

**Department of Legislative Services**

Maryland General Assembly

2002 Session

**FISCAL NOTE**

House Bill 1410

(Delegate Pitkin)

Judiciary

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**Family Law - Criminal History Records Check - Child Access Transfer Centers  
and Supervised Visitation Centers**

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This bill requires criminal history records checks for employers, employees, and volunteers of child access transfer centers or supervised visitation centers that provide monitored exchanges of children or supervised visitation ordered by a judge.

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**Fiscal Summary**

**State Effect:** Assuming that criminal history records checks costs will be borne by affected employers, employees, or volunteers, the bill's requirements could be handled with the existing budgeted resources of Maryland's Criminal Justice Information System (CJIS) Central Repository in the Department of Public Safety and Correctional Services.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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**Analysis**

**Current Law:** Under provisions of the Family Law Article relating to criminal background investigations for employees of facilities and other individuals that care for or supervise children, the following facilities must require employees and employers to obtain a criminal history records check:

- a licensed child care center;
- a registered family day care home;

- a licensed child care home;
- a licensed child care institution;
- a juvenile detention, correction, or treatment facility;
- a public school;
- a private or nonpublic school required to report annually to the State Board of Education;
- a foster care family home or group facility;
- a recreation center or recreation program operated by State or local government primarily serving minors; or
- a day or residential camp primarily serving minors.

An employer of such a facility -- meaning an owner, operator, proprietor, or manager -- must require an employee to obtain a criminal history records check. An employer at such a facility may require a volunteer at the facility to obtain a criminal history records check. A local department of social services may require a volunteer of that department who works with children to obtain a criminal history records check. An employer at a facility not identified in this provision who employs individuals to work with children may require employees, including volunteers, to obtain a criminal history records check.

Under the same subtitle, the following individuals must obtain a criminal history records check:

- an individual who is seeking to adopt a child through a local department of social services or licensed child placement agency;
- an adult relative with whom a child, committed to a local department of social services, is placed by the local department of social services;
- any adult known by a local department of social services to be residing in: (1) a registered family day care home; (2) a home of an adult relative of a child with whom the child, committed to a local department of social services, is placed by the local department of social services; (3) an approved foster care home or child care home; or (4) a home of an individual seeking to adopt a child through a local department of social services or a licensed child placement agency; and
- if requested by a local department of social services: (1) 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 (2) any adult known by the local department to be residing in the home of the parent or guardian.

A person who is required to have a criminal history records check under these provisions must pay for: (1) the mandatory processing fee required by the Federal Bureau of Investigation (FBI) for a national criminal history records check; (2) reasonable administrative costs to the Department of Public Safety and Correctional Services, not to exceed 10% of the processing fee; and (3) the authorized fee for access to Maryland criminal history records.

An employer or other party may pay for such costs. The local department of social services must reimburse such costs for: (1) an adult residing in a foster care home for such costs; and (2) an adult known to be residing in the home of the parent or guardian.

**Background:** There are 27 child access transfer centers and supervised visitation centers in Maryland, each with about 12 employees. The total maximum cost of each criminal history record check is \$52, which includes State and national background checks plus fingerprinting. The CJIS Central Repository is authorized by law to collect an \$18 fee established for Maryland criminal history record checks. This fee represents cost recovery for processing and administration and is revenue/cost neutral. The FBI charges a fee of \$24 for a national criminal history record check. There is also normally a \$10 fee for two fingerprint cards (\$5 for the State card; \$5 for the separate FBI card). The CJIS Central Repository must collect the records fees from the applicant, or other payer, and reimburse the FBI through that agency's monthly billing.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services (Information Technology and Communications Division), Department of Legislative Services

**Fiscal Note History:** First Reader - March 18, 2002  
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