
By: **Delegate Hecht**
Introduced and read first time: February 24, 2000
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Background Investigations - Care and Supervision of Children -**
3 **Substitute Employee Pools**

4 FOR the purpose of requiring that provisions of law related to criminal history
5 records checks apply to certain associations of child care centers that establish
6 and maintain a pool of individuals to work as substitute or temporary employees
7 in certain facilities and to employees of these associations of child care centers;
8 and generally relating to criminal history records checks and associations of
9 child care centers.

10 BY repealing and reenacting, with amendments,
11 Article - Family Law
12 Section 5-560(e)
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 1999 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article - Family Law
17 Section 5-561
18 Annotated Code of Maryland
19 (1999 Replacement Volume and 1999 Supplement)

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

22 **Article - Family Law**

23 5-560.

24 (e) (1) "Employer" means an owner, operator, proprietor, or manager of a
25 facility identified in § 5-561 of this subtitle who has frequent contact with children
26 who are cared for or supervised in the facility.

27 (2) "EMPLOYER" INCLUDES AN ASSOCIATION OF CHILD CARE CENTERS
28 THAT ESTABLISHES AND MAINTAINS A POOL OF INDIVIDUALS WHO ARE QUALIFIED

1 TO WORK AS SUBSTITUTE OR TEMPORARY EMPLOYEES IN A FACILITY IDENTIFIED IN
2 § 5-561(B) OF THIS SUBTITLE.

3 (3) "Employer" does not include a State or local agency responsible for
4 the temporary or permanent placement of children in a facility identified in § 5-561 of
5 this subtitle.

6 5-561.

7 (a) Notwithstanding any provision of law to the contrary, an employee and
8 employer in a facility identified in subsection (b) of this section and persons identified
9 in subsection (c) of this section shall apply for a national and State criminal history
10 records check at any designated law enforcement office in this State.

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

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

15 (2) a family day care home required to be registered under Part V of this
16 subtitle;

17 (3) a child care home required to be licensed under this subtitle or under
18 Article 83C of the Code;

19 (4) a child care institution required to be licensed under this subtitle or
20 under Article 83C of the Code;

21 (5) a juvenile detention, correction, or treatment facility provided for in
22 Article 83C of the Code;

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

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

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

28 (9) a recreation center or recreation program operated by State or local
29 government primarily serving minors; or

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

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

34 (1) an individual who is seeking to adopt a child through a local
35 department of social services or licensed child placement agency;

1 (2) an adult relative with whom a child, committed to a local department
2 of social services, is placed by the local department of social services; and

3 (3) any adult known by a local department of social services to be
4 residing in a:

5 (i) family day care home required to be registered under Title 5 of
6 this article;

7 (ii) home of an adult relative of a child with whom the child,
8 committed to a local department of social services, is placed by the local department of
9 social services;

10 (iii) foster care home or child care home required to be approved
11 under Title 5 of this article; or

12 (iv) home of an individual seeking to adopt a child through a local
13 department of social services or a licensed child placement agency.

14 (d) An employer at a facility under subsection (b) of this section may require a
15 volunteer at the facility to obtain a criminal history records check under this Part VI
16 of this subtitle.

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

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

24 (g) A person who is required to have a criminal history records check under
25 this Part VI of this subtitle shall pay for:

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

28 (2) reasonable administrative costs to the Department, not to exceed
29 10% of the processing fee; and

30 (3) the fee authorized under Article 27, § 746(b)(8) of the Code for access
31 to Maryland criminal history records.

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

34 (2) The local department of social services shall reimburse an adult
35 residing in a foster care home for the costs borne by the individual under subsection
36 (g) of this section.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2000.