

Care 4 Kids Program

Policy Transmittal

Transmittal Number: C4K-POL-21-04 Revised

Transmittal Date: March 17, 2021 (Revised Jan. 24, 2024)



Connecticut Office
of Early Childhood

To: Sherri Sutera, Program Director
Care 4 Kids Program

From: Julie Giaccone, CCDF Administrator
Office of Early Childhood

CC: Distribution List

Subject: Unlicensed Relative Provider Background Checks (Revised)

Program Issue: Background checks must be conducted for an unlicensed relative who provides child care for the children of families applying for or receiving assistance from Care 4 Kids. The purpose of the background check is to identify individuals who: (1) have a substantiation of child abuse or neglect listed in the Connecticut Department of Children and Families (DCF) central registry; (2) have criminal records; or (3) are listed on the National Sex Offender Public Website, which may make them ineligible for Care 4 Kids reimbursement. This transmittal sets forth the background check processes.

This transmittal also supersedes C4K Operations Transmittal C4K-OPS-13-03, regarding Revised List of Statutory Crimes, dated November 8, 2013. Effective with the present transmittal, the attached document entitled “Convictions Requiring Review to Determine Eligibility to Obtain a License, Provide Child care Services, Have Unsupervised Access to Children and/or Reside in a Child Care Home” dated July 20, 2022, sets forth those crimes, a conviction for which, shall render a provider ineligible to receive a child care subsidy, pursuant to statutory authority or the Commissioner of the Office of Early Childhood’s exercise of discretion.

Background and Legal Requirements: General Statutes § 17b-749k (b) provides that “[t]he Commissioner of Early Childhood shall, within available appropriations, require any relative who provides child care services to a child and who receives a child care subsidy from the Office of Early Childhood (OEC), to submit to a check of (1) state and national sexual offender registry databases, (2) the state child abuse registry established pursuant to section 17a-101k, and (3) the Connecticut On-Line Law Enforcement Communication Teleprocessing System maintained by the Department of Emergency Services and Public Protection (DESPP). If such check reveals that the name of any such relative appears in such databases, on said registry or in said system, the commissioner *may* require such relative to submit to state and national criminal history records checks conducted in accordance with section 29-17a.” For these purposes, the “Connecticut On-Line Law Enforcement Communication Teleprocessing System” has been replaced by the “Connecticut Criminal History Request System” (CCHRS).

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General Statutes § 17b-749k (c) provides that “[t]he commissioner shall have the discretion to refuse payments for child care under any financial assistance program administered by him or her if the person or relative providing such child care has been convicted in this state or any other state of a felony, as defined in section 53a-25,¹ involving the use, attempted use or threatened use of physical force against another person, of cruelty to persons under section 53-20, injury or risk of injury to or impairing morals of children under section 53-21, abandonment of children under the age of six years under section 53-23 or any felony where the victim of the felony is a child under eighteen years of age, or of a violation of section 53a-70,² 53a-70a,³ 53a-70b,⁴ 53a-71,⁵ 53a-72a,⁶ 53a-72b⁷ or 53a-73a,⁸ or has a criminal record or was the subject of a substantiated report of child abuse in this state or any other state that the commissioner reasonably believes renders the person or relative unsuitable to provide child care.”

General Statutes § 17b-750 provides that “[n]o child care subsidy shall be paid to an unlicensed child care provider if such provider has been convicted of any crime involving sexual assault of a minor or serious physical injury to a minor or any crime committed in any other state or jurisdiction the essential elements of which are substantially the same as such crimes. If the Commissioner of Early Childhood has reason to believe that a provider of child care services has been so convicted, the commissioner may demand that such provider be subject to state and national criminal history records checks. If criminal history records checks are required pursuant to this section, such checks shall be conducted in accordance with section 29-17a.”

Section 17b-749-12 (d) (4) of the Regulations of Connecticut State Agencies provides that “[n]o child care subsidy shall be paid to an unlicensed child care provider if such provider has been convicted of any crime involving sexual assault of a minor or serious physical injury to a minor or any crime committed in any other state or jurisdiction the essential elements of which are substantially the same as such crimes pursuant to section 17b-750 of the Connecticut General Statutes. The commissioner shall have discretion to refuse payments to any provider if the person has been convicted in this state or any other state of any crimes specified in section 17b-749k of the Connecticut General Statutes or has a criminal record or was the subject of a

¹ “An offense for which a person may be sentenced to a term of imprisonment in excess of one year is a felony.” General Statutes § 53a-25 (a).

² Sexual assault in the first degree: Class B or A felony.

³ Aggravated sexual assault in the first degree: Class B or A felony.

⁴ Sexual assault in spousal or cohabitating relationship: Class B felony.

⁵ Sexual assault in the second degree: Class C or B felony.

⁶ Sexual assault in the third degree: Class D or C felony.

⁷ Sexual assault in the third degree with a firearm: Class C or B felony.

⁸ Sexual assault in the fourth degree: Class A misdemeanor or class D felony.

