



The Indiana Family and Social Services Administration

New Child Care Laws Effective July 1, 2013

June 2013
Licensed Child Care Providers





New Laws

- **During the past legislative session, Indiana lawmakers passed two new child care laws that will impact all regulated child care providers.**
- **These new child care laws take effect on July 1, 2013**
- **Packets were mailed last week that contain information about the changes to the laws and the updates to the Interpretive Guidelines**





SEA 305

SEA 305 made several key changes to the laws covering CCDF eligibility under

IC12-17.2-3.5. This code now includes additional health and safety standards for unlicensed child care providers that receive CCDF payments.

For licensed providers the impact of SEA 305 is limited because as licensed providers you are meeting the health and safety standards contained within IC12-17.2-3.5 and are eligible for CCDF because you are licensed.





SEA305 Impact on Licensed Providers

SEA 305 defined volunteers

Volunteer- a person providing services without compensation for more than 8 hours per month

Guest- an individual that is present in the licensed program less than eight hours per month. Guests may not be left alone with children and are not counted within staff to child ratios

Qualified caregivers as those that are counted in staff to child ratios and are allowed to be alone with children, may be a volunteer or an employee.





Definitions:

CCDF Decertification and Revocation – the loss of CCDF eligibility

SEA 305 mandates that providers with a license under a negative action (denial, revocation or suspension of their license) will not be eligible to receive CCDF funding

Probation is not a negative action and does not impact CCDF eligibility





HEA1494- National Criminal History Checks

- HEA 1494 impacts all provider types, unlicensed and licensed, in the same way
- Effective July 1 all providers, employees and volunteers (the provider's spouse and all household members 18 and over if applicable) must have a national criminal history check, completed by submitting fingerprints to the FBI





National Fingerprint Background Checks

- Benefits:
 - ✓ all providers must meet the same standard- families don't need to guess if these have been done on their child's caregiver
 - ✓ identity is guaranteed- no more missed hits due to alias, nicknames, misspellings
 - ✓ criminal background records from all states will be checked
- Challenge
 - ✓ Cost (includes fees to FBI, ISP and MorphoTrust, formerly L-1)
(law states that the cost will not be covered by the State)





How often and when?

- Checks must be completed every three years and upon hire (if you have a had a national fingerprint check within the past two years- it is still good until the third year)
- These national checks replace the limited state criminal history checks currently conducted
- You do not need to have this completed by July 1, 2013. You will need to complete this prior to your next annual/renewal inspection. Law states that all programs must be in compliance no later than July 1, 2014





How

- Effective July 1, 2013 new employees/volunteers must have these national checks completed through the FBI
- Per the law these must be fingerprint checks conducted through the FBI, checks conducted through other companies are not accepted
- Instructions are in your packets and posted online <http://www.in.gov/fssa/carefinder/4182.htm>
- Results of the checks come to BCC (per the law). We will notify you if there is a problem with one of the checks





- Only the individual can get a copy of his/her history by following the instructions posted online
- The individual can protest the result of a check by following the instructions online





Instructions

- Go online <http://www.11enrollment.com/>
- If you do not have internet access call 1-877-472-6917
- Go to scheduling, click on your preferred language
- Choose Family and Social Services Administration
- Click the description (center, home) that describes the child care program that you are working for/own
- Schedule your time, complete the info page, pay and print your confirmation





Instructions

- Take the necessary documentation to your appointment
- Fingerprints are electronically scanned, they are not kept by any agency
- A receipt will be given showing that you have completed the submission of your fingerprints- keep this as documentation
- BCC is working with the vendor to ensure adequate capacity to handle this increased volume
- Juvenile check process remains the same- posted online
http://www.in.gov/fssa/files/BCC_Juvenile_Criminal_History_Check_Instructions_and_Form.pdf





Consent Forms

- You will still need to submit consent forms for all staff/volunteers and household members
- BCC will continue to annually check the Child Protection Index and the Sex Offender Registry using the information contained within these consent forms
- Limited state checks are part of the national checks- you will not need to continue to do these checks once you have a national fingerprint check on file





Other Changes in HEA1494

- Changes what types of criminal histories will prohibit and individual from working in child care
- ✓ Serious felonies (new definition in IC12-17.2-2)
- ✓ Crimes defined as sex offenses (under IC11-8-8-5.2)
- ✓ Other felonies not included above that are less than 10 years from the final disposition (parole, prison, probation)
- ✓ Misdemeanor related to the health and safety of a child
- ✓ Misdemeanor for operating a child care without the necessary license





Other Changes in HEA1494

- HEA1494 also requires that providers report any investigation, arrest or conviction of an employee, volunteer or household member that they are aware of.





Remaining Questions?

- Call your licensing consultant- this person knows you and your unique circumstances. They will be your best source of information
- Other questions? Email BCC at BCDGeneric.ServiceAccount@fssa.IN.gov
- Or call BCC at 1-877-511-1144



Thank you!

- Melanie Brizzi, Child Care Administrator
- Indiana Family and Social Services Administration
Division of Family Resources
Bureau of Child Care
402 West Washington Street, Room W361
Indianapolis, IN 46204
- Bureau of Child Care Information Line: 1-877-511-1144

