

## **How To Appeal An Unsatisfactory Background Check For Long-Term Care, Childcare, and Paid Family Caregiving**

Have you received an UNSATISFACTORY determination on a background check from the Georgia Department of Community Health or the Department of Early Care and Learning?

You may have the right to talk to a judge and explain that you are qualified despite your background check.

Read on to learn how you can appeal and get a SATISFACTORY background check to work in these jobs.

1. When you receive an UNSATISFACTORY background check letter from the Georgia Department of Community Health (DCH) or the Department of Early Care and Learning (DECAL), keep the letter.

This letter will explain what to do next and what parts of your criminal record you need to explain.

2. Within 10 days, contact the mailing address, email, or phone number at the bottom of the letter. Tell them you want to appeal your UNSATISFACTORY background check. If you are not able to appeal within 10 days, you should still send your appeal and explain why you were not able to appeal within 10 days.

DCH: (404) 463-7481 | [Recordcheck.hearing@dch.ga.gov](mailto:Recordcheck.hearing@dch.ga.gov)

DCH Records Unit, 2 Peachtree St. NW, 5<sup>th</sup> Floor, Atlanta, GA 30303

DECAL: (855) 884-7444 | [CRC@dec.al.ga.gov](mailto:CRC@dec.al.ga.gov)

DECAL Background Investigations Unit, 2 Martin Luther King Jr. Dr. SE, 754 East Tower, Atlanta, GA 30334

3. After you request your appeal, you will receive a letter from the Office of State Administrative Hearings (OSAH) with a date for a hearing with a judge. This hearing will take place in Atlanta, but if you can't come to Atlanta, call 404-657-2800 and ask them about attending your hearing on the phone.
4. Before your hearing, think about what you want to say to the judge about why you are qualified for the job. Gather any character reference letters, certificates, diplomas, or any other accomplishments you have achieved since your record happened. Bring your letters and accomplishments to the hearing with you. You can also bring witnesses who can speak to your good character, personal growth, and qualifications. Also, think about what you would tell the judge about your criminal record. Try to show that you have accepted responsibility, learned from the experience, and moved on.

- a. Speak personally about your accountability, progress, and the circumstances of your record.
  - b. Bring other people you trust to testify to your progress (if they can offer a compelling perspective.)
  - c. Give details about the job at stake, and why you would perform well in the position.
  - d. Prepare to talk about each specific charge on your record.
  - e. Prepare to explain any past mental health or substance-abuse challenges that contributed to your record.
5. If you are trying to work in eldercare or as a paid family caregiver, be prepared to talk about:
- a. How long it has been since you were last arrested or convicted.
  - b. The circumstances of your offense.
  - c. How you have been rehabilitated since your record happened.
6. If you are trying to work in childcare, be prepared to talk about:
- a. Whether you successfully completed any probation sentence.
  - b. Whether your offense caused any physical harm to a victim.
  - c. Your good character and employment history since your offense.
  - d. If you are still on probation or your conviction involved physical harm to a victim, you will not be able to get a clear background check for childcare.
7. On your hearing date, show up to the hearing location. Look your best, be confident, and answer the questions from the judge openly and honestly. You have a good chance of success; most people who go through the hearing receive a clear background check.
8. Finally, wait for a decision from the judge and keep a copy of the judge's decision for your records. If you receive a SATISFACTORY background check from the judge, you can start working right away. If the judge does not grant you a SATISFACTORY background check, you can appeal by filing a "writ of mandamus" in Superior Court within 30 days. You can also contact GJP to learn more about your options.

**For More Information:** Licensing Intake

[Intake@GJP.org](mailto:Intake@GJP.org)  
404-827-0027 ext. 1