteer. Employment dates are needed.
- The middle name field should be the middle name given at birth. If the individual does not have a middle name, enter NMN.
- The maiden name is the last name given at birth (not a previous married name). If a maiden name is not applicable, enter NMN.
- The requestor must list a valid email address so the search results can be emailed. If an email is not listed, results will be mailed, but this will delay the results.
- An agency code is not required for portability requests; leave this field blank.
- Any questions or concerns related to the information required should be submitted to the OBI team at crs_operations@dss.virginia.gov.

Note: If the request form submitted through the portal is not completed correctly, it will be returned for revision, and an email notification that the request has been returned will be sent to the requestor.

After submitting the request form and payment through the portal, the facility will receive a results letter providing the dates of the last completed criminal record and Virginia Central Registry Search, indicating if the person is eligible for employment. This letter will be emailed to the requesting agency. Contact your licensing inspector if you are unsure how the information you obtained will impact hiring or retaining individuals.