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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 2226

03/12/2025 Authored by West, Sencer-Mura, Kotyza-Witthuhn, Rehrauer, Zeleznikar and others
The bill was read for the first time and referred to the Committee on Children and Families Finance and Policy
03/27/2025 Adoption of Report: Re-referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to background studies; modifying background study requirements for child
1.3 care providers; amending Minnesota Statutes 2024, sections 245C.08, by adding
1.4 a subdivision; 245C.14, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2024, section 245C.08, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 2a. Coordination with the Bureau of Criminal Apprehension. (a) For a
1.9 background study required for family child care, certified license-exempt child care centers,
1.10 licensed child care centers, and legal nonlicensed child care authorized under chapter 142E,
1.11 the commissioner shall submit a request to the superintendent of the Bureau of Criminal
1.12 Apprehension for each child care background study subject, requesting information related
1.13 to any notifications from the National Center for Missing and Exploited Children's Law
1.14 Enforcement Services Portal that the superintendent has received that corresponds to the
1.15 information the background study subject has submitted. Notwithstanding any law to the
1.16 contrary, the superintendent must provide the requested information to the commissioner
1.17 under this subdivision.

1.18 (b) The commissioner must submit a request under this subdivision every six months
1.19 for each licensed child care provider.

1.20 (c) Notwithstanding any law to the contrary, if the commissioner uses the information
1.21 obtained under this subdivision to make a disqualification determination, the commissioner
1.22 must not share the reason for disqualification related to information obtained under this
1.23 subdivision with the license holder or entity that submitted the study and the applicant.

2.1 Sec. 2. Minnesota Statutes 2024, section 245C.14, subdivision 1, is amended to read:

2.2 Subdivision 1. **Disqualification from direct contact.** (a) The commissioner shall
2.3 disqualify an individual who is the subject of a background study from any position allowing
2.4 direct contact with persons receiving services from the license holder or entity identified in
2.5 section 245C.03, upon receipt of information showing, or when a background study
2.6 completed under this chapter shows any of the following:

2.7 (1) a conviction of, admission to, or Alford plea to one or more crimes listed in section
2.8 245C.15, regardless of whether the conviction or admission is a felony, gross misdemeanor,
2.9 or misdemeanor level crime;

2.10 (2) a preponderance of the evidence indicates the individual has committed an act or
2.11 acts that meet the definition of any of the crimes listed in section 245C.15, regardless of
2.12 whether the preponderance of the evidence is for a felony, gross misdemeanor, or
2.13 misdemeanor level crime;

2.14 (3) an investigation results in an administrative determination listed under section
2.15 245C.15, subdivision 4, paragraph (b); ~~or~~

2.16 (4) the individual's parental rights have been terminated under section 260C.301,
2.17 subdivision 1, paragraph (b); ~~or section 260C.301, subdivision 3; or~~

2.18 (5) a notification from the Bureau of Criminal Apprehension under section 245C.08,
2.19 subdivision 2a.

2.20 (b) No individual who is disqualified following a background study under section
2.21 245C.03, subdivisions 1 and 2, may be retained in a position involving direct contact with
2.22 persons served by a program or entity identified in section 245C.03, unless the commissioner
2.23 has provided written notice under section 245C.17 stating that:

2.24 (1) the individual may remain in direct contact during the period in which the individual
2.25 may request reconsideration as provided in section 245C.21, subdivision 2;

2.26 (2) the commissioner has set aside the individual's disqualification for that program or
2.27 entity identified in section 245C.03, as provided in section 245C.22, subdivision 4; or

2.28 (3) the license holder has been granted a variance for the disqualified individual under
2.29 section 245C.30.

2.30 (c) Notwithstanding paragraph (a), for the purposes of a background study affiliated
2.31 with a licensed family foster setting, the commissioner shall disqualify an individual who
2.32 is the subject of a background study from any position allowing direct contact with persons

- 3.1 receiving services from the license holder or entity identified in section 245C.03, upon
- 3.2 receipt of information showing or when a background study completed under this chapter
- 3.3 shows reason for disqualification under section 245C.15, subdivision 4a.