

SESSION OF 2017

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2187

As Amended by House Committee of the Whole

Brief*

HB 2187, as amended, would amend current law concerning restrictions on persons maintaining, residing, working, or volunteering in a child care facility by expanding the list of prohibitions to comply with new federal requirements for background checks found in the federal Child Care and Development Block Grant (CCDBG) Act of 2014, also referred to as the CCDF Reauthorization. The expanded list of prohibitions would include individuals who have been convicted of arson; individuals who have been convicted or adjudicated of a crime that requires registration as a sex offender under the Kansas Offender Registration Act, as a sex offender in any other state, or as a sex offender on the National Sex Offender Registry; and individuals who have committed an act of physical, mental, or emotional abuse or neglect, or sexual abuse and are listed in any child abuse and neglect registries maintained by another state or the federal government that are similar to the Kansas Child Abuse and Neglect Registry maintained by the Department for Children and Families (DCF). The bill also would make technical amendments.

Background

The bill was introduced by the House Committee on Children and Seniors at the request of the Kansas Department of Health and Environment (KDHE). In the House Committee hearing, a KDHE representative and a private individual testified in support of the bill. The KDHE

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

representative stated the proposed changes are necessary to comply with new requirements for states found in the CCDF Reauthorization but, more importantly, the background check requirements are protections intended to reduce the risk of abuse or neglect to children while in regulated, out of home child care settings. The KDHE representative stated KDHE and DCF are working jointly on mutual aspects of the Reauthorization, including this legislation. The KDHE representative requested an amendment to the bill to include a conviction of arson in the list of prohibitions. The private individual stated the new background check procedures required by the Reauthorization would provide parents with peace of mind that anyone with contact with their child in a licensed or exempt child care setting has been carefully vetted in Kansas and nationwide. She noted this is especially important in the metropolitan area straddling the Kansas/Missouri state line to prevent a child care provider who has been placed on the child abuse and neglect/prohibited provider registry or has been shut down, from moving across the state line and reopening a child care facility or home. Written-only proponent testimony was provided by Child Care Aware of Kansas, DCF, and Kansas Action for Children.

No opponent or neutral testimony was provided.

The House Committee amended the bill to add a conviction for arson to the list of prohibitions for persons maintaining, residing, working, or volunteering in a child care facility.

The House Committee of the Whole adopted an amendment clarifying the statutory references to arson and that disqualifying convictions of crimes involving controlled substances include only felonies (as in current law).

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, enactment of the bill would have no fiscal effect for DCF, except the possibility of changes to the transfers to KDHE from the CCDBG Fund.

KDHE estimates enactment of the bill would require additional expenditures associated with the required updates to the background check database. Expenditures would include promulgating regulations, adapting existing work processes, enhancing the child care licensing data system, and informing the regulated community of the new requirements. KDHE estimates the majority of the expenditures would be absorbed within existing resources; however, it is possible KDHE would need to request additional CCDBG funds from DCF to offset costs associated with the implementation of new requirements and enhancements to the database system. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2018 Governor's Budget Report*.