



# COMMONWEALTH of VIRGINIA

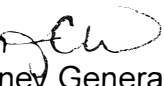
Office of the Attorney General

Mark R. Herring  
Attorney General

202 North Ninth Street  
Richmond, Virginia 23219  
804-786-2071  
Fax 804-786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

## MEMORANDUM

**TO:** KARIN CLARK  
Virginia Department of Social Services

**FROM:** Jennifer C. Williamson   
Senior Assistant Attorney General

**DATE:** August 2, 2021

**SUBJECT:** Final Stage Review of 22 VAC 40-80, 160 and 191  
Amend Licensing Regulations to Remove Child Day Programs  
Transferring to the Board of Education

I have reviewed the attached regulations, which are being amended to comply with Chapters 860 and 861 of the 2020 Acts of Assembly and make other technical amendments. You have asked the Office of the Attorney General to review and determine if the State Board of Social Services ("State Board") has the statutory authority to promulgate these regulations and if they comport with applicable state law.

Pursuant to Virginia Code § 63.2-217, the State Board is required to promulgate regulations as may be necessary or desirable to carry out the purposes of Title 63.2 of the Virginia Code. It is my opinion the State Board has the authority to promulgate these regulations and has not exceeded that authority. Further, the amendments to these regulations are exempt from the provisions of Article 2 of the Virginia Administrative Process Act pursuant to Virginia Code Section 2.2-4006.

If you have any questions, please feel free to call me at 225-3197.

**Project 6816 - Final**

**Department of Social Services**

**Amend Licensing Regulations to Remove Child Day Programs Transferring to the Board  
of Education**

**22VAC40-80-10. Definitions.**

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Administrative hearing" means a hearing that is conducted pursuant to § 2.2-4020 of the Administrative Process Act.

"Adult care facility" means a licensed assisted living facility or adult day care center.

"Adverse action" means any case where the department either gives notice of revocation or refuses to issue a license for an assisted living facility, adult day care center or child welfare agency or imposes another administrative sanction pursuant to § 63.2-1709 of the Code of Virginia.

"Aggrieved party" means an applicant or licensee who has requested an appeal in accordance with instructions provided after the department has given written notice of the imposition of an administrative sanction or adverse action for an assisted living facility, adult day care center, or child welfare agency.

"Allowable variance" means permission is granted by the department to a licensee or applicant for licensure to meet the intent of a standard by some means other than as specified by the standard when the applicant or licensee has demonstrated that (i) the implementation of a standard would impose a substantial financial or programmatic hardship and (ii) the variance would not adversely affect the safety and well-being of persons in care.

"Applicant" means the person, corporation, partnership, association, limited liability company, or public agency that has applied for a license to operate or maintain an assisted living facility, adult day care center, or child welfare agency. For a child welfare agency, the "person who operates or maintains a child welfare agency" means any individual; corporation; partnership; association; limited liability company; local government; state agency, including any department, institution, authority, instrumentality, board, or other administrative agency of the Commonwealth; or other legal or commercial entity that operates or maintains a child welfare agency.

"Board" means the State Board of Social Services.

"Child welfare agency" means a ~~child day center~~, child-placing agency, children's residential facility, child-caring institution, ~~family day home~~, ~~family day system~~, or independent foster home.

"Commissioner" means the Commissioner of the Department of Social Services.

"Complaint" means an accusation that a facility that is subject to licensure is operating without a license or that a licensed facility is not in compliance with licensing standards or law.

"Conditional license" means a license that may be issued to a new facility to operate in order to permit the applicant to demonstrate compliance with specified standards.

"Consent agreement" means an agreement between the licensee and the department that the licensee will perform specific actions for the purpose of correcting violations to come into compliance with standards or statutes.

~~"Council" means the Child Day Care Council.~~

"Day" means a calendar day unless otherwise specified.

"Denial" means the act of refusing to grant a license after receipt of an initial or renewal application.

"Department" means the Department of Social Services.

"Early compliance" means that the licensee has demonstrated full compliance with requirements, allowing the department to replace a provisional or conditional license with a regular license.

"Functional design" means the design features of building and grounds not regulated by the Building Code, necessary for particular activities and operations of a facility subject to licensure by the Department of Social Services.

"Good character and reputation" means findings have been established and knowledgeable, reasonable, and objective people agree that the individual (i) maintains business or professional, family, and community relationships that are characterized by honesty, fairness, truthfulness, and dependability; and (ii) has a history or pattern of behavior that demonstrates the individual is suitable and able to administer a program for the care, supervision, and protection of children or adults. Relatives by blood or marriage and persons who are not knowledgeable of the individual, such as recent acquaintances, may not be considered objective references.

"Hearing" means agency processes other than those informational or factual inquiries of an informal nature provided in §§ 2.2-4007 and 2.2-4019 of the Code of Virginia and includes only (i) opportunity for private parties to submit factual proofs in formal proceedings as provided in § 2.2-4009 of the Code of Virginia in connection with the making of regulations or (ii) a similar right of private parties of public agencies as provided in § 2.2-4020 of the Code of Virginia in connection with case decisions.

"Hearing coordinator" means the person designated by the Department of Social Services to perform certain administrative functions involved in setting up and carrying out the hearings concerning adverse action on a license for an assisted living facility, adult day care center or child welfare agency, as set out herein.

"Hearing officer" means an attorney selected from a list maintained by the Executive Secretary of the Supreme Court in accordance with § 2.2-4024 of the Code of Virginia to preside at hearings concerning adverse action on a license for an assisted living facility, adult day care center or child welfare agency.

"Informal conference" means the informal fact-finding procedures available pursuant to §§ 2.2-4019 and ~~2.2-3024~~ 2.2-4021 of the Code of Virginia.

"Licensee" means the person, corporation, partnership, association, limited liability company, or public agency to whom a license is issued and who is legally responsible for compliance with the regulations and statutory requirements related to the operation or maintenance of the assisted living facility, adult day care center, or child welfare agency. For a child welfare agency, the "person who operates or maintains a child welfare agency" means any individual; corporation; partnership; association; limited liability company; local government; state agency, including any department, institution, authority, instrumentality, board, or other administrative agency of the Commonwealth; or other legal or commercial entity that operates or maintains a child welfare agency.

"Probationary status" means placing a licensee on notice that the facility or agency is substantially out of compliance with the terms of its license and the health, safety, and well-being of persons in care are at risk. Probationary status is a precursor to more serious action such as revocation, denial, or injunctive action unless immediate corrective action occurs.

"Provisional license" means a license that may be issued upon expiration of a regular license when the licensee is temporarily unable to substantially comply with the requirements of the law and regulations.

"Recommended findings of fact and recommended decision" means the report prepared by the hearing officer upon evidence presented in the administrative hearing based on the applicable laws and regulations under which the department operates.

"Regular license" means a license that is issued for 12 months or more as provided in Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 of the Code of Virginia to a facility determined to be in substantial compliance with applicable standards and regulations. The actual duration of the licensure period is stated on the license.

"Revocation" means the act of terminating a license during its effective dates because of findings of serious noncompliance.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to Title 63.2 of the Code of Virginia by the commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001 of the Code of Virginia. The 12-month period begins 30 days after notification of the issuance of a special order or at the conclusion of all appeal steps.

"Substantial compliance" means that while there may be noncompliance with one or more standards that represents minimal risk, compliance clearly and obviously exists with most of the standards as a whole.

#### **22VAC40-80-30. Responsibility of the department.**

Through the administration of the licensing program, the Department of Social Services assumes responsibility to ensure that licensed facilities and agencies provide children and adults with at least a minimum level of care in accordance with regulations prescribed by the State Board of Social Services and Child Day Care Council. The department also has the responsibility to investigate allegations of illegal operations and to initiate action to suppress illegal operations.

The Virginia Code requires the State Board of Social Services to adopt regulations for the licensure of the following categories of facilities and agencies:

1. Adult day-care centers;
2. Assisted living facilities;
3. Private child placing agencies;
4. Child caring institutions; and
5. Independent foster homes; and
6. Family day homes; and
7. Family day systems.

~~The Code of Virginia requires the Child Day-Care Council to adopt regulations for the licensure of child day centers.~~

**22VAC40-80-40. Adoption of regulations.**

The State Board of Social Services ~~or the Child Day-Care Council~~ has adopted regulations for each category listed above. The definition of each category and requirements for licensure are contained in each regulation.

**22VAC40-80-50. Regulation development/revision process.**

A. In developing or revising regulations for licensed facilities or agencies, the Department of Social Services, acting as agent for the State Board of Social Services ~~and Child Day-Care Council~~, adheres to the requirements of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) and the public participation process.

B. Input from licensees, associations of licensees, experts in related fields, advocacy organizations, consumers, and the general public is solicited in the development or revision of licensing regulations through informal and formal comment periods and public hearings.

