



OKLAHOMA
Human Services

A Guide to **Child Care Background Investigations**



Office of Background Investigations



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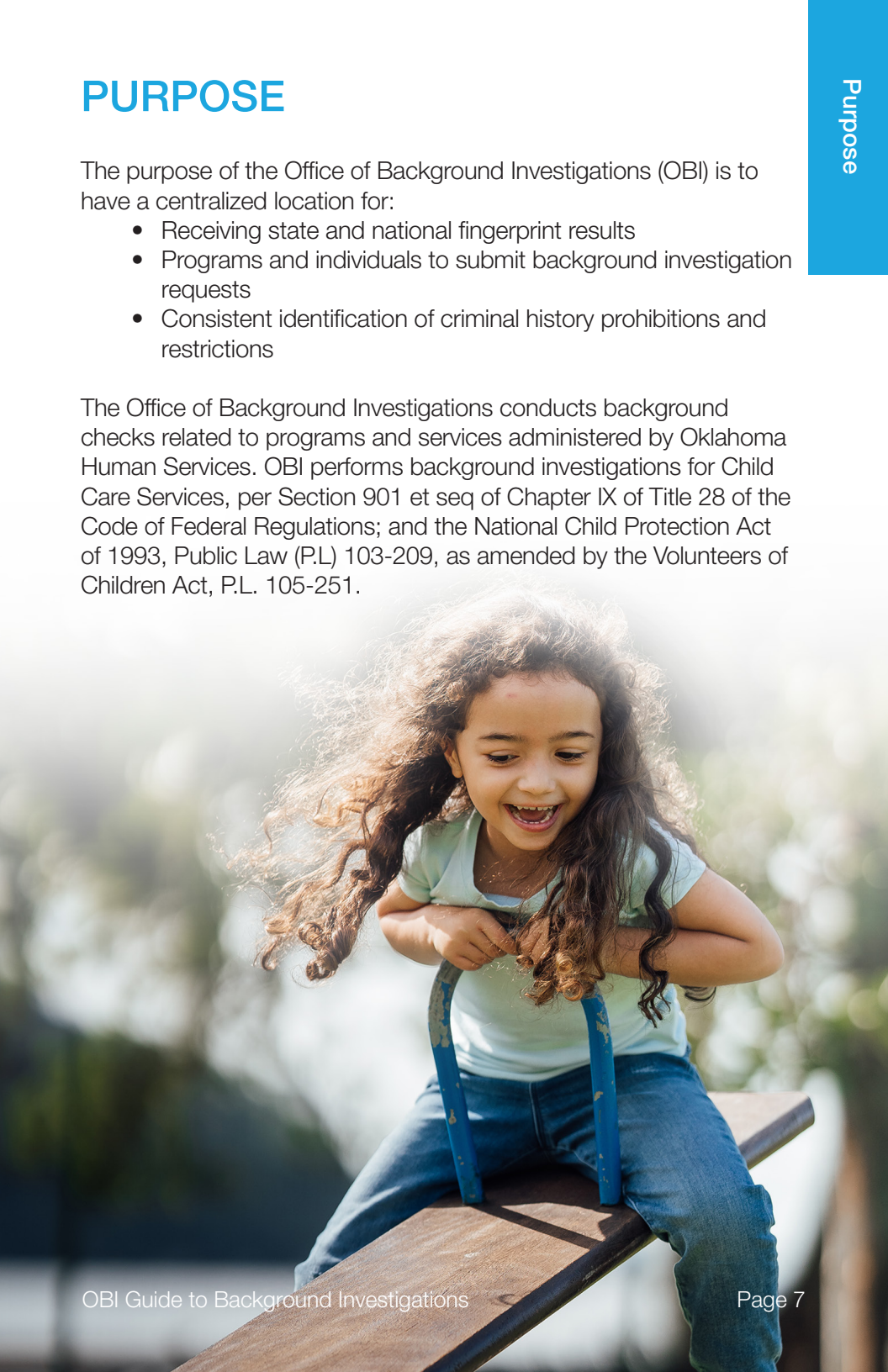
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PURPOSE

The purpose of the Office of Background Investigations (OBI) is to have a centralized location for:

- Receiving state and national fingerprint results
- Programs and individuals to submit background investigation requests
- Consistent identification of criminal history prohibitions and restrictions

The Office of Background Investigations conducts background checks related to programs and services administered by Oklahoma Human Services. OBI performs background investigations for Child Care Services, per Section 901 et seq of Chapter IX of Title 28 of the Code of Federal Regulations; and the National Child Protection Act of 1993, Public Law (P.L) 103-209, as amended by the Volunteers of Children Act, P.L. 105-251.





BACKGROUND INVESTIGATIONS

Background investigations are required per Section 404 et seq. of Title 10 of the Oklahoma Statutes (10 O.S. § 404.1 et seq.), Oklahoma Child Care Facilities Licensing Act.

Elements of a Child Care Background Investigation must include the following:

- National FBI fingerprint criminal history check
- Oklahoma OSBI fingerprint criminal history check
- Restricted Registry, also known as Joshua's List
- Community Services Worker Registry
- Nontechnical Services Workers Registry
- Heinous and Shocking Abuse list review
- Oklahoma State Courts Network (OSCN)
- On Demand Court Records (ODCR)
- Oklahoma DOC Offender Lookup
- Oklahoma DOC Sex Offender Registry
- Oklahoma DOC Violent Offender Registry (Mary Rippy)
- DOJ's National Sex Offender Registry
- NCIC National Sex Offender Registry
- Sex Offender search for each state the individual has lived during the last five years
- Child Abuse and Neglect Information System (CANIS) for each state the individual has lived during the last five years
- Criminal history record check for each state the individual has lived during the last five years

Who is required to have a background investigation?

Required individuals, as indicated in licensing requirements, include the following:

1. Owners, prior to authorization to operate
2. Responsible entities, prior to authorization to operate and when there is a change in a responsible entity

3. Personnel applicants, prior to hire
*Includes minors living in the home and caring for children
4. Individuals with unsupervised access to children, prior to having access to children, unless an exception per licensing requirements applies
5. Adults living in the facility, prior to authorization to operate or moving into the facility of an existing program. This includes children who turn 18 years of age while living in the facility
6. Individuals having access to, or review of, fingerprint results, prior to access to or review of the results

Who is not required to have a background investigation?

