

**Department of Legislative Services**  
 Maryland General Assembly  
 2024 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

House Bill 1254  
 Ways and Means

(Delegate Wells)

Education, Energy, and the Environment

**Child Care Providers - Criminal History Records Checks and Abuse and Neglect Clearances - Requirements**

This bill requires a prospective employee or volunteer or an additional adult who will have a position involving direct contact with children at a licensed child care center, registered family child care home, or registered large family child care home to submit to a criminal history records check (CHRC), in accordance with specified requirements. The Maryland State Department of Education (MSDE) must establish a unit for the dedicated purpose of processing and managing information about CHRCs for individuals providing child care services. The program may be staffed by credentialing specialists in the regional child care licensing offices throughout the State, and the unit must provide certain updates to individuals regarding applications for CHRCs within specified timeframes. The bill also establishes additional requirements for child abuse and neglect clearances by the Department of Human Services (DHS). The bill’s requirements are generally subject to the availability of existing resources within the relevant State agencies.

**Fiscal Summary**

**State Effect:** Under the assumption discussed below, general fund expenditures increase by approximately \$289,300 in FY 2025 for administrative costs; future years reflect annualization and inflation. Revenues are likely not affected.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	289,300	341,900	357,200	372,800	389,200
Net Effect	(\$289,300)	(\$341,900)	(\$357,200)	(\$372,800)	(\$389,200)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** The bill is not anticipated to materially affect local government operations or finances.

**Small Business Effect:** Potential meaningful.

---

## Analysis

### Bill Summary:

#### *Criminal History Records Checks*

The MSDE unit must notify an individual who has submitted an application for a CHRC as follows:

- within 10 days of submission – of receipt and application status; and
- within 45 days of submission (subject to the receipt of information from the Criminal Justice Information System Central Repository (CJIS-CR)) – the applicant’s eligibility to provide child care services in a licensed or registered child care program.

A CHRC of an individual approved to provide child care services must remain valid for five years. The MSDE unit must maintain a list of individuals who have submitted CHRCs in accordance with the bill. The unit may share the name and status of an individual on the list with (1) a licensed child care center, registered family child care home, or registered large family child care home at which the individual seeks to volunteer or be employed and (2) the individual.

The unit must, upon request by an individual or child care provider, provide written notice to a licensed child care center, registered family child care home, or registered large family child care home that an individual who seeks to be employed by or volunteer with the child care provider has a valid CHRC on file with MSDE.

An applicant must apply to CJIS-CR for a State and national CHRC. As part of the application, an individual must complete and submit:

- a complete set of legible fingerprints taken in a format approved by CJIS-CR and the Federal Bureau of Investigation (FBI);
- the required fee; and
- the mandatory processing fee required by the FBI for a national CHRC.

In accordance with specified provision of State law, CJIS-CR must forward to the individual and the unit in MSDE the individual’s criminal history record information. Any information obtained (1) is confidential; (2) may not be disseminated; and (3) may be

used only for authorized purposes. The subject of a CHRC pursuant to these requirements may contest the contents of the information issued by CJIS-CR.

### *Child Abuse and Neglect Clearance*

In regard to child abuse and neglect clearances, DHS must notify the employee of a child care provider, as specified, who has requested a clearance (1) within 10 days of submission of receipt and status and of the application and (2) subject to receipt of criminal history records information from CJIS-CR, within 45 days of submission whether the employee received child abuse and neglect clearance. A clearance must remain valid for five years. DHS must (1) maintain a list of employees who have applied for child abuse and neglect clearances and (2) on request by an individual or a child care center, provide written notice to a child care center for which an individual seeks employment that the individual has received a child abuse and neglect clearance.

DHS may share the name and status of an applicant with the applicant and a child care center from which the individual seeks employment.

**Current Law:** CJIS-CR is established by the Criminal Procedure Article, §§ 10-213 *et seq.*, within the Department of Public Safety and Correctional Services (DPSCS) to collect, manage, and disseminate Maryland CHRCs for criminal justice and noncriminal justice (*e.g.*, employment and licensing) purposes. For national records' checks, CJIS-CR collects the fee and submits the requests for national information to the FBI electronically.

