

File Number: H.F. 3573
Version: First engrossment

Date: March 15, 2018

Authors: Albright

Subject: Child care background studies

Analyst: Sarah Sunderman

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

This bill, if passed, would amend the definition of “child care staff person” for the purposes of Department of Human Services background studies, exempting persons ages 13 to 17 residing in a licensed family child care home or legal nonlicensed child care program from the requirement to submit fingerprints and photographs for a background study. The bill would not modify the existing disqualifications specific to child care staff persons or persons over the age of 13 residing in a licensed family child care home or legal nonlicensed child care program.

Section

- 1** **Child care staff person.** Amends § 245C.02, subd. 6a. Modifies the definition of “child care staff person” to include only those persons 18 years of age or older residing in a licensed family child care home or legal nonlicensed child care program. Makes this section effective the day following final enactment.
- 2** **Licensed programs; other child care programs.** Amends § 245C.04, subd. 1. Specifies that child care staff persons, as defined in 245C.02, subd. 6a will be required to submit fingerprints and a photograph for a background study. Specifies that a person 17 years of age or younger residing in a licensed family child care home or legal nonlicensed child care program is only required to submit the information required in § 245C.05, subd. 1, and not required to submit fingerprints and photographs, unless the commissioner has reasonable cause to require a national criminal history check. Makes this section effective the day following final enactment.

Section

- 3** **County agency to collect and forward information to commissioner.** Amends § 245C.05, subd. 2b. Specifies that the county must collect background study data, including fingerprints and photographs, for only child care staff persons, as defined in 245C.02, subd. 6a. Makes this section effective the day following final enactment.
- 4** **Permanent disqualification.** Amends § 245C.15, subd. 1. Specifies that an individual 13 years of age or older residing in a licensed family child care home or legal nonlicensed child care program is still disqualified for certain crimes for which a child care staff person is also disqualified. Makes this section effective the day following final enactment.
- 5** **Determining immediate risk of harm.** Amends § 245C.16, subd. 1. Specifies that the commissioner may order the immediate removal of an individual from any position allowing direct contact with, or access to, persons receiving services, if the individual is a child care staff person or an individual 13 years of age or older residing in a licensed family child care home or legal nonlicensed child care program who has a felony-level conviction for a drug-related offense in the last five years. Makes this section effective the day following final enactment.