

HCS HB 2249 -- BACKGROUND CHECKS

SPONSOR: Wood

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Children and Families by a vote of 10 to 1. Voted "Do Pass" by the Rules- Legislative Oversight Committee by a vote of 9 to 0.

STATE AND FEDERAL FUNDING

This bill states that in order to qualify for the receipt of state or federal funds for providing child-care services, the following persons must submit to a state and federal fingerprint-based criminal record check before being granted a registration and every five years thereafter and to an annual check of the central registry for child abuse:

- (1) An applicant child care provider;
- (2) Persons employed by the applicant child care provider for compensation;
- (3) Individuals or volunteers whose activities involve the care or supervision of children for the applicant child care provider or unsupervised access to children who are cared for by the applicant child care provider; or
- (4) Individuals residing in the applicant's family child care home who are 17 years or older (Section 210.025, RSMo).

CHILD CARE FACILITY LIABILITY INSURANCE REPORTING

This bill requires all licensed child care facilities to report annually to the Department of Health and Senior Services whether the facility has liability insurance coverage and provide proof of such coverage, if applicable. The department shall include the information on its website and provide the name, address, and telephone number of the facility's liability insurance carrier upon request (Section 210.233).

RELIGIOUS ORGANIZATION CHILD CARE FACILITIES

Child care facilities operated by religious organizations must notify parents that background checks have been conducted (Section 210.1080). A copy of the notice to parents must be filed annually with the Department of Health and Senior Services. The bill removes the prohibition of the department from interfering with the selection of, supervision of, or terms of employment of the

facility's personnel or the selection of individuals sitting on any governing board of such child care facilities (Sections 210.254 and 210.258).

BACKGROUND CHECKS

Prior to the employment or presence of a child care staff member in a family child care home, group child care home, child care center, or license-exempt child care facility, the child care provider must request the results of a criminal background check for such child care staff members. The cost of the background check will be the responsibility of the staff member, but may be paid by the child care provider (Section 210.1080).

A person will be ineligible for employment or presence at a family child care home, group child care home, licensed child care center, or license-exempt child care facility if such person:

- (1) Refused to consent to the background check;
- (2) Knowingly makes a materially false statement in connection with the background check;
- (3) Is registered or is required to register on a sex offender registry;
- (4) Has a finding of child abuse or neglect;
- (5) Has been convicted of any one of several felonies as outlined in the bill;
- (6) Has been convicted of a violent misdemeanor committed as an adult against a child; or
- (7) Has been convicted of any similar crime.

The bill also outlines child care staff members which do not need background checks.

The department must process the request for a criminal background check as expeditiously as possible, but not to exceed 45 days. The department must not reveal to the child care provider which crime or related information causes a person to be ineligible for employment, but must provide such information to the staff member. The staff member may appeal the accuracy of the background check.

PROPONENTS: Supporters say that this bill will bring us into compliance with federal law and will help reduce child abuse by strengthening background checks.

Testifying for the bill were Representative Wood; Missouri Head Start Association; Craig Lammers, Jefferson City Area YMCA and Missouri State Alliance of YMCAs; Robin Phillips, Child Care Aware of Missouri; Missouri Kids First; and Kids Win Missouri.

OPPONENTS: Those who oppose the bill say that there are concerns that the exemption allowed in the bill for religious organizations may be misinterpreted and that background checks need to be performed on all children living in a family child care home, not just those 17 or older.

Testifying against the bill was Joanne Schrader.

OTHERS: Others testifying on the bill say current practice only allows for background checks for instate crimes and does not check other states for criminal history. The state needs to pass this legislation by September 5, 2018, or it will receive a \$5 million penalty from the federal government.

Testifying on the bill were Department of Social Services and Missouri Department of Health and Senior Services.