

2023 -- H 5634

LC001665

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO HUMAN SERVICES -- CERTIFICATION OF CHILDCARE AND YOUTH-SERVING WORKERS AND OPERATORS

Introduced By: Representatives Shallcross Smith, Kislak, Spears, Casimiro, Potter, Giraldo, McNamara, Baginski, Hull, and J. Brien

Date Introduced: February 15, 2023

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40-13.2-5 of the General Laws in Chapter 40-13.2 entitled
2 "Certification of Childcare and Youth-Serving Workers and Operators" is hereby amended to read
3 as follows:

4 **40-13.2-5. Criminal records check — Employees of child day care, daycare centers,**
5 **family daycare homes, group family daycare homes, child-placing agencies and residential**
6 **childcare facilities that must be licensed by the department.**

7 (a) Any person seeking employment in a "child day care" program, a "family daycare
8 home," "group family daycare home," or in a "child daycare center" as defined in § 42-12.5-2, if
9 that employment involves supervisory or disciplinary power over a child or children or involves
10 routine contact with a child or children without the presence of other employees, or any adult
11 household member of any operator of a "family daycare home" and "group family daycare home,"
12 or seeking that employment or to volunteer at the training school for youth, shall, after acceptance
13 by the employer of the affidavit required by § 40-13.2-3, apply to the bureau of criminal
14 identification of the state police or the local police department, or the office of the attorney general,
15 or the department of children, youth and families, for a nationwide criminal records check. The
16 check will conform to applicable federal standards including the taking of fingerprints to identify
17 the applicant. Further, any person seeking employment in a "child day care" program, in a "child
18 daycare center," and/or in a "child daycare provider" as defined in § 42-12.5-2, if that employment

1 involves supervisory or disciplinary power over a child or children or involves routine contact with
2 a child or children without the presence of other employees shall apply to the bureau of criminal
3 identification of the state police or the local police department or the office of the attorney general
4 to conduct all necessary criminal background checks as required by the Child Care and
5 Development Block Grant of 2014 (CCDBG), Pub. L. No. 113-186. The criminal record checks
6 as required by this section shall be conducted for every five (5) years of continuous childcare
7 employment from the date of the previous criminal background check.

8 (b) Any person seeking employment in a “child-placing agency” as defined in § 42-72.1-
9 2, if that employment involves supervisory or disciplinary power over a child or children or
10 involves routine contact with a child or children without the presence of other employees, shall,
11 after acceptance by the employer of the affidavit required by § 40-13.2-3, apply to the bureau of
12 criminal identification of the state police or the local police department, or the office of the attorney
13 general or the department of children, youth and families, for a nationwide criminal records check.
14 The check will conform to applicable federal standards including the taking of fingerprints to
15 identify the applicant.

16 (c) Any person seeking employment in a “childcaring agency,” “children’s behavioral
17 health program,” or in a “foster and adoptive home” as defined in § 42-72.1-2, that is, or is required
18 to be, licensed or registered with the department of children, youth and families, shall, after
19 acceptance by the employer of the affidavit required by § 40-13.2-3, apply to the bureau of criminal
20 identification of the state police or the local police department, or the office of the attorney general,
21 or the department of children, youth and families, for a nationwide criminal records check. The
22 check will conform to applicable federal standards including the taking of fingerprints to identify
23 the applicant.

24 (d) [Deleted by P.L. 2019, ch. 88, art. 3, § 8.]

25 (e) Upon the discovery of any disqualifying information as defined in accordance with the
26 rule promulgated by the director, the bureau of criminal identification of the state police or the local
27 police department or the office of the attorney general or the department of children, youth and
28 families will inform the applicant, in writing, of the nature of the disqualifying information. In
29 addition, the bureau of criminal identification of the state police or the office of the attorney general,
30 or department of children, youth and families, or the local police department will inform the
31 relevant employer, in writing, without disclosing the nature of the disqualifying information, that
32 an item of disqualifying information has been discovered.

33 (f) In those situations in which no disqualifying information has been found, the bureau of
34 criminal identification of the state police or the local police department or the office of the attorney

1 general, or the department of children, youth and families will inform both the applicant and the
2 employer, in writing, that no disqualifying information has been found.

3 (g) Failure to show proof that the employer has initiated requests for background checks
4 required by this section will be prima facie grounds to revoke the license or registration of the
5 operator of the facility.

6 (h) It will be the responsibility of the bureau of criminal identification of the state police
7 or the office of the attorney general, or ~~the~~ every local police department, or the department of
8 children, youth and families, to conduct the comprehensive nationwide criminal records check
9 pursuant to this section. The comprehensive nationwide criminal records check will be provided to
10 the applicant for employment. Any expense associated for providing the criminal records check to
11 an existing employee shall be paid by the applicant and/or the requesting agency. Effective July 1,
12 2023, any new applicant, which shall include any person who has submitted an application for
13 employment to any agency or entity regulated by this section, shall be exempt from the payment
14 provisions of this section and the nationwide criminal records check shall be conducted at no
15 charge.

16 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HUMAN SERVICES -- CERTIFICATION OF CHILDCARE AND YOUTH-
SERVING WORKERS AND OPERATORS

- 1 This act would repeal the provision that requires new applicants for employment under this
- 2 section to pay the expense for their background checks.
- 3 This act would take effect upon passage.

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