Non-required individuals, as indicated in licensing requirements, include the following:

1. Specialized service professionals who are not program personnel, provided parent releases are obtained
2. Volunteer drivers transporting children on an irregular basis and not filling another position, provided parent releases are obtained
3. Contracted drivers not filling another position or having unsupervised access to children; and
4. Contracted non-personnel not having unsupervised access to children, such as when the program contacts for special activities or facility repair



QUALIFIED ENTITIES

What is a Qualified Entity (QE)?

OBI conducts national fingerprint-based background investigations under the authority of NCPA/VCA VECHS program. This federal law permits OBI to return criminal history results to programs that meet and uphold Qualified Entity (QE) standards.

A QE meets the criteria and complies with state and federal laws and policies governing the security and confidentiality of national fingerprint results. These laws and policies are referred to as QE standards.

QE Criteria

- A license number has been assigned
- A Qualified Entity Application and Agreement form (19LC112E) has been completed by the current owner or responsible entity (ORE) and submitted to OBI
- The ORE, Authorized Recipient, and any staff needing Access and Review privileges **must be fingerprinted for Access and Review**. See chart [here](#) for the list of fingerprint service codes. Failure to be fingerprinted for Access and Review will require reprinting, resulting in additional expense.
- The ORE, Authorized Recipient, and any staff needing Access and Review privileges must have a complete background investigation for Access and Review specific to the K8, General Administrative Office (GAO), or Temporary Hiring Agency (THA) associated with the QE and not be prohibited or restricted from employment.
- The ORE, Authorized Recipient, and any staff needing Access and Review privileges must complete all required QE training as determined by OBI. This includes initial access and review training at cecpcd.org and OBI's Non-Criminal Justice Security Awareness Training annually.
- The QE status has not been suspended or terminated

GAOs and THAs

General Administrative Office (GAO)

A business entity, or administrative office, that will make hiring decisions on behalf of one of more programs has the opportunity to become a GAO. This provides the ability of only having to submit one background investigation request for an individual, yet the capability to work that individual at all programs associated with the GAO.

To apply to become a GAO, submission of a Qualified Entity Application and Agreement form (19LC112E) is required.

Temporary Hiring Agency (THA)

A THA is an entity that employs temporary staff who may be utilized as substitutes in child care programs. This is the only instance where the licensed program may accept the background investigation result for an individual that was processed for another program – that being the THA agency. The THA may hold the results, or the individual may keep their background investigation results on them.

When does a program, General Administrative Office (GAO), or Temporary Hiring Agency (THA) need to become a QE?

A program, GAO, or THA, must be a valid QE before receiving any fingerprint results from OBI for individuals other than the owner or responsible entity who signs the request for license.

What is an Authorized Recipient, and how many can each program have?

To ensure compliance with QE standards, each program may only designate **one** Authorized Recipient to receive background investigation results. The results, including CHRI, are sent to the

program's Authorized Recipient by one of two methods, of which was designated on the QE Application: 1) a secured portal, or 2) US Postal Mail. The Criminal History Review Results Page (CHRRP) is a provider portal allowing the Authorized Recipient to have immediate access to background investigation results from OBI.

Due to confidentiality, the FBI requires advanced authentication security measures to access the portal. The Authorized Recipient's log in credentials **cannot** be shared with anyone. Only the Authorized Recipient can access the portal or open confidential mail. Per FBI requirements, the results are only available in the portal for 30 calendar days. Because of this, results obtained from the portal, including CHRI, should be downloaded, printed, and properly stored as soon as possible. More information regarding the portal is available at <https://cecpdonline.org/chrrp>.

It is the responsibility of the Authorized Recipient to ensure criminal history results, which include OBI's notifications and CHRI, are requested, accessed, stored, disseminated, and destroyed according to QE standards.

If the Authorized Recipient will be out of the office for an extended period, and unable to receive results, the program may submit a QE Authorized Recipient Addendum (19LC112E). This allows a temporary Authorized Recipient to be designated for the program.

If the Authorized Recipient is no longer employed by the program, or job duties no longer require access to criminal history results, the program must submit a new QE Application and Agreement form (19LC112E) for all programs affected, designating a new Authorized Recipient.

QE Standards

How will compliance with QE standards be verified?

Each program's QE must have a current Qualified Entity Application and Agreement that contains correct information. Should any changes occur to the QE, an updated Qualified Entity and Application and Agreement (19LC112E) must be submitted to OBI. Changes would include: a new ORE and/or Authorized Recipient; additional programs being added to, or removed from, a GAO; a request to become a GAO; changes to physical address, mailing address, email address, and phone numbers.

Further, OBI periodically audits QEs to verify compliance with QE standards. OBI must ensure programs have Non-Criminal Justice Security Awareness Training (NCJ) annually for **each staff member that has Access and Review privileges** for the QE, including the ORE and Authorized Recipient.

OBI is also tasked with auditing every QE biennially. Audits consist of a survey questionnaire, which is emailed or mailed to the program's Authorized Recipient. The answers obtained from the survey questionnaire help OBI determine the Authorized Recipient's knowledge and understanding of QE requirements. A failed audit requires a meeting between OBI and the Authorized Recipient. This meeting allows OBI the opportunity to educate the Authorized Recipient on QE requirements. This is done to prevent QE violations and ensure compliance. In addition, OBI must investigate any reported QE violations.

Your QE may also be audited by the OSBI and/or FBI. QE's must cooperate with audits and investigations conducted by the OBI, OSBI and FBI, and must strictly comply with QE standards to maintain QE status.

Failure to comply with any of these QE requirements could result in suspension or termination of the QE.

What happens if my QE status is terminated or suspended?

Termination, or suspension, of your program's QE status means your program will no longer receive fingerprint results, which may impact your program's compliance with licensing requirements.

If the QE status of a business entity with a GAO is terminated, the QE status of all programs owned by the business entity may be terminated.

QE standards are the state and federal laws and policies governing the security and confidentiality of national fingerprint results, such as Criminal History Record Information (CHRI), criminal history results, dispute resolution documents, dissemination logs, and other documents with national fingerprint result information.