C. Periodic reviews are conducted and, when necessary, comprehensive revisions of each regulation to assure that its standards continue to protect children and adults in out-of-home care while considering the interests of both providers and consumers of care.

**22VAC40-80-70. Nontransferability of license.**

A license is not transferable when there is a change in the ownership or location of the facility or agency to which the license has been issued.

**EXCEPTION:** Licenses issued for private child placing agencies and family day systems are transferable when agencies change location.

**22VAC40-80-90. Regular license.**

A regular license is issued when the activities, services, facilities, and applicant's financial responsibility substantially meet the requirements for a license that are set forth by regulations adopted by the State Board of Social Services or the Child Day Care Council and any additional requirements that may be specified by the Code of Virginia.

**22VAC40-80-100. Duration of licensure.**

Each license and renewal thereof may be issued for a period of up to three successive years. The criteria for determining the periods of licensure are based on the activities, services, management, and compliance history of the facility.

A three-year license may be issued when a facility's activities, services, and management routinely substantially exceed the minimum standards.

A two-year license may be issued when a facility's services and management routinely meet and maintain compliance with minimum standards and may exceed on a sustained basis in some areas.



An annual license may be issued when a facility's activities, services, and management indicate an inconsistent level of compliance but substantial compliance is reached. Some reinforcement and guidance are needed in order for the facility to meet or maintain minimum requirements.

~~EXCEPTION: A license, other than a conditional or provisional license, issued to a child day center shall have a duration of two years from the date of issuance.~~

**22VAC40-80-120. Terms of the license.**

A. A facility or agency shall operate within the terms of its license, which are:

1. The operating name of the facility or agency;
2. The name of the individual, partnership, association, corporation, limited liability company, or public entity sponsoring the facility or agency;
3. The physical location of the facility or agency;
4. The maximum number of children or adults who may be in care at any time;
5. The period of time for which the license is effective;
6. For child care facilities or welfare agencies, the age range of children for whom care may be provided; and
7. Any other limitations that the department may prescribe within the context of the regulations for any facility or agency.

B. The provisional license cites the standards with which the licensee is not in compliance.

C. The conditional license cites the standards with which the licensee must demonstrate compliance when operation begins, and also any standards with which the licensee is not in compliance.

D. Prior to changes in operation that would affect the terms of the license, the licensee shall secure a modification to the terms of the license from the department. (See 22VAC40-80-190.)

E. Certain documents related to the terms of the license are required to be posted on the premises of each facility. These are:

1. The most recently issued license. Any provisional license shall be posted at each public entrance of the facility and a notice shall be prominently displayed next to the license that states that a description of specific violations of licensing standards to be corrected and the deadline for completion of such corrections is available for inspection at the facility or on the facility's website, if applicable;
2. The findings of the most recent inspection of the facility;
3. Notice of the commissioner's intent to revoke or deny renewal of the license of an assisted living facility. Such notice will be provided by the department and shall be posted in a prominent place at each public entrance of the facility to advise consumers of serious or persistent violations.
4. A copy of any final order of summary suspension of all or part of a license for an assisted living facility, a child welfare agency, and an assisted living facility operated by an agency of the Commonwealth, or child welfare agency operated by an agency of the Commonwealth shall be prominently displayed by the provider at each public entrance of the facility, or the provider may display a written statement summarizing the terms of the order, printed in clear and legible size and typeface, in a prominent location and identifying the location within the facility where the final order of summary suspension may be reviewed.
5. Notice of the commissioner's intent to take any of the actions enumerated in subdivisions B 1 through B 7 of § 63.2-1709.2 of the Code of Virginia. Such notice will be

provided by the department, and a copy of the notice shall be posted in a prominent place at each public entrance of the facility to advise consumers of serious or persistent violations.

6. A copy of any special order issued by the department shall be posted in a prominent place at each public entrance of the licensed premises to advise consumers of serious or persistent violations.

7. Any other documents required by the commissioner.

**22VAC40-80-160. Investigation.**

A. Upon receipt of the application the commissioner shall:

1. Cause an investigation to be made of the activities, services, and facilities of the applicant, and of his character and reputation;
2. If the applicant is an association, partnership, limited liability company, or corporation, cause an investigation of the character and reputation of its officers and agents; and
3. Upon receipt of the initial application, cause an investigation of the applicant's financial responsibility.

B. At the time of the initial application and annually thereafter, the applicant or licensee shall be responsible for obtaining inspection reports from appropriate fire and health agencies to determine compliance with applicable regulations.

~~EXCEPTION:~~ This subsection does not apply to child placing agencies or family day systems.

1. All buildings shall be inspected and approved by the local building official when required. This approval shall be documented by a Certificate of Use and Occupancy indicating that the building is classified for its proposed licensed purpose.

2. At the time of the initial application and at least annually thereafter, the applicant or licensee shall obtain an inspection report from state or local fire authorities, as applicable, to determine compliance of the building or buildings with the Virginia Statewide Fire Prevention Code.

3. At the time of the initial application and at least annually thereafter, the applicant or licensee shall obtain an inspection report from state or local health authorities that shall include approval of general sanitation and, if applicable, water supply, sewage disposal systems, and food service operations for the building or buildings in which the facility is operated.

C. The department's representative will make an on-site inspection of the proposed facility or agency and an investigation of the proposed services, as well as an investigation of the character, reputation, and financial responsibility of the applicant. Compliance with all standards will be determined by the Department of Social Services. The licensee is responsible for correcting any areas of noncompliance found during any on-site inspection.

NOTE: See 22VAC40-90, ~~22VAC40-190~~, or ~~22VAC15-50~~, or 22VAC40-191, as applicable.

D. The applicant or licensee shall at all times afford the department's representative reasonable opportunity to inspect all of the facility's or agency's buildings, books, and records. Records that contain confidential proprietary information furnished to the department pursuant to this section shall be exempt from disclosure pursuant to subdivision 4 of § 2.2-3705.5 of the Code of Virginia.

At the time of the initial application, the financial records of an applicant shall not be subject to inspection if the applicant submits an operating budget and at least one credit reference.

E. The applicant or licensee shall also allow the department's representative to interview the facility's or agency's agents, employees, residents, participants, and any person under its custody,

control, direction, or supervision. Interviews with residents, participants, and any person under the facility's or agency's custody, control, direction, or supervision shall be:

1. Authorized by the person to be interviewed or his legally authorized representative; and
2. Limited to discussion of issues related to the applicant's or licensee's compliance with applicable laws and regulations, including ascertaining if assessments and reassessments of residents' cognitive and physical needs are performed as required under regulations for licensure of the facility or agency.

F. After the on-site inspection the licensing representative will discuss the findings of the investigation with the administrator, licensee or designee. As applicable, the applicant shall submit an acceptable plan for correcting any areas of noncompliance following these discussions.

G. At any time during the investigation, an applicant or licensee may request an allowable variance to any standard that creates a special hardship. (See Part V (22VAC40-80-230 et seq.) of this chapter Allowable Variances.)

**22VAC40-80-240. Process.**

A. The licensee or applicant shall make a written request for consideration of an allowable variance. The department's licensing representative may provide consultation to the applicant or licensee in the development of the written request and throughout the allowable variance process.

1. The licensee or applicant shall describe the special hardship or hardships to the existing program or to a planned innovative or pilot program that will be caused by the enforcement of the requirement or requirements.
2. The licensee or applicant shall propose alternatives to meet the purpose of the requirement that will ensure the protection and well-being of persons in care.

3. The licensee or applicant shall obtain, when requested by the department, the opinions of professionals in the field or documented research, or both, that the proposed activities, facilities, or equipment are not injurious to persons in care.

4. The department can authorize allowable variances only to its own licensing standards, not to regulations of another agency or to any requirement in federal, state, or local laws.

B. The department's licensing representative will notify the petitioning applicant or licensee of the department's decision.

C. Approval.

1. The department may attach conditions to the granting of the allowable variance in order to protect persons in care.

2. Allowable variances are conditional upon there being no change in the circumstances that were the basis for the approval. Any allowable variance may be rescinded or modified if needs or conditions change; additional information becomes known that alters the basis for the original decision; the applicant or licensee fails to meet any conditions attached to the allowable variance; or results of the allowable variance jeopardize the safety, comfort, or well-being of persons in care.

3. Allowable variances expire automatically when there is a change in the facility's location or a change in the sponsorship of the facility or agency.

**EXCEPTION:** Allowable variances issued to private child placing agencies ~~and family day systems~~ are transferable when agencies change location.

4. The department's licensing representative will review each allowable variance at least annually. At minimum, this review shall address the impact of the allowable variance on persons in care, adherence to any conditions attached, and the continuing need for the allowable variance.

D. Denial.

1. When the decision is to deny a request for an allowable variance, the reason or reasons will be provided in writing to the applicant or licensee.

2. When a request for an allowable variance is denied, it may be reconsidered if the applicant or licensee submits another written request and provides new or additional supporting information within 30 days of denial.

