



# OFFICE OF BACKGROUND INVESTIGATIONS

Requirement Revisions:  
Background Investigations  
1-31-18.

# OBJECTIVES

- ◎ OBI General Information
- ◎ New Requirements
- ◎ Out of state CANIS
- ◎ Out of state Name-based Criminal history
- ◎ 5 Year Re-assessments
- ◎ FAQ's

# OBI GENERAL INFORMATION

Contacts, Forms, & Updates

# OBI CONTACT INFORMATION

Main Number – **1-800-347-2276**

Local – 405-962-1735

Fax – 405-522-4167

Email: [OBICC@okdhs.org](mailto:OBICC@okdhs.org)

Office of Background Investigations

PO Box 268935

Oklahoma City, OK 73126

# BACKGROUND REQUEST FORMS

- Submit a criminal history review request form electronically at <https://bidspublic.okdhs.org>
- **Background Check Review Request, 19MP006E**--paper version of electronic form.
- **Qualified Entity Application and Agreement, 07LC112E**—submitted one time by the owner/responsible entity or if changes to the QE are made.
- **Qualified Entity Addendum, 07LC112E**—submitted by the program for a temporary change in the Authorized Recipient.
- **Criminal History Review Results Page Request (CHRRP)**—request to receive fingerprint results via the secured portal; submitted to OBI by the Authorized Recipient.
- **Dispute Resolution, 07LC111E**—submitted by the individual with dispute resolution documents to update accuracy of CHRI.

# UPDATES

- ◉ OBI will no longer accept the Criminal History Request for Programs form, 07LC096E, as of July 1, 2018.
- ◉ Remember, completed background request forms, with original signatures, need to be maintained in the program for 5 years from the date of the request.
- ◉ The fingerprinting vendor has had a name change, MorphoTrust is now known as IDEMIA.
- ◉ The website to register for fingerprinting will not change. It is still: [www.identogo.com](http://www.identogo.com)
- ◉ Due to the upgrade of the OSBI computer systems, fingerprint rejections are now under 2%!!!
- ◉ In 2017 the OBI Child Care Unit processed over 33,000 criminal background checks!

# CCS LISTSERV

- ◉ In the future OBI will have a public website, however, it's currently under construction.
- ◉ OBI does send out updates and notifications about criminal history background checks via the Child Care Services LISTSERV.
- ◉ LISTSERV is an email sent out by CCS with information and updates for child care programs.
- ◉ To sign up for CCS LISTSERV, send an email to [childcare.OCCS@okdhs.org](mailto:childcare.OCCS@okdhs.org) requesting to be added and verifying the email address that you would like to receive the messages.
- ◉ If you are part of a larger organization, have your HR people sign up for the CCS LISTSERV emails to help keep them informed of any changes.

# NEW REQUIREMENTS

SB 723 &  
CCDBG 2014



# SENATE BILL 723

**SB 723 made changes to CCS criminal background checks, as of November 1, 2017:**

- ⦿ Increased the need for an out of state Sex Offender check from within the last three (3) years to the last five (5) years.
- ⦿ A search of any available Child Abuse and Neglect registry (CANIS) within a state the individual has resided in within the last five (5) years.
- ⦿ A search of the Nontechnical Services Worker Abuse Registry, maintained by the Department of Health.
- ⦿ A search of the Community Services Worker Registry, maintained by DHS (DDSD).
- ⦿ 5 year criminal history re-assessments, not requiring re-submission of fingerprints.
- ⦿ Removed the out of country background check requirement.

# NEW REQUIREMENTS

CCDF requires comprehensive background checks have three parts:

## 1. National Checks

- National fingerprinting
- NCIC Sex Offender

## 2. In-State Checks

- OSBI fingerprinting results
- OK Sex Offender
- OK CANIS

## 3. Inter-State Checks (required for any states resided in the last 5 years)

- Sex Offender
- Name-based criminal history
- Child Abuse and Neglect Information Search (CANIS)

# Background Check Requirements Highlights

## Applicability of Rules

- State, Territorial and Tribal Lead Agencies
- Licensed, regulated, and registered providers
  - Whether or not they receive CCDF funds
- License-exempt CCDF providers
  - Except those related to all children in care
- Current and prospective staff members
  - Including those employed before 11/19/2014 (date of enactment)

## Individuals Subject to Background Checks

- Those employed by a provider for compensation
- Contracted employees and self-employed
- Those who care for, supervise, or have unsupervised access to children in care
- Those (adults) living in a family child care home

## Required National and State-based Background Checks

### FBI Check + Current State of Residence

National FBI Fingerprint Criminal History Check

In-State Criminal History Check

NCIC National Sex Offender Registry Check

In-State Sex Offender Registry Check



In-State Child Abuse and Neglect Registry Check

#### Fingerprint Required:

- FBI Check
- In-State Criminal

#### Fingerprint Optional:

- In-State SOR
- Out-of-State SOR
- Out-of-State Criminal

#### Name Based:

- NCIC NSOR
- All CAN Checks

### Previous State(s) of Residence for Last 5 Years

State Criminal History Check

State Sex Offender Registry Check

State Child Abuse and Neglect Registry Check

The FBI fingerprint check is national, why doesn't it cover the out-of-state background check requirements?