Pursuant to provisions in the Family Law Article, in general, employees and employers who work in specified facilities and who care for or supervise children (or have access to children who are cared for or supervised in the facility) are required to apply to DPSCS for a national and State CHRC. Among the facilities requiring records' checks are child care centers, family child care homes, schools, foster care homes, and recreation centers that primarily serve minors.

Furthermore, each employee of a child care center that is required to be licensed or to hold a letter of compliance must apply to DHS, on or before the first day of actual employment, for a child abuse and neglect clearance. DHS may prohibit the operator of a child care center that is required to be licensed or to hold a letter of compliance from employing an individual who:

- has received a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for any crime or attempted crime enumerated in specified regulations; or
- has been identified as responsible for child abuse or neglect.

Similarly, the operator of a child care center that is required to be licensed or to hold a letter of compliance must immediately notify DHS if an *employee* reports a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for any crime or attempted crime enumerated in specified regulations.

**State Expenditures:** The bill generally specifies that its provisions are subject to the *availability of existing resources* within the affected State agencies. Although both MSDE and DHS have existing staff that generally review and process CHRCs and child abuse and neglect clearances that are required under current law for certain individuals within child care facilities, such resources are insufficient to implement the provisions of the bill. This analysis assumes that regardless of the bill’s language that its provisions are *subject to the availability of existing resources*, the bill is implemented. Thus, associated expenditures for affected State agencies are discussed below.

MSDE advises that the Office of Child Care’s regional licensing staff review and process criminal background clearances and child abuse and neglect records for all providers, adult residents, child care staff and associated parties. For the 2022 calendar year, there were more than 75,000 associated parties in the child care database; 101,776 State criminal background clearances were received and processed.

MSDE further advises that additional personnel are needed to coordinate implementation of the bill’s requirements and to staff the new unit established by the bill, as existing staff are generally fully subscribed. Thus, general fund expenditures increase by \$215,196 in fiscal 2025, which accounts for the bill’s October 1, 2024 effective date. This estimate reflects the cost of hiring three administrators. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	3.0
Salaries and Fringe Benefits	\$193,428
Other Operating Expenses	21,768
<b>Total FY 2025 State Expenditures – MSDE</b>	<b>\$215,196</b>

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses. To the extent the new unit is able to handle a portion of licensing work related to CHRCs that would otherwise be handled by existing staff, MSDE may realize administrative efficiencies.

DHS advises that as many as 25 additional staff positions may be needed throughout the local departments, due in part to the timelines established by the bill. While the Department of Legislative Services (DLS) acknowledges the potential operational impact of the bill on DHS, DLS disagrees that 25 positions are necessary to implement the bill’s requirements. According to information provided by DHS, *in general*, clearances submitted online are

completed within 14 business days, while paper clearances have a turnaround time of approximately six weeks. As these processing times generally meet the timelines established by the bill, DLS assumes DHS requires one (centrally located) additional program administrator to oversee the clearance process under the bill and to facilitate any necessary coordination between local departments. As a result, general fund expenditures increase by \$74,108 in fiscal 2025, which accounts for the bill’s October 1, 2024 effective date. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	1.0
Salary and Fringe Benefits	\$66,852
Operating Expenses	7,256
<b>Total FY 2025 State Expenditures – DHS</b>	<b>\$74,108</b>

Future year expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

**Small Business Effect:** To the extent the bill shortens the hiring process for employees of child care facilities, small businesses may benefit.

**Additional Comments:** DPSCS advises that the FBI must approve any changes to relevant State law prior to processing any federal background checks. To the extent the FBI does not approve provisions within the bill, national background checks would not be permitted until the requirements are changed and then approved by the FBI.

While the bill establishes specified timeframes and procedures in regard to certain CHRCs and child abuse and neglect clearances, DLS advises that, as referenced above, current law generally already requires individuals within child care facilities to obtain CHRCs, pursuant to provisions in the Family Law Article that are unchanged by the bill.

### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Maryland State Department of Education; Department of Human Services; Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - February 27, 2024  
km/jkb Third Reader - March 27, 2024  
Revised - Amendment(s) - March 27, 2024

---

Analysis by: Eric F. Pierce

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510