

Legislative Analysis



CRIMINAL CHECKS: FOSTER HOMES

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Senate Bill 271 (Substitute H-2)

Sponsor: Sen. Gerald Van Woerkom

House Committee: Families and Children's Services

Senate Committee: Families and Human Services

Complete to 12-10-07

A SUMMARY OF SENATE BILL 271 AS REPORTED FROM HOUSE COMMITTEE

The bill would amend the Child Care Licensing Act, effective January 1, 2008, to do all of the following:

****Require an applicant for an original or renewal license to operate a foster family home or a foster family group home to undergo a criminal history check, an FBI records check, and a Department of State Police ICHAT (Internet criminal history access tool) check.**

****Prohibit individuals from receiving, renewing, or holding a license to operate a foster care home or a foster care group home if they or a person over 18 years residing with them has been convicted of a listed offense (under the Sex Offenders Registration Act).**

****Require all current licensees of foster care homes or foster care group homes to undergo criminal background checks before their licenses could be renewed.**

****Require all adult residents of a home to undergo an ICHAT check by January 1, 2009.**

****Specify that a person applying to renew a license who previously had undergone the required checks and had remained continuously licensed, would not be required to undergo another check.**

****Require a licensee under the act to report to the Department of Human Services (DHS) within three business days after an employee or an adult residing in the home was arraigned for a felony or certain specified misdemeanors. (If a person was subsequently not convicted, information about an arraignment would be deleted from licensee records.)**

****Prescribe criminal penalties for an individual who did not report an arraignment as required. (The DHS would be required to notify licensees and applicants of the duty to report certain arraignments.)**

**** Require the Department of Human Services to notify licensees that they will be required to submit fingerprints and undergo criminal history and criminal record checks before the license can be renewed. The notice would also have to inform licensees that they could submit fingerprints in advance of a license being up for renewal.**

** Require the State Police to store and maintain all fingerprints submitted under the act in an automated fingerprint system database that would provide automatic notification of fingerprint matches from an arrest. Upon receiving notice of a match, the State Police would have to notify the DHS, which would have to contact the child care organization or foster care home with which the individual was associated. The database would not be subject to the Freedom of Information Act and could be disclosed only for licensing or law enforcement purposes.

FISCAL IMPACT:

The bill requires that the Department of Human Services request criminal history checks through the Department of State Police on all applicants for a foster care home license or license renewal. It also requires the Department to conduct ICHAT criminal history checks on all adult residents within foster care homes and foster care group homes by January 1, 2009. A Senate Fiscal Agency analysis of the bill as it passed the Senate cites an estimate by the Office of Child and Adult Licensing that approximately 11,000 background checks would be required under the bill at a cost of around \$770,000 within the first year.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.