



General Assembly

February Session, 2016

**Raised Bill No. 5466**

LCO No. 2032



Referred to Committee on EDUCATION

Introduced by:  
(ED)

**AN ACT CONCERNING CRIMINAL HISTORY RECORDS CHECKS FOR HOUSEHOLD MEMBERS OF A FAMILY CHILD CARE HOME OR GROUP CHILD CARE HOME.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 19a-87b of the 2016 supplement  
2 to the general statutes is repealed and the following is substituted in  
3 lieu thereof (*Effective from passage*):

4 (c) The commissioner, within available appropriations, shall require  
5 each initial applicant or prospective employee of a family child care  
6 home in a position requiring the provision of care to a child, including  
7 an assistant or substitute staff member and each household member  
8 who is sixteen years of age or older, to submit to state and national  
9 criminal history records checks. The criminal history records checks  
10 required pursuant to this subsection shall be conducted in accordance  
11 with section 29-17a. The commissioner shall also request a check of the  
12 state child abuse registry established pursuant to section 17a-101k. The  
13 commissioner shall notify each licensee of the provisions of this  
14 subsection. For purposes of this subsection, "household member"

15 means any person, other than the person who is licensed to conduct,  
16 operate or maintain a family child care home, who resides in the  
17 family child care home, such as the licensee's spouse or children,  
18 boarders and any other occupant.

19 Sec. 2. Subsection (a) of section 19a-87e of the 2016 supplement to  
20 the general statutes is repealed and the following is substituted in lieu  
21 thereof (*Effective from passage*):

22 (a) The Commissioner of Early Childhood may (1) refuse to license  
23 under section 19a-87b, as amended by this act, a person to own,  
24 conduct, operate or maintain a family child care home, as defined in  
25 section 19a-77, (2) refuse to approve under section 19a-87b, as  
26 amended by this act, a person to act as an assistant or substitute staff  
27 member in a family child care home, as defined in section 19a-77, or (3)  
28 suspend or revoke the license or approval or take any other action that  
29 may be set forth in regulation that may be adopted pursuant to section  
30 19a-79 if the person who owns, conducts, maintains or operates the  
31 family child care home, the person who acts as an assistant or  
32 substitute staff member in a family child care home, [or] a person  
33 employed in such family child care home in a position connected with  
34 the provision of care to a child receiving child care services or a  
35 household member, as defined in subsection (c) of section 19a-87b, as  
36 amended by this act, who is sixteen years of age or older and resides  
37 therein, has been convicted, in this state or any other state of a felony,  
38 as defined in section 53a-25, involving the use, attempted use or  
39 threatened use of physical force against another person, or has a  
40 criminal record in this state or any other state that the commissioner  
41 reasonably believes renders the person unsuitable to own, conduct,  
42 operate or maintain, [or] be employed by, or reside in a family child  
43 care home, or act as an assistant or substitute staff member in a family  
44 child care home, or if such persons or [a person residing in the  
45 household] a household member has been convicted in this state or  
46 any other state of cruelty to persons under section 53-20, injury or risk  
47 of injury to or impairing morals of children under section 53-21,

48 abandonment of children under the age of six years under section 53-  
49 23, or any felony where the victim of the felony is a child under  
50 eighteen years of age, a violation of section 53a-70, 53a-70a, 53a-70b,  
51 53a-71, 53a-72a, 53a-72b or 53a-73a, illegal manufacture, distribution,  
52 sale, prescription, dispensing or administration under section 21a-277  
53 or 21a-278, or illegal possession under section 21a-279, or if such  
54 person, a person who acts as assistant or substitute staff member in a  
55 family child care home, [or] a person employed in such family child  
56 care home in a position connected with the provision of care to a child  
57 receiving child care services or a household member, either fails to  
58 substantially comply with the regulations adopted pursuant to section  
59 19a-87b, as amended by this act, or conducts, operates or maintains the  
60 home in a manner which endangers the health, safety and welfare of  
61 the children receiving child care services. Any refusal of a license or  
62 approval pursuant to this section shall be rendered in accordance with  
63 the provisions of sections 46a-79 to 46a-81, inclusive. Any person  
64 whose license or approval has been revoked pursuant to this section  
65 shall be ineligible to apply for a license or approval for a period of one  
66 year from the effective date of revocation.

67 Sec. 3. Subsection (c) of section 19a-87e of the 2016 supplement to  
68 the general statutes is repealed and the following is substituted in lieu  
69 thereof (*Effective from passage*):

70 (c) Any person who is licensed to conduct, operate or maintain a  
71 family child care home or approved to act as an assistant or substitute  
72 staff member in a family child care home shall notify the commissioner  
73 of any conviction of the owner, conductor, operator or maintainer of  
74 the family child care home or of any [person residing in the] household  
75 member, as defined in subsection (c) of section 19a-87b, as amended by  
76 this act, who is sixteen years of age or older, or any person employed  
77 in such family child care home in a position connected with the  
78 provision of care to a child receiving child care services, of a crime  
79 which affects the commissioner's discretion under subsection (a) of this  
80 section, immediately upon obtaining knowledge of such conviction.