NOTE: After the 30-day period, the applicant or licensee may submit a new allowable variance request describing changed conditions.

3. The department will reconsider the new request and the additional information and will notify the applicant or licensee of the decision within 30 days of receipt of the second request. This decision will be considered final and is not appealable.

E. When an allowable variance is denied, expires, or is rescinded, routine enforcement of the standard or portion of the standard shall be resumed.

F. The applicant or licensee may at any time withdraw a request for an allowable variance.

**22VAC40-80-400. Statutory basis for appeal process.**

The Department of Social Services is mandated by statute to enforce the standards adopted by the State Board of Social Services ~~or the Child Day Care Council~~ pursuant to ~~§ 63.2-1734~~ §§ 63.2-1732 through 63.2-1734 of the Code of Virginia, regarding facilities required to be licensed under Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 of the Code of Virginia. As part of this enforcement duty, §§ 63.2-1709 D and 63.2-1710 of the Code of Virginia require that the procedures under the Administrative Process Act (§ 2.2-4000 et seq., of the Code of Virginia) shall apply whenever the department takes adverse action.

**22VAC40-80-430. Consent agreements.**

A. A consent agreement may be proposed by a licensee in lieu of adverse action. The proposed consent agreement shall be submitted no later than five work days prior to the conference unless different arrangements are agreed upon with the chair. In no case may a proposed consent agreement be submitted later than the day of the informal conference.

B. An acceptable consent agreement shall contain the following specific elements:

1. Dates of key actions, such as letter of sanction, timely appeal, the informal conference (if already held), and the names of the parties;
2. The assertion that all violations detailed in the letter of denial or revocation have been corrected or will be corrected by a time specified in the proposed agreement;
3. A description in detail of the case-specific systemic solution proposed that addresses the causes of the past history of violations, ~~including~~ including the methods the licensee has in place to prevent violations and to monitor results;
4. A stipulation by the licensee to the validity of the violations enumerated in the specified correspondence and waiver of right to hearing under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) solely with respect to those violations.
5. The duration of the consent agreement, including the information that the period begins when the division director signs;
6. A statement that when the division director signs the agreement, signifying final acceptance, the division director is also agreeing to rescind the outstanding adverse action and that the licensee is agreeing to withdraw all appeals to that action; and
7. A statement outlining conditions for termination of the final agreement for cause and the nature of the licensee's appeal rights in that event.



C. Throughout the duration of the consent agreement, licensing staff will make frequent inspections to determine whether the terms of the consent agreement are being implemented and whether its intended results are being achieved.

**22VAC40-160-10. Fees.**

By act of the General Assembly and effective February 1, 1984, the Department of Social Services is authorized to charge fees for processing applications for licenses (§ 63.2-1700 of the Code of Virginia).

Such fees are to be used for the development and delivery of training for operators and staff of facilities or agencies for adults or children subject to licensure solely by the Department of Social Services.

Each license and renewal of it may be issued for a period of up to three successive years. The required fee for each licensed facility or agency will be based upon its licensed capacity and the length of the total licensure period. However, the fee will be collected annually and licensees will be billed each year by the Department of Social Services for the appropriate portion of the fee. (Example: A facility with a capacity of 55 participants is issued a license for a period of 24 months. The fee for that facility for the two-year period would be \$210. The facility will be charged \$105 at the beginning of the licensure period and billed again for \$105 at the beginning of the second year of licensure.) No fee will be charged directly following the issuance of a conditional license.

~~Some programs such as, but not limited to, parks and recreation programs and summer camps, which operate for less than four months in a 12-month period, will pay a reduced fee as indicated in the fee schedule below (short term programs).~~

Applicants shall use the following schedule of fees to determine the correct fee to pay for processing all applications.

| Schedule of Fees           |        |         |         |
|----------------------------|--------|---------|---------|
| Capacity                   | 1 year | 2 years | 3 years |
| 1-12                       | \$14   | \$28    | \$42    |
| 13-25                      | \$35   | \$70    | \$105   |
| 26-50                      | \$70   | \$140   | \$210   |
| 51-75                      | \$105  | \$210   | \$315   |
| 76-200                     | \$140  | \$280   | \$420   |
| 201 & up                   | \$200  | \$400   | \$600   |
| <b>Short-term Programs</b> |        |         |         |
| 1-50                       | \$25   | \$50    | \$75    |
| 51 & up                    | \$50   | \$110   | \$150   |
| <b>Flat Fees</b>           |        |         |         |
| Family Day Care Systems    | \$70   | \$140   | \$210   |
| Child Placing Agencies     | \$70   | \$140   | \$210   |

The fee shall be paid by personal check, money order, or certified check, made payable to "Treasurer of Virginia."

A fee that is incorrect in amount or is made payable other than to the Treasurer of Virginia will be returned to the applicant. Otherwise, no fee will be returned or refunded for any reason.

Failure to submit the appropriate fee within the timeframe specified by the Department of Social Services may result in negative action against a facility's or agency's license.

A fee will be charged for checks that must be returned to the applicant because of insufficient funds.

**22VAC40-191-10. Defining words and phrases.**

The following words and terms when used in this regulation shall have the following meanings unless the context clearly indicates otherwise:

"Agent" means a person who is empowered to act on behalf of the applicant that is an association, partnership, limited liability company, business trust, public agency, or corporation in matters relating to a child welfare agency.

"Applicant" means the person or persons applying for approval or licensure as a (i) ~~licensed family day home;~~ (ii) ~~licensed family day system;~~ (iii) licensed child-placing agency; (iv) (ii) licensed independent foster home; (v) ~~voluntarily registered family day home;~~ (vi) ~~family day home approved by a licensed family day system;~~ (vii) or (iii) foster and adoptive home approved by a licensed child-placing agency; (viii) ~~religious exempt child day center or (ix) licensed child day center.~~ In the case of a sole proprietorship, the applicant is the individual owner. In the case of a partnership, the applicants are all the partners. If the applicant is a corporation, association, or business trust, the applicants are officers. If the applicant is a limited liability company, the applicants are the members or managers. If the applicant is a public agency, the applicant is the person responsible for the overall operation of the public agency.

"Approved" means having obtained the status of approval through the process required in ~~Minimum Standards for Licensed Family Day Care Systems (22VAC40-120) or Standards for Licensed Child-Placing Agencies (22VAC40-131).~~ ~~Approved facilities are family day homes approved by licensed family day systems.~~ Approved foster and adoptive parents include resource, foster, adoptive, treatment foster, and short-term foster parents and families approved by child-placing agencies.

"Background checks" means a sworn statement or affirmation, a criminal history record report, and a child protective services central registry check.

"Barrier crime" means a conviction identified at ~~§ 63.2-1749~~ 19.2-392.02 in the Code of Virginia. ~~The convictions, and Code of Virginia references, are: a felony violation of a protective order as set out in § 16.1-253.2, murder or manslaughter as set out in Article 1 (§ 18.2-30 et seq.), malicious wounding by mob as set out in § 18.2-41, abduction as set out in subsection A or B of~~

~~§ 18.2-47, abduction for immoral purposes as set out in § 18.2-48, assault and bodily woundings as set out in Article 4 (§ 18.2-51 et seq.), robbery as set out in § 18.2-58, carjacking as set out in § 18.2-58.1, extortion by threat as set out in § 18.2-59, felony stalking as set out in § 18.2-60.3, a felony violation of a protective order as set out in § 18.2-60.4, sexual assault as set out in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, arson as set out in Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, burglary as set out in Article 2 (§ 18.2-89 et seq.) of Chapter 5 of Title 18.2, any felony violation relating to possession or distribution of drugs as set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, drive-by shooting as set out in § 18.2-286.1, use of a machine gun in a crime of violence as set out in § 18.2-289, aggressive use of a machine gun as set out in § 18.2-290, use of a sawed-off shotgun in a crime of violence as set out in subsection A of § 18.2-300, failure to secure medical attention for an injured child as set out in § 18.2-314, pandering as set out in § 18.2-355, crimes against nature involving children as set out in § 18.2-361, incest as set out in § 18.2-366, taking indecent liberties with children as set out in § 18.2-370 or § 18.2-370.1, abuse and neglect of children as set out in § 18.2-371.1, obscenity offenses as set out in § 18.2-374.1, possession of child pornography as set out in § 18.2-374.1:1, electronic facilitation of pornography as set out in § 18.2-374.3, abuse and neglect of incapacitated adults as set out in § 18.2-369, employing or permitting a minor to assist in an act constituting an offense under Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2 as set out in § 18.2-379, delivery of drugs to prisoners as set out in § 18.2-474.1, escape from jail as set out in § 18.2-477, felonies by prisoners as set out in § 53.1-203; or an equivalent offense in another state.~~

~~"Board" means State Board of Social Services.~~

~~"Central registry" means the record of founded complaints of child abuse and neglect maintained by the Department of Social Services.~~

~~"Central registry finding" means the record of founded complaints of child abuse and neglect for an individual.~~

"Central Criminal Records Exchange" or "CCRE" means the information system containing conviction data of crimes committed in Virginia. The system is maintained by the Department of State Police.

