

# House Amendment 5311

## Amendment Text

PAG LIN

1 1 Amend [House File 2285](#) as follows:  
1 2 #1. Page 1, by striking lines 1 through 28 and  
1 3 inserting the following:  
1 4 "Sec. \_\_\_\_ Section [237A.5](#), subsection 2, Code  
1 5 1995, is amended to read as follows:  
1 6 2. a. If a person is being considered for  
1 7 licensure or registration under this chapter, or for  
1 8 employment involving direct responsibility for a child  
1 9 or with access to a child when the child is alone, by  
1 10 a child day care facility subject to licensure or  
1 11 registration under this chapter or by an unregistered  
1 12 family day care home, a person is an unregistered  
1 13 provider of child day care, or if a person will reside  
1 14 in a facility or an unregistered family day care home,  
1 15 and if the person has been convicted of a crime or has  
1 16 a record of founded child abuse, the department and  
1 17 the licensee,

~~or~~

- registrant, or unregistered family  
1 18 day care home for an employee of the licensee

~~or~~

~~or~~  
1 19 registrant, or unregistered family day care home shall  
1 20 perform an evaluation to determine whether the crime  
1 21 or founded child abuse warrants prohibition of  
1 22 licensure, registration, operation as an unregistered  
1 23 provider of child day care, employment, or residence  
1 24 in the facility or unregistered family day care home.  
1 25 The department shall conduct criminal and child abuse  
1 26 record checks in this state and may conduct these  
1 27 checks in other states. The evaluation shall be  
1 28 performed in accordance with procedures adopted for  
1 29 this purpose by the department.  
1 30 b. If the department determines that a person has  
1 31 committed a crime or has a record of founded child  
1 32 abuse and is licensed, is employed by a licensee

~~or~~

~~or~~  
1 33 registrant, or unregistered family day care home, is  
1 34 an unregistered provider of child day care, or is  
1 35 registered under this chapter, or resides in a  
1 36 licensed or registered facility or an unregistered  
1 37 family day care home, the department shall notify the  
1 38 licensee

~~or~~

~~or~~  
1 39 registrant, or unregistered family day  
1 40 care home that an evaluation will be conducted to  
1 41 determine whether prohibition of the person's  
1 42 licensure, registration, employment,

~~or~~

- residence, or  
1 42 operation as an unregistered provider of child day

1 43 care is warranted.  
1 44 c. In an evaluation, the department and the  
1 45 licensee

~~or~~  
- registrant, or unregistered provider of  
1 46 child day care for an employee of the licensee

~~or~~  
- registrant, or unregistered family day care home shall  
1 48 consider the nature and seriousness of the crime or  
1 49 founded child abuse in relation to the position sought  
1 50 or held, the time elapsed since the commission of the  
2 1 crime or founded child abuse, the circumstances under  
2 2 which the crime or founded child abuse was committed,  
2 3 the degree of rehabilitation, the likelihood that the  
2 4 person will commit the crime or founded child abuse  
2 5 again, and the number of crimes or founded child  
2 6 abuses committed by the person involved. The  
2 7 department may permit a person who is evaluated to be  
2 8 licensed, registered, employed, or to reside, or to  
2 9 continue to be licensed, registered, or employed, to  
2 10 operate as an unregistered provider of child day care,  
2 11 or to reside in a licensed facility or unregistered  
2 12 family day care home, if the person complies with the  
2 13 department's conditions relating to the person's  
2 14 licensure, registration, employment, operation as an  
2 15 unregistered provider of child day care, or residence,  
2 16 which may include completion of additional training.  
2 17 For an employee of a licensee

~~or~~  
- registrant, or  
2 18 unregistered family day care home, these conditional  
2 19 requirements shall be developed with the licensee

~~or~~  
- registrant, or unregistered family day care home. The  
2 21 department has final authority in determining whether  
2 22 prohibition of the person's licensure, registration,  
2 23 employment, operation as an unregistered provider of  
2 24 child day care, or residence is warranted and in  
2 25 developing any conditional requirements under this  
2 26 paragraph.

2 27 d. If the department determines that the person  
2 28 has committed a crime or has a record of founded child  
2 29 abuse which warrants prohibition of licensure,  
2 30 registration, employment, operation as an unregistered  
2 31 provider of child day care, or residence, the person  
2 32 shall not be licensed or registered under this chapter  
2 33 to operate a child day care facility, shall not  
2 34 operate as an unregistered provider of child day care,  
2 35 and shall not be employed by a licensee or registrant  
2 36 or reside in a facility licensed or registered under  
2 37 this chapter, or in an unregistered family day care  
2 38 home.

2 39 Sec. \_\_\_\_\_. Section [237A.5](#), subsections 4 and 5,  
2 40 Code 1995, are amended to read as follows:

2 41 4. On or after July 1, 1994, a licensee

~~or~~  
- registrant, or unregistered provider of child day care  
2 43 shall inform all new applicants for employment of the  
2 44 possibility of the performance of a record check and

2 45 shall obtain, from the applicant, a signed  
2 46 acknowledgment of the receipt of the information.  
2 47 5. On or after July 1, 1994, a licensee

~~or~~

2 48 registrant, or unregistered provider of child day care  
2 49 shall include the following inquiry in an application  
2 50 for employment: "Do you have a record of founded  
3 1 child or dependent adult abuse or have you ever been  
3 2 convicted of a crime, in this state or any other  
3 3 state?"

3 4 #2. Title page, by striking lines 1 through 4 and  
3 5 inserting the following: "An Act requiring criminal  
3 6 records and abuse registry checks of unregistered  
3 7 providers of child day care."

3 8 #3. By renumbering as necessary.

3 9

3 10

3 11 \_\_\_\_\_

3 12 MURPHY of Dubuque

3 13 HF 2285.702 76

3 14 jp/sc