

File Number: H.F. 4249 **Date:** March 26, 2018
Version: Delete everything amendment (H4249DE1)
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, as amended, would change the definition of “child care staff person” for the purposes of Department of Human Services background studies, and exempt 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 amended 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 upon the implementation of enhanced child care background studies.
- 2 Licensed programs; other child care programs.** Amends § 245C.04, subd. 1. 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 not required to submit fingerprints and photographs, unless the commissioner has reasonable cause to require a national criminal history check. Makes this section effective upon the implementation of enhanced child care background studies.
- 3 County agency to collect and forward information to commissioner.** Amends § 245C.05, subd. 2b. Exempts minors affiliated with a licensed family child care home or legal nonlicensed child care program from the fingerprint and photograph requirement, unless the

Section

commissioner has reasonable cause for a national criminal history check. Makes this section effective upon the implementation of enhanced child care background studies.

- 4 Fingerprints and photograph.** Amends § 245C.05, subd. 5. Specifies that the commissioner has reasonable cause to require fingerprints if information from the Bureau of Criminal Apprehension indicates a criminal history in Minnesota, for a name and date of birth background study on a minor. Exempts minors affiliated with a licensed family child care home or legal nonlicensed child care program from the fingerprint and photograph requirement, unless the commissioner has reasonable cause for a national criminal history check. Makes this section effective upon the implementation of enhanced child care background studies.
- 5 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 upon the implementation of enhanced child care background studies.
- 6 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 upon the implementation of enhanced child care background studies.