~~"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.~~

"Child-placing agency" means (i) any person or agency licensed to place who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819 ~~of the Code of Virginia,~~ (ii) or a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903 and 63.2-1221 of the Code of Virginia, or (iii) an entity that assists parents with the process of delegating parental and legal custodial powers of their children pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of its authority as such, who serve as or maintain a child-placing agency, are shall not be required to be licensed.

"Child welfare agency" means ~~a child day center, child-placing agency, children's residential facility, family day home, family day system,~~ or independent foster home. For purposes of this chapter, the requirements for child welfare agencies also apply to foster or adoptive homes requesting approval or with approval by child-placing agencies ~~and family day homes requesting approval or with approval by family day systems.~~

"Commissioner" means the Commissioner of the Department of Social Services or his designee.

"Contract agency" means an entity with which the facility or a parent has an agreement to provide services to a child or children while attending the facility.

"Contract employee" means a person with whom the facility or a parent has an agreement to provide services to a child or children while attending the facility.

~~"Contracting organization" means an agency that has been designated by the Department of Social Services to administer the voluntary registration program for family day homes.~~

"Criminal history record check" means the process the Department of State Police uses to generate a criminal record report on a person. The check may be a state check generated solely through the Central Criminal Records Exchange or a check forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information.

"Criminal history record report" means either the criminal record clearance or the criminal history record issued by the Central Criminal Records Exchange, Department of State Police. The report identifies convictions within the Commonwealth.

"Department" means the State Department of Social Services.

"Department representative" means an employee of the department who carries out regulatory duties or an agency acting as an authorized agent of the department carrying out approval functions. ~~Licensed family day systems have authority to approve family day homes.~~ Licensed child-placing agencies have authority to approve foster and adoptive parents.

"Disqualifying background" means having an offense, as defined in § 63.2-1719 of the Code of Virginia. For the purpose of this chapter, having been the subject of a founded abuse or neglect complaint as described in "offense" includes records that have been purged from the child abuse and neglect central registry. However, no person is considered to be the subject of a founded complaint of child abuse or neglect until a decision upholding the finding has been rendered by the hearing officer after the administrative hearing, provided the person complies with the requirements for requesting an administrative hearing. No person is considered to be the subject

of a founded complaint of child abuse or neglect if the child abuse or neglect finding is overturned by an administrative hearing or a subsequent court decision.

"Employee" means a person hired by a facility or with whom the facility has an employment agreement. ~~A provider assistant in a family day home is considered an employee in this chapter.~~

"Facility" means (i) ~~a licensed family day home;~~ (ii) ~~a licensed family day system;~~ (iii) a licensed child-placing agency; ~~(iv) (ii) a licensed independent foster home;~~ (v) ~~a voluntarily registered family day home;~~ (vi) a family day home approved by a licensed family day system; (vii) ~~a licensed child day center;~~ (viii) ~~a religious exempt child day center;~~ and (ix) (iii) an applicant seeking a waiver in order to establish one of the above listed entities.

~~"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13 years, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home must disclose to the parents or guardians of children in his care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the home, must be licensed. No family day home shall care for more than four children under the age of two years, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all related to the provider by blood or marriage is not required to be licensed.~~

~~"Family day system" means any person that approves family day homes as members of its system; that refers children to available family day homes in that system; and that, through contractual arrangement, may provide central administrative functions including, but not limited to, training of operators of member homes; technical assistance and consultation to operators of~~

~~member homes; inspection, supervision, monitoring, and evaluation of member homes; and referral of children to available health and social services.~~

"Good character and reputation" means that the person (i) maintains business, professional, family, and community relationships that are characterized by honesty, fairness, truthfulness and dependability and (ii) has a history or pattern of behavior that demonstrates that the person is suitable and able to care for, guide, supervise, and protect children.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed ~~there~~ therein independently of a child-placing agency except (i) a home ~~that in which are~~ receives received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person and (ii) a home ~~that receives in which is received~~ a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8 ~~of the Code of Virginia;~~ and (iii) a home in which are received only children who are the subject of a properly executed power of attorney pursuant to Chapter 10 (§ 20-166 et. seq.) of Title 20.

"Involved in the day-to-day operations" means:

1. In a supervisory or management position, making daily decisions regarding the operation of the facility;
2. Counted by the facility for purposes of staff-to-children ratios;
3. Providing casework services for a child-placing agency;
4. ~~Employed by a licensed family day system as a home visitor; or~~
5. 4. Having access to child-related and client-related records or to facility personnel records.



"Licensed" means having met the requirements of and obtained licensure as a ~~licensed family day care system~~, licensed independent foster home, or licensed private child-placing agency, ~~or licensed family day home~~.

"Living in" means to reside in a place for an extended or permanent period of time.

"Local agency" means local department of social services.

"May" means has permission.

"Must" means the action is a requirement.

"Must not" means the action is prohibited.

"National criminal background check" means criminal history record information from the Federal Bureau of Investigation.

"Offense" means a (i) conviction of a barrier crime, (ii) conviction of any other felony not included in the definition of barrier crime unless five years have elapsed since conviction, (iii) founded complaint of child abuse or neglect within or outside the Commonwealth, or (iv) a conviction of an offense set forth in § 9.1-902 of the Code of Virginia or a finding that a person is not guilty by reason of insanity in accordance with Chapter 11.1 (§ 19.2-182.2 et seq.) of Title 19.2 of the Code of Virginia of an offense set forth in § 9.1-902 that results in the person's requirement to register with the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901 of the Code of Virginia, or any similar registry in any other state. 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.

"Other felony" means conviction for any felony in the last five years that is not a barrier crime felony.

"Parent-volunteer" means someone supervising, without pay, a group of children that includes the parent-volunteer's own child in a program that operates no more than four hours per day, provided that the parent-volunteer works under the direct supervision of a person who has received a clearance pursuant to § 63.2-1720 ~~or 63.2-1724~~ of the Code of Virginia.

~~"Registered" means having obtained the status of registration through the process required in Voluntary Registration of Family Day Homes – Requirements for Providers (22VAC40-180).~~

~~"Registered family day home" means any family day home that has met the standards for voluntary registration for such homes and obtained a certificate of registration from the commissioner.~~

~~"Religious exempt center" means an unlicensed child day center operated or conducted under the auspices of a religious institution that has filed with the commissioner a satisfactory annual statement of intent to operate a child day center and other information as specified in § 63.2-1716 of the Code of Virginia and has a letter of exemption from the commissioner.~~

"Search of central registry" means the process the Virginia Department of Social Services' Child Protective Services Unit uses to generate a central registry report on a person.

"Sworn statement or affirmation" means a statement completed by a person attesting to whether he has ever been (i) convicted of or the subject of pending charges of any crime within or outside the Commonwealth or an equivalent offense outside the Commonwealth or (ii) the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. Additionally for family day homes, the provider affirms if he, or any person known to the provider who resides in the home, has a sex offense conviction or is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. Any person making a false statement regarding any such offense shall be guilty of a Class 1 misdemeanor pursuant to §§ 63.2-1720 and 63.2-1721 of the Code of Virginia.

"22VAC" means Title 22 of the Virginia Administrative Code. This is the social services title.

~~"Visit" means a stay or sojourn as a guest for no longer than 30 calendar days.~~

"Volunteer" means a person who provides services without pay and who is alone with a child or children in performance of his duties.

**22VAC40-191-20. Describing background checks.**

A. The background checks covered by this regulation are:

1. Sworn statement or affirmation;
2. Criminal history record check;
3. National criminal background check; and
4. Central registry search.

B. The provisions for background checks are in §§ ~~63.2-1704~~, 63.2-1720, 63.2-1721, 63.2-1722, ~~63.2-1724~~, and ~~63.2-1727~~ 63.2-1723 of the Code of Virginia.

C. Provisions for enforcement of background check regulations and other licensing, ~~registration~~, and approval standards are in Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 of the Code of Virginia.

D. The sworn statement or affirmation is a written document in which a person must disclose any criminal conviction and any pending criminal charges within or outside Virginia.

1. ~~For the purposes of this regulation, conviction~~ Conviction includes any juvenile conviction or determination of delinquency if the offense involved would be a felony if committed by an adult within or outside Virginia.
2. The person must also disclose any instance of being the subject of a founded complaint of child abuse or neglect within or outside Virginia.

3. The person must use either the model form prepared by the department or use a self-created form that includes all of the information that appears on the model form.

The department provides the model sworn statement or affirmation form on its website. Requesters are permitted to submit copies of the form. The person who signs the sworn statement or affirmation affirms the truth of the statement.

