
Care 4 Kids Program




Program Policy TRANSMITTAL

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To: Sherri Sutera, Program Director
Care 4 Kids Program

From: Beth Bye, Commissioner
Office of Early Childhood 

CC: Distribution List

Subject: **Unlicensed Relative Providers Background Check (Revised)**

Program Issue: Background checks are conducted on unlicensed relative child care providers that are caring for the children of families applying for or receiving assistance from Care 4 Kids. Background checks identify individuals who have abuse/neglect substantiations or criminal records that may make them unsuitable to provide child care and 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 “Ineligible to Provide Care – List of Crimes” dated August 21, 2017, 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: 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 [COLLECT] 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.”

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

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).

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 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 check shall be conducted on all new unlicensed relative child care providers and re-activated unlicensed relative providers with an active Care 4 Kids certificate in the past 12 months in the following manner: The Department of Children and Family (DCF) registry will be checked for abuse and neglect; a name and date of birth check will be done on the COLLECT system; and a state and federal fingerprint check will be done at DESPP as a result of a COLLECT check.

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.

Process Description:

1. Abuse/Neglect Background Checks Through Department of Children and Families (DCF)

- For newly created and reactivated providers, the system will initiate the DCF background check on the first business day of the month, the month following the creation or reactivation of the provider.
- Every subsequent 13 months, the system will initiate the DCF background check on the first business day of the month, for active providers whose last DCF check was completed 12 months ago.
- Providers have 30 days to complete and return the DCF Authorization Form. Providers who fail to return the form will be made ineligible until such time the completed form is returned.
- Each week completed DCF Authorization Forms are submitted to DCF to complete the background process.
- If a background check reveals that the provider has an abuse or neglect substantiation and is listed on the Central Registry, the provider will be reviewed for eligibility. Payment shall not be delayed pending the completion of the child abuse background check unless evidence exists to warrant a delay. See Regs. Conn. State Agencies 17b-749-12 (e). The provider shall continue to receive payments pending the outcome of such eligibility review. If the provider is determined ineligible by the OEC, no future payments will be made to that provider unless such determination is reversed as the result of a background check appeal to the OEC.
- If a provider self-declares that he/she has a pending abuse or neglect allegation or an abuse or neglect substantiation, the provider will be reviewed for eligibility. 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. Ineligibility due to background check record results shall be effective on the date the eligibility determination is made. Payments made prior to the eligibility determination shall not be recouped based on such determination.

2. COLLECT (Name and Date of Birth Check)

- For newly created and reactivated providers, the system will generate a monthly report on the first Saturday of each month for the Office of Early Childhood (OEC) to initiate a COLLECT check.
- Every subsequent 13 months, the system will generate a monthly report on the first Saturday of each month for OEC to initiate a COLLECT Check, for active providers whose last COLLECT check was completed 12 months ago.
- OEC will notify C4K of any providers who have a potential Health and Safety violation and need to complete the Criminal State and Federal Fingerprint background check.

3. Criminal State and Federal Fingerprint Checks Through Department of DESPP

- Providers who have a suspected Health and Safety violation based on a COLLECT Check are required to complete and return the fingerprint card and the required money orders within 30 days. Providers who fail to return the fingerprint card and money orders will be made ineligible until such time the completed information is returned.
- When a provider self-declares, a COLLECT check, and/or fingerprint checks reveal an outstanding arrest warrant for a felony, the provider may be conditionally approved pending the disposition of the criminal charges and reviewed for eligibility if convicted. 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.
- When a provider self-declares, a COLLECT check, and/or fingerprint checks reveal an outstanding arrest 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 conditionally approved pending the disposition of the criminal charges and reviewed for eligibility if convicted. 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.
- Ineligibility due to background check record results shall be effective on the date the eligibility determination is made. Payments made prior to the eligibility determination shall not be recouped based on such determination.