MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

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TO: Members of the Maryland State Board of Education

FROM: Bernard J. Sadusky, Ed. D. BJS

DATE: December 6, 2011

SUBJECT: 2012 Departmental Legislative Proposal

PURPOSE:

The purpose of this item is to revisit the attached legislative proposal, "Requirements for Criminal Background Checks."

EXECUTIVE SUMMARY:

Last month Ms. Renee Spence presented to the State Board of Education several legislative proposals for approval for submission to the Governor's Legislative Office. After some discussion, one proposal pertaining to criminal history record checks for informal child care providers was placed on hold for submission until a child care program specialist could be present for the State Board of Education to hold a more in depth discussion.

Ms. Elizabeth Kelley, Director of the Office of Child Care, and Ms. Renee Spence will revisit the legislation and respond to any questions you may have relative to this proposal. As always, thank you for your support.

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A BILL ENTITLED

AN ACT concerning

Requirements for Criminal Background Checks

FOR the purpose of amending the Annotated Code of Maryland pertaining to criminal history record checks for informal child care providers who accept payment from the child care subsidy program.

BY repealing and reenacting, with amendments
Article – Family Law
Section(s) 5-561, 5-564
Annotated Code of Maryland
(06 Replacement Volume and 11 Supplement)

SECTION 1: BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 5-561 and 5-564 be repealed and reenacted, with amendments.

5-561. Required; facilities requiring criminal history records check

(c) *Individuals requiring criminal history records check.*- 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 to be residing in:

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

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

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

(v) a home of an individual seeking to become a guardian through a local department; AND

(6) A POTENTIAL INFORMAL CHILD CARE PROVIDER WHO INTENDS TO SEEK PAYMENT FROM THE CHILD CARE SUBSIDY PROGRAM MANAGED BY THE MARYLAND STATE DEPARTMENT OF EDUCATION.
[(6)] (7) if requested by a local department:

5-564. Duties of Department

(b) *Distribution of applicant's State criminal record.-*

(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 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. A family child care home or AN EMPLOYEE OF A large family child care home that is required to be registered under Part V of this subtitle. [.]; OR

3. A POTENTIAL INFORMAL CHILD CARE PROVIDER WHO INTENDS TO SEEK PAYMENT FROM THE CHILD CARE SUBSIDY PROGRAM MANAGED BY THE MARYLAND STATE DEPARTMENT OF EDUCATION.

(c) *Individuals requiring criminal history records check.-* 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 to be residing in:

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

(ii) 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) a foster care home or child care home required to be approved under this title;

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

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

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

(7) A POTENTIAL INFORMAL CHILD CARE PROVIDER WHO INTENDS TO SEEK PAYMENT FROM THE CHILD CARE SUBSIDY PROGRAM MANAGED BY THE MARYLAND STATE DEPARTMENT OF EDUCATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2012.