

Who is required to have a background study?

Under Minnesota Statutes 245C, the following individuals are required to submit to a background study as part of every family child care licensing application:

- (1) the person or persons applying for a family child care license;
- (2) household members who are 13 years of age and older, who live in the household where the licensed child care services will be provided (i.e., the licensed family child care residence);
- (3) current or prospective employees or contractors of the applicant and/or licensed provider who will have direct contact with persons served by the licensed child care program;
- (4) volunteers or student volunteers who will have direct contact with persons served by the licensed child care program if the contact is not under the continuous, direct supervision of the license holder or one of her/his employees/contractors.
- (5) household members who are between the ages of 10 to 12 years, when the commissioner has “reasonable cause”;
- (6) an individual who, without providing direct contact services at a licensed program, may have unsupervised access to children receiving services from the licensed child care program, when the commissioner has “reasonable cause”; and
- (7) all managerial officials as defined under section 245A.02, subd.5a.

What does the background study review?

The background study includes a review of:

1) Bureau of Criminal Apprehension (BCA)

This source of background study information will tell us if the subject of a background study has criminal history within Minnesota and/or in a jurisdiction outside of Minnesota. If the information indicates criminal history in a jurisdiction outside of Minnesota, the subject of the background study will be required to provide a set of classifiable fingerprints.

2) Local Criminal History

We check the “subject’s” criminal history data within Ramsey County, as well as, within any previous County of Residence where the subject resided within the 5 years prior to the initiation of the background study.

3) Social Service Check

We check the Ramsey County Child / Adult Protection and Child Welfare records to look for any history of abuse or neglect (i.e., where the subject of the background study

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committed acts involving abuse and/or neglect). We also request child/adult protection maltreatment records from Social Services Departments in the jurisdictions where the subject resided within the 5 years prior to the initiation of the background study.

4) Juvenile Court Records

We also check the Juvenile Court records for the study subject who is between the ages of 13 to 23 years, within Ramsey County as well as jurisdictions where the subject resided within the 5 years prior to the initiation of the background study.

What happens after the applicant and/or licensed child care provider sends in the required background study forms?

During the processing of the subject's background study, the Ramsey County Family Child Care Licensing Department will identify any potential barriers to licensing and/or re-licensing. When Ramsey County Family Child Care Licensing has identified barriers to licensing, usually the barriers involve a subject's criminal history, his/her history of child and/or vulnerable adult maltreatment, and/or his/her chemical dependency problems. Sometimes, the barrier to licensing involves the subject's refusal to cooperate with the background study, or the licensing unit determination that the subject provided "false and/or misleading information" on their licensing application paperwork.

What if the applicant or someone living and/or working in the childcare residence has a disqualification?

When a barrier to licensing involves a background study disqualification/s, the disqualified subject is notified of the disqualification and is given the opportunity to request reconsideration of the disqualification/s. The disqualified subject makes a request to the Minnesota Department of Human Services (DHS) for reconsideration of the disqualification, and DHS-Division of Licensing makes the final decision as to whether they will support a "set-aside", "variance", "denial of license", or other negative licensing action.

Why are background studies on everyone 13 years of age and older such a big deal?

Because the purpose of the background study at time of initial application or at re-application is to assess the risk and safety of children who are/will be served within family child care programs. Ramsey County Child Care Licensing strives to conduct a thorough investigation of anyone applying for family child care licensure, and any other person who may have regular contact with and/or access to the children served within licensed family child care programs.