QE Standards Regarding Access and Review of National CHRI

The QE, and individuals who have Access and Review of fingerprint results, must:

- Safeguard national fingerprint results from unauthorized use and individuals, including:
 - Physical access to the document
 - Information contained within the document
 - Knowledge of the presence, or absence, of national CHRI – information is considered CHRI if it confirms the existence, or nonexistence, of an FBI record
- Only allow access to, and review of, national fingerprint results to a limited number of Access and Review individuals who:
 - Have been fingerprinted using the Access and Review

fingerprint reason code (74 O.S. § 150.9); the reason code is only used when the individual will be, or is likely to be, a designated Access and Review individual

- Are associated with the QE
- Are designated by ORE as an Access and Review individual
- Have obtained the OBI approved Access and Review training
- Inform Access and Review individuals of QE standards and criminal penalties for violations, such as:
 - Willful unauthorized disclosure of national CHRI (28 USC § 534; Pub. L. 92-544; and 28 CFR 20.33)
 - Individuals who knowingly procure, utter or offer any false, forged or materially altered CHRI are guilty of a felony and upon conviction, are punished by imprisonment in the custody of the Department of Corrections for a period not to exceed 5 years or by fine not to exceed \$5,000, or by both (74 O.S. §150.9.D)
- Maintain an Access and Review log that contains:
 - Names of designated Access and Review individuals, including QE contacts
 - Date the background investigation result, with the Access and Review fingerprint reason code indicated, were received by the QE for the Access and Review individual
 - Date the Access and Review individual was designated as such, informed of QE standards, and criminal penalties for violations
 - Date the Access and Review individual obtained the OBI approved Access and Review training
 - Signature and date when the Access and Review individual agreed to:
 - Strictly comply with QE standards
 - The information provided in the log
 - Date the Access and Review individual was no longer designated as such or when the individual was no longer associated with the program

QE Standards Regarding Request and Use of National CHRI

The QE and individuals who have Access and Review of fingerprint results must:

- Request and use national CHRI from OBI only for screening individuals for Oklahoma child care purposes
- Verify the individual's name, all aliases used, address, Social Security number, and date of birth before submitting a background investigation request to OBI. This includes:
 - Comparing provided information to a current, valid, unexpired and unaltered picture identification, such as a driver's license, state identification or other official document (18 U.S.C. section 1028)
 - Contacting law enforcement, when possible fraud is involved
- Submit the Background Investigation Request [https://bidspublic.okdhs.org/\(19MP006E\)](https://bidspublic.okdhs.org/(19MP006E)) to OBI only for individuals who have signed consent, authorizing OBI to conduct the background investigation, and the QE to request and receive results, including CHRI
- Print a copy of the submitted background investigation request and have the individual physically sign the document, agreeing to all required consent pieces. The background investigation request with the original signature must be retained for as long as the individual is associated with the QE, or for at least 5 years, whichever is longer.
- Make final determinations only after considering any updated results after OBI has received and reviewed dispute resolution documents

QE Standards Regarding Informing Individuals of Their Rights

The QE, and individuals who have Access and Review of fingerprint results, must inform individuals of their right to:

- Obtain a copy of the individual's OSBI and national CHRI, if any, from the QE or OBI
- Dispute the completeness and accuracy of information contained in their national CHRI (28 CFR 16.34 and OAC 375:9-1-3.1). In addition, the QE provides the individual with dispute procedures.
- Have a final determination made only after the individual has been given a reasonable amount of time to dispute their CHRI, or the individual has declined to do so; in addition, the QE informs the individual that until a final determination is made:
 - o Unsupervised access to children is prohibited
 - o Temporary actions may be taken to protect children

QE Standards Regarding Dissemination of National CHRI

The QE and individuals who have Access and Review of fingerprint results must:

- Disseminate national CHRI only to:
 - o The individual whom the information regards, and who has signed consent on the Background Investigation Request <https://bidspublic.okdhs.org/> (19MP006E) for the QE to provide the national CHRI to the individual
 - o The program's general administrative office that is a QE
 - o A program, owned by the general administrative office, where the individual is associated, and consent has been specifically given
 - o Oklahoma Human Services' Child Care Services, when requested and recorded on dissemination log

- Maintain a dissemination log in a secure manner that contains:
 - o Statutory authority for dissemination (National Child Protection Act of 1993, as amended by the Volunteers for Children Act, also known as NCPA/VCA)
 - o Date of dissemination
 - o Name of individual the information regards
 - o Name of the QE's designated Authorized Recipient or Access and Review staff
 - o Social Security number, or other OBI approved unique identifier of the individual
 - o Which CHRI was disseminated
 - o Means of dissemination, such as in-person or by mail
 - o Signed consent (Background Investigation Request <https://bidspublic.okdhs.org/> (19MP006E) from the individual for the QE to provide the national CHRI
- A Criminal History Record Dispute Resolution form (19AD005E) should be provided to the individual at the time the CHRI is disseminated

CHRI and background results (OBI notices) should never be transmitted by fax or email.



QE Standards Regarding Record Retention

The QE and individuals who have Access and Review of fingerprint results must retain all records necessary for a QE audit or investigation for a minimum of 5 years, or as long as the individual is associated with the QE, whichever is longer. Records are kept current and include:

- Signed QE Application and Agreement form (19LC112E) including addendums; retain past QE Contact Addendums for at least 12 months
- Access and Review log; retain logs of past Access and Review individuals for at least 12 months
- Original consents; retain as long as the individual is associated with the QE, or for at least 5 years, whichever is longer
- National CHRI and other documents with national fingerprint result information, or notification that an individual does not have a national CHRI, as indicated on the background investigation result from OBI; retain for as long as required by licensing requirements
- Any internal policies and procedures regarding physical security of CHRI and confidentiality of CHRI; written policies and procedures are recommended, but not required
- Dissemination log; retain logs of dissemination for at least the previous 12 months

QE Standards Regarding Storage of National CHRI

The QE and individuals who have Access and Review of fingerprint results must store national CHRI and other national fingerprint results, which includes OBI notifications:

- Separately from other records, with the exception of OSBI CHRI, regardless of whether the other records are confidential or public
- In a secure records environment, such as a locked file cabinet with only Access and Review individuals having access to the key
 - Electronic storage must comply with FBI Criminal Justice Information Services (CJIS) standards and be subjected to an FBI IT audit
 - The important factor is ensuring limited and controlled access to national fingerprint result documents by only Access and Review individuals
- **It is important to note that the majority of OBI's notifications reference national results; therefore, it would be considered best practice to store all results separately and securely**

QE Standards Regarding Destruction of National CHRI

The QE and individuals who have Access and Review of fingerprint results must:

- Destroy national fingerprint results, including document logs, in a manner that ensures any and all confidential or identifying information cannot be retrieved, such as shredding or burning
- Ensure destruction is completed:
 - In-house, by an Access and Review individual
 - By an authorized outsourcing agency that meets FBI outsourcing standards



FINGERPRINT AND BACKGROUND INVESTIGATION REQUESTS

Background investigations are a two-step process that includes:

