

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 163

(Delegate Krebs, *et al.*)

Health and Government Operations

Judicial Proceedings and Finance

Child Care Centers and Family Day Care Homes - Employees - Background Checks

This bill requires the Department of Public Safety and Correctional Services (DPSCS) to submit a printed statement of a licensed child care center or registered family day care home employee's criminal history records check results to the Department of Human Resources' (DHR) Child Care Administration (CCA). CCA then can disclose the results to a licensed child care center or a registered family day care provider to determine an individual's employment suitability.

Each child care center employee hired by a licensed facility on or after October 1, 2005 must apply to CCA on or before their first day of employment for a child abuse and neglect clearance. CCA may prohibit a licensed child care center operator from employing an individual who: (1) has received a conviction, probation before judgment disposition, a not criminally responsible disposition, or a pending charge for any crime or attempted crime in DPSCS regulations; or (2) has been identified as responsible for child abuse or neglect. A licensed child care center must immediately notify CCA of the results of an employee's criminal history records check that reports a conviction, probation before judgment disposition, a not criminally responsible disposition, or a pending charge for any crime or attempted crime in DPSCS regulations.

Fiscal Summary

State Effect: The bill's requirements could be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Employees and employers of the following facilities must apply for a national and State criminal history records check at any designated law enforcement office in the State. These facilities include: a licensed child care center; a registered family day care home; a licensed child care home; a licensed child care institution; a juvenile detention, correction, or treatment facility; a public school; a private or nonpublic school; a foster care family home or group facility; a recreation center or recreation program; or a day or residential camp. An employer at any one of these facilities may require a volunteer at that facility to obtain a criminal history records check.

The person required to have a criminal history records check must pay for: (1) the mandatory processing fee required by the Federal Bureau of Investigation (FBI) for a national criminal history records check (\$24); (2) reasonable administrative costs to DPSCS not to exceed 10% of the processing fee; and (3) the Maryland criminal history records check fee (\$18). An employer may pay for the employee's records check costs.

DPSCS must conduct the criminal history records check and record on a printed statement the existence of a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge reported in the criminal history record information received from the FBI Identification Division. The statement must be distributed according to federal law and regulations. Information obtained from DPSCS is confidential and may only be disseminated to the person who is the subject of the criminal history records check and to the participants in the hiring or approval process.

Background check results for child care center owners and directors are given to CCA. Background check results for center staff are given to child care directors who may not disseminate the information.

Background: In fiscal 2004, there were 2,663 facilities in Maryland that were either licensed child care centers or nursery schools and child care programs operated by tax-exempt religious organizations regulated under CCA "Letters of Compliance." In that same fiscal year, there were 10,112 registered family day care homes in the State.

DHR's Social Services Administration maintains the Client Information System, a computer system that maintains data related to services provided by local departments of social services on child abuse and neglect investigations. Included in this system is the Central Registry for Indicated/Unsubstantiated Investigations that is accessed either

through a court order or with the consent of the person whose name is being searched. One of the reasons searches can be done is to screen individuals for employment or for volunteer activities. DHR does not charge a fee for this service.

Additional Information

Prior Introductions: A similar bill, HB 1316 of 2004, had a hearing in the House Health and Government Operations Committee. No further action was taken.

Cross File: None.

Information Source(s): Department of Human Resources, Department of Public Safety and Correctional Services, Department of Legislative Services

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