

# The Oklahoma Commission on Children and Youth

## Child Care Restricted Registry “Joshua’s List” Overview

October 11, 2016  
1:00-2:00 pm

Information provided by  
Sara Vincent, Program Manager  
[sara.vincent@occy.gov](mailto:sara.vincent@occy.gov)  
(405) 606-4922

In consultation with  
Jennifer Towell, Program Process Administrator,  
OKDHS Child Care Services

# Child Care Restricted Registry Overview

- On April 13, 2007, Vicki Chiles admitted she hit a child in her care with a fly swatter and reported that she “lost control”. The Oklahoma Department of Human Services (OKDHS) confirmed Child Abuse.
- On May 24, 2007, Family Child Care Home provider, Vicki Chiles was charged with First Degree Murder resulting from the death of Joshua Minton. Ms. Chiles admitted that she killed two-year-old Joshua when she bound masking tape that covered his mouth and hands.
- The Child Care Restricted Registry, also known as Joshua’s List was created by the Legislature and effective July 1, 2010. This list was to include child care providers and potential child care providers who have a substantiated finding of abuse/neglect, have a restricted criminal background, or had a revoked license or denied a child care license application.
- The Child Care Restricted Registry is located on the OKDHS website for public access.

# Current Use of Child Care Restricted Registry (Joshua's List)

A search of the Child Care Restricted Registry (CCRR) is required for:

- any individual making application for licensure to operate a child care facility;
- any individual signing the application as a household member;
- any individuals age 18 years or older, prior to their residence in a child care facility, excluding residential facilities and child placing agencies; and,
- any individuals to be employed by a child care facility, including all caregivers, auxiliary staff, and substitute or assistant caregivers.

# Placement on the Child Care Restricted Registry may occur for one or more of these reasons

- Substantiated Child Welfare finding for abuse and/or neglect
- Substantiated Office of Client Advocacy finding for abuse and/or neglect
- The revocation of a child care license or the denial of a child care license application
- Restricted or prohibited offense found in a criminal background review utilizing fingerprints or “rapback”

# Examples of Restricted or Prohibited Criminal Offenses

- child abuse, neglect, or a crime against a child;
- violent crimes, including, but not limited to rape, sexual assault, or homicide;
- a specified criminal history for individuals who have entered a plea of guilty, nolo contendere, or a conviction within the five-year period preceding the application date for licensure, prior to employment, unsupervised access to children, and residence, for the following felony offenses:
  1. domestic abuse;
  2. drug-related offense; or
  3. an individual required to register pursuant to Sex Offender Registration Act or Mary Rippy Violent Crime Offenders Act.

# Process for Placement on the Child Care Restricted Registry (CCRR)

- 1) OKDHS Child Care Services CCRR Staff receives one or more of the following on a potential registrant after they have exhausted the appropriate appeal processes:
  - OKDHS Child Welfare Investigation with a substantiated finding of abuse/neglect
  - OKDHS Office of Client Advocacy (OCA) Investigation with a substantiated finding of abuse/neglect
  - OKDHS Office of Background Investigations (OBI) Criminal Background Review or “Rapback” with a restricted or prohibited offense
  - OKDHS Child Care Services revokes or denies a child care license/application to operate
- 2) The CCRR Staff provides all needed documentation to the CCRR Review Committee. The CCRR Review Committee has 30 days to determine if the potential registrant should be recommended for placement on CCRR “Joshua’s List”. The Review Committee is comprised of 3 OKDHS Child Care Services State Office Staff Members, 1 Child Welfare Representative, and 1 OCA Representative
- 3) The CCRR Staff forwards the CCRR Review Committee recommendation to place the potential registrant on Joshua’s List to the OKDHS Legal Services.
- 4) The OKDHS Legal Services reviews information to determine if the potential registrant is placed on Joshua’s List.
- 5) The potential registrant may appeal this decision.
  - If no appeal OR the decision is upheld, the individual is placed on Joshua’s List as a “registrant” and prohibited from employment in child care.
  - If the decision is overturned during the appeal process the individual is not placed on the list.

# Potential Registrants/Registrants

Since July 1, 2010, to September 6, 2016:

- 1,457 potential registrants were submitted to the Review Committee to determine if the potential registrant should be recommended for placement on the Child Care Restricted Registry “Joshua’s List”
- 493 potential registrants were recommended by the Review Committee to be placed on Joshua’s List
- 200 registrants were approved and placed on Joshua’s List
- 213 potential registrants have been denied placement on Joshua’s List by the OKDHS Legal Unit
- 80 potential registrants are awaiting for an appeal hearing in front of an OKDHS Administrative Law Judge

# Appeal/Removal

A registrant may request removal after 60 months from the date of being recorded on Joshua's List. The review committee makes a determination as to removal within 30 calendar days of receipt of all information as it pertains to the criteria considered for removal such as:

- current criminal background review conducted within 30 calendar days;
- statements of work and training history since registration;
- personal statement of rehabilitative efforts; and
- length of time on Joshua's List.

96 registrants appealed being placed on Joshua's List and 8 registrants won their appeal and were removed from the List.

# Gaps in the System

Only providers/child care employees or potential providers/child care employees associated with an OKDHS licensed child care program are eligible to be placed on Joshua's List.

Subsequently, the following are not eligible to be placed on Joshua's List:

1. Unlicensed child care providers
2. Child care staff employed by state operated facilities which include the OKDHS Laura Dester Emergency Children's Shelter and 30 OJA operated facilities

Not all persons with a Substantiated finding of child abuse/neglect make it onto Joshua's List

The public is only able to verify registrants through an exact name spelling (first, last) or social security number search.

# Relevant Legislation

- Title 10A. O.S. 1-1-105. Definition of Child Abuse/Neglect
- Title 10. O.S. 404. Required Background Checks for Child Care Providers
- Title 10. O.S. 405.3. Child Care Restricted Registry
- OKDHS Policy OAC 340:110-1-10.1. Child Care Restricted Registry
- Title 45, Part 98, Subpart E, Sec. 98.43, requires the State to have a Child Abuse and Neglect (CAN) Registry for all prospective child care employees and adult residents of Family Child Care Homes by, September 2017.