

Division of Public Health
Curtis State Office Building
1000 SW Jackson St., Suite 200
Topeka, KS 66612-1365



Phone: 785-296-1270
Fax: 785-559-4244
www.kdheks.gov/kidsnet

Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

January 29, 2020

Dear Licensee,

You are receiving this notification due to an increase in the number of affiliates determined to be prohibited from working, residing, or volunteering in child care facilities across the state. This letter is being sent to all KDHE Child Care Licensees and a response is not required.

By submitting the names of your affiliates to Child Care Licensing, you are attesting to the fact that you are not knowingly maintaining a child care facility if there resides, works, or regularly volunteers any person who is prohibited pursuant to K.S.A. 65-516. Common prohibiting offenses include, *but are not limited to*, the following:

- Battery and/or Assault - misdemeanor or felony (including domestic violence offenses)
- Drug convictions – felony only
- Furnishing Alcoholic Beverages to a Minor or Contributing to the Delinquency of a Minor – misdemeanor
- Unlawfully hosting minors consuming alcohol- misdemeanor
- Robbery- misdemeanor

It is essential and the expectation of KDHE, Child Care Licensing that you review the questions pertaining to criminal background checks and convictions with the affiliate prior to submitting the name and required information. Failure to review the requirements of K.S.A. 65-516 and ask the new affiliate whether he/she has committed a crime that would be deemed prohibiting, results in KDHE processing delays of pending applications and new affiliates. KDHE processing delays and the expense of conducting a background check may be avoided by asking the necessary questions during your hiring process.

The Child Care Licensing program is not a vetting process to see if someone can “get through” if they have been convicted or adjudicated of committing a prohibiting crime. Submitting a person who has a prohibiting offense on their background check results in enforcement actions that may impact your business.

Finally, please note that if an individual is working through an expungement process for a prohibiting offense(s) they are not eligible to work in a child care facility, supervised or not, until that expungement process has been completed. Therefore, this individual should not be hired and submitted for the required background checks until they have received expungement notification.

Regards,

Lorrena Steelman
Director, Early Care and Youth Programs, Child Care Licensing