

In Nevada, any individual working at a licensed child care facility must pass a comprehensive background and personal history check. They must also complete a child abuse and neglect screening through the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child (CANS Check). The personal history and background check is used to determine if an individual has any federal or state convictions of the following crimes:

- (a) Murder, voluntary manslaughter or mayhem;
- (b) Any other felony involving the use of a firearm or other deadly weapon;
- (c) Assault with intent to kill or to commit sexual assault or mayhem;
- (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;
- (e) Abuse or neglect of a child or contributory delinquency;
- (f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;
- (g) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or
- (h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.¹

The CANS check shows any cases of abuse and neglect that have been substantiated by a child welfare agency within the state of Nevada, not all of which lead to a criminal conviction. This potentially allows an individual from another state, who has a substantiated instance of abuse or neglect, to move to Nevada and work with children in a child care facility. The state has no mechanism to do a CANS check for the states that the individual has previously lived.

To help remedy this issue, the Child Care and Development Block Grant (CCDBG)– Congressionally reauthorized in 2014 – requires all states to conduct additional background, personal history and CANS checks for all employees of a licensed child care facility in each state where such staff member has resided during the preceding 5 years.

Substantiated Abuse or Neglect

The findings are classified as **“Substantiated,”** meaning that a report made pursuant to NRS 432B.220 was investigated and that credible evidence of the abuse or neglect exists.

¹ NRS 432A.170

The reauthorized CCDBG also requires background and personal history checks and CANS checks for license-exempt providers caring for children on Nevada’s child care subsidy program. Additionally, it allows for state discretion relating to individuals whom have a violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug. According to the Office of Child Care – An Office of the Administration for Children and Families – the law provides flexibility for States in regard to individuals disqualified due to a felony drug offense. The State, at its option, may allow for a review process through which the State may determine an individual still eligible for employment.²

Recommendations:

The Children’s Advocacy Alliance recommends that the state take the necessary steps to come into compliance with CCDBG. This includes:

- Require child care licensing to complete full state and federal background and personal history checks, as well as state based child abuse and neglect registry checks in Nevada and each state where such staff member resided during the preceding 5 years, as applicable for every licensed providers and all license-exempt providers who participate in Nevada’s child care subsidy program.
- Review current regulations related to individuals whom have a violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug. Pending review, create a process through which the State may determine if an individual is eligible for employment at a licensed child care facility.



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² <http://www.acf.hhs.gov/occ/resource/ccdf-reauthorization-faq>