58th Legislature SB0328.02

| 1 | SENATE BILL NO. 328 |
|----|--------------------------------------------------------------------------------------------------------------------|
| 2 | INTRODUCED BY MANGAN |
| 3 | |
| 4 | A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING ALL EMPLOYEES OF DAY-CARE CENTERS THAT |
| 5 | PROVIDE DAY CARE ON AN IRREGULAR BASIS TO SUBMIT TO A CRIMINAL BACKGROUND |
| 6 | INVESTIGATION BY MEANS OF A <u>NAME-BASED OR</u> FINGERPRINT CHECK; AND AMENDING SECTION |
| 7 | 52-2-704, MCA." |
| 8 | |
| 9 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 10 | |
| 11 | NEW SECTION. Section 1. Background checks for employees of day-care centers that provide |
| 12 | irregular care. All employees of day-care centers that provide irregular care shall submit to a criminal and child |
| 13 | protection background check, which must include information pertaining to criminal convictions, reports of |
| 14 | domestic violence, and substantiated child abuse or neglect of children. The department shall require a criminal |
| 15 | background investigation of each employee of a day-care center that provides irregular care, including license |
| 16 | applicants, as provided in 52-2-721(6), by means of a NAME-BASED OR fingerprint check by the Montana |
| 17 | department of justice and the federal bureau of investigation. |
| 18 | |
| 19 | Section 2. Section 52-2-704, MCA, is amended to read: |
| 20 | "52-2-704. Duties of department. (1) The department is responsible for planning, implementing, and |
| 21 | coordinating programs under the Montana Child Care Act. |
| 22 | (2) The department shall: |
| 23 | (a) assess child-care needs and resources within the state; |
| 24 | (b) develop a state child-care plan; |
| 25 | (c) coordinate child-care programs administered by all state agencies; |
| 26 | (d) issue licenses to persons to receive children into a day-care center on a regular basis; |
| 27 | (e) prescribe the conditions and publish minimum standards upon which licenses and registration |
| 28 | certificates are issued; |
| 29 | (f) adopt rules for day-care facilities consistent with the purposes of this part; |
| 30 | (g) adopt rules for day-care centers that provide day care on an irregular basis; |
| | |

58th Legislature SB0328.02

| 1 | (i) which includes INCLUDE exceptions regarding requirements for immunization records and staffing |
|----|-----------------------------------------------------------------------------------------------------------------------|
| 2 | ratios; and |
| 3 | (ii) which includes INCLUDE requirements for background checks for employees, including license |
| 4 | applicants, of any day-care center that provides irregular care; and |
| 5 | (h) issue registration certificates to a person or persons to receive children into a family day-care home |
| 6 | or group day-care home on a regular basis. |
| 7 | (3) The department may: |
| 8 | (a) enter into interagency agreements to administer and coordinate child-care programs; |
| 9 | (b) accept any federal funds made available for the improvement or promotion of child-care services |
| 10 | within the state; |
| 11 | (c) administer any state and federal funds that may be appropriated for the purposes of the part; and |
| 12 | (d) issue a license to a person to receive children into a day-care center on an irregular basis if the |
| 13 | person chooses to apply for licensure." |
| 14 | |
| 15 | NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an |
| 16 | integral part of Title 52, chapter 2, part 7, and the provisions of Title 52, chapter 2, part 7, apply to [section 1] |
| 17 | - END - |

