



Fingerprint Background Checks: It's about the safety of children in child care

April 2017

Issue in Brief: Maine must comply with federal law, which requires all licensed, regulated, and registered child care providers to have a fingerprint background check. The safety of children in child care is at risk – particularly if Maine becomes a magnet for those individuals seeking to circumvent the fingerprint background checks in every other state. If Maine does not comply by September of 2017, the state's federal child care funding will be reduced by more than \$800,000 for each year it is out of compliance.

Maine Children's Alliance Recommendation:

- ✓ Conform Maine law to federal requirements (require a fingerprint background check for those working in licensed, regulated and registered child care against state and federal records) plus a check of the state sex offender registry and child abuse registry.

Children in Child Care in Maine

Throughout Maine, there are more than 50,000 children under age 6 whose parents are working.¹ There are an additional 68,000 school-age children between the ages of 6 and 12 throughout the state with working parents.² Parents depend on child care in order to go to work.

Background Check Reality

Safety starts with a background check for child care providers to ensure that children are not in the care of someone with a violent history.

A comprehensive background check (*a fingerprint check of state and federal records, a check of the state child abuse registry, and a check of the state sex offender registry*) can screen out those who should not be in the business of caring for unrelated children. The FBI says that a fingerprint check is more effective than a name-based check.³

For those who want to circumvent the system, a name check is an invitation. An individual can use an alias or change the way they spell their name (i.e., spell Elizabeth with an "s" rather than a "z," etc.). Because an individual only has one set of fingerprints, it is much more difficult to circumvent the system.

What's the
fingerprint
background
check about?

The safety of
children.



Studies Led to Congressional Action

In 2014, bipartisan legislation was passed by Congress to promote child care safety (P.L. 113-186). Numerous hearings were held between 2010 and 2014 and the final measure included a fingerprint-based background check for all individuals working in licensed, regulated, or registered care (which in Maine means all licensed and certified home providers).

- A 2011 Government Accountability Office (GAO) report found 24 cases where registered sex offenders were working in child care programs. At least seven of those cases involved offenders who previously targeted children and in three of the cases, such individuals used their positions to re-offend.⁴
- A 2013 study in Massachusetts found 119 home-based child care providers where registered sex offenders were living in the home with access to children.⁵
- A 2012 study in Illinois found 90 home-based child care providers where registered sex offenders were living in the home.⁶
- A 2010 study in Kentucky found 30 home-based child care providers where registered sex offenders were living in the home.⁷
- A 2012 study in Washington found 28 home-based child care providers where sex offenders were living in the home.⁸
- A 2009 study in Wisconsin found 4 home-based child care providers where registered sex offenders were living in the home.⁹

Congress changed the law to promote the safety of children.

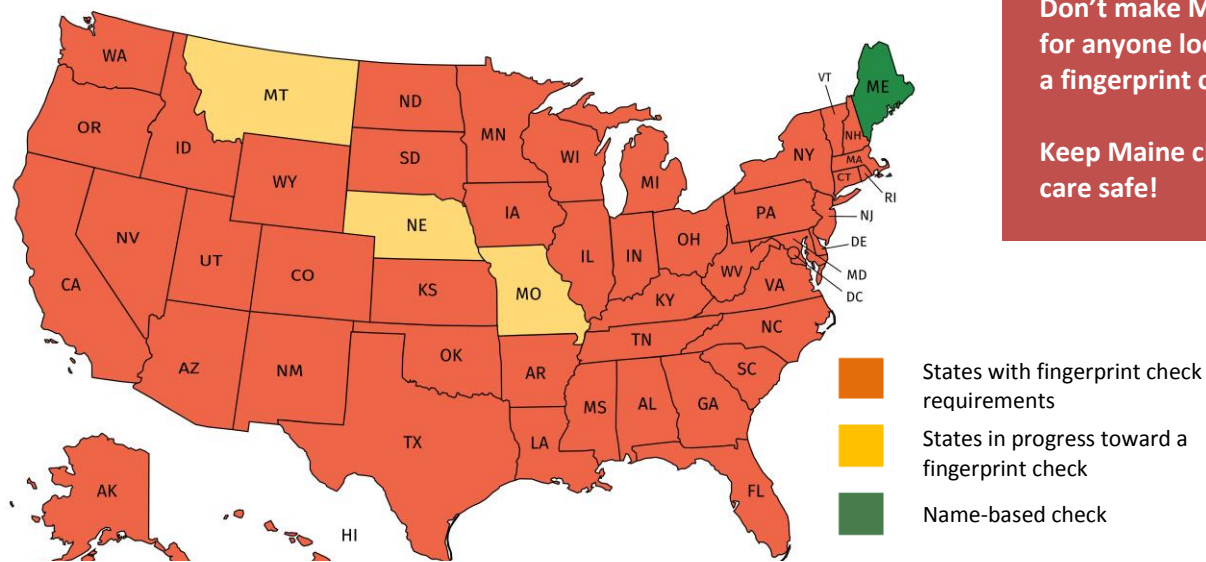
Barrier Crimes: Felony Offenses that Congress Says Should Preclude Working in Child Care