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substantiated report of child abuse or neglect in this state or in any other state that the commissioner reasonably believes renders the person unsuitable to provide child care.”

Section 17b-749-12 (d) (5) of the Regulations provides that “The commissioner shall have discretion to refuse payments under the following conditions: A. if the provider has an outstanding arrest warrant for any offense that is classified as a felony; B. if the provider has a child abuse or neglect allegation pending; C. if the provider is physically or mentally incapable of providing safe or competent care to the child; or D. whenever the commissioner has obtained information from a reliable source that a provider has not been providing or is not capable of providing safe or competent care, including but not limited to a record of an outstanding arrest for child abuse or neglect, risk of injury or impairing the morals of a minor, the illegal use, sale or possession of controlled substances, a crime against persons or other similar offenses.”

Policy Directive: Background checks shall be conducted on all unlicensed relative child care providers at the following times: (1) at the provider’s initial eligibility determination for Care 4 Kids payments; and (2) every subsequent 60 months (5 years) after the last completion date of a background check. The background check shall be comprised of the following: (a) a check of the DCF registry for a substantiation of child abuse or neglect; (b) a name and date of birth check in CCHRS for criminal convictions in Connecticut; and (c) a search of the National Sex Offender Public Website.

Process Description:

1. Initiating a Background Check for Unlicensed Relative Providers who accept Care 4 Kids

- a. For newly created unlicensed relative providers, Care 4 Kids’ eligibility System, ImpaCT (“the system”), will generate a report on the first business day of the month following the creation of the provider.
- b. For existing providers that are due for renewal, the system will initiate the check on the first business day of the month of expiration.
- c. For providers who have previously received Care 4 Kids payments but had been inactive (when a provider does not have an active certificate), Care 4 Kids’ staff shall confirm if the provider has completed a background check in the previous 5 years. If a provider does not have a completed background check in the previous 5 years, the provider must complete the background check and, for purposes of this transmittal, shall be considered a newly created provider. If a provider has a completed



background check within the last 5 years, the provider shall be considered an existing provider.

- d. On the first business day of the month, C4K shall send all providers who appear on the monthly report a Notice of Background Check, notifying them of the steps to initiate the background check. The background check process will be conducted via the Office of Early Childhood's (OEC) Background Check Information System (BCIS).
 - e. In response to the Notice of Background Check, unlicensed relative providers will have 30 days to submit the electronic DCF Authorization for Release of Information form. Providers who fail to return the form will be made ineligible until such time the completed form is returned. Once the completed form is received, the provider's status shall be changed to eligible, and payment shall not be delayed pending the completion of the registry check, name and date of birth check, and/or the National Sex Offender Public Website check unless evidence exists to warrant a delay. See Regs., Conn. State Agencies § 17b-749-12 (e).
 - f. Care 4 Kids will send OEC's Legal Division a weekly batch report of providers who have completed the DCF Authorization for Release of Information Form.
 - g. The OEC's Legal Division will use the provided batch report to set up an account for providers in its BCIS. If a provider already has a BCIS account, the existing account will be used.
 - h. Using the weekly batch report, OEC's Legal Division will initiate the DCF check, name and date of birth check in CCHRS, and a check of the National Sex Offender Public Website.
2. **Procedures if an Unlicensed Relative Provider has a DCF Substantiation Listed on the Central Registry, a Conviction for a Crime Listed in General Statutes § 17b-749k (c), or an Identified Match on the National Sex Offender Public Website.**
- a. **DCF Abuse or Neglect Substantiations Listed on the Central Registry:**
 - i. If the provider has an abuse or neglect substantiation and is listed on the Central Registry, OEC will conduct an internal eligibility review of the provider. The provider shall continue to receive payments pending the outcome of the internal OEC eligibility review. If the provider is determined ineligible after the internal OEC review process, no future payments will be processed, unless the ineligibility determination is reversed as the result of an appeal to the OEC or the providers



appeal to DCF results in their name being removed from the Central Registry. If the provider is determined ineligible, no future payments will be processed as of the date the provider is determined ineligible.

- ii. If a provider self-declares that he/she has a pending abuse or neglect allegation or an abuse or neglect substantiation, OEC will conduct an internal eligibility review of the provider. Payment shall not be delayed pending the completion of the review unless evidence exists to warrant a delay. See Regs., Conn. State Agencies 17b-749-12 (e). If the provider is determined ineligible, no future payments will be processed as of the date the provider is determined ineligible by the internal OEC review.
- iii. A provider's ineligibility based on DCF registry results shall be effective on the date the ineligibility determination is made by the OEC, and no payments processed prior to this date shall be recouped based solely on such determination.

b. Name and Date of Birth Check in CCHRS for Criminal Convictions in Connecticut:

