

194A.382 Prohibition of employment by youth camp or local government youth day camp receiving public funds of a staff member who has been convicted of criminal offense against a minor or a sex crime, is a violent offender, or has been found to have abused or neglected a child.

- (1) A youth camp or camp or a local government youth day camp that receives public funds shall not employ, contract, or utilize as a volunteer, in any position, any staff member who has been convicted of or who has entered a plea of guilty to a criminal offense against a minor or a sex crime, who is a violent offender, or who has been found by the Cabinet for Health and Family Services or a court to have abused or neglected a child.
- (2) Prior to employing, contracting with, or allowing volunteer work, each youth camp or camp or a local government youth day camp that receives public funds shall obtain from the Justice and Public Safety Cabinet a national and state criminal background check of the applicant, contractor, or volunteer who is or intends to become a staff member prior to the individual's presence at the camp or involvement in any program of the camp.
- (3) Prior to employing, contracting with, or allowing volunteer work, each youth camp or camp or a local government youth day camp that receives public funds shall require an applicant to obtain a letter from the Cabinet for Health and Family Services stating the individual is clear to hire based on no findings of substantiated child abuse or neglect found through a background check of child abuse and neglect records maintained by the Cabinet for Health and Family Services of the applicant, contractor, or volunteer who intends to become a staff member prior to the individual's presence at the camp or involvement in any program of the camp.
- (4) Each application form provided by a youth camp or camp or a local government youth day camp that receives public funds to an applicant or volunteer who intends to become a staff member shall in a prominent place and legible font conspicuously state the following: "STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL BACKGROUND CHECK AND A LETTER FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THE STAFF MEMBER IS CLEAR TO HIRE BASED ON NO FINDINGS OF SUBSTANTIATED CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD ABUSE AND NEGLECT RECORDS AS A CONDITION OF EMPLOYMENT OR INVOLVEMENT IN THIS PROGRAM."
- (5) Any request for records under this section shall be on a form approved by the Justice and Public Safety Cabinet, and the cabinet may charge a fee to be paid by the applicant in an amount no greater than the actual cost of processing the request.
- (6) This section shall apply to all applicants and volunteers in a position which involves supervisory or disciplinary power over a minor, who intend to become staff members.
- (7) This section shall not be construed to prohibit an exempted organization from requiring its employees, contractors, or volunteers to submit to a background check. A youth camp or camp or a local government youth day camp that does not receive public funds may require its employees, contractor, or volunteers to submit to a

criminal background check and to have a letter, provided by the individual, from the Cabinet for Health and Family Services stating the individual has no findings of substantiated child abuse or neglect found through a background check of child abuse and neglect records maintained by the Cabinet for Health and Family Services.

- (8) This section shall not be construed to require a youth camp or camp or a local government youth day camp that receives public funds to employ, contract with, or allow volunteering by, an individual solely on the basis of an acceptable criminal background check.
- (9) This section shall not limit the ability of a youth camp or camp or a local government youth day camp that receives public funds to establish a more stringent background check process for its employees, contractors, or volunteers regarding other criminal offenses which, in the discretion of the youth camp or camp or a local government youth day camp that receives public funds, would disqualify the individual from involvement with the youth camp or camp or a local government youth day camp.
- (10) The form for requesting a letter, required by this section, stating a staff member is clear to hire based on a background check of child abuse and neglect records maintained by the Cabinet for Health and Family Services shall be made available on the Cabinet for Health and Family Services Web site.

Effective: June 29, 2021

History: Amended 2021 Ky. Acts ch. 90, sec. 2, effective June 29, 2021. -- Created 2017 Ky. Acts ch. 115, sec. 6, effective July 1, 2018.