- 1) Fingerprinting and
- 2) [Submitting a Background Investigation Request](#) (19MP006E), also known as a “BIDS” request

Step 1 – Submit Fingerprints

Visit <https://ok.state.identogo.com> to register for a digital fingerprint appointment. See the following chart for a list of service codes and descriptions. Please ensure you select the correct code. **Failure to select the correct code will require re-fingerprinting resulting in additional cost.**



Required Fingerprinting Service Codes for Child Care Purposes	
Fingerprint description:	Service code:
Child Care - Individuals applying for employment, living in , or associated with a childcare program.	2B7KXJ
Child Care/Access and Review = Owners, responsible entities, authorized recipients, and program personnel who will receive, review, disseminate, store, and/or have access to national criminal history information results; and are employed in, living in, or associated with a childcare program.	2B7KZG
Child Care/ School District Employment/ Access and Review = School personnel who will receive, review, disseminate, store, and/or have access to national criminal history information results; and working in or associated with a childcare program.	2B7N18
Child Care/ School District Employment = School personnel who will also be working in or associated with a childcare program.	2B7N2S
Volunteer = An individual that provides services without compensation. This code should NOT be selected for an individual living in a childcare program.	2B7KY1

Volunteer fingerprints should only be used for individuals who provide services in child care programs **without compensation**.

Volunteer fingerprints are not an option for an individual living in a child care program, such as a family child care home. An individual living in a child care program must be fingerprinted for one of the 4 child care codes.

If you have an individual fingerprinted using the volunteer code, you must ensure the reason selected on the Background Investigation Request also indicates “volunteer.” If you eventually transition a volunteer into a paid child care position, you must have them reprinted using one of the four child care codes. You will also need to submit a [Background Investigation Request](#) (19MP006E) to correspond with the child care fingerprint code.

Individuals printed for Child Care and transition to a role needing Access & Review will need to be reprinted.

Printing on hard cards at a local law enforcement site is only an option for out-of-state residents or individuals physically unable to be digitally printed. In addition to fees charged by the local law enforcement agency, printing on hard cards also requires registration and payment to IdentoGo.

Fingerprint Rejections

The initial OSBI fingerprint rejection requires the individual to be reprinted digitally. Use this [link](#) to the resource section to schedule a reprint appointment. After the second digital OSBI fingerprint rejection, the individual must appear in person at OSBI headquarters in Oklahoma City to be reprinted. For more information on rejections, please contact OBI.

Fingerprint Exceptions

Fingerprint exceptions may be requested in writing and submitted to OBI for individuals who have a severe physical condition that prevents them from being fingerprinted. An OSBI name based search will be conducted, in addition to all other required name based searches. If the individual lived out of state during the last 5 years, instructions will be provided to obtain the out of state requirements. Contact OBI for specific instructions for fingerprint exceptions.

Step 2 – Submit a Background Investigation Request

Submit a background investigation request to OBI digitally via our online request form at <https://bidspublic.okdhs.org/> or using Background Investigation Request form (19MP006E). A digital submission is preferred as it provides immediate submission. Follow the prompts, ensuring you select “Child Care Fingerprint Based” for the request category.

Select the applicable request type:

Request Category: Child Care Fingerprint Based
Request Type descriptions:
Child Care Employment – a new staff member, owner, responsible entity, or someone living in a traditional <u>child care</u> program
Child Care 5-Year Reassessment – an individual who has worked at the same traditional childcare program for 5 years
Head Start 5-Year Reassessment – an individual who has worked at the same Head Start program for 5 years.
Head Start Child Care Employment – a new staff member or responsible entity for a DHS licensed childcare program that is also a Head Start.

The reason code selected on the request should match the fingerprint reason. Complete the remaining information requested on the form. Required fields have an asterisk (*).

IMPORTANT:

- Ensure **ALL** information is filled out **COMPLETELY AND ACCURATELY**
- **DOUBLE CHECK** all information for accuracy before submitting
- **FAILURE TO LIST CORRECT INFORMATION WILL RESULT IN AN INCOMPLETE BACKGROUND RESULT, WHICH WILL REQUIRE RESUBMISSION**
- Because OBI conducts numerous name based searches, in order to receive reliable background investigation results, it is critical the individual provides **all names used or known by, including additional spelling variations**
- **It is also crucial the individual provides correct out-of-state information and information related to previous convictions**
- **An individual who knowingly makes a materially-false statement will be prohibited**

Complete Consents and Digital Signatures

OBI does not have authorization to conduct a background investigation if the individual has not signed the background investigation request giving their consent.

- Select the “Save” button at the bottom of the page. If any required fields are missing, the form will not allow progress to the next page until these fields are completed.
- The next screen will provide a button to print the request. **PRINT THE REQUEST.** This is a requirement of your background check.
 - Applicant **MUST SIGN AND DATE** the request
 - **Keep this signed copy at your program for a minimum of 5 years, OR as long as the individual is associated with the program, whichever is longer**
- OBI, OSBI, and FBI could audit your records. You **must** have this signature on file. This copy also verifies submission.

Reasons for Repeating the Background Investigation Process

The individual will need to be reprinted due to the following reasons:

- Fingerprints were rejected by OSBI
- An incorrect service code was initially selected
- Individual was previously fingerprinted under a different service code and has transitioned to a new role that requires a different code, such as moving from volunteer to employee or needing Access and Review
- An individual needs a [5-Year Reassessment](#) which requires fingerprints captured within the last 90 days
- Enrollment in RAP Back [See RAP Back section [here](#)] if OBI is no longer receiving RAP Back (notifications of subsequent arrests) due to the individual being unsubscribed

A new background investigation request is required for the following reasons:

- The Background Investigation Request (19MP006E) contained incorrect or missing information
- The request was incomplete, closed, or invalidated for failure to provide needed information within a specified timeframe
- The individual had a break in employment
- The individual has applied to work at a different licensed child care program. Each program must have a background investigation specifically processed for that program, GAO, or THA.
- An individual needs a [5-Year Reassessment](#)





UNDERSTANDING NOTICES & OTHER REQUIREMENTS

Out of State Requirements:

When an individual lives, or has lived, outside Oklahoma, the following checks are required for each state lived during the previous 5 years:

- State sex offender search (conducted by OBI)
- Child Abuse & Neglect Information System (CANIS)
- Criminal history check for non-NFF (National Fingerprint File) states when the individual lives in Oklahoma
- When the individual currently resides outside Oklahoma, a search of that state's criminal repository using fingerprints is required.

