

SESSION OF 2017

SUPPLEMENTAL NOTE ON SENATE BILL NO. 126

As Amended by Senate Committee on Public
Health and Welfare

Brief*

SB 126, as amended, would amend the law concerning restrictions on persons maintaining, residing, working, or volunteering in a child care facility by expanding the list of existing prohibitions to comply with new federal requirements for background checks found in the federal Child Care and Development Block Grant (CCDBG) Act of 2014, also referred to as the CCDF Reauthorization [Child Care and Development Fund]. The expanded list of prohibitions would include individuals who have been convicted of arson; individuals who have been convicted or adjudicated of a crime that requires registration as a sex offender under the Kansas Offender Registration Act, as a sex offender in any other state, or as a sex offender on the National Sex Offender Registry; and individuals who have committed an act of physical, mental, or emotional abuse or neglect, or sexual abuse and are listed in any child abuse and neglect registries maintained by another state or the federal government that are similar to the Kansas Child Abuse and Neglect Registry maintained by the Department for Children and Families (DCF). The bill would also make technical amendments.

Background

The bill was introduced by the Senate Committee on Public Health and Welfare. In the Senate Committee hearing, Senator Taylor and a Kansas Department of Health and Environment (KDHE) representative testified in support of the bill. The KDHE representative stated the proposed changes are necessary to comply with new requirements for states

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

found in the CCDF Reauthorization but, more importantly, the background check requirements are protections intended to reduce the risk of abuse or neglect to children while in regulated, out-of-home child care settings. The KDHE representative stated KDHE and DCF are working jointly on mutual aspects of the CCDF Reauthorization, including this legislation. The KDHE representative requested an amendment to the bill to include a conviction of arson in the list of prohibitions. Written-only proponent testimony was provided by Bokeh Development, LLC; Child Advocacy Center of Sedgwick County; Child Care Aware of Kansas; DCF; Hutton and Hutton Law Firm, LLC; Kansas Action for Children; Kansas State Alliance of YMCAs; and two private citizens.

No opponent or neutral testimony was provided.

The Senate Committee amended the bill to add a conviction for arson to the list of prohibitions for persons maintaining, residing, working, or volunteering in a child care facility.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, enactment of the bill would have no fiscal effect for DCF except the possibility of changes to the transfers to KDHE from the CCDBG Fund. KDHE estimates enactment of the bill would require additional expenditures associated with the required updates to the background check database. Expenditures would include promulgating regulations, adapting existing work processes, enhancing the child care licensing data system, and informing the regulated community of the new requirements. KDHE estimates the majority of the expenditures would be absorbed within existing resources; however, it is possible KDHE would need to request additional CCDBG funds from DCF to offset costs associated with the implementation of new requirements and enhancements to the database system. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2018 Governor's Budget Report*.