

# Office of Licensing Background Screening Applications Information and Instructions

## Who needs a cleared background screening?

[Utah Statute 62A-2-120](#) requires that all persons "associated" with the licensee who will have direct access to children and/or vulnerable adults must pass criminal and abuse screenings. See **definitions** below:

**"Associated with the Licensee"** means that an individual is: affiliated with a licensee as an owner, director, member of governing body, employee, agent, provider of care, department contractor or volunteer or applying to become affiliated with a licensee as described above. This does not include: a guest or visitor whose access to a child or vulnerable adult is directly supervised by the licensee at all times.

**"Directly Supervised"** means that an individual is being supervised under the uninterrupted visual and auditory surveillance of another individual who has a current background screening approval by the Office of Licensing.

**"Direct Access"** means that an individual has, or likely will have: contact with or access to a child or vulnerable adult that provides the individual with an opportunity for personal communication or touch; OR an opportunity to view medical, financial, or other confidential personal identifying information of the child, the child's parents or legal guardians, or the vulnerable adult

**"Background Screening Agent"** refers to the following:

- Licensing Specialist for DCFS public foster care
- Human Services Licensing Agent (this is the agency representative for employees, volunteers, adoption agencies, private foster care and placement agencies)
- Local government employer for certified local inspector
- Area Agency on Aging for personal care attendants
- Division of Services for People with Disabilities for direct service workers, professional parents

## What to know about clearances:

The Office of Licensing is mandated to check state, regional and national databases for criminal records. This is done through the **Rap Back System**, which enables us to receive ongoing status notifications of any criminal history reported on individuals whose fingerprints are registered in the system. This system went into effect September 1, 2015. All applicants with current Rap Back subscriptions do not need to complete new fingerprints.

The Office of Licensing will issue a background screening "clearance" or "denial" according to standards and procedures described in Utah Code Ann. 62A2-120 through 122, and R501-14. For the most current Background Screening rules or additional applications and instructions, please visit the Office of Licensing website : [www.hslic.utah.gov](http://www.hslic.utah.gov).

An application receiving a "clearance" will be returned to the background screening agent that submitted it. The agency must keep it on file and make it available upon demand by the Office of Licensing.

If a background application is denied, the applicant and/or Background Screening Agent will be notified in writing, along with appeal procedures. No appeal is available when an application is denied due to the applicant's failure to provide required information.

EXCEPT AS PERMITTED BY 62A-2-120 (8) and (9), AN APPLICANT SHALL HAVE NO DIRECT ACCESS TO A CHILD OR VULNERABLE ADULT UNTIL AFTER DOCUMENTATION OF APPROVAL FROM THE OFFICE OF LICENSING IS RECEIVED. .

## Which screening form do I use?

The [General Application](#) applies to **anyone associated with a Human Services Licensee** (as defined above) who will have **direct access** to clients (as defined above). This includes, but is not limited to **DSPD & SAS Certified Providers** and **Foster Care Respite** providers who do **NOT** reside in the foster home.

The [Foster Care Application](#) is used for those who wish to provide public child welfare foster care **in their home and any adults over age 18 residing in these homes**. This includes: foster care, proctor care, professional parent care and adoption **for children in custody of a child welfare system**, as well as **private foster care** and **refugee foster care**. There are separate boxes and fingerprint procedures for public and private care on page 2 of the application (see costs and instructions for form completion below).

## What does it cost?

- ❖ **INITIAL** applicants filling out the **GENERAL** application **OR** the application for **PRIVATE FOSTER CARE** (Section 8, **Box B** on the foster care application) will be assessed the following fee:
  - **\$37.00** Ongoing Nationwide Rap Back Subscription and Fingerprint Fee

The Background Screening Agent for these applications can assist you in determining whether you are personally responsible for the fees or if they are covered by your agent or agency.

Individual or batches of these applications must be submitted with one payment in the form of: a money order, cashier's check or company check (no personal checks) made payable to the **Utah Department of Human Services**.

- ❖ **INITIAL** applicants filling out the application for **PUBLIC FOSTER CARE** (Section 8, **Box A** on the foster care application) must complete a Live Scan Fingerprint at a DCFS location, which costs \$10.00. The applicant is responsible for providing this fee at the time of the live scan fingerprint appointment. (see live scan info link in instructions below).
- ❖ **RENEWAL** Applicants for **EITHER** application generally are not assessed a fee as long as their clearance with the Office of Licensing has not expired, they have a Utah ID, and there has been no new criminal activity since the last clearance.