Why is a state specific criminal history check required since a national FBI fingerprint-based search is already conducted?

Only offenses with a valid fingerprint makes it into the national FBI database. Checking individual state records for states that do not participate in the NFF program helps mitigate gaps between the state and FBI records. States that participate in NFF allows the FBI direct access to query the NFF state's database.

OBI provides specific instructions for obtaining these requirements on our notices.

Every state has different procedures for obtaining out of state results. Requirements can include the following:

- signed consent
- a copy of the program's license, fees
- fingerprint submissions

While the majority of non-NFF states conduct a criminal history name based check, some states do require the submission of a fingerprint card. It is important that all names be provided to the out of state agencies. It is also important to follow the specific instructions OBI provides. Failure to follow these instructions could require resubmission, thus delaying the receipt of results and incurring additional expense.

OBI has specific timeframes that must be followed. These timeframes will be clearly indicated on each notice. **Failure to provide OBI documentation that shows efforts have been made could result in preliminary results being INVALIDATED.**

Documentation includes copies verifying submission, money orders, fingerprint cards, etc. An invalid preliminary has consequences of the individual no longer qualifying as a staff or household member.

In order to obtain a complete result from OBI, a new background investigation request is required, in addition to providing OBI the out of state results. A second preliminary is not an option after invalidation.

Criminal Offense Information

OBI also provides specific instructions for obtaining criminal offense documentation. Again, it is important to read the instructions carefully. Depending on the nature of the offense, and the information contained within the CHRI or name based search, OBI could require the final disposition, or details of the offense such as a police report or probable cause affidavit.

If you need to provide OBI documentation that was requested, simply reference the BIDS request ID# in the subject line. Reminder: do not include OBI notices when emailing documentation to OBI.

OBI Notifications

Each notice has specific language regarding staff restrictions or limitations regarding access to children. It is important to read all information provided on each notice.

1. **Incomplete** – The request contained incorrect or incomplete information, or additional information is required to process the request. A request that was submitted with incorrect or insufficient information will be closed and a new submission will be required.
2. **Preliminary** – The individual lived outside Oklahoma during the last 5 years and CANIS and/or criminal history results for the state(s) are required to finish the request.
3. **30 Day Preliminary** – A courtesy reminder that the preliminary result is at risk of being invalidated in the next 30 days if the out of state CANIS and/or criminal history results for the state(s) are not received within the given timeframe.
4. **Invalid Preliminary** – The out of state CANIS and/or criminal history results for the state(s) were not received within the required timeframes - or - results were received indicating the individual is a registrant on a CANIS registry, or the individual has restricted or prohibited offenses, and more information is needed.
5. **Complete** – This final result may or may not indicate the individual was found to have criminal history; however, regardless, it was determined the individual did not have restrictions or prohibitions.
6. **Restricted** – The individual was determined to have a restricted offense.
7. **Prohibited** – The individual was determined to have a prohibited offense and/or be a registrant or required registrant.
8. **Individual** – The notice is specific to the individual and is postal mailed to the individual at their address listed on the background investigation request.

It provides the individual specific instructions on how to obtain out of state requirements, offense dispositional information, and dispute procedures.

9. **5-Year Provisional** – This notice is similar to a Preliminary notice, except it removes the language about the individual not having unsupervised access to children.

10. **5-Year 30 Day Provisional** – This notice is similar to a 30-Day Preliminary notice, except it removes the language about the individual not having unsupervised access to children.

11. **Invalid Provisional** – This notice is similar to an Invalid Preliminary notice, except it removes the language about the individual no longer qualifying as a staff or household member.

12. **Incomplete RAP Back** – This notice informs the program that an individual previously fingerprinted has acquired a new restricted or prohibited offense since their original fingerprints were captured and is now restricted from employment.

13. **Complete RAP Back** – This notice informs the program that an individual previously fingerprinted has acquired a new offense since their original fingerprints were captured, but OBI has determined the individual not to have restrictions or prohibitions.

Upon receipt of the background investigation results, the program determines what action to take, including whether to request a criminal history restriction waiver, if needed or applicable.

If the program does not have a valid QE due to failure to meet QE requirements, results are held by OBI. If 30 days have lapsed, the request will be closed. In order to receive results, the program must resubmit the background investigation request once the program has a valid QE.

Dispute Resolution (when applicable)

The individual has the right to dispute the completeness and accuracy of their fingerprint results. OBI mails a copy of any disqualifications, CHRI, and dispute procedures to the address listed for the individual. The individual may also request this information from the program. Refer to the [QE section](#) for dissemination requirements.

The individual disputes directly with the agency authorized to update the completeness and accuracy, such as OSBI. The individual may also dispute with the FBI.

The individual submits the Criminal History Record Dispute Resolution form (19AD005E) to OBI, along with supporting documents; including, but not limited to: updated and corrected CHRI, court documents, and/or letters from authorized agencies.

RAP Back

Record of Arrest and Prosecution (RAP) Back is notification of subsequent arrests after an individual was previously fingerprinted for child care purposes.

OBI currently receives OSBI RAP Back. Once OBI begins receiving federal RAP Back, only individuals fingerprinted after that date will be subscribed in FBI RAP Back. Once an individual is unsubscribed due to no longer being eligible to be associated to a licensed child care program, re-fingerprinting may be required.

5-Year Reassessments

Effective November 1, 2022, programs can submit a 5-Year Reassessment, for required individuals, every 5 years. Five-Year Reassessments are due from the date of the last background investigation for the current program, beginning November 1, 2017. It is the responsibility of the program to track staff that require a 5-Year Reassessment.

Until FBI RAP Back is implemented, and in order for OBI to process a comprehensive background investigation that meets federal requirements, the individual must be reprinted. Fingerprints captured within the last 90 days are required using the applicable child care code as found [here](#).



PROGRAM PROCESS

Step 1 – Restricted Registry (RR)

Per licensing requirements, the program conducts an online search of the [Restricted Registry](#) to ensure the individual is not recorded on the registry, prohibiting them from child care.

Step 2 – Assist individual with successful completion of fingerprinting process

Ensure the individual obtains and understands the importance of following the fingerprint registration and capture process, including the required consents, and helping them select the correct fingerprint code.

Step 3 – Background Investigation Request

The program submits to OBI a Background Investigation Request, <https://bidspublic.okdhs.org/> or form (19MP006E).

Step 4 – Background Investigation Results

Upon receipt of a background investigation request, OBI provides one of the results listed previously [here](#) if the program has a valid QE.

