

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 882

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DATE
02/07/2019

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Introduction and first reading
Referred to Family Care and Aging

OFFICIAL STATUS

1.1 A bill for an act
 1.2 relating to human services; exempting certain individuals from child care
 1.3 background studies and training; amending Minnesota Statutes 2018, sections
 1.4 245A.50, by adding subdivisions; 245C.03, subdivision 1.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 245A.50, is amended by adding a subdivision
 1.7 to read:

1.8 Subd. 12. **Related individual training exemption.** (a) When a related individual has
 1.9 no unsupervised contact with a day care child, the related individual is exempt from training
 1.10 requirements under this chapter. A related individual may have direct contact with a day
 1.11 care child as long as the interaction is under the direct supervision of the license holder.

1.12 (b) For the purposes of this subdivision, "related individual" means any of the following
 1.13 persons related to the provider by blood, marriage, or adoption: spouse, brother, sister, first
 1.14 cousin, aunt, uncle, nephew, niece, parent, grandparent, great-grandparent, great-uncle, and
 1.15 great-aunt. Related individual also includes the father and mother of a day care child.

1.16 Sec. 2. Minnesota Statutes 2018, section 245A.50, is amended by adding a subdivision to
 1.17 read:

1.18 Subdivision 13. **Emergency substitute caregiver training exemption.** During an
 1.19 emergency, substitute caregivers are exempt from training requirements under this section.

Sec. 3. Minnesota Statutes 2018, section 245C.03, subdivision 1, is amended to read:

Subdivision 1. **Licensed programs.** (a) The commissioner shall conduct a background study on:

(1) the person or persons applying for a license;

(2) an individual age 13 and over living in the household where the licensed program will be provided who is not receiving licensed services from the program;

(3) current or prospective employees or contractors of the applicant who will have direct contact with persons served by the facility, agency, or program;

(4) volunteers or student volunteers who will have direct contact with persons served by the program to provide program services if the contact is not under the continuous, direct supervision by an individual listed in clause (1) or (3);

(5) an individual age ten to 12 living in the household where the licensed services will be provided when the commissioner has reasonable cause as defined in section 245C.02, subdivision 15;

(6) an individual who, without providing direct contact services at a licensed program, may have unsupervised access to children or vulnerable adults receiving services from a program, when the commissioner has reasonable cause as defined in section 245C.02, subdivision 15;

(7) all controlling individuals as defined in section 245A.02, subdivision 5a; and

(8) child care background study subjects as defined in section 245C.02, subdivision 6a.

(b) Paragraph (a), clauses (2), (5), and (6), apply to legal nonlicensed child care and certified license-exempt child care programs.

(c) For child foster care when the license holder resides in the home where foster care services are provided, a short-term substitute caregiver providing direct contact services for a child for less than 72 hours of continuous care is not required to receive a background study under this chapter.

(d) When a related individual has no unsupervised contact with a day care child, the related individual is exempt from background study requirements under this chapter. A related individual may have direct contact with a day care child as long as the interaction is under the direct supervision of the license holder. For the purposes of this paragraph, "related individual" means any of the following persons related to the provider by blood, marriage, or adoption: spouse, brother, sister, first cousin, aunt, uncle, nephew, niece, parent,

- 3.1
- grandparent, great-grandparent, great-uncle, and great-aunt. Related individual also includes
- 3.2
- the father and mother of a day care child.