E. The criminal history record check is the process of the Department of State Police to generate a criminal record report on a person. The report must be either the criminal record clearance or the criminal history record. The criminal record clearance shows whether the person is guilty of:

1. A barrier crime, as defined in § ~~63.2-1719~~ 19.2-392.02 of the Code of Virginia; ~~and/or~~  
or
2. Any other felony not included in the definition of barrier crime unless five years have elapsed since the conviction.

The criminal history record report shows all convictions.

F. The person must use the form and process of the Central Criminal Records Exchange (CCRE) of the Department of State Police for this check. The Department of State Police provides original criminal history record check forms to facilities upon receipt of request. The Department of State Police also provides website access to this form for facilities that are noncriminal justice inquiry interface users. The CCRE verifies criminal history record reports.

G. The national criminal background check is the process of obtaining criminal history record information from the Federal Bureau of Investigation through the Central Criminal Records Exchange.

1. The person must submit to fingerprinting and provide personal descriptive information.

2. The person must use the process of the ~~Central Criminal Records Exchange~~ department's Office of Background Investigations (OBI) to request and receive a national criminal background check.

H. The search of the central registry is a check to determine if the person has ever been the subject of a founded complaint of child abuse or neglect in Virginia.

I. The person must use the form and process of the ~~department's Office of Background Investigations (OBI)~~. OBI. The department provides the central registry request form on its website. Requesters are permitted to submit copies of this form. OBI verifies child protective services central registry check findings.

~~The department and registering and approval agencies provide copies of all forms in application packets.~~

#### **22VAC40-191-30. Identifying the facilities that are not covered by this regulation.**

A. ~~Certified preschools or nursery schools operated by accredited private schools that are accredited in accordance with § 63.2-1717 of the Code of Virginia; children's Children's residential facilities; and family day homes that are not required to be licensed, registered, or approved are not covered by this regulation.~~

B. ~~Background check requirements for certified preschool or nursery school programs operated by accredited private schools are at § 63.2-1717 of the Code of Virginia.~~

G. B. Background check requirements for children's residential facilities, including child-caring institutions, are in § 63.2-1726 of the Code of Virginia.

D. ~~Background check requirements for child day centers or family day homes that are not licensed, registered, approved, or exempt from licensure and receive federal, state or local child care funds are at § 63.2-1725 of the Code of Virginia.~~

**22VAC40-191-40. Identifying who is covered by this regulation.**

A. This regulation applies to:

- ~~1. Licensed family day homes;~~
- ~~2. Licensed family day systems;~~
- ~~3. Family day homes approved by family day systems;~~
- ~~4. 1. Licensed child-placing agencies;~~
- ~~5. 2. Licensed independent foster homes; and~~
- ~~6. 3. Foster and adoptive homes approved by child-placing agencies; ;~~
- ~~7. Voluntarily registered family day homes;~~
- ~~8. Religious exempt child day centers; and~~
- ~~9. Licensed child day centers.~~

B. Except as provided in 22VAC40-191-50 A, no person with a disqualifying background who has not been granted a waiver according to 22VAC40-191-90 may operate or volunteer or work at a facility governed by this chapter.

C. Background checks are required at the time of initial application.

- 1. These background checks are required at the time of initial application for licensure, registration, or approval:

| Who                                                                                       | What                                                                                          | When                                                                     |
|-------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| a. Any applicant                                                                          | Sworn statement or affirmation, search of central registry, and criminal history record check | Upon application for licensure or registration as a child welfare agency |
| b. Any agent <u>a. An agent or applicant</u> at the time of application who is or will be | Same <u>Sworn statement or affirmation, search of central registry, and</u>                   | Same <u>Upon application for licensure as a child welfare agency</u>     |

|                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                         |                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| involved in the day-to-day operations of the child welfare agency or who is or will be alone with, in control of, or supervising one or more of the children                                                                                                                                                                                                                      | <u>criminal history record check</u>                                                                                                                                                                                                    |                                                                     |
| <del>e. Any other adult living in the home of an applicant for licensure or registration as a family day home, or any b. An existing employee or volunteer</del>                                                                                                                                                                                                                  | Same                                                                                                                                                                                                                                    | Upon application for licensure or registration as a family day home |
| <del>d. c.</del> Prospective foster or adoptive parent                                                                                                                                                                                                                                                                                                                            | Sworn statement or affirmation, search of central registry, search of child abuse and neglect registry maintained by any other state in which the individual has resided in the last five years, and national criminal background check | Prior to approval by child-placing agency                           |
| <del>e. d.</del> Birth parent of a child in a foster care placement (unless the birth parent has revoked an entrustment agreement pursuant to § 63.2-1223 or 63.2-1817 of the Code of Virginia, or a local board or birth parent revokes a placement agreement while legal custody remains with the parent, parents, or guardians pursuant to § 63.2-900 of the Code of Virginia) | Sworn statement or affirmation, search of central registry, search of child abuse and neglect registry maintained by any other state in which the individual has resided in the last five years, and national criminal background check | Prior to placement of a child with birth parent                     |
| <del>f. e.</del> Other adults living in a prospective foster or adoptive home                                                                                                                                                                                                                                                                                                     | Sworn statement or affirmation, search of central registry, search of child abuse and neglect registry maintained by any other state in which the individual has resided in the last five years, and national criminal background check | Prior to approval by child-placing agency                           |
| <del>g.</del> Operator of family day home requesting approval by family day system                                                                                                                                                                                                                                                                                                | Sworn statement or affirmation, search of central registry, and criminal history record check                                                                                                                                           | Upon request for approval by family day system                      |

|                                                                                                                           |      |                                                            |
|---------------------------------------------------------------------------------------------------------------------------|------|------------------------------------------------------------|
| h. Any other adult residing in the family day home requesting approval and any employee or volunteer of a family day home | Same | Upon request by operator for approval by family day system |
|---------------------------------------------------------------------------------------------------------------------------|------|------------------------------------------------------------|

2. These background checks are required at the time of initial application for religious exemption status:

| Who                                                                                                                                                                                                                                                     | What                                                                                                                      | When                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| Any person who will be expected to be alone with one or more children enrolled in a religious exempt child day center except a parent-volunteer, as defined in this regulation, or a parent or guardian who may be left alone with his or her own child | Documentary evidence of sworn statement or affirmation, search of the central registry, and criminal history record check | With the written request for religious exemption status |

D. Background checks are required after the initial licensure, registration, or approval, or receipt of religious exemption status.

1. These background checks are required after initial licensure, registration, or approval:

| Who                                                                                                                                                                                                                                                                                                | What                                                         | When                                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| a. New person designated as applicant, licensee, registrant, family day home operator approved by a family day system, or agent who is or will be involved in the day-to-day operations of the facility or who is or will be alone with, in control of, or supervising one or more of the children | Sworn statement or affirmation                               | Whenever an applicant, licensee, approved family day home operator, or registrant or agent changes |
|                                                                                                                                                                                                                                                                                                    | Search of central registry and criminal history record check | Before the end of 30 days after the change                                                         |
| b. Any An employee of a licensed, registered, and or approved facility who is involved in the day-to-day operations or who is alone with, in control of, or supervising one or more children                                                                                                       | Sworn statement or affirmation                               | Prior to first day of employment at the facility                                                   |
|                                                                                                                                                                                                                                                                                                    | Search of central registry and criminal history record check | Before 30 days of employment at the facility ends                                                  |
| c. Any An applicant, licensee, family day home operator approved by a family day system, agent, employee,                                                                                                                                                                                          | Sworn statement or affirmation, search of central            | Before three years since the dates of the last sworn statement or affirmation, most recent central |



|                                                                                                                                                                                                                                                                                        |                                                                                                          |                                                                                                                                                                                                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <del>or volunteer, and person living in the family day home who is required to have background checks</del>                                                                                                                                                                            | <del>registry and criminal history record check</del>                                                    | <del>registry finding and most recent criminal history record check report</del>                                                                                                                                                                                                |
| <del>d. Voluntary registration provider, provider assistant, substitute provider, if any, and any adult residing in the home</del>                                                                                                                                                     | <del>Sworn statement or affirmation, search of central registry and criminal history record check</del>  | <del>90 days before the date of application for renewal of the current certificate of registration (The application for renewal must be received by the contracting organization no later than 45 days before the expiration of the current certificate of registration.)</del> |
| <del>e. <u>d.</u> Volunteer at licensed, registered, or approved facility who will be alone with any child in the performance of duties, excluding a parent-volunteer for children attending a licensed, registered, or approved program</del>                                         | <del>Sworn statement or affirmation</del>                                                                | <del>Prior to first day of service at the facility</del>                                                                                                                                                                                                                        |
|                                                                                                                                                                                                                                                                                        | <del>Search of central registry and criminal history record check</del>                                  | <del>Before 30 days of service at the facility elapses</del>                                                                                                                                                                                                                    |
| <del>f. <u>e.</u> Foster parent approved by a licensed child-placing agency, in an independent foster home, or an adoptive parent approved by a licensed child-placing agency, until the adoption is final</del>                                                                       | <del>Sworn statement or affirmation, search of central registry, and criminal history record check</del> | <del>Before three years since the dates of the last sworn statement or affirmation, most recent central registry finding, and most recent criminal history record check report or national criminal background check</del>                                                      |
| <del>g. <u>f.</u> All adult household members residing in the home of the foster parent approved by a licensed child-placing agency, foster parent in an independent foster home, or an adoptive parent approved by a licensed child-placing agency, until the adoption is final</del> | <del>Sworn statement or affirmation, search of central registry, and criminal history record check</del> | <del>Before three years since the dates of the last sworn statement or affirmation, most recent central registry finding, and most recent criminal history record check report or national criminal background check</del>                                                      |