It is very important the Authorized Recipient read every notice thoroughly to ensure understanding and follow specific instructions contained in the notice, including the need to take immediate action to protect children based on the type of notice received.



Step 5 – Criminal History Restriction Waiver Request (when applicable)

When an individual has criminal history restrictions, as indicated on the notice and in licensing requirements, the individual is prohibited from child care, unless a criminal history restriction waiver is granted.

The program may request a restriction waiver by submitting a Criminal History Restriction Waiver Request form (07LC089E) to Child Care Services. Waivers are not processed by OBI. Please ensure you postal mail the waiver application, along with supporting documentation, to Child Care Services at the address listed on the application.





RESTRICTED REGISTRY

What is the Restricted Registry (RR)?

The Restricted Registry, also known as Joshua's List, is an online database maintained by Oklahoma Human Services. The purpose is to protect children by prohibiting registrants from licensure, ownership, employment, residence, or access to children in a facility or program licensed, certified, operated or contracted by, or with, Oklahoma Human Services or OJA.

What is a registrant?

A registrant is an individual who is recorded on the Restricted Registry.

Who may be recorded on the Restricted Registry?

An individual who has a:

- Substantiated or confirmed finding of abuse or neglect to a child while in the care of a facility licensed, certified, operated, or contracted by, or with, Oklahoma Human Services or OJA
- Denied or revoked child care program license
- Specified criminal history as defined by Oklahoma Human Services policy
- Requirement to register, per the Sex Offender Registration Act or the Mary Rippy Violent Crime Offenders Act

What is a registrant prohibited from doing?

Registrants are prohibited from:

- Licensure or ownership of a program licensed, certified, operated or contracted by, or with, Oklahoma Human Services or OJA
- Employment in a child care program
- Residence in a program
- Unsupervised access to children



RESOURCES

For more information regarding background investigations, go to the OBI website at <https://oklahoma.gov/okdhs/services/obi.html>.

Contact Information

Office of Background Investigations

P.O. Box 268935

Oklahoma City, OK 73126

OBICC@okdhs.org

405-962-1735 (phone)

405-522-4167 (fax)

Links

Background Investigations/Fingerprinting (Access and Review) training

<https://cecpd.org/Additional-Resources/Background-Investigations-and-Fingerprinting>

Background Investigation Request

<https://bidspublic.okdhs.org/>

Child Care Licensing

<https://oklahoma.gov/okdhs/services/child-care-services/child-care-licensing.html>

Criminal History Review Results Page (Portal)

<https://cecpdonline.org/chrrp>

Federal Bureau of Investigation (FBI)

[Welcome to fbi.gov — FBI](#)

IdentoGO – Digital Fingerprint Appointment Scheduling

<https://ok.state.identogo.com>

National Fingerprint File (NFF) Map

<https://www.fbi.gov/file-repository/iii-nff-map-103123.pdf/view>

National Sex Offender Public Website (NSOPW)

<https://www.nsopw.gov/>

Oklahoma Department of Corrections Offender (DOC) Search

[Ok Offender Search](#)

Oklahoma Sex Offender Registry (SOR)

[P1 Disclaimer \(ok.gov\)](#)

Oklahoma State Bureau of Investigation (OSBI)

[Oklahoma State Bureau of Investigation](#)

Oklahoma State Courts Network (OSCN)

[OSCN Docket Search](#)

Oklahoma Violent Offender Registry (VOR)

[Oklahoma Violent Offenders](#)

On Demand Court Records (ODCR)

[On Demand Court Records \(odcr.com\)](#)

Restricted Registry (RR) (Joshua's List)

[Restricted Registry – Joshua's List – Oklahoma Human Services](#)

Forms and Tools

Note: Adobe PDFs will need to be viewed from a saved location on your computer/device. You will **not** be able to view them from a web browser.

- Background Investigation Request ([19MP006E](#))
- Criminal History Record Dispute Resolution form ([19AD005E](#))
- Criminal History Restriction Waiver Reference ([07LC090E](#))
- Criminal History Restriction Waiver Request ([07LC089E](#))
- Qualified Entity Application and Agreement ([19LC112E](#))
- Non-criminal Justice Security Awareness Training ([19AD006E](#))

Fingerprint Reason Codes and BIDS Request Types

Request Category: Child Care Fingerprint Based

Request Type descriptions:

Child Care Employment – a new staff member, owner, responsible entity, or someone living in a traditional [child care](#) program

Child Care 5-Year Reassessment – an individual who has worked at the same traditional childcare program for 5 years

Head Start 5-Year Reassessment – an individual who has worked at the same Head Start program for 5 years.

Head Start Child Care Employment – a new staff member or responsible entity for a DHS licensed childcare program that is also a Head Start.

Required Fingerprinting Service Codes for Child Care Purposes

Fingerprint description:	Service code:
Child Care - Individuals applying for employment, living in , or associated with a childcare program.	2B7KXJ
Child Care/Access and Review = Owners, responsible entities, authorized recipients, and program personnel who will receive, review, disseminate, store, and/or have access to national criminal history information results; and are employed in, living in, or associated with a childcare program.	2B7KZG

Child Care/ School District Employment/ Access and Review = School personnel who will receive, review, disseminate, store, and/or have access to national criminal history information results; and working in or associated with a childcare program.	2B7N18
Child Care/ School District Employment = School personnel who will also be working in or associated with a childcare program.	2B7N2S
Volunteer = An individual that provides services without compensation. This code should NOT be selected for an individual living in a childcare program.	2B7KY1





ACRONYMS

A&R.....	Access & Review
AR.....	Authorized Recipient
BIDS.....	Background Investigations Determination System
CANIS.....	Child Abuse & Neglect Information System
CCDBG.....	Child Care Development Block Grant
CCL.....	Child Care Licensing
CCMASS.....	Child Care Monitoring and Safety System
CCS.....	Child Care Services
CHIRP.....	Criminal History Information Request Portal (OSBI)
CHRRP.....	Criminal History Review Results Page (OBI)
CHRI.....	Criminal History Record Information
CJI.....	Criminal Justice Information
CJIS.....	Criminal Justice Information Services
CSWR.....	Community Services Worker Registry
DOC.....	Department of Corrections
DOJ.....	Department of Justice
DPS.....	Department of Public Safety
FAST.....	Fingerprinting Applications Support Team
FBI.....	Federal Bureau of Investigation
NB.....	Name Based
NCIC.....	National Criminal Information Center
NCJ.....	Non-Criminal Justice Agency
NCPAVCA.....	National Child Protection Act & Volunteers for Children Act
NFF.....	National Fingerprint File
NSOPW.....	National Sex Offender Public Website
NSWR.....	Nontechnical Services Workers Registry
OBI.....	Office of Background Investigations
ODCR.....	On Demand Court Records