## What if I have charges on my record?

Applicants are required to disclose all criminal charges, including pending charges, and all supported or substantiated findings of abuse, neglect, or exploitation. Certified court docket or other certified record must be submitted for criminal charges. Having charges does not automatically disqualify you from this work. It depends on what your charges are, how long ago they were, etc. They will be fairly assessed by our office as described in state law.

Applicants may direct inquiries about fingerprinting, Utah criminal records (including expungement or correction procedures) to: Utah Department of Public Safety, Bureau of Criminal Identification (BCI), (801) 965-4445, 3888 West 5400 South, Salt Lake City, UT 84114-8280, or visit: [www.publicsafety.utah.gov](http://www.publicsafety.utah.gov)

- A “clearance” with the Office of Licensing does not mean that the applicant has no criminal or abuse record.
- A licensed program shall not disclose screening results except as authorized by Utah or federal law.

## What are the instructions for completing the forms?

### ❖ INITIAL applicants using the **GENERAL** Screening Application:

- Legibly complete sections 1-5 **and sign and date** the GENERAL Application form with ‘initial’ box checked, on upper left
- Have your Background Screening Agent complete sections 6-7 (see “Identification Verification” below)
- Complete 2 fingerprint cards rolled by one of these approved entities: law enforcement, an agency approved by the BCI, or Background Screening Agent
- Submit the completed fingerprint cards and applicable fees to your Background Screening Agent for submission to the Office of Licensing Background Screening Unit

### ❖ INITIAL applicants using the **FOSTER CARE** screening application choose the applicable option below:

1. For **public foster care within a child welfare system**: (this includes foster care, proctor, adoptive and professional parents and any adults over age 18 who **reside** in these provider homes)
  - Legibly complete sections 1-7 **and sign and date** the FOSTER CARE Application form with ‘initial’ box checked, on upper left
  - Complete a DCFS Live Scan fingerprint scan and have the operator complete **Section 8 BOX A and Section 9** on page 2. (see Identification Verification below).
    - **Live Scan** locations and schedules may be accessed here: <http://hslic.utah.gov/docs/LiveScanLocationsJan2017.pdf>
    - **Fingerprint cards** may be submitted for applicants in rural areas who don’t have access to Live Scan.
  - Submit the completed application to your Background Screening Agent for submission to the Office of Licensing Background Screening Unit.
2. For **private foster care or refugee foster care**: (this includes providers of children NOT in the public welfare system and any adults over age 18 who **reside** in these provider homes)
  - Legibly complete sections 1-7 **and sign and date** the FOSTER CARE Application form with ‘initial’ box checked, on upper left.
  - Have your Background Screening Agent complete **Section 8, BOX B and Section 9** on page 2. (see Identification Verification below).
  - Complete 2 fingerprint cards rolled by one of these approved entities: law enforcement, an agency approved by the BCI, or Background Screening Agent
  - Submit the 2 completed fingerprint cards and application to your Background Screening Agent for submission to the Office of Licensing Background Screening Unit.

### ❖ RENEWAL OR TRANSFER applicants using EITHER screening application:

- A renewal or transfer applicant who has a prior current screening with the Office of Licensing, no new criminal activity **and** holds UT identification:
- Legibly complete **and sign and date** all requested information with appropriate box checked on upper left
  - Submit to your Background Screening Agent for identification verification and submission to the Office of Licensing Background Screening Unit.

**Please Note:** Fingerprint cards are generally provided at the site where they are rolled, but also may be ordered in bulk for programs by contacting the Department of Public Safety, BCI: 801-965-4445 opt.6

### ❖ Identification Verification

The Background Screening Agent or Live Scan Technician is responsible for verifying the applicant’s identification and shall.

- Inspect and make a good faith effort to determine that the applicant’s state driver’s license or state identification card is valid and does not appear to have been forged or altered. Please note that Driving Privilege Cards issued from the State of Utah are NOT valid for identification.
- Review the applicant section for accurate completion
- Complete and sign the section of the application marked “**to be completed by live scan technician/background screening agent**” (or sections 8 & 9 on **foster** forms or sections 6 and 7 on **general** forms)

## Where do I send my forms?

All fully completed forms and fingerprint cards must be sent to your **Background Screening Agent** (see definitions on page 1) who will submit them to the **Office of Licensing Background Screening Unit, 195 North 1950 West, Salt Lake City, Utah 84116.**

## Questions or concerns?

Please do not contact the Office of Licensing about **the status** of an application unless two weeks have passed since the day the application was submitted. After two weeks, questions or concerns may be directed to the number listed below. For all other inquiries please visit our website:

[www.hslic.utah.gov](http://www.hslic.utah.gov), call our main line: **801-538-4242** or call your licensor or screening technician directly.