

Article - Family Law

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§5–561.

(a) Notwithstanding any provision of law to the contrary, an employee and employer in a facility identified in subsection (b) of this section and individuals identified in subsection (c) of this section shall apply for a national and State criminal history records check at any designated law enforcement office in this State or other location approved by the Department.

(b) The following facilities shall require employees and employers to obtain a criminal history records check under this Part VI of this subtitle:

(1) a child care center required to be licensed under Part VII of this subtitle;

(2) a family child care home or large family child care home required to be registered under Part V of this subtitle;

(3) a child care home required to be licensed under this subtitle or under Title 9 of the Human Services Article;

(4) a child care institution required to be licensed under this subtitle or under Title 9 of the Human Services Article;

(5) a juvenile detention, correction, or treatment facility provided for in Title 9 of the Human Services Article;

(6) a public school as defined in Title 1 of the Education Article;

(7) a private or nonpublic school required to report annually to the State Board of Education under Title 2 of the Education Article;

(8) a foster care family home or group facility as defined under this subtitle;

(9) a recreation center or recreation program operated by the State, a local government, or a private entity primarily serving minors;

(10) a day or residential camp, as defined in Title 10, Subtitle 16 of the Code of Maryland Regulations, primarily serving minors; or

(11) a home health agency or residential service agency licensed by the Department of Health and Mental Hygiene and authorized under Title 19 of the Health – General Article to provide home– or community–based health services for minors.

(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;
 - (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;
 - (iv) a foster care home or child care home required to be approved under this title;
 - (v) a home of an individual seeking to adopt a child through a child placement agency; or
 - (vi) a home of an individual seeking to become a guardian through a local department;
- (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
- (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.

- (d) An employer at a facility under subsection (b) of this section may require a

volunteer at the facility to obtain a criminal history records check under this Part VI of this subtitle.

(e) A local department may require a volunteer of that department who works with children to obtain a criminal history records check under this Part VI of this subtitle.

(f) An employer at a facility not identified in subsection (b) of this section who employs individuals to work with children may require employees, including volunteers, to obtain a criminal history records check under this Part VI of this subtitle.

(g) An employer, as defined in § 5–560(e)(2) of this subtitle, shall require an employee, as defined in § 5–560(d)(2) of this subtitle, to obtain a criminal history records check under this Part VI of this subtitle.

(h) (1) Except as provided in paragraph (2) of this subsection, a person who is required to have a criminal history records check under this Part VI of this subtitle shall pay for:

(i) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check;

(ii) reasonable administrative costs to the Department, not to exceed 10% of the processing fee; and

(iii) the fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records.

(2) A volunteer under subsection (d), (e), or (f) of this section who volunteers for a program that is registered with the Maryland Mentoring Partnership is not required to pay for costs or fees under paragraph (1)(ii) and (iii) of this subsection.

(i) (1) An employer or other party may pay for the costs borne by the employee or other individual under subsection (h) of this section.

(2) The local department shall reimburse:

(i) an adult residing in a foster care home for the costs borne by the individual under subsection (h) of this section; and

(ii) an individual described in subsection (c)(7)(ii) of this section for the costs borne by the individual under subsection (h) of this section.

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