

<p>Children and Seniors HB 2149 February 24, 2021 Office of Revisor of Statutes</p>
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1 working or regularly volunteering in a child care facility and shall release
 2 all records of adult convictions and nonconvictions and adult convictions
 3 or adjudications of another state or country to the department.

4 (g) (1) The secretary shall adopt rules and regulations on or before
 5 January 1, 2019, to fix a fee for fingerprinting persons residing, working or
 6 regularly volunteering in a child care facility, as may be required by the
 7 department to reimburse the department for the cost of the fingerprinting.

8 (2) The secretary shall remit all moneys received from the fees
 9 established under this section to the state treasurer in accordance with the
 10 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
 11 each such remittance, the state treasurer shall deposit the entire amount in
 12 the state treasury to the credit of the child care criminal background and
 13 fingerprinting fund.

14 (h) The child care criminal background and fingerprinting fund is
 15 hereby created in the state treasury to be administered by the secretary of
 16 health and environment. All moneys credited to the child care criminal
 17 background and fingerprinting fund shall be used to pay local and state
 18 law enforcement officers and agencies for the processing of fingerprints
 19 and criminal history background checks for the department. All
 20 expenditures from the child care criminal background and fingerprinting
 21 fund shall be made in accordance with appropriation acts upon warrants of
 22 the director of accounts and reports issued pursuant to vouchers approved
 23 by the secretary or by a person designated by the secretary.

24 (i) The secretary shall notify the child care applicant or licensee,
 25 within seven days by certified mail with return receipt requested, when the
 26 result of the national criminal history record check or other appropriate
 27 review reveals unfitness specified in ~~subsections~~ subsection (a)(1) through
 28 (8) with regard to the person who is the subject of the review.

29 (j) No child care facility or the employees thereof, shall be liable for
 30 civil damages to any person refused employment or discharged from
 31 employment by reason of such facility's or home's compliance with the
 32 provisions of this section if such home acts in good faith to comply with
 33 this section.

34 ~~(k) At the discretion of the secretary for children and families, a child~~
 35 ~~care facility that is licensed by or is applying for licensure from the~~
 36 ~~Kansas department for children and families may be exempted from the~~
 37 ~~provisions of subsection (a)(1), (a)(2) or (a)(8), if the secretary determines~~
 38 ~~that such exemption:~~

39 ~~(1) Is in the best interests of a child in the custody of the secretary~~
 40 ~~who is or will be under the care of such child care facility; and~~
 41 ~~(2) does not present a safety concern.~~

42 (l) For the purpose of subsection (a)(3)(4), a person listed in the child
 43 abuse and neglect central registry shall not be prohibited from residing,

<p>(1) Except as provided in paragraph (2), at the discretion of an internal panel established by the department for children and families in rules and regulations, a family foster home, as defined in K.S.A. 38-134, and amendments thereto, that is licensed or is applying for licensure by the department may be exempted from the provisions of subsection (a)(1), (a)(2) or (a)(8) if the panel determines that such exemption: (A) Is in the best interest of a child in custody of the secretary who is or will be under the care of the family foster home; and (B) does not present a safety concern. (2) The panel shall not grant an exemption when a person who resides, works or regularly volunteers at the family foster home has a conviction for a: (A) Severity level 1 through 5 felony; (B) crime that involved a child victim; or (C) drug severity level 1 through 3 felony. (3) At least ten days prior to the final decision of the panel to grant the exemption, the secretary shall provide a written notice of the pending exemption to the county or district attorney in the judicial district where the conviction occurred.</p>
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