

Chapter 49

(Senate Bill 413)

AN ACT concerning

Criminal History Records Checks – Informal Child Care Providers

FOR the purpose of altering certain provisions of law relating to individuals required to obtain a criminal history records check; requiring an adult known to be residing in an informal child care provider's home to obtain a criminal history records check; requiring certain informal child care providers to obtain a criminal history records check; requiring the Department of Public Safety and Correctional Services to provide certain applicants' State criminal records to the State Department of Education; providing for a delayed effective date; and generally relating to criminal history records checks of individuals who care for or supervise children.

BY repealing and reenacting, with amendments,

Article – Family Law

Section 5–561(c), 5–562(a), and 5–564(b)

Annotated Code of Maryland

(2012 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Family Law

5–561.

(c) The following individuals shall obtain a criminal history records check under this Part VI of this subtitle:

(1) an individual who is seeking to adopt a child through a child placement agency;

(2) an individual who is seeking to become a guardian through a local department;

(3) an individual whom the juvenile court appoints as a guardian of a child;

(4) an adult relative with whom a child, committed to a local department, is placed by the local department;

(5) any adult known by a local department **OR THE STATE DEPARTMENT OF EDUCATION** to be residing in:

(i) a family child care home or large family child care home required to be registered under this title;

(II) A HOME WHERE INFORMAL CHILD CARE, AS DEFINED IN CHILD CARE SUBSIDY REGULATIONS ADOPTED UNDER TITLE 13A OF THE CODE OF MARYLAND REGULATIONS, IS BEING PROVIDED OR WILL BE PROVIDED TO A CHILD WHO DOES NOT RESIDE THERE;

[(ii)] (III) a home of an adult relative of a child with whom the child, committed to a local department, is placed by the local department;

[(iii)] (IV) a foster care home or child care home required to be approved under this title;

[(iv)] (V) a home of an individual seeking to adopt a child through a child placement agency; or

[(v)] (VI) a home of an individual seeking to become a guardian through a local department; **[and]**

(6) AN INDIVIDUAL WHO AGREES TO PROVIDE, OR TO CONTINUE PROVIDING, INFORMAL CHILD CARE, AS DEFINED IN CHILD CARE SUBSIDY REGULATIONS, ADOPTED UNDER TITLE 13A OF THE CODE OF MARYLAND REGULATIONS; AND

[(6)] (7) if requested by a local department:

(i) a parent or guardian of a child who is committed to the local department and is or has been placed in an out-of-home placement within the past year; and

(ii) any adult known by the local department to be residing in the home of the parent or guardian.

5-562.

(a) (1) On or before the 1st day of actual employment, an employee shall apply to the Department for a printed statement.

(2) On or before the 1st day of actual operation of a facility identified in § 5-561 of this subtitle, an employer shall apply to the Department for a printed statement.

(3) (I) BEFORE AN INDIVIDUAL MAY BE APPROVED TO PROVIDE OR TO CONTINUE PROVIDING INFORMAL CHILD CARE, AS DEFINED IN CHILD CARE SUBSIDY REGULATIONS ADOPTED UNDER TITLE 13A OF THE CODE OF MARYLAND REGULATIONS, THE INDIVIDUAL SHALL APPLY TO THE DEPARTMENT FOR A PRINTED STATEMENT.

(II) AN INDIVIDUAL WHO WAS APPROVED BEFORE JANUARY 1, 2014, TO PROVIDE INFORMAL CHILD CARE AND WHO INTENDS TO CONTINUE PROVIDING INFORMAL CHILD CARE ON OR AFTER THAT DATE HAS UNTIL JUNE 30, 2014, TO APPLY TO THE DEPARTMENT FOR A PRINTED STATEMENT.

[(3)] (4) Within 5 days after a local department places a child who is committed to the local department with an adult relative, an individual identified in § 5-561(c) or (e) of this subtitle shall apply to the Department for a printed statement.

5-564.

(b) (1) The Department shall provide an initial and a revised statement of the applicant's State criminal record to:

(i) the recipients of the printed statement specified in subsection (c) of this section; and

(ii) the State Department of Education if the applicant is [an employee of]:

1. **AN EMPLOYEE OF, OR AN ADULT RESIDENT IN**, a child care center that is required to be licensed or to hold a letter of compliance under Part VII of this subtitle; [or]

2. **AN EMPLOYEE OF, OR AN ADULT RESIDENT IN**, a family child care home or large family child care home that is required to be registered under Part V of this subtitle; **OR**

3. **AN INDIVIDUAL WHO PROVIDES OR AGREES TO PROVIDE INFORMAL CHILD CARE OR AN ADULT WHO RESIDES IN A HOME WHERE INFORMAL CHILD CARE IS BEING PROVIDED OR WILL BE PROVIDED TO A CHILD WHO DOES NOT RESIDE THERE.**

(2) The Department shall distribute the printed statement in accordance with federal law and regulations on dissemination of FBI identification records.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2014.

Approved by the Governor, April 9, 2013.