81 Failure to comply with the notification requirement of this subsection  
82 may result in the suspension or revocation of the license or approval or  
83 the taking of any other action against a license or approval set forth in  
84 regulation adopted pursuant to section 19a-79 and shall subject the  
85 licensee or approved staff member to a civil penalty of not more than  
86 one hundred dollars per day for each day after the person obtained  
87 knowledge of the conviction.

88 Sec. 4. Subsection (c) of section 19a-80 of the 2016 supplement to the  
89 general statutes is repealed and the following is substituted in lieu  
90 thereof (*Effective from passage*):

91 (c) (1) The commissioner, within available appropriations, shall  
92 require each prospective employee of a child care center [or group  
93 child care home] in a position requiring the provision of care to a child  
94 to submit to state and national criminal history records checks. The  
95 criminal history records checks required pursuant to this subsection  
96 shall be conducted in accordance with section 29-17a. The  
97 commissioner shall also request a check of the state child abuse  
98 registry established pursuant to section 17a-101k. The Department of  
99 Social Services may agree to transfer funds appropriated for criminal  
100 history records checks to the Office of Early Childhood. The  
101 Commissioner of Early Childhood shall notify each licensee of the  
102 provisions of this subsection.

103 (2) The commissioner, within available appropriations, shall require  
104 each (A) prospective employee of a group child care home in a position  
105 requiring the provision of care to a child, and (B) household member  
106 who is sixteen years of age or older and resides in the group child care  
107 home to submit to state and national criminal history records checks.  
108 The criminal history records checks required pursuant to this  
109 subsection shall be conducted in accordance with section 29-17a. The  
110 commissioner shall also request a check of the state child abuse  
111 registry established pursuant to section 17a-101k. The Department of  
112 Social Services may agree to transfer funds appropriated for criminal

113 history records checks to the Office of Early Childhood. The  
114 Commissioner of Early Childhood shall notify each licensee of the  
115 provisions of this subsection. For purposes of this subdivision,  
116 "household member" means any person, other than the person who is  
117 licensed to conduct, operate or maintain a group child care home, who  
118 resides in the group child care home, such as the licensee's spouse or  
119 children, boarders and any other occupant.

120       Sec. 5. Subsections (a) and (b) of section 19a-87a of the general  
121 statutes are repealed and the following is substituted in lieu thereof  
122 (*Effective from passage*):

123       (a) The Commissioner of Early Childhood shall have the discretion  
124 to refuse to license under sections 19a-77 to 19a-80, inclusive, as  
125 amended by this act, and 19a-82 to 19a-87, inclusive, a person to  
126 conduct, operate or maintain a [day] child care center or a group child  
127 care home, as defined in section 19a-77, or to suspend or revoke the  
128 license or take any other action set forth in regulation that may be  
129 adopted pursuant to section 19a-79 if, the person who owns, conducts,  
130 maintains or operates such center or home, or a person employed  
131 therein in a position connected with the provision of care to a child  
132 receiving child care services, or a household member, as defined in  
133 subsection (c) of section 19a-80, as amended by this act, who is sixteen  
134 years of age or older and resides therein, has been convicted in this  
135 state or any other state of a felony as defined in section 53a-25  
136 involving the use, attempted use or threatened use of physical force  
137 against another person, of cruelty to persons under section 53-20,  
138 injury or risk of injury to or impairing morals of children under section  
139 53-21, abandonment of children under the age of six years under  
140 section 53-23, or any felony where the victim of the felony is a child  
141 under eighteen years of age, or of a violation of section 53a-70, 53a-70a,  
142 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a, or has a criminal record in  
143 this state or any other state that the commissioner reasonably believes  
144 renders the person unsuitable to own, conduct, operate or maintain,  
145 [or] be employed by or reside in a child care center or group child care

146 home. However, no refusal of a license shall be rendered except in  
147 accordance with the provisions of sections 46a-79 to 46a-81, inclusive.

148 (b) Any person who is licensed to conduct, operate or maintain a  
149 child care center or group child care home shall notify the  
150 commissioner of any criminal conviction of the owner, conductor,  
151 operator or maintainer of the center or home or of any person  
152 employed therein in a position connected with the provision of care to  
153 a child receiving child care services, or a household member, as  
154 defined in subsection (c) of section 19a-80, as amended by this act, who  
155 is sixteen years of age or older and resides therein, immediately upon  
156 obtaining knowledge of the conviction. Failure to comply with the  
157 notification requirement may result in the suspension or revocation of  
158 the license or the imposition of any action set forth in regulation, and  
159 shall subject the licensed person to a civil penalty of not more than one  
160 hundred dollars per day for each day after the person obtained  
161 knowledge of the conviction.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	19a-87b(c)
Sec. 2	<i>from passage</i>	19a-87e(a)
Sec. 3	<i>from passage</i>	19a-87e(c)
Sec. 4	<i>from passage</i>	19a-80(c)
Sec. 5	<i>from passage</i>	19a-87a(a) and (b)

**Statement of Purpose:**

To require background checks and notice of convictions for any person who is a household member in a family child care home or group child care home.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*