

Highlights of [GAO-11-757](#), a report to Ranking Member, Committee on Education and the Workforce, House of Representatives

Why GAO Did This Study

Very little is known about sexual abuse among children that are regularly cared for by more than 1.3 million child care providers every week in the United States. In this context, GAO was asked to (1) provide an overview of federal and state laws related to the employment of sex offenders at child care facilities and (2) examine cases where individuals who were convicted of serious sexual offenses were subsequently employed or present at child care facilities.

To provide an overview of selected laws, GAO searched for prohibitions against offenders being present at child care facilities, requirements for conducting criminal-history checks, and penalties for violating these requirements. The cases GAO examined focus only on individuals who were convicted of serious sexual offenses and cannot be generalized to all child care facilities. To identify the cases, GAO reviewed open-source information from 2000 to 2010. GAO also compared the years 2007 to 2009 in employment databases from 20 states and the District of Columbia to data in the National Sex Offender Registry. GAO ultimately selected 10 cases from eight states and the District of Columbia for review. For each case, GAO reviewed court documents and interviewed law enforcement personnel. Our methodology was not designed to assess the prevalence of sex offenders working at child care facilities. This product contains no recommendations. Where applicable, GAO referred its cases for further investigation.

View [GAO-11-757](#). For more information, contact Richard Hillman at (202) 512-6722 or hillmanr@gao.gov.

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CHILD CARE

Overview of Relevant Employment Laws and Cases of Sex Offenders at Child Care Facilities

What GAO Found

Federal laws regulate the employment of sex offenders at federal child care facilities. For example, federally operated facilities are required to conduct criminal-history checks on employees, as are facilities receiving grants from the Department of Health and Human Services' Head Start program. At the state level, laws vary widely. For example, all 50 states require criminal-history checks for owners and employees of licensed child care facilities, but many state laws exempt facilities from licensing if they do not exceed certain thresholds, such as a minimum number of children. Penalties for violating licensing requirements can range from a \$5 administrative fine to imprisonment for a term of years.

The cases GAO examined show examples of individuals convicted of serious sexual offenses who gained access to child care facilities as maintenance workers, spouses or friends of providers, a cafeteria worker, and a cook. At least seven of these cases involve offenders who previously targeted children, and in three of the cases, the offenders used their access to children at the facilities to offend again. Among the cases, GAO found instances of providers who (1) knowingly hired offenders and (2) did not perform preemployment criminal-history checks. GAO also found examples of facilities operating without licenses, and facilities that employed offenders while receiving federal funds. The following four cases illustrate the nature of the situations GAO identified.

Examples of Cases GAO Examined

Location	Case details
Missouri	<ul style="list-style-type: none"> When investigating allegations of child abuse, state officials and police found unsafe conditions and a maintenance worker previously convicted of attempted child molestation working at an unlicensed facility. The facility claimed to operate as a school but investigators found no evidence to support that claim or that the owner of the facility completed a criminal-history check on the offender. In March 2004, the provider pled guilty to felony child endangerment and received 3 years of probation.
Kentucky	<ul style="list-style-type: none"> An owner of a licensed child care facility hired a cook to work in her cafeteria in January 2008 because she wanted to help him, even though she knew that he had been convicted for sexually abusing a woman. An investigation by state agencies led to the suspension of the owner's license. She revoked her right to appeal and closed the facility.
Washington, D.C.	<ul style="list-style-type: none"> This offender's parents hired him to work as a janitor in a licensed child care facility that received at least \$1 million in federal assistance, even though he had been convicted for attempting to sexually abuse a young girl. In March 2011, after GAO referred the case to the D.C. licensing department, the parents were told to fire their son or lose their license.
New York	<ul style="list-style-type: none"> A man convicted for sexually abusing a minor was hired as a janitor in 2007 by an organization that operated multiple licensed child care facilities. The organization, which received over \$750,000 in federal assistance, did not conduct a criminal history check on the offender. His employment was eventually terminated due to downsizing.

Source: State and local agencies, GAO.

Note: The data are from records including police reports, court documents, and interviews.