

Testimony
Senate Bill Number 2123 – Department Of Human Services
Senate Judiciary Committee
Senator Dave Nething, Chairman
January 13, 2009

Chairman Nething, members of the Senate Judiciary Committee, I am Jonathan Alm, an attorney with the Department of Human Services. I am here today in support of Senate Bill 2123.

The bill is designed to allow the Department to conduct criminal history record investigations for licensees, employees and others. Criminal history record investigations will be another step the Department takes to protect children and other vulnerable populations served by the Department.

Current Law

Currently, the Department is required to conduct a criminal history background investigation for foster care license holders, prospective adoptive parents, and legal guardians. Additionally, the Department conducts criminal background checks for early childhood services on a voluntary basis for providers who choose to be listed on the carecheck registry. The Department also conducts a criminal background check on employees, as do other state agencies.

SB 2123

This bill would allow the Department to conduct criminal history background checks for the following:

1. Early Childhood Services

As required under the proposed SB 2162 concerning criminal history

background checks for an individual, a household member, or a staff member who is going to provide early childhood services.

2. Licensed Providers

This bill would allow the Department to conduct a criminal background check on providers licensed, if necessary, under chapters 25-03.2 – residential treatment centers for children, 25-16 – residential care and services for the developmentally disabled, and 50-12 – child placing agencies, and under section 50-31-02 – substance abuse treatment programs.

3. Vendors

The Department may require a criminal history record investigation as the Department determines appropriate for vendors or grantees and their employees under contract or agreement with the Department.

4. Department and County Social Service Board Employees

In addition, the Department may require a criminal history background check for new employees of the Department and County Social Service Board employees responsible for providing services under programs supervised by the Department.

SB 2123 carries a fiscal note. The governor has included funding in his budget for the Department's cost of conducting criminal background checks on applicants for early childhood service licenses, holders of a self declaration and registered providers under SB 2162. This bill does not change the requirements for conducting criminal background checks for foster care license holders, prospective adoptive parents, or legal guardians. Any Department costs associated with these checks along

with those associated with conducting criminal background checks on the Department's new employees are included in the governor's budget for the Department.

The Department does not anticipate during this biennium any additional expenses to conduct criminal background checks on vendors, grantees, and their employees under contract and County Social Service Board employees. The additional authority in the bill makes it possible for the Department to conduct additional criminal history background checks if determined necessary due to a federal mandate or unforeseen events.

Other Measures

The proposed amendments to this bill reflect that the Department has proposed two other bills, the passage or failure of which would affect the language of this bill. SB 2162, which the Senate Human Services Committee will be hearing this morning, proposes to make background checks mandatory for any provider of early childhood services. HB 1090, which the House Human Service Committee will be hearing later this week, proposes to make background checks mandatory for an approved relative provider to receive child care assistance payments.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.