~~2. These background checks are required after receipt of the initial religious exemption status letter.~~

~~Annually, prior to the expiration date in the current exemption letter, the religious exempt child day center must file with the department documentary evidence that the center is in compliance with the following:~~

| <del>Who</del> | <del>What</del> | <del>When</del> |
|----------------|-----------------|-----------------|
|----------------|-----------------|-----------------|

|                                                                                                                                                                                                                                                                 |                                                                                              |                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| Prospective employee, volunteer, or any other person who is expected to be alone with one or more children enrolled in the religious exempt child day center except a parent volunteer, or a parent or guardian who may be left alone with his or her own child | Sworn statement or affirmation                                                               | Before employment or commencement of service at the facility |
|                                                                                                                                                                                                                                                                 | Search of central registry and criminal history record check, as requested by the individual | Within 30 days of employment or commencement of service      |

~~3.2.~~ Background checks are required for independent contract employees and employees hired by a contract agency.

If a licensed, ~~registered~~, or approved facility uses independent contract employees or contract employees hired by a contract agency who will be involved in the day-to-day operations of the facility or who will be alone with, in control of, or supervising one or more children, the facility must:

- a. Obtain background checks according to the above requirements for employees, or view the original required background checks maintained by the contract employee or contract agency;
- b. Accept all satisfactory background checks dated less than six months before independent contract employees or contract employees hired by contract agencies begin providing services at facilities;
- c. Make copies, and keep them at the licensed, ~~registered~~, or approved facilities. Staff must write on the copies of the criminal record reports that they are photocopies of originals that facility staff verified; and
- d. Provide a sworn statement or affirmation, search of central registry and criminal history record check before three years since the dates of the last sworn statement or affirmation, most recent central registry finding and most recent criminal history record check report.

4. 3. A person 18 years of age and older must have background checks:

| Who                                                                                                                                                                                                                                                                                                                                                                    | What                                                                                                                                                                                                           | When                                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| <p>a. Person living in:<br/> <del>The home of an applicant* or</del><br/> <del>The home of a licensed or registered family day home provider</del></p>                                                                                                                                                                                                                 | <p>Sworn statement or affirmation</p>                                                                                                                                                                          | <p>When person age 18 years or older begins residing in the home or when a person in the home becomes 18 years old</p>                   |
|                                                                                                                                                                                                                                                                                                                                                                        | <p>Search of central registry and criminal history record check, as requested by the individual</p>                                                                                                            | <p>Within 30 days of a person 18 years of age or older beginning to reside in the home or a person in the home becoming 18 years old</p> |
| <p>b. Person living in the home of<br/>           (i) <u>a prospective foster or adoptive parent</u>, (ii) a foster parent approved by a licensed child-placing agency, (iii) <del>(iii)</del> a foster parent in an independent foster home, or <del>(iii)</del> (iv) until the adoption is final, an adoptive parent approved by a licensed child-placing agency</p> | <p>Sworn statement or affirmation</p>                                                                                                                                                                          | <p>When a person age 18 years or older begins residing in the home or when a person in the home becomes 18 years old</p>                 |
|                                                                                                                                                                                                                                                                                                                                                                        | <p>Search of central registry, search of child abuse and neglect registry maintained by any other state in which the individual has resided in the last five years, and national criminal background check</p> | <p>Within 30 days of a person 18 years of age or older beginning to reside in the home or a person in the home becoming 18 years old</p> |
| <p>*Note: This does not apply to applicants for family day systems, licensed child-placing agencies, child day centers, or to religious exempt child day centers.</p>                                                                                                                                                                                                  |                                                                                                                                                                                                                |                                                                                                                                          |

5. 4. A person 14 years of age and older must have a search of the central registry and make the information available for regulatory purposes:

| Who                                                                                                                                                                                                                                                                | What                                                    | When                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| <p>a. Person living in:<br/>           An applicant's home,<br/> <del>Home of a licensed or registered family day home provider,</del><br/>           A foster home approved by a licensed child-placing agency,<br/>           An independent foster home, or</p> | <p>Child protective services central registry check</p> | <p>Within 30 days of a 14-year-old beginning to reside in the home or a person in the home becoming 14 years old</p> |

An adoptive home approved by a licensed child-placing agency, until the adoption is final

b. ~~Exception:~~ A person 14 years of age up to 18 years of age who is placed in an approved foster or adoptive home by a child-placing agency is not required to have a search of the central registry.

~~6.~~ 5. A facility must not accept a required criminal history record report or a central registry finding from an applicant, licensee, ~~registrant,~~ or other person required to obtain background checks that is dated more than 90 days prior to the date of employment, volunteering, residing in the home, or approving a ~~family day home or~~ foster or adoptive home.

~~7.~~ ~~Exception:~~ See provisions 6. Provisions for contracting agencies are described in subdivision 3 2 of this subsection.

~~8.~~ The department must not accept a required criminal history record report or a central registry finding from an applicant, licensee, registrant, or person who signs the statement of intent to operate a religious exempt center that is dated more than 90 days prior to date of licensure, registration, approval or exemption, or from the date when the person designated as the applicant or licensee changes.

~~9.~~ 7. The background checks remain valid at the facility if no more than 12 consecutive months have passed from when a person (i) began a leave of absence from that facility; (ii) was terminated from employment at that facility; or (iii) was transferred to a facility owned and operated by the same employer or entity, unless there is a criminal conviction or a founded complaint of child abuse and neglect during that period.

#### **22VAC40-191-50. Explaining requirements for satisfactory background checks.**

A. The department and registering and approving authorities must require documentation of satisfactory background checks for applicants, agents, employees, volunteers, and others living in ~~family day homes and~~ foster and adoptive homes as specified in 22VAC40-191-40.

1. A satisfactory sworn statement or affirmation is:

- a. A fully completed ~~original~~ statement that states that the person does not have an offense; and
- b. There is no other knowledge that the individual has ~~an unsatisfactory~~ a disqualifying background check.

Criminal 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. Convictions also include convictions in other states that are equivalent to those specified in this section.

2. A satisfactory central registry finding is one in which:

- a. A copy of the department's child protective services check form is returned to the requesting agency or state or local Department of Social Services indicating that, as of the date on the reply, the individual whose name was searched is not identified in the central registry as an involved caregiver with a founded disposition of child abuse/neglect; and
- b. There is no other knowledge that the individual has a founded disposition in Virginia or elsewhere.

3. A satisfactory criminal history record check report is one in which:

- a. An original hard copy or Internet inquiry reply from the Department of State Police is returned to the agency, individual or authorized agent making the request with:
  - (1) No convictions indicated; or
  - (2) Convictions indicated, but no barrier crimes, offenses, or other felony convictions in the last five years;

b. A letter is received from the Office of Background Investigations with a finding of "eligible"; and

c. There is no other knowledge that the individual has an offense in Virginia or elsewhere.

The facility must have viewed an original criminal history record report maintained by a contract employee or contract agency that is dated less than six months before the independent contract employee or contract employee is hired by a contract agency begins providing services at the facility. (See also 22VAC40-191-90.)

4. A child-placing agency may approve as an adoptive or foster parent an applicant convicted of not more than one misdemeanor of assault and battery, as defined in § 18.2-57 of the Code of Virginia, not involving abuse, neglect or moral turpitude, or a minor, provided 10 years have elapsed following the conviction.

5. A child-placing agency may approve as a foster parent an applicant convicted of statutory burglary for breaking and entering a dwelling home or other structure with intent to commit larceny who has had his civil rights restored by the Governor, provided 25 years have elapsed following the conviction.

6. A child-placing agency must consider the results of background checks on a birth parent prior to placing the child of the birth parent with the birth parent, when the child is in a foster care placement (unless the birth parent has revoked an entrustment agreement pursuant to § 63.2-1223 or 63.2-1817 of the Code of Virginia or a local board or the birth parent revokes a placement agreement with legal custody remaining with the parent, parents, or guardians pursuant to § 63.2-900 of the Code of Virginia).

7. No petition for adoption shall be granted if an adoptive parent has been convicted of a sexually violent offense or an offense requiring registration pursuant to § 9.1-902 of the Code of Virginia.