OKDHS.....Oklahoma Human Services, also known as
Oklahoma Department of Human Services
OIG.....Office of Inspector General
OJA.....Office of Juvenile Affairs
OLETS.....Oklahoma Law Enforcement Telecommunications
System
ORI.....Originating Agency Identifier
OSBI.....Oklahoma State Bureau of Investigation
OSCN.....Oklahoma State Courts Network
PII.....Personally Identifiable Information
QE.....Qualified Entity
RAP.....Record of Arrest and Prosecution
RR.....Restricted Registry
VECHS.....Volunteer and Employee Criminal History System





GLOSSARY

A

Access & Review (A&R)

Allows an individual to have access to, or review of another's fingerprint results. Requires fingerprinting for the reason code 'Access and Review,' among other QE requirements.

Alias

Names that have been used by or associated to an individual, other than their current legal name. This includes, but is not limited to nicknames, maiden names, names from previous marriages, names used prior to legal name change, names used during arrests, names used to avoid criminal prosecution, etc.

Application to Accelerate

The process in Oklahoma in which the prosecutor asks the court to accelerate a deferred sentence due to the defendant violating the conditions of probation.

Application to Revoke

The process in Oklahoma in which the prosecutor asks the court to revoke a suspended sentence due to the defendant violating the conditions of probation.

Attestation

A legal acknowledgement of the authenticity of the information contained within a document.

Authorized Recipient (AR)

The individual confirmed to have met the requirements to receive and handle Criminal History Record Information (CHRI) in accordance with Qualified Entity standards for child care programs.

B

Background Investigations Determination System (BIDS)

The secured database used by OBI to store and process background investigation requests, criminal history, and notifications.

C

Child Care (CC) Determinations

The unit in OBI responsible for conducting criminal background investigations for child care programs.

Child Abuse & Neglect Information System (CANIS)

A state's centralized registry for confirmed child abuse and neglect, generally maintained by the state's child welfare agency. Also known as an Adam Walsh check.

Child Care Development Block Grant (CCDBG)

Federal legislation, the Child Care and Development Block Grant (CCDBG) provides federal funding to states allowing low-income families access to child care for children under age 13. Additionally, CCDBG outlines requirements, including criminal background checks, to improve and support child care programs achieve higher standards.

Child Care Monitoring and Safety System (CCMASS)

Oklahoma's Child Care Services database used by licensing workers, licensed programs, and OBI.

Child Care Services (CCS)/Child Care Licensing (CCL)

Oklahoma's state agency administering child care is responsible for protecting the health, safety, and well-being of children who attend or reside in child care facilities and homes licensed by OKDHS. Child Care Licensing (CCL) is a program within Child Care Services (CCS).

Community Services Worker Registry (CSWR)

A registry maintained by OKDHS listing the names of community services workers, against whom a final investigative finding of maltreatment involving a service recipient, was made by OKDHS or an administrative law judge.

Criminal History Record Information (CHRI)

An individual's criminal history record. It provides personal identifiers and details of arrests, convictions, sentences, parole violations as well as dismissals and not guilty verdicts committed by an individual. Also known as a RAP Sheet. Information is also considered CHRI if it confirms the existence or nonexistence of an FBI record.

Criminal History Information Request Portal (CHIRP)

OSBI's online system that provides a name based criminal history record check.

Criminal History Review Results Page (CHRRP)

OBI's secured child care portal, also known as the Provider Portal. Requires advanced authentication login to electronically access background notifications and CHRI. Access to CHRRP requires OBI's authorization granted to a QE's Authorized Recipient.

Criminal Justice Information (CJI)

Refers to all FBI criminal justice information, including CHRI and NCIC.

Criminal Justice Information Services (CJIS) Security Policy

CJIS Security Policy provides criminal and non-criminal justice agencies the security requirements associated with viewing, storage, transmission, dissemination, and destruction of CJI.

D

DA Declined to File

The prosecutor declined to pursue prosecuting the offense(s). A dismissal of the charges.

Deferred Sentence

A probationary sentence not considered a conviction but does require the defendant to enter a guilty or no contest plea. Upon the successful completion of probation requirements, the defendant has the opportunity to have their original plea removed from the record and their case dismissed. Once dismissed, the disposition will show "pled not guilty, case dismissed," which is also known as a 991(c) expungement.

Department of Corrections (DOC)

The government agency responsible for overseeing the incarceration of persons convicted of crimes within a particular jurisdiction.

Department of Public Safety (DPS)

In Oklahoma, Department of Public Safety (DPS) is a multi-service safety and law enforcement organization which includes Oklahoma Highway Patrol and Oklahoma Law Enforcement Telecommunications System.

Disposition

The final resolution or outcome of a criminal case. This includes the plea and judgement of the court. Disposition examples include: conviction, suspended sentence, dismissal, decline to file, etc.

Department of Justice (DOJ)

The federal agency responsible to enforce laws, ensure public safety, and provide federal leadership in preventing and controlling crime.

E

Expungement

Expungement allows an arrest or court record to be sealed, preventing the public from having access to previous criminal history information. In Oklahoma, two expungement options are available to individuals who qualify: Section 18 expungement allows a person to expunge their entire arrest record. Section 991(c) expungement allows a person who received a deferred sentence to expunge their plea and have the case dismissed. The disposition will show “pled not guilty, case dismissed.” Expungements are not automatic and require an order from the court.

F

Fingerprinting Applications Support Team (FAST)

The unit within OBI that manages Live Scan and mobile fingerprinting for OKDHS purposes. They provide support in various capacities including saving prints to OBI’s secured server, answering the main phone line, and managing incoming and outgoing mail.

Federal Bureau of Investigation (FBI)

The agency within DOJ responsible to uphold and enforce criminal laws of the United States, and to provide leadership and criminal justice services to federal, state, municipal, and international agencies and partners.

Felony

A criminal offense category that is generally a more serious crime involving lengthier sentences and fines. Regarding Child Care’s barrier offense policy, the severity of an offense is only one factor in the determination process. The offense itself, as well as the plea and final disposition, are also considered.

Fingerprint Based (FB)

A type of background check that uses fingerprints to search criminal history databases. This provides positive identification and eliminates the false positives and false negatives associated with name based checks.

