

## CHAPTER 53

## ( SB 40 )

AN ACT relating to child welfare.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 194A.062 is amended to read as follows:

- (1) Each employee of the cabinet, including contract staff, with access to or use of federal tax information shall submit to a criminal background investigation by means of a fingerprint check by the Department of Kentucky State Police and the Federal Bureau of Investigation.
- (2) *Front-line staff, as defined in KRS 194A.065, shall submit to national and state fingerprint-supported criminal background checks by the Department of Kentucky State Police and the Federal Bureau of Investigation.*
- (3) *The results of the national and state criminal background checks shall be sent to the cabinet.*
- (4) *The cabinet may register employees, contract staff, or front-line staff in the rap back system.*
- (5) The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section.

➔SECTION 2. KRS 199.8966 IS REPEALED AND REENACTED AS A NEW SECTION OF KRS 199.640-199.680 TO READ AS FOLLOWS:

- (1) *As used in this section, "staff member" means:*
  - (a) *An individual who is employed by a child-caring facility or child-placing agency for compensation;*
  - (b) *A contract employee or a self-employed individual whose employment directly involves the care or supervision of children or unsupervised access to children placed with the child-caring facility or child-placing agency; or*
  - (c) *A volunteer or intern whose activities on behalf of a child-caring facility or child-placing agency involve the care or supervision of children or unsupervised access to children.*
- (2) *The cabinet shall require a staff member of a child-caring facility or child-placing agency to submit to background checks in accordance with 42 U.S.C. sec. 671(a)(20)(D) and the implementing federal rules, including national and state fingerprint-supported criminal background checks by the Department of Kentucky State Police and the Federal Bureau of Investigation.*
- (3) *The child-caring facility or child-placing agency staff member shall provide the staff member's fingerprints to the Department of Kentucky State Police for submission to the Federal Bureau of Investigation after a state criminal background check is conducted.*
- (4) *The results of the national and state criminal background checks shall be sent to the cabinet.*
- (5) *The cabinet shall provide notice to a child-caring facility or child-placing agency if a staff member is eligible for employment not to exceed seven (7) business days after the date the staff member submitted fingerprints through a means approved by the cabinet to the Department of Kentucky State Police. The cabinet shall reissue notice of the staff member's eligibility for employment subsequent to the cabinet's receipt of additional information about the staff member, including a result from the rap back.*
- (6) *The cabinet may register a child-caring facility or child-placing agency staff member in the rap back system.*
- (7) *The request for background checks shall be in a manner approved by the Justice and Public Safety Cabinet, and the Cabinet for Health and Family Services may charge a fee to be paid by a child-caring facility or child-placing agency not to exceed the actual cost of processing the request.*
- (8) *The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section.*

- (9) *The requirements of this section shall apply to a child-placing agency only if a background check required under subsection (2) of this section can be accomplished electronically, pursuant to KRS 17.185.*

**Signed by Governor March 27, 2020.**