

2026 -- H 8136

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

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A N A C T

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

Introduced By: Representatives Shallcross Smith, Casey, Cruz, Alzate, Giraldo, and Fellela

Date Introduced: February 27, 2026

Referred To: House Health & Human Services

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)(1) 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 (2) Any person, whether compensated or serving in a volunteer capacity, who provides
9 instruction, coaching, supervision, or organized activities to children or youth in programs
10 including, but not limited to, dance, sports, cheerleading, gymnastics, wrestling, martial arts, music
11 instruction, academic tutoring, or other similar organized youth activities, and whose duties involve
12 supervisory authority over a child or routine contact with a child without the presence of another
13 screened adult, shall be required to undergo a nationwide criminal records check in accordance
14 with the standards set forth in this section, including fingerprint-based identification consistent with
15 applicable federal requirements. No organization, association, business entity, or sole proprietor
16 offering such programs shall permit any such individual to commence service prior to completion
17 of the required criminal background check.

18 (b) Any person seeking employment in a “child-placing agency” as defined in § 42-72.1-
19 2, if that employment involves supervisory or disciplinary power over a child or children or
20 involves routine contact with a child or children without the presence of other employees, shall,
21 after acceptance by the employer of the affidavit required by § 40-13.2-3, apply to the bureau of
22 criminal identification of the state police or the local police department, or the office of the attorney
23 general or the department of children, youth and families, for a nationwide criminal records check.
24 The check will conform to applicable federal standards including the taking of fingerprints to
25 identify the applicant.

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

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

1 (e) Upon the discovery of any disqualifying information as defined in accordance with the
2 rule promulgated by the director, the bureau of criminal identification of the state police or the local
3 police department or the office of the attorney general or the department of children, youth and
4 families will inform the applicant, in writing, of the nature of the disqualifying information. In
5 addition, the bureau of criminal identification of the state police or the office of the attorney general,
6 or department of children, youth and families, or the local police department will inform the
7 relevant employer, in writing, without disclosing the nature of the disqualifying information, that
8 an item of disqualifying information has been discovered.

9 (f) In those situations in which no disqualifying information has been found, the bureau of
10 criminal identification of the state police or the local police department or the office of the attorney
11 general, or the department of children, youth and families will inform both the applicant and the
12 employer, in writing, that no disqualifying information has been found.

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

16 (h) It will be the responsibility of the bureau of criminal identification of the state police
17 or the office of the attorney general, or ~~the~~ every local police department, or the department of
18 children, youth and families, to conduct the comprehensive nationwide criminal records check
19 pursuant to this section. The comprehensive nationwide criminal records check will be provided to
20 the applicant for employment. ~~Any~~ On and before June 30,2026, expense associated for providing
21 the criminal records check shall be paid by the applicant and/or the requesting agency. On and after
22 July 1, 2026, any new applicant, which shall include any person who has submitted an application
23 for employment to any agency or entity regulated by this section, shall be exempt from the payment
24 provisions of this section and the nationwide criminal records check shall be conducted at no
25 charge.

26 (i) In lieu of the criminal background check and fingerprinting requirements set forth in
27 this section, an applicant who holds an active United States government top secret sensitive
28 compartmented information (TS/SCI) security clearance, verified in writing by the appropriate
29 federal authority or employer, may submit proof of such clearance to the bureau of criminal
30 identification, the office of the attorney general, the local police department, or the department of
31 children, youth and families. Upon verification of the active clearance status, the applicant shall be
32 deemed to have satisfied the nationwide criminal records check requirement of this section;
33 provided that, the clearance remains active and in good standing. The director may promulgate
34 regulations to establish procedures for verification and documentation of such clearance.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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

1 This act would eliminate fingerprinting fees for licensed childcare hires, require
2 background checks for youth activity instructors, and allow active top secret sensitive
3 compartmented information (TS/SCI) security clearance to satisfy criminal background check
4 requirements.

5 This act would take effect upon passage.

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