

House Amendment 8594

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1 1 Amend Senate File 2425, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 135, by inserting after line 32 the
1 4 following:
1 5 <DIVISION ____
1 6 CHILD CARE NATIONAL CRIMINAL RECORD CHECKS
1 7 Sec. ____ Section 237A.3, subsection 2, Code 2007,
1 8 is amended to read as follows:
1 9 2. a. A person shall not provide child care as a
1 10 child care home provider unless the person and any
1 11 person who resides or will reside in the child care
1 12 home have been subject to a fingerprint-based national
1 13 criminal history record check in accordance with
1 14 section 237A.5.
1 15 b. If a person or program does not comply with
1 16 paragraph "a" or has been prohibited by the department
1 17 from involvement with child care, the person or
1 18 program shall not provide child care as a child care
1 19 home provider and is subject to penalty under section
1 20 237A.19 or injunction under section 237A.20 for doing
1 21 so.
1 22 Sec. ____ Section 237A.5, subsection 2, paragraph
1 23 a, subparagraph (1), subparagraph subdivision (e),
1 24 Code 2007, is amended to read as follows:
1 25 (e) The person will provide or is providing child
1 26 care as a child care home provider or will reside or
1 27 resides in a child care home that is not registered
1 28 under this chapter but that receives public funding
1 29 for providing child care.
1 30 Sec. ____ Section 237A.5, subsection 2, paragraphs
1 31 b and c, Code 2007, are amended to read as follows:
1 32 b. If an individual person subject to a record
1 33 check is being considered for employment by a child
1 34 care facility or child care home, in lieu of prior to
1 35 requesting a fingerprint-based record check to be
1 36 conducted by the department under paragraph "c", the
1 37 child care facility or child care home may access the
1 38 single contact repository established pursuant to
1 39 section 135C.33 as necessary to conduct a criminal and
1 40 child abuse record check of the individual in this
1 41 state. A copy of the results of the record check
1 42 conducted through the single contact repository shall
1 43 also be provided to the department. If the record
1 44 check indicates the individual is a person subject to
1 45 an evaluation, the child care facility or child care
1 46 home may request that the department perform an
1 47 evaluation as provided in this subsection. Otherwise,
1 48 the individual shall not be employed by the child care
1 49 facility or child care home. The cost of accessing
1 50 the single contact repository is the responsibility of
2 1 the child care facility or home.
2 2 c. (1) ~~Unless a record check has already been~~
2 3 ~~conducted in accordance with paragraph "b", For a~~
2 4 ~~person subject to a record check, in addition to any~~
2 5 ~~record check conducted pursuant to paragraph "b" and~~
2 6 ~~the record checks conducted under subparagraph (2),~~
2 7 ~~the person's fingerprints shall be provided to the~~
2 8 ~~department of public safety for submission through the~~
2 9 ~~state criminal history repository to the United States~~
2 10 ~~department of justice, federal bureau of investigation~~
2 11 ~~for a national criminal history record check. For a~~
2 12 ~~child care home that is not registered under this~~
2 13 ~~chapter, the cost of the national criminal history~~
2 14 ~~record check for a person who will provide or is~~
2 15 ~~providing child care or will reside or resides in that~~
2 16 ~~child care home shall be paid by the person.~~
2 17 ~~Otherwise, the cost of the national criminal history~~
2 18 ~~record check and any other record checks conducted~~
2 19 ~~under this lettered paragraph is the responsibility of~~
2 20 ~~the department.~~
2 21 (2) In addition to the national criminal history
2 22 record check, the department shall conduct a criminal
2 23 and child abuse record check in this state for a
2 24 person who is subject to a record check and may

2 25 conduct such a child abuse record check in other
2 26 states. In addition, the department may conduct a
2 27 dependent adult abuse, sex offender registry, or other
2 28 public or civil offense record check in this state or
2 29 in other states for a person who is subject to a
2 30 record check. If record checks of a person who is
2 31 subject to a record check have been conducted through
2 32 the single contact repository as described in
2 33 paragraph "b", the department may forego the record
2 34 checks addressed by this subparagraph.

2 35 (3) If a record check performed pursuant to this
2 36 lettered paragraph identifies an individual as a
2 37 person subject to an evaluation, an evaluation shall
2 38 be performed to determine whether prohibition of the
2 39 person's involvement with child care is warranted.
2 40 The evaluation shall be performed in accordance with
2 41 procedures adopted for this purpose by the department.

2 42 (4) Prior to performing an evaluation, the
2 43 department shall notify the affected person, licensee,
2 44 registrant, or child care home applying for or
2 45 receiving public funding for providing child care,
2 46 that an evaluation will be conducted to determine
2 47 whether prohibition of the person's involvement with
2 48 child care is warranted.

2 49 Sec. _____. 2007 Iowa Acts, chapter 218, section 26,
2 50 subsection 6, is amended to read as follows:

3 1 6. Of the funds appropriated in this section,
3 2 \$260,000 is allocated to the department for continuing
3 3 the development of an assessment process for use
3 4 beginning in a subsequent fiscal year as authorized
3 5 specifically by a statute to be enacted in a
3 6 subsequent fiscal year, determining on a consistent
3 7 basis the needs and capacities of persons seeking or
3 8 receiving mental health, mental retardation,
3 9 developmental disabilities, or brain injury services
3 10 that are paid for in whole or in part by the state or
3 11 a county. The assessment process shall be developed
3 12 with the involvement of counties and the mental
3 13 health, mental retardation, developmental
3 14 disabilities, and brain injury commission.

3 15 Notwithstanding section 8.33, moneys allocated in this
3 16 subsection that remain unencumbered or unobligated at
3 17 the close of the fiscal year shall not revert but
3 18 shall remain available for expenditure to defray the
3 19 costs of required fingerprint-based national criminal
3 20 history record checks of child care providers until
3 21 the close of the succeeding fiscal year.

3 22 Sec. _____. 2007 Iowa Acts, chapter 218, section 74,
3 23 subsection 3, is amended to read as follows:

3 24 3. For the mental health transformation pilot
3 25 program:

3 26 \$ 250,000
3 27 Notwithstanding section 8.33, moneys appropriated

3 28 in this subsection that remain unencumbered or
3 29 unobligated at the close of the fiscal year shall not
3 30 revert but shall remain available for expenditure to
3 31 defray the costs of required fingerprint-based
3 32 national criminal history record checks of child care
3 33 providers until the close of the succeeding fiscal
3 34 year.

3 35 Sec. _____. APPLICABILITY. The sections of this
3 36 division of this Act amending chapter 237A are
3 37 applicable beginning January 1, 2009. The department
3 38 of human services shall adopt rules and take other
3 39 administrative steps prior to January 1, 2009, as
3 40 necessary for implementation of this division of this
3 41 Act on the applicability date.>

3 42 #2. By renumbering as necessary.

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3 46 TYMESON of Madison

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3 50 HEATON of Henry

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