8. A child-placing agency may approve as an adoptive or foster parent an applicant convicted of felony possession of drugs, who has had his civil rights restored by the Governor, provided 10 years have elapsed following the conviction pursuant to § 63.2-1721 G.

9. A child-placing agency may approve as a kinship foster care parent an applicant convicted of the following offenses, provided that 10 years have elapsed from the date of the conviction and the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child: (i) a felony conviction for possession of drugs as set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, but not including a felony conviction for possession of drugs with the intent to distribute; (ii) a misdemeanor conviction for arson as set out in Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2; or (iii) an equivalent offense in another state.

~~10. A licensed child day center may hire for compensated employment persons who have been convicted of not more than one misdemeanor offense as defined in § 18.2-57 of the Code of Virginia if 10 years have elapsed following the conviction, unless the person committed such offense while employed in a child day center or the object of the offense was a minor.~~

B. Background checks results are not open ended.

~~1. When a minor living in a family day home turns 18 years of age, the operator is responsible for making sure that the 18-year-old complies with all background check requirements for adults pursuant to 22VAC40-191-40 D 4.~~

~~2. Operators must submit new background checks as part of the renewal application packages of registered family day homes. With the exception of those facilities that are exempt per § 63.2-1716 of the Code of Virginia, background checks are required every three years for all other persons required to have background checks pursuant to 22VAC40-191-40 D.~~

~~3. 1. If a person leaves a facility and the criminal history record report or central registry check finding is less than 91 days old, the person must be permitted to take the report or reports with him. The facility must keep a copy of any report a person takes and write on it that it is a copy, and that the original of any criminal history record report was verified.~~

~~4. 2. Unless there is a criminal conviction or a founded complaint of child abuse and neglect during that period, a background check remains valid at a facility if no more than 12 consecutive months have passed from when a person:~~

~~a. Began a leave of absence from that facility;~~

~~b. Was terminated from employment at that facility; or~~

~~c. Was transferred to a center owned and operated by the same employer or entity.~~

~~5. 3. The facility, department, ~~or registering~~ or approving authority may require a new background check relevant to this suspicion if there is reason to suspect that a person who has submitted acceptable background checks, as required by this regulation, has an offense in Virginia or elsewhere.~~

~~6. 4. When the facility, department, ~~or registering~~ or approving authority chooses to require a new background check:~~



- a. The facility, department, ~~or registering~~ or approving authority may allow the person to continue the same relationship with the child welfare agency until the ~~child-care provider or~~ licensing, ~~registering,~~ or approval authority receives the new Virginia background check information or equivalent documentation from another state; or
- b. If there is reason to suspect that a person has an offense, the facility, department, ~~or registering~~ or approving authority may require that the person not be alone with children, even if the documentation is not Virginia background check information or equivalent information from another state.

C. Waivers of some criminal convictions are possible. Refer to 22VAC40-191-90 through 22VAC40-191-130 for an explanation of the waiver.

**22VAC40-191-60. Explaining consequences of unsatisfactory disqualifying background checks results.**

A. Applicants are denied licensure, ~~registration~~ or approval when there are unsatisfactory disqualifying background checks results for:

1. Applicants as a child welfare agency;
2. Agents at the time of application who are or will be involved in the day-to-day operations of the child welfare agency or who are or will be alone with, in control of, or supervising one or more of the children;
3. ~~Any other adult, or any child aged 14 or older, living in the home of an applicant for licensure or registration as a family day home with an unsatisfactory central registry finding;~~
4. 3. Any other adult, or any child aged 14 or older, living in a foster home, or in the home of adoptive parents, until the adoption is final ~~with an unsatisfactory central registry finding;~~  
and

~~5. 4. Prospective foster or adoptive parents approved by child-placing agencies; and,~~

~~6. Prospective family day home operators and family members seeking approval by family day systems.~~

B. An employee or volunteer of a licensed ~~or registered~~ child welfare agency ~~or of a family day home approved by a family day system~~ must not be employed or provide volunteer service until the agency ~~or home~~ has the person's completed sworn statement or affirmation.

C. An employee or volunteer of a licensed ~~or registered~~ child welfare agency, ~~or of a family day home approved by a family day system,~~ must be denied continued employment or volunteer service if:

1. The licensed ~~or registered~~ child welfare agency ~~or family day system~~ does not have an original criminal history record report within 30 days of employment or volunteer service;

or

2. The licensed ~~or registered~~ child welfare agency ~~or family day system~~ does not have a central registry finding within 30 days of employment or volunteer service.

D. No violation will occur and an employee may continue to work, or provide service, ~~or live~~ in a licensed, ~~registered,~~ or approved ~~family day home~~ facility if the facility has documentation that the criminal history record request, or the request for search of the central registry, was submitted within seven calendar days of the person being employed or volunteering, but the report is not returned within 30 calendar days.

1. If a requested report was sent within seven calendar days but was not returned within 30 calendar days, the requester must contact within four working days:

a. The Central Criminal Records Exchange of the Department of State Police; or

b. The department's Office of Background Investigations.

2. If the request was not received, the requestor must submit another request within five working days after the contact.

3. ~~This provision also applies to someone beginning to live in a family day home after licensure, registration or approval is given or a child who becomes 18 years of age. It also~~ This provision applies to a child protective services central registry check for a person who becomes 14 years of age.

E. If the department or a local agency becomes aware that a person covered by this regulation has a disqualifying background, the department or local agency may release this information to facilities that are covered by this regulation. Those facilities must not further disseminate this information.

~~This provision also applies to a new adult beginning to live in a family day home or a child living in a family day home who becomes 18 years of age after licensure, registration or approval is given. It also~~ This provision applies to a child protective services central registry clearance for a person who becomes 14 years of age.

F. ~~Licensed, registered,~~ or approved facilities must inform compensated employees and volunteers that the facilities are requesting child protective services registry checks and criminal history record reports for them.

G. A facility may choose to request a national criminal background check, instead of the criminal history record check, for employees and volunteers.

1. The facility must adhere to Department of State Police requirements for obtaining fingerprints, in accordance with § 19.2-392.02 of the Code of Virginia.

2. The department, ~~family day system,~~ and child-placing agency will accept a national criminal background check result of "qualified" from the Department of State Police.

3. If the screening result is "disqualified," the facility must obtain a satisfactory criminal history record check from the Central Criminal Record Exchange for the person if:

- a. The facility wishes to employ the person or approve the person as a volunteer;
- b. The entity wishes the department to issue a license ~~or registration~~; or
- c. The facility wishes a ~~family day system~~ or child-placing agency to issue an approval.

H. The facility may also require a background check from another state per the provisions in subdivision B ~~5~~ 3 of 22VAC40-191-50.

I. A facility that does not comply with this regulation may have its licensure, ~~registration~~, or approval, ~~or religious exempt~~ status revoked or denied.

J. If a facility has knowledge that a person required to have a background check has an offense, and this person has neither a waiver nor an exception per 22VAC40-191-50 A, and the facility refuses to separate the person from employment, service, or residence in a ~~family day~~ home, then licensure, ~~registration~~, or approval must be revoked or denied.

**22VAC40-191-70. Keeping background check records.**

A. A facility must keep background check records at the location where the person is an applicant, agent, employee, contract employee, volunteer, other adult in the home, or is any other adult who is involved in the day-to-day operations of the facility or who is alone with, in control of, or supervising one or more children.

1. If a facility is among two or more owned by the same entity, the background check reports and findings may be kept at corporate headquarters or at the facility and must be made available to the department representative upon request.

2. If a facility is not the primary work place for a person, the facility may keep copies on site, if there is:

- a. Documentation of the place where original background check records are kept; and
- b. Copies of the sworn disclosure statement or affirmation, criminal history record report with a statement that the facility designee has viewed and verified the original, and the child protective services central registry check form must be kept on site.

~~B. Contracting organizations and voluntarily registered family day homes certified eligible for registration by contracting organizations must keep background check records.~~

~~1. The contracting organization must keep:~~

- ~~a. The original criminal history record report and sworn statement or affirmation for the voluntarily registered provider;~~
- ~~b. The original or a copy of the central registry findings; and~~
- ~~c. A copy of the criminal history record report and central registry findings for all provider assistants, substitute providers, and central registry findings for persons aged 14 and older residing in the home.~~

~~2. The voluntarily registered family day home provider must keep:~~

- ~~a. The original criminal history record report and sworn statement of affirmation for any provider assistant, substitute provider, and any adult residing in the home; and~~
- ~~b. The original or a copy of the central registry finding for any provider assistant, substitute provider or any person aged 14 and older residing in the home; and~~
- ~~c. Copies of the provider's own background check records.~~

~~C. Family day systems and family day homes approved by family day systems must keep background check records. The requestor identified on the form must keep the original criminal history record check result and the original or copy of the child protective services central registry~~

~~finding, and the other party keeps copies. The family day system must keep the original sworn disclosure statement or affirmation.~~

~~D. B.~~ A voluntarily registered family day home must keep all background check information for two years after a person required to provide background check terminates his duties with a facility or no longer resides in the home. All other facilities Licensed child-placing agencies and licensed independent foster homes must keep all background check information for one year after a person required to provide background checks terminates his duties with a facility or no longer resides in the home.