G

Guilty

The jury/court finds the defendant responsible for committing the offense. Also, a plea entered by a defendant.

H

Hard Card

The form (SD-258) used to capture fingerprints using ink on paper. This is the less preferred method since it increases rejections.

I

Identifiers

Personally distinguishable information, which are unique to an individual such as names, aliases, dates of birth, social security numbers, and driver’s license numbers. Also known as personal identifiers.

IdentoGO/Idemia

IdentoGO.com by Idemia is Oklahoma’s contract vendor for fingerprinting.

J

Judgment and Sentence

The judgment or sentencing phase of a criminal case after a determination of guilt has been made.

K-L

Licensing Records Office (LRO)

The division of Child Care Services from 2008 – 2015 that conducted background Investigations. OBI, a division of the Office of Inspector General, conducts background investigations for all OKDHS purposes, including child care.

Live Scan

The electronic method of capturing fingerprints. This is the preferred method since it reduces rejections.

M

Misdemeanor

A criminal offense category that involves reduced sentences and fines. Regarding Child Care's barrier offense policy, the severity of an offense is only one factor in the determination process. The offense itself, as well as the plea and final disposition, are also considered.

N

Name Based

A search of criminal history repository using name, aliases, and personal identifiers. In Oklahoma, the OSBI maintains this criminal history record information. Also, a method used to search other databases, including registries.

National Child Protection Act & Volunteers for Children Act (NCPA/VCA)

Oklahoma's child care background investigations are conducted under NCPA/VCA VECHS, which authorizes organizations protecting vulnerable populations to conduct fingerprint-based background investigations and allows OBI to return results to a Qualified Entity.

National Criminal Information Center (NCIC)

A national computerized database of criminal justice information, managed by FBI's CJIS division.

National Fingerprint File (NFF)

A program with the FBI that allows a criminal history search of a participating state's criminal history repository using both biometric (fingerprint) data and personally identifiable information (aliases, DOB, SS#, etc.) providing a more comprehensive criminal history search.

National Sex Offender Public Website (NSOPW)

NSOPW is the only U.S. government website that links all public state, territorial and tribal sex offender registries in one national search site

Nolo Contendere

The legal plea of no contest. A plea of nolo contendere has the same effect as a guilty plea.

Non-Criminal Justice Agency (NCJA)

Authorized agencies receiving criminal justice information for non-criminal justice reasons, such as employment, licensure, foster care, etc.

Nontechnical Services Worker Abuse Registry (NTSW)

A registry identifying nontechnical services workers that have an administrative finding of abuse, verbal abuse, or exploitation of a resident in a nursing facility. The registry is incorporated into the abuse registry for nurse aides and maintained by the Oklahoma State Department of Health.

Not Guilty

The jury/court exonerates the defendant. Also, a plea entered by a defendant.

O

Office of Background Investigations (OBI)

An office of the Inspector General for Oklahoma Human Services. OBI conducts background investigations related to programs and services administered by OKDHS.

Office of Inspector General (OIG)

A division within OKDHS to oversee and preserve the integrity of OKDHS programs and services through prevention, detection and prosecution of fraud, waste or abuse by OKDHS clients, vendors, employees or the general public.

Oklahoma Human Services (OKDHS)

The state agency in Oklahoma created to administer and promote social services benefiting the general welfare, protection, and security of the people of Oklahoma. Also known as Oklahoma Department of Human Services

Oklahoma Law Enforcement Telecommunication System (OLETS)

A computerized message switching system created for and dedicated to the criminal justice community. The sole purpose is to provide for the interstate, intrastate, and interagency exchange of criminal justice related information.

Oklahoma State Bureau of Investigation (OSBI)

Oklahoma's repository for fingerprints, criminal history information, and crime reporting.

Oklahoma State Courts Network (OSCN)

The website containing all published Oklahoma court cases.

On Demand Court Records (ODCR)

The website containing public court records from participating courts.

Originating Agency Identifier (ORI)

A nine-character identifier assigned by the FBI to approved agencies for specific national fingerprinting purposes.

P

Pardon

The act of forgiving a crime to restore civil rights. Under Oklahoma law, a pardon does not automatically clear the individual's criminal history record or remove the conviction.

Personally Identifiable Information (PII)

PII is information which can be used to distinguish an individual's identity, such as name, social security number, or biometric records, alone or when combined with other personal or identifying information.

Probable Cause Affidavit

Summary of the facts and evidence of an offense contained in the court record.

Probation

A sentencing alternative to incarceration.

Q

Qualified Entity (QE)

A QE meets the criteria and complies with state and federal laws and policies governing the security and confidentiality of national fingerprint results. These laws and policies are referred to as QE standards.

Qualified Entity (QE) Unit

The unit within OBI that processes QE Applications, establishes GAO & THA's, conducts audits, investigates QE violations, and ensures program compliance with QE standards.

R

RAP Back

A Record of Arrest and Prosecution generated as the result of new arrests or prosecutions that occurred since the date the individual was originally fingerprinted.

RAP Sheet

The informal name for an individual's criminal history record (formally known as CHRI). It provides personal identifiers and details of arrests, prosecutions, convictions, sentences, parole violations as well as dismissals and not guilty verdicts committed by an individual.

Repository

A state's designated agency that maintains comprehensive files of criminal history record information (CHRI).

Restricted Registry

The Oklahoma online database maintained by OKDHS. Individuals listed on the registry are prohibited from living or working in licensed child care.

S

Sentence

The formal judgement ordered by a court for a defendant after a determination of guilt has been made.

Severity

The classification of a crime, based on law. The severity may simply be an unlawful act, also known as an infraction. More serious criminal offenses are misdemeanors and the most egregious are felonies.

Sex Offender Registry

A comprehensive state and national system for monitoring and tracking persons convicted of sex crimes that require them to register.

Suspended Sentence

A probationary sentence considered a conviction, either through a guilty plea or a judge's decision. During sentencing, the judge suspends all or part of the sentence.

T-U-V

Volunteer and Employee Criminal History System (VECHS)

The authority that allows OBI to provide criminal history to licensed child care programs approved as a Qualified Entity.

Violent Offender Registry

An Oklahoma registry, also known as the Mary Rippy Act. Provides information to the public and law enforcement in the interest of public safety for individuals convicted of specific violent crimes requiring registration under Oklahoma law as specified in 57 O.S. § 593.

W-X-Y-Z

Warrant

A written court order commanding law enforcement officers to arrest a person and bring them before a judge.



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