

**Chapter:** 166

**Session:** 2018 Regular Session

**Topic:** Child care background studies

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**Date:** May 24, 2018

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### Overview

This act modifies background study requirements for individuals age 13 and over living in a household where a licensed child care or child foster care program will be provided, eliminating the fingerprint and photograph requirement. The act also makes corresponding changes to cross-references and terminology.

#### Section

- 1 **Authorized fingerprint collection vendor.** Amends § 245C.02, subd. 4a. Updates cross-reference.
- 2 **Child care background study subject.** Amends § 245C.02, subd. 6a. Changes the term “child care staff person” to “child care background study subject.” Modifies the definition of child care background study subject by removing the requirement that all individuals 13 years of age or older living in a licensed family child care home undergo a fingerprint and photograph background study. Makes this section effective upon implementation of NETStudy2.0 enhanced child care background studies.
- 3 **National criminal history check.** Amends § 245C.02 by adding subd. 13c. Defines “national criminal history check” and specifies terms in chapter 245C that refer to the definition in this subdivision.
- 4 **Reasonable cause.** Amends § 245C.02, subd. 15. Modifies definition of “reasonable cause.”
- 5 **Reasonable cause to require a national criminal history record check.** Amends § 245C.02 by adding subd. 15a. Defines “reasonable cause to require a national criminal history record check,” and lists circumstances under which the commissioner has reasonable cause to require a criminal history record check.

**Section**

- 6      **Licensed programs.** Amends § 245C.03, subd. 1. Updates cross-references; requires the commissioner to conduct a background study on an individual age 13 or older living in a home where there is a legal nonlicensed program or a certified licensed-exempt child care program.
- 7      **Licensed programs; other child care programs.** Amends § 245C.04, subd. 1. Adds cross-reference to background study requirements for minors.
- 8      **Privacy notice to background study subject.** Amends § 245C.05, subd. 2c. Specifies that the FBI will only retain fingerprints of subjects with a criminal history.
- 9      **Fingerprints and photograph.** Amends § 245C.05, subd. 5. Strikes obsolete language related to fingerprint requirements, adds cross-reference to background study requirements for minors, and specifies fingerprint submission procedures. Specifies that fingerprints must not be retained by relevant state agencies, and that the FBI will only retain fingerprints of subjects with a criminal history.
- 10     **Background study requirements for minors.** Amends § 245C.05 by adding subd. 5a. Creates specific background study requirements for minors in legal nonlicensed child care provider homes, family child care homes, or licensed foster homes. Does not require a fingerprint and photograph background study unless the commissioner has reasonable cause to require a national criminal history record check or the minor is employed by the provider or supervises children in the program. Makes the section effective 30 days following final enactment.
- 11     **Destruction of background study subject information.** Amends § 245C.51. Adds cross-reference.
- 12     **Background studies conducted by Department of Human Services.** Amends § 245C.08, subd. 1. Adds cross-references and specifies background study information that the commissioner will review.
- 13     **Child care programs.** Amends § 245C.010, subd. 9a. Specifies that the cost for a background study for a minor under section 245C.05, subdivision 5a will not exceed \$20.
- 14     **Permanent disqualification.** Amends § 245C.15, subd. 1. Updates terminology and adds an exception to permanent disqualification for a felony drug conviction.
- 15     **Direction to commissioner; fingerprint data notification.** Directs the commissioner to notify all background study subjects that fingerprints are not retained after a background study is completed, and that the FBI only retains fingerprints of subjects with a criminal history.
- 16     **Revisor's instruction.** Instructs the revisor to modify terms in statute based on the changes in this act.