

FEB 20 2006  
HUMAN RESOURCES

HOUSE FILE 2438  
BY HOGG

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act requiring the department of human services to perform  
2 abuse registry and criminal record checks for certain  
3 unregistered providers of child care.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2438

1 Section 1. Section 237A.5, subsection 2, paragraph a, Code  
2 2005, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (0A) "Child care home for which record  
4 checks are required" means a child care home that is not  
5 registered under this chapter and is described by any of the  
6 following:

7 (a) The child care home regularly provides child care for  
8 two or more children and the child care home provider has  
9 gross income from providing child care of three thousand  
10 dollars or more in a tax year.

11 (b) The child care home is applying for or receiving  
12 public funding for providing child care.

13 Sec. 2. Section 237A.5, subsection 2, paragraph a,  
14 subparagraph (1), subparagraph subdivision (e), Code 2005, is  
15 amended to read as follows:

16 (e) The person will reside or resides in a child care home  
17 ~~that is not registered under this chapter but that receives~~  
18 ~~public funding for providing child care~~ for which record  
19 checks are required.

20 Sec. 3. Section 237A.5, subsection 2, paragraph b, Code  
21 2005, is amended to read as follows:

22 b. Child care facilities and child care homes for which  
23 record checks are required shall be subject to criminal and  
24 abuse record check requirements. The department shall conduct  
25 the criminal and child abuse record checks in this state and  
26 may conduct these checks in other states. In addition, the  
27 department may conduct dependent adult abuse, sex offender  
28 registry, and other public or civil offense record checks in  
29 this state or in other states. If the department identifies  
30 an individual as a person subject to an evaluation, an  
31 evaluation shall be performed to determine whether prohibition  
32 of the person's involvement with child care is warranted. The  
33 evaluation shall be performed in accordance with procedures  
34 adopted for this purpose by the department.

35 Prior to performing an evaluation, the department shall

1 notify the affected person, licensee, registrant, or child  
2 care home ~~applying-for-or-receiving-public-funding-for~~  
3 ~~providing-child-care~~, that an evaluation will be conducted to  
4 determine whether prohibition of the person's involvement with  
5 child care is warranted.

6 Sec. 4. Section 237A.5, subsection 2, paragraph f, Code  
7 2005, is amended to read as follows:

8 f. If it has been determined that a child receiving child  
9 care from a child care facility or a child care home ~~which~~  
10 ~~receives-public-funding-for-providing-child-care~~ is the victim  
11 of founded child abuse committed by an employee, license or  
12 registration holder, child care home provider, or resident of  
13 the child care facility or child care home for which a report  
14 is placed in the central registry pursuant to section 232.71D,  
15 the administrator shall provide notification at the time of  
16 the determination to the parents, guardians, and custodians of  
17 children receiving care from the facility or child care home.  
18 A notification made under this paragraph shall identify the  
19 type of abuse but shall not identify the victim or perpetrator  
20 or circumstances of the founded abuse.

21 EXPLANATION

22 This bill requires the department of human services to  
23 perform abuse registry and criminal record checks for certain  
24 unregistered providers of child care.

25 Under Code chapter 237A, a person who provides child care  
26 on a regular basis to five or fewer children at any one time  
27 is defined as a child care home provider and is not required  
28 to register with the department. Under current law in Code  
29 section 237A.5, an unregistered child care home provider that  
30 is applying for or receiving public funding for providing  
31 child care is subject to record checks by the department.

32 The bill provides that if a child care home provider  
33 regularly provides care for two or more children and the child  
34 care home provider has gross income from providing child care  
35 of \$3,000 or more in a tax year, the child care home provider

1 is also subject to the record checks. The bill provides a new  
2 definition of "child care home for which record checks are  
3 required" in which the existing public funding requirement and  
4 new annual income threshold requirement are combined.

5 The bill includes other conforming amendments to the record  
6 check requirement provisions of Code section 237A.5. Under  
7 current law in Code section 237A.5, if a person who is subject  
8 to a record check has committed certain types of  
9 transgressions, the person is subject to an evaluation by the  
10 department and, depending on the nature of the transgression  
11 and results of the evaluation, may be prohibited from  
12 involvement with child care.

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