Only offenses/records with a valid fingerprint make it into the national FBI database.

Checking the individual State records helps mitigate gaps between the State and FBI records.

*Background checks are required prior to employment and at least every 5 years.*

*Background checks should meet a standard 45-day or less turnaround time.*

*Individuals may start work once the FBI or State fingerprint check is returned as satisfactory, but must be continually supervised until a determination is made on all checks.*

Revised: 11/8/2017

# CCDBG NEW PROHIBITIONS

- ⦿ Refusing to consent to a criminal background check.
- ⦿ Knowingly makes a materially false statement in connection with a criminal background check.
- ⦿ Pleas of guilty or nolo contendere (no contest), or convictions of a particular felony.
- ⦿ Pleas of guilty or nolo contendere (no contest), or convictions of a particular violent misdemeanor, committed as an adult against a child.

# “MATERIALLY FALSE STATEMENT”

- ⦿ May include not providing all of the required information for a criminal history background check, for example:
  - All aliases used.
  - All states lived in during the previous 5 years.
- ⦿ Please read the consents on the request. The individual completing the request attest that the information is “True and Correct.”

G  \*I certify that this form is true and correct and that I am affixing my initials as my electronic signature

# FELONY PROHIBITIONS

- ⦿ Murder
- ⦿ Child Abuse or neglect
- ⦿ Crime against children, including pornography
- ⦿ Spousal abuse
- ⦿ Crime involving rape or sexual assault
- ⦿ Kidnapping
- ⦿ Arson
- ⦿ Physical assault or battery
- ⦿ Drug-related offense (committed during the preceding 5 years)

# VIOLENT MISDEMEANOR PROHIBITIONS

**Violent misdemeanor, committed as an adult  
against a child:**

- ⦿ Child Abuse
- ⦿ Child Endangerment
- ⦿ Sexual assault
- ⦿ Child pornography

**CANIS**

Child Abuse and Neglect  
Information Search



# WHAT IS CANIS?

Child

Abuse

and

Neglect

Information

Search

A “**CANIS check**” means that a state’s centralized registry for child abuse and neglect, generally maintained by child welfare, is searched for **substantiated child welfare history of abuse or neglect.**

# OUT OF STATE CANIS

**When an out of state Child Abuse and Neglect Information Search (CANIS) is required:**

- ⦿ OBI may provide a URL to the latest PDF version of the Adam Walsh List, on the notification. The CANIS list provides instructions and contact information for obtaining the CANIS from each states.
- ⦿ However, as we discover additional information, from the states on their specific requirements or statues, we will pass that information on to the programs. OBI workers will list the specific instructions or contact information on the notification, to assist programs in obtaining the CANIS searches.

# OUT OF STATE CANIS CHALLENGES

- ◉ There may be a fee required for the CANIS request.
- ◉ Response times vary by state.
- ◉ When submitting the CANIS request, you must include all of the aliases for that individual -not just their current name.
- ◉ Several states have statues that do not permit CANIS searches for child care employment purposes. In these cases, OBI requires that the request still be made, but will accept a response stating that a CANIS search cannot be conducted for our purposes.
- ◉ Some states will only release the information directly to the individual.
- ◉ If the CANIS form has a “requesting agency” portion, add OBI’s information and they will return the result directly to us.
- ◉ If the state will only run CANIS for another state agency, OBI will make the request.