~~E. C.~~ The sworn statement or affirmation, criminal history record report, and central registry finding must be kept in locked files.

~~F. D.~~ Applicants and agents, and their designees, are the only facility staff who may have access to these documents. The board president must have access to these documents.

~~G. E.~~ If a person is denied licensure, ~~registration~~, or approval, or is denied employment or volunteer service because of information on a sworn statement or affirmation, a central registry finding, or criminal history record report, the facility must provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both shall be provided to the person.

~~H. F.~~ A facility must also release a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both when the subject of the information requests it.

~~I. G.~~ Further dissemination of the background check information is prohibited other than to the commissioner's representative or a federal or state authority or court in order to comply with an express requirement in the law for that dissemination. (See the provisions at 22VAC40-191-60 E.)

**22VAC40-191-80. Describing the waiver of criminal conviction.**

The waiver of criminal conviction is the department's ~~canceled~~ waiving the consequences of ~~an unsatisfactory~~ a disqualifying criminal history record check only for specific convictions.

**22VAC40-191-90. Identifying who may apply for a waiver.**

A. Any person who wants to operate ~~or to~~ volunteer, or work at a facility covered by this regulation, but who is disqualified because of a criminal conviction, ~~or a criminal conviction in the background check of any other adult living in a family day home governed by this regulation,~~ pursuant to §§ 63.2-1720 and 63.2-1721 may apply in writing to the commissioner of the department for a waiver.

B. The commissioner may grant a waiver if:

1. A nonbarrier crime felony conviction occurred less than five years previously ~~and the commissioner determines that the person is of good moral character and reputation and the waiver would not adversely affect the safety and well-being of the children in the person's care; or~~ ;

2. Any other adult living in the home of a family day home applicant or provider has been convicted of not more than one misdemeanor offense of assault and battery or assault and battery against a family or household member as set out in ~~§§ 18.2-57 and 18.2-57.2~~ of the Code of Virginia, provided five years have elapsed following the conviction and the department has conducted a home study that includes, but is not limited to:

a. An assessment of the safety of the children placed in the home and

b. A determination that the offender is now a person of good moral character and reputation.

~~The other adult must not be an assistant or substitute provider. The commissioner determines that the person is of good moral character and reputation; and~~

3. The waiver would not adversely affect the safety and well-being of the children in the person's care.

**22VAC40-191-100. Explaining waiver application requirements.**

A. The person requests a waiver application package from the licensing office that serves the area where the person with the disqualifying background check ~~lives or~~ wants to operate or volunteer or work at a facility covered by this regulation. The person sends the completed application and a waiver application fee made out to "Treasurer of Virginia" to the licensing office. The commissioner establishes the fee. It is identified in the application package.

~~B. Exception: A person wishing to operate a voluntarily registered family day home requests a waiver application from either the contracting organization or the voluntary registration consultant in the Division of Licensing Programs of the department. The person sends the completed application and application fee to the voluntary registration consultant in the Division of Licensing Programs.~~

~~C. B.~~ The commissioner acknowledges, in writing, receipt of the application and notifies the requester and the sponsor whether the request appears to be complete.

**22VAC40-191-110. Describing the contents of a waiver application.**

A. The waiver application is a personally prepared application.

B. The waiver application must be submitted in typewritten form or neatly printed and ~~must~~ include:



1. A statement that the request was solely and personally prepared by the requester, ~~or other adult living in a family day home, as applicable,~~ and has not been edited or changed by anyone else. ~~Exception: the~~ The document may be typed by another person;
2. A statement that the requester understands that the waiver will be available for inspection by the public and that the facility will provide a copy of the waiver to every parent and guardian if the waiver is granted;
3. A statement that the requester understands that information in the waiver application package will be made available by the commissioner to any person upon request if the waiver is granted;
4. Personal and employment information;
- ~~5. If the request is for a family day home, all members of the household and their relationship to the requester;~~
- ~~6.~~ 5. A factual account of the crime of the person with the disqualifying conviction;
- ~~7.~~ 6. The current status and history with justice systems of the person with the disqualifying conviction;
- ~~8.~~ 7. Other information the person with the disqualifying background wants the commissioner to consider in evaluating the waiver request;
- ~~9.~~ 8. An explanation of why the waiver should be granted; and
- ~~10.~~ 9. Seven attachments:
  - a. A nonrefundable check, made payable to the "Treasurer of Virginia," for waiver application processing;
  - b. For the person with the disqualifying conviction:
    - (1) A "Current Employment and Employment History Form";

- (2) A copy of the current sworn statement or affirmation;
- (3) A copy of the current criminal history record report;
- (4) A copy of all necessary documents verifying the person's statements regarding past and current involvement with adult or juvenile justice systems within or outside the Commonwealth;
- (5) At least four references by disinterested individuals who will vouch for the "good moral character and reputation" of the person with the disqualifying conviction;
- (6) The Sponsoring Agency Statement; and
- (7) A notarized signature page.

~~C. If the waiver application is for another adult living in a family day home, the department conducts a home study to:~~

- ~~1. Assess the safety of children placed in the home; and~~
- ~~2. Determine that the offender is now a person of good moral character and reputation.~~

**22VAC40-191-120. Describing the waiver evaluation criteria.**

A. The commissioner may delegate all aspects of processing and evaluating waiver requests, provided that responsibility for making the final decision may not be delegated below the level of a division director.

B. The final decision is based on the following:

1. The content of the waiver application package;
2. The nature of the conviction or convictions and relevance to decision criteria; and
3. The extent and pattern of criminal history or child abuse and neglect, including the person's age when the act occurred and how long ago the act occurred; and.

~~4. In the case of prospective foster parents for a licensed child placing agency, a review of the criminal record requirements of the Safe Families and Adoption Act of 1997 (42 USC § 1305) to determine if this federal law would permit a waiver.~~

C. The applicant may be required to provide additional information that is reasonable and necessary to evaluate the application.

D. The commissioner may interview the applicant or other persons sufficient to verify and evaluate the information in the application package.

E. The commissioner may grant a waiver if the commissioner determines that:

1. The person is now of good moral character and reputation; and
2. The waiver would not adversely affect the safety and well-being of children in the person's care.

F. The commissioner will consider a waiver application abandoned, and close the file, when:

1. More than 60 days have passed since the commissioner advised the requester and the sponsoring agency that the waiver application was incomplete, or since the commissioner requested additional information that was reasonably necessary to evaluate the application; and
2. The commissioner informs the requester by certified mail that the waiver application would be considered abandoned unless the requester provides the requested information within 15 days.

G. Waiver decisions are not appealable.

**22VAC40-191-140. Modifying, revoking, and terminating waivers.**

A. The person and the sponsoring agency may request a modification of any of the terms, conditions, or stipulations of a waiver.

B. The commissioner may revoke a waiver if, after investigation, he determines that:

1. The waiver application contained false, deceptive, or misleading information;
2. The terms, conditions, or stipulations of a waiver have been violated; or
3. New or expanded information becomes known about the person that would change the previous determination made about the person's character, reputation, or suitability to work with or be in proximity to children.

C. If a waiver is revoked, the commissioner informs the person and the sponsoring agency, in writing by certified mail, of the reasons for the revocation.

D. A waiver automatically expires when:

1. The person terminates the approved arrangement with the sponsoring facility; or
2. Five years have passed from the last date of a conviction for the felony or felonies for which the waiver was granted; or
3. ~~The other adult living in a family day home was the reason for the waiver and the other adult no longer lives in the home.~~

**22VAC40-191-150. Explaining the waiver public notification requirements.**

A. Notification about waivers is conducted in accordance with agency policy.

B. The facility must post in a conspicuous place on the premises any waiver granted by the department.

C. The facility must notify in writing every parent and guardian of the children in its care of any waiver granted for its operators, employees, or volunteers, ~~or adult family members living in the home. This notification includes parents and guardians whose child is placed with a foster parent or whose child is to be placed with an adoptive family. This notification also includes parents and guardians who, in the future, enroll children.~~

FORMS (22VAC40-191)

Criminal History/Sex Offender and Crimes Against Minors Registry Search Form, SP-230  
(rev. 12/2012)

Sworn Statement or Affirmation for Child Placing Agencies, 032-05-0974-04-eng (eff. 7/2014)

Central Registry Release of Information Form, 032-02-0151-12-eng (eff. 8/2015)

Sworn Statement or Affirmation for Child Day Programs, 032-05-0160-09-eng (eff. 7/2014)

Sworn Statement or Affirmation for Foster and Adoptive Parents, Adult Household Members,  
032-05-0973-04-eng (eff. 7/2014)