The following felony convictions were listed by Congress:

- Murder
- Child abuse or neglect
- A crime against children, including pornography
- Spousal abuse
- A crime involving rape or sexual assault
- Kidnapping
- Arson
- Physical assault or battery
- A violent misdemeanor committed as an adult against a child including the following crimes: child abuse, child endangerment, sexual assault, or a misdemeanor involving child pornography.
- Drug-related offenses committed during the preceding 5 years (subject to state review with a state determined appeals process).

These are serious crimes. Working parents should have the peace of mind that their child care providers have had the most effective check possible to promote the safety of children. In North Carolina, out of 28,162 fingerprint screenings for child care providers in 2015-2016, 500 people were screened out based on criminal offenses.¹⁰ These individuals had signed a form saying they had no criminal history. Yet, a fingerprint check found that was not the case.

Status of State Child Care Fingerprint-based Checks for Children's Safety



Source: [National Center for Child Care Quality Improvement](#), November 2015; U.S. Department of Health and Human Services, [FY2016-2018 CCDF State Plans](#), and state General Assembly action in 2017.

Notes:

¹ Annie E. Casey Foundation, Children Under the Age of 6 with All Parents in the Workforce, <http://datacenter.kidscount.org/data/tables/5057-children-under-age-6-with-all-available-parents-in-the-labor-force?loc=21&loc=2#detailed/2/21/false/573,869,36,868,867/any/11472,11473>

² Annie E. Casey Foundation, Children Age 6-12 with All Parents in the Workforce, <http://datacenter.kidscount.org/data/tables/5053-children-ages-6-to-12-with-all-available-parents-in-the-labor-force?loc=21&loc=2#detailed/2/21/false/573,869,36,868,867/any/11463,11464>

³ U.S. Department of Justice, Office of Attorney General. (2006). The Attorney General's report on criminal history background checks. https://www.bjs.gov/content/pub/pdf/ag_bgchecks_report.pdf

⁴ U.S. Government Accountability Office (GAO). (2011). Child Care: Overview of relevant employment laws and cases of sex offenders at child care facilities. <http://www.gao.gov/products/GAO-11-757>

⁵ Massachusetts Audit, 2013. http://www.masslive.com/living/index.ssf/2013/03/audit_finds_sex_offenders_addresses_match_day_care_providers.html

⁶ Illinois Audit, 2012. <http://fox2now.com/2012/11/05/you-paid-for-it-illinois-auditor-sex-offender-list/>

⁷ Kentucky Audit, 2010. http://apps.auditor.ky.gov/Public/Audit_Reports/Archive/2009SexOffender-PR.htm

⁸ Washington Audit, 2012. https://www.sao.wa.gov/state/Documents/PA_Protect_Children_from_Sex_Offenders_ar1008110.pdf

⁹ Wisconsin Audit, 2009. http://legis.wisconsin.gov/lab/reports/09-wisharesmatching_ltr.pdf

¹⁰ North Carolina Division of Child Development and Early Education (DCDEE). 2016.