# OUT OF STATE NAME BASED CRIMINAL HISTORY

Required from any non-NFF state

# NATIONAL FINGERPRINT FILE STATES

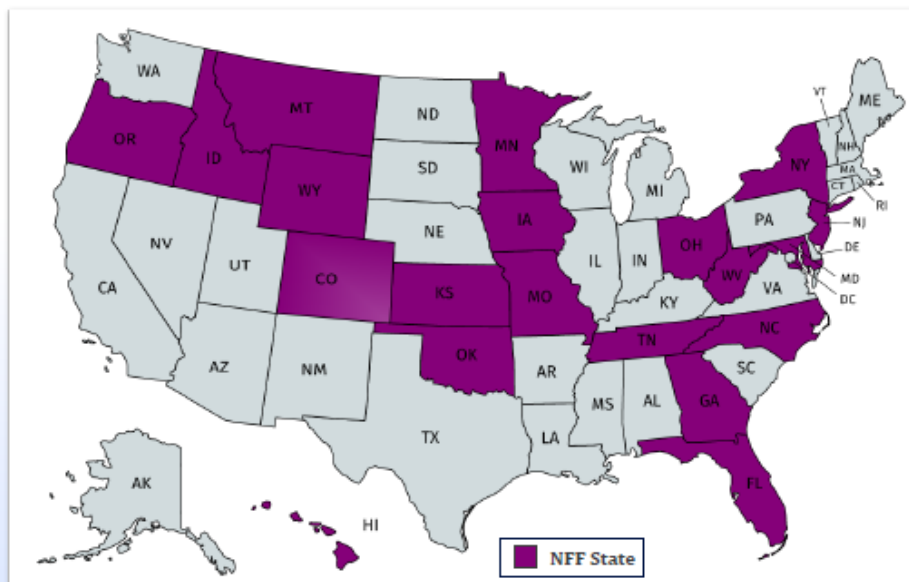
20 states are National Fingerprint File (NFF) states:

- ❑ In these 20 states the query made by the FBI for criminal history information is searched by matching biometric data as well as personally identifying information (aliases, DOB, SS#, etc.).
- ❑ **OBI will not require out of state name based criminal history from NFF states.**
- ❑ However, there are 30 states that do not have their databases searched for personally identifying information, only biometric data.

# NATIONAL FINGERPRINT FILE STATES

## States participating in NFF

Colorado	Florida
Georgia	Hawaii
Idaho	Iowa
Kansas	Maryland
Minnesota	Missouri
Montana	North Carolina
New Jersey	New York
Ohio	Oklahoma
Oregon	Tennessee
West Virginia	Wyoming



The FBI has direct access and automatically checks each NFF state's criminal history repositories as part of its search, in addition to the FBI database.

# OUT OF STATE NAME-BASED

- ⦿ **An out of state name-based criminal history search is only required from the 30 states that are NOT NFF states.**
- ⦿ When an out of state name-based search is required:  
OBI sends a notification to the program listing the required state's information, a hyperlink to the website and instructions on contacting the lead law enforcement agency, to request the search. If a phone number is available we will also include it, so the individual or program can call for additional information.

# OUT OF STATE NAME-BASED CHALLENGES

- ◉ There may be a fee required.
- ◉ Response times vary by state.
- ◉ States may require the individual make the request personally.
- ◉ When submitting name-based criminal history request, you must include all of the aliases for that individual -not just their current name.
- ◉ **Several states require fingerprint cards for “Name-based” criminal history searches.** Unfortunately, this adds additional time and expense for these individuals.
- ◉ Several Non-NFF states are closed record states. In these cases, OBI requires that the request still be made, but will accept a response stating that a name-based criminal history search results cannot be used for Child Care employment purposes.



# 5 YEAR RE-ASSESSMENTS

Do not submit until 2022!

# 5 YEAR RE-ASSESSMENTS

- ◉ Don't panic, we have plenty of time! 😊
- ◉ The first 5 year re-assessments are not due until November 1, 2022!
- ◉ **5 year re-assessments will only be required for individuals who have been working in the same program for 5 years, since November 1, 2017.**
- ◉ If you have changed programs, within a 5 year window - you have already had your criminal history re-assessed.
- ◉ At this time, our plan is to contact the industry in the spring of 2022, with instructions to begin submitting 5 year re-assessments several months before the deadline.
- ◉ **Do Not submit a 5 year re-assessment before the industry notification in 2022.**

# FREQUENTLY ASKED QUESTIONS

- ⦿ OBI cannot answer questions about Criminal History Waivers. It is a Child Care Services process, if you need information about a Criminal History Waiver, please ask your Licensing Specialist for information.
- ⦿ **Criminal history found on the National CHRI or FBI record is considered highly confidential and cannot be sent by fax, or e-mail, or discussed over the phone as these are not secured methods of disseminating the information.**
- ⦿ If you are unsure about what information we can discuss with you over the phone, speak about the charges generally and not specifically. You could say, “I have questions about a charge that occurred on 9/15/1978. What information do you need from this individual?”
- ⦿ Criminal history should only be disposed of by shredding or burning, per FBI regulations.

# STILL HAVE QUESTIONS?

[OBICC@okdhs.org](mailto:OBICC@okdhs.org)