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### Overview

Human services background studies are governed by chapter 245C. Upon the implementation of 2017 changes to background study requirements for child care providers, providers age 18 or older will be required to have a national criminal history (FBI) check, but children ages 13 to 17 in a child care household will not. Both groups will be required to have a fingerprint and photograph background check. Under section 245C.05, state agencies do not retain the fingerprints.

This bill would allow a parent to submit their child's records for a national criminal history check, good for five years. The bill would also clarify which entities share and retain background study data, would require additional notifications to background study subjects, and would require the commissioner of human services to create a simplified and unified background study system across different agencies.

#### Section

- 1** **Minor children background studies.** Adds subdivision 1a to § 245C.03. Allows a parent to choose to submit a national criminal history record check for their child if the child is age 13 to 17 and resides in a household where child care is provided. Specifies that a background study conducted under this subdivision remains valid for five years. Makes the section effective upon the implementation of NETStudy 2.0 for family child care programs.
- 2** **Privacy notice to background study subject.** Amends § 245C.05, subd. 2c. Removes clause stating that the FBI will retain a subject's fingerprints. Clarifies that a subject's photograph will not be shared with the Department of Public Safety, the Bureau of Criminal

**Section**

Apprehension, or the FBI. Adds requirement that a background study subject receive notice of: (1) all information the subject must provide; and (2) the entities with whom the commissioner may share background study data, and what data the commissioner may share.

- 3 **Fingerprints and photograph.** Amends § 245C.05, subd. 5. Clarifies that a subject's photograph will not be shared with the Department of Public Safety, the Bureau of Criminal Apprehension, or the FBI. Removes clause stating that the FBI will retain a subject's fingerprints.
- 4 **Destruction of background study information.** Amends § 245C.051. Requires the commissioner to notify the background study subject when information used to complete the study is destroyed pursuant to this section. Requires the commissioner to notify the Bureau of Criminal Apprehension when background study information is destroyed under this section; requires the Bureau of Criminal Apprehension to then make a request to the FBI to not retain fingerprints used to complete childcare staff person national criminal history checks.
- 5 **Direction to commissioner; unifying background studies.** Requires the commissioner of human services to work with relevant stakeholders, agencies, and boards to unify the background study systems for health, human services, health-related occupational licensing boards, and the Professional Educator Licensing and Standards Board.  
  
Requires the commissioner to establish a single background study process for the above professions and agencies, transferable between professions, counties, and provider types.  
  
Requires the commissioner to simplify the background study fee structure, identify any federal waivers necessary to complete this task, and propose legislation in the 2019 legislative session to establish the unified background study process.  
  
Makes this section effective the day following final enactment.