

1 AN ACT relating to child welfare.

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

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

4 (1) Each employee of the cabinet, including contract staff, with access to or use of
5 federal tax information shall submit to a criminal background investigation by
6 means of a fingerprint check by the Department of Kentucky State Police and the
7 Federal Bureau of Investigation.

8 (2) ***Front-line staff, as defined in KRS 194A.065, shall submit to national and state***
9 ***fingerprint-supported criminal background checks by the Department of***
10 ***Kentucky State Police and the Federal Bureau of Investigation.***

11 (3) ***The results of the national and state criminal background checks shall be sent to***
12 ***the cabinet.***

13 (4) ***The cabinet may register employees, contract staff, or front-line staff in the rap***
14 ***back system.***

15 (5) The cabinet shall promulgate administrative regulations in accordance with KRS
16 Chapter 13A to implement this section.

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 KRS 199.8966 IS REPEALED AND REENACTED AS A NEW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

19 (1) ***As used in this section, "staff member" means:***

20 (a) ***An individual who is employed by a child-caring facility or child-placing***
21 ***agency for compensation, including a contract employee or a self-employed***
22 ***individual; or***

23 (b) ***A volunteer or intern whose activities on behalf of a child-caring facility or***
24 ***child-placing agency involve the care or supervision of children or***
25 ***unsupervised access to children.***

26 (2) ***The cabinet shall require a staff member of a child-caring facility or child-***
27 ***placing agency to submit to background checks in accordance with 42 U.S.C. sec.***

- 1 671(a)(20)(D) and the implementing federal rules, including national and state
2 fingerprint-supported criminal background checks by the Department of
3 Kentucky State Police and the Federal Bureau of Investigation.
- 4 (3) The child-caring facility or child-placing agency staff member shall provide the
5 staff member's fingerprints to the Department of Kentucky State Police for
6 submission to the Federal Bureau of Investigation after a state criminal
7 background check is conducted.
- 8 (4) The results of the national and state criminal background checks shall be sent to
9 the cabinet.
- 10 (5) The cabinet shall provide notice to a child-caring facility or child-placing agency
11 if a staff member is eligible for employment not to exceed seven (7) business days
12 after the date the staff member submitted fingerprints through a means approved
13 by the cabinet to the Department of Kentucky State Police. The cabinet shall
14 reissue notice of the staff member's eligibility for employment subsequent to the
15 cabinet's receipt of additional information about the staff member, including a
16 result from the rap back.
- 17 (6) The cabinet may register a child-caring facility or child-placing agency staff
18 member in the rap back system.
- 19 (7) The request for background checks shall be in a manner approved by the Justice
20 and Public Safety Cabinet, and the Cabinet for Health and Family Services may
21 charge a fee to be paid by a child-caring facility or child-placing agency not to
22 exceed the actual cost of processing the request.
- 23 (8) The cabinet shall promulgate administrative regulations in accordance with KRS
24 Chapter 13A to implement this section.