- i. If the provider has a conviction for a crime listed in General Statutes § 17b-749k (c), OEC will conduct an internal eligibility review of the provider. The provider shall continue to receive payments pending the outcome of the internal OEC eligibility review. If the provider is determined ineligible after the internal OEC review process, no future payments will be processed, unless the ineligibility determination is reversed as the result of an appeal to the OEC. If the provider is determined ineligible, no future payments will be processed as of the date the provider is determined ineligible.
- ii. If a provider has an outstanding arrest warrant for a felony due to self-declaration and/or a CCHRS check, the provider may be conditionally eligible pending the final outcome of the criminal charges. If the charges are dismissed or the provider is found not guilty, then the provider's status shall be changed to eligible. If the provider is convicted, then OEC shall conduct an internal eligibility review. Payment shall not be delayed pending the completion of such review unless evidence exists to warrant a delay. See Regs., Conn. State Agencies 17b-749-12 (e). If the provider is determined ineligible, no future payments will be processed as of the date the provider is determined ineligible, unless the ineligibility determination is reversed as the result of an appeal to the OEC.



- iii. When a provider self-declares and/or a name and date of birth check reveal a provider has an outstanding arrest warrant for child abuse or neglect; the illegal use, sale or possession of controlled substances; a crime against persons; and/or similar offenses, the provider may be determined conditionally eligible, pending the final outcome of the criminal charges. If the charges are dismissed or the provider is found not guilty then the provider's status shall be changed to eligible. If the provider is convicted, then OEC shall conduct an internal eligibility review. Payment shall not be delayed pending the completion of such review unless evidence exists to warrant a delay. See Regs., Conn. State Agencies § 17b-749-12 (e). If the provider is determined ineligible, no future payments will be processed as of the date the provider is determined ineligible, unless the ineligibility determination is reversed as the result of an appeal to the OEC.

- c. National Sex Offender Public Website Checks
 - i. If a National Sex Offender Public Website check reveals that the provider appears on the registry, OEC will conduct an internal eligibility review of the provider. The provider shall continue to receive payments pending the outcome of such internal eligibility review. If the provider is determined ineligible after the internal OEC review process, no future payments will be processed, unless the ineligibility determination is reversed as the result of an appeal to the OEC. If the provider is determined ineligible, no future payments will be processed as of the date the provider is determined ineligible.

 - ii. A provider's ineligibility based on the results of the National Sex Offender Public Website check shall be effective on the date the ineligibility determination is made by the OEC, and no payments processed prior to this date shall be recouped based solely on such determination.

3. External Appeal Process; Direct Appeals to DCF, DESPP, FBI or NSOPW

- a. If a provider is deemed ineligible by the OEC for Care 4 Kids payments due to an abuse or neglect substantiation and is listed on the Central Registry, the provider may appeal that substantiation by completing a [DCF Request for Appeal Form](#) and submitting it to:
 - DCF-Legal Division
 - Department of Children and Families
 - DCF.Appeals@ct.gov



- b. If a provider is deemed ineligible by the OEC for Care 4 Kids payments due to a State of Connecticut criminal history record, the individual may dispute or contest the criminal background check results by contacting:

Department of Emergency Services and Public Protection
State Police Bureau of Identification (SPBI)
1111 Country Club Road
Middletown, CT 06457
860-685-8480

- c. If a provider is deemed ineligible by the OEC for Care 4 Kids payments due to being listed on the National Sex Offender Public Website, the provider may contact the appropriate registration official for the State of the listing. The list of registration officials can be found at the following link:
<https://www.nsopw.gov/en/Registry/AllRegistries>.

4. Internal OEC Review; Provider Deemed Ineligible by the OEC

- a. If a provider is unsuccessful after exhausting external appeals or doesn't wish to appeal the records externally or directly with DCF, DESPP or the National Sex Offender Public Website, the provider may appeal the determination of ineligibility by the OEC by submitting a letter to: **Office of Early Childhood, Legal Office, Attn: Provider Appeals 450 Columbus Blvd, Suite 303 Hartford, CT 06103** or OEC.BCresults@ct.gov or Fax: **860-326-0555**. The request shall include:
 - i. A dated and signed letter stating the reason for the appeal (**Written summary:** A summary in their own words outlining the circumstances of the events related to their arrest and conviction(s). The letter should include specific dates, final sentence(s), current status of sentence(s) and a description of any rehabilitation, training and other remedial activities that they have completed since the conviction(s).
 - ii. Copies of all relevant documents that support their appeal (**Police Report(s):** A copy of the police report(s) related to the conviction(s); if not available, they should include a written explanation from the Police Department). Any new documentation to support their eligibility related to their criminal background (e.g., a letter from a probation officer, a pardon, letters of reference, etc.).
 - iii. **Proof of Rehabilitation, Training and Other Remedial Activities:** Include copies of certificates, letters or other documents which verify completion of counseling, community service, training, classes, therapy, etc. detailed in their written summary.

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- iv. **Reference Letters:** Include three written letters of reference from someone that has known them for at least three years. Each letter must be signed, dated and include the author's contact information.
- v. **Additional Information:** Include any additional documentation they would like the OEC to consider in reviewing their record and eligibility.

JG:kd