

## INFORMATION AND INSTRUCTIONS BACKGROUND SCREENING APPLICATION

For the most current application and instructions, please access the Office of Licensing's website at [www.hslic.utah.gov](http://www.hslic.utah.gov). Visit the link(s) to Human Services Rule, R501-14, and State Law, Utah Code Ann. 62A-2-101, and 120 through 122 for additional details.

1. Persons who have direct access to children and/or vulnerable adults must pass criminal and abuse screenings as required by Utah statute.

- "Direct access" means that a person has or will have contact with a child or vulnerable adult that provides the individual with an opportunity for personal communication or touch.

Additionally, state and federal legislation require compliance with fingerprint-based checks of national crime information databases, and state child abuse registries for the prospective foster, proctor, professional or adoptive parent of a child in state custody.

- The state and federal legislation pertain to a person applying for the first time to provide foster, proctor or professional parent services for a child in state custody, or for the first time under a new or different agency, or to adopt a child in state custody.

2. The Office of Licensing will process a background screening application from an applicant for an initial license or a license renewal; a person associated with the licensee; a certified local inspector applicant; a direct service worker; or a personal care attendant in accordance with Utah Code Ann. 62A-2-120 through 122, and Administrative Rule 501-14.

- "Person associated with the licensee" means a person who is affiliated or applying to become affiliated with a licensee as an employee, agent, provider of care, volunteer, owner, director, or member of the governing body.
- "Person associated with the licensee" does not include a guest or visitor whose access to children or vulnerable adults is directly supervised by the licensee at all times.
- "Directly supervised" means that the person being supervised is under the uninterrupted visual and auditory surveillance of the person doing the supervising.

3. Applicants shall accurately and legibly complete, date and sign the application, and submit the original to the applicable licensing specialist, human services program, local government employer (for certified local inspector applicants only), the Area Agency on Aging (for Personal Care Attendant applicants only), or the Division of Services for People with Disabilities (for Direct Service Worker Applicants only).

- Applicants are required to disclose all criminal charges, including pending charges, and all supported or substantiated findings of abuse, neglect, or exploitation.
- Incomplete applications will be returned without further action.
- Applicants may be required to provide additional information after the Office of Licensing investigates their backgrounds.

4. An applicant who has not continuously lived in Utah for the five years immediately preceding the day the application is submitted to the office shall also submit:

- Two completed fingerprint cards with this form and a money order, cashier's check or company check (no personal check) for **\$34.75** for each applicant payable to the **Department of Human Services**. (Fee payments cannot be combined except for married couples with the same last name.)

An applicant has not continuously lived in Utah if the applicant has spent six (6) or more consecutive weeks outside Utah including education, volunteer or employment activities, military duty, vacations, or when the applicant has an out-of-state driver's license.

If the applicant has not been out of the state since processing fingerprints through the Office of Licensing they may be exempt from resubmitting new fingerprints and the accompanying fee.

**5. State and federal legislation require compliance with fingerprint-based checks of national crime information databases, and state child abuse registries for the prospective foster, proctor, professional or adoptive parent of a child in state custody.**

**The following instructions apply only to prospective foster, proctor, professional and adoptive parents, or kin caregivers for a child in the custody of the state:**

For eligible applicants, the Division of Child and Family Services will pay the \$36.50 fee for the electronic fingerprint search through the Bureau of Criminal Identification (BCI) in Salt Lake County. The Livescan processing fee to eligible applicants is \$10 per person. For eligible applicants living in other areas of Utah, electronic fingerprint scanning is available at other sites. Contact your DCFS worker or the Licensing Specialist in your region for the scanning site in your area. **ALL applicants must first receive written authorization from designated DCFS staff before requesting electronic fingerprint scanning services.**

Some states require additional information from the applicant before releasing child abuse registry information. If you are required to submit additional information, you will be notified.

6. An applicant who has lived outside of the United States (outside the U.S. includes its territories: Puerto Rico, American Samoa, U.S. Virgin Islands, and Guam), or lived in a foreign country for six (6) or more consecutive weeks during the five years immediately preceding the day the application is submitted to the office shall submit an original or certified copy of a criminal history report from each country lived in (call the country's embassy in Washington, D.C.) or submit an original letter of honorable release from U.S. military or full-time ecclesiastical service from each country lived in. The foreign country's report and the letter of honorable release (military or ecclesiastical) must address the applicant's criminal history.

7. The applicable licensing specialist, human services program, local government employer (for certified local inspector applicants only), the Area Agency on Aging (for Personal Care Attendant applicants only), or DSPD (for Direct Service Worker applicants only) shall inspect and make a good faith effort to determine that the applicant's state driver's license or state identification card does not appear to have been forged or altered, and shall review the completed application according to the program certification on the Background Screening Application. They shall review page 1 of the application, complete and sign page 2 of the application and submit both pages to the Office of Licensing within five calendar days after the applicant completes and signs the application.

- Send the completed form and identifying information to:  
Utah Department of Human Services Office of Licensing, Background Screening Unit,  
195 North 1950 West, Salt Lake City, Utah 84116.
- Incomplete applications will be returned without further action.

**8. An applicant, human services program, local government employer, Area Agency on Aging, or DSPD shall 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 Office of Licensing at (801) 538-4242.**

9. The Office of Licensing will issue a background screening clearance or denial according to standards and procedures described in Utah Code Ann. 62A-2-120 through 122, and R501-14.

- A "clearance" does not mean that the applicant has no criminal or abuse record.
- A "clearance" cannot be used by any other employers, agencies or programs except as permitted by R501-14-9.

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

10. If a background clearance is denied, the applicant will be notified of appeal procedures.

- No appeal is available when an application is denied due to the applicant's failure to provide required information.

The Office of Licensing will notify in writing the program and/or applicant of any background clearance denials, but cannot discuss the content of background screening records.

11. An applicant may direct inquiries about a Utah criminal record, including expungement or correction procedures, to the Utah Department of Public Safety, Bureau of Criminal Identification, (801) 965-4445, 3888 West 5400 South, Salt Lake City, UT 84114-8280, or visit the website <http://publicsafety.utah.gov/bci/index.html>.

**EXCEPT AS PERMITTED BY UCA 62A-2-120(5), AN APPLICANT SHALL HAVE NO DIRECT ACCESS TO A CHILD OR VULNERABLE ADULT UNTIL AFTER THE LICENSED PROGRAM RECEIVES AN ORIGINAL APPROVED BACKGROUND SCREENING APPLICATION.**