

## Report in Brief

Date: February 2020

Report No. A-06-19-07001

U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES  
**OFFICE OF INSPECTOR GENERAL**



### Why OIG Did This Audit

The Child Care and Development Block Grant Act (CCDBG Act) of 2014 added new requirements for States that received funding from the Child Care and Development Fund (CCDF) to conduct comprehensive criminal background checks on staff members and prospective staff members of childcare providers every 5 years. Criminal background check requirements apply to any staff member who is employed by a childcare provider for compensation or whose activities involve the care or supervision of children or unsupervised access to children.

Our objective was to determine whether New Mexico's monitoring of childcare providers ensured provider compliance with State requirements related to criminal background checks established under the CCDBG Act.

### How OIG Did This Audit

We analyzed and tested a population of 796 licensed childcare centers and family homes that received CCDF funding during State fiscal year 2018. We used geographic area and total CCDF funding received to select 15 childcare center providers and 15 family home providers. In total, we reviewed supporting documentation for 327 individuals who were current employees or household members at 30 different childcare provider locations.

## New Mexico's Monitoring of Childcare Providers Generally Ensured Provider Compliance With State Criminal Background Check Requirements at 30 Childcare Providers Reviewed

### What OIG Found

New Mexico's monitoring process generally ensured provider compliance with the State's requirements related to criminal background checks established under the CCDBG Act for the 30 childcare provider locations we reviewed. While we had errors at 9 of the childcare providers (including one childcare provider that had errors in more than one category), the errors only related to 11 of the 327 childcare staff members reviewed.

Specifically, of 30 childcare providers reviewed, we found (1) one childcare provider did not ensure all required criminal background checks were conducted for one childcare staff member, (2) six childcare providers did not ensure all recurring criminal background checks were conducted for seven childcare staff members, and (3) three childcare providers did not ensure recurring criminal background checks were conducted timely for three childcare staff members. Additionally, we found that New Mexico was not conducting the name-based National Crime Information Center National Sex Offender Registry check.

### What OIG Recommends and New Mexico Child, Youth and Families Department Comments

We recommend that the New Mexico Child, Youth, and Families Department (CYFD) conduct the missing required criminal background checks as needed and implement other procedural changes that will ensure future compliance with all criminal background check requirements, as detailed in our report.

In written comments to our draft report, CYFD concurred with our recommendations. CYFD has taken or plans to take corrective actions to address each recommendation. For example, CYFD followed up with the individual that did not have the required checks conducted within the past 5 years at the time of our review and the individual is now compliant with the requirement. Additionally, CYFD made a request to modify the EPICS system to provide notification to the State Licensing Agency one month before a childcare staff member's background check clearance expires.