



## Improving, expanding background studies

### Issue:

The Minnesota Department of Human Services conducts background studies on people who have direct contact with children or vulnerable adults in programs licensed by DHS and the Minnesota Department of Health and in unlicensed personal care provider organizations. Background studies help protect vulnerable people by preventing certain individuals with serious criminal records or records of maltreatment from working in licensed programs.

For background studies to be effective, source information must be comprehensive and up to date. Currently this is a challenge in two areas:

- **Identifying sex offenses from other states.** Predatory offenders, including offenders who move to Minnesota from other states, are required to report current information on their addresses, vehicles, employment, etc. Currently DHS background studies do not have routine access to this information.
- **Identifying new disqualifying crimes.** As long as an individual remains with an employer, a repeat background study is not required. Therefore, individuals are sometimes arrested, charged, and convicted of new disqualifying crimes, but neither DHS nor the employer have this information.

### Proposals:

- The governor's budget proposal recommends expanding the scope of DHS background studies to include routine access to the Predatory Offender Registry (POR), the state's central database on predatory offenders operated by Minnesota Department of Public Safety through its Bureau of Criminal Apprehension.
- The governor's proposal also recommends establishing a routine, electronic receipt of new criminal history information on background study subjects from the Minnesota Court Information System (MNCIS), the computerized case management system used by district courts. This type of process is often referred to as a "rap back" system. Data from MNCIS will be automatically retrieved from the courts when there is new criminal activity data on a subject who has previously had a DHS background study. When a crime is committed by a subject after the initial background study, that information will be evaluated by DHS to determine if the subject should still be allowed to provide direct contact services to children or vulnerable adults.
- Both of these proposals are required components of a federal grant made available through the Affordable Care Act and awarded to DHS last year. (Over the next three years, other proposals for upcoming legislative sessions will include changes necessary for a transition from background studies based on a name and date of birth comparison with criminal records to a system that uses fingerprints to assure the correct criminal history information is obtained.)

**Impact:**

- Improving and expanding background studies by making them more accurate and complete will enhance protections for children and vulnerable adults and will strengthen the state's provider licensing system.
- Expanded registry access will help assure that registered sex offenders from other states are not allowed to work with children and vulnerable adults in Minnesota.

**Number of people affected:**

- In fiscal year 2012 DHS conducted about 267,000 background studies. Additional background study activities will likely result in more individuals being removed from positions of directed contact with children and vulnerable adults.
- The DHS Licensing Division estimates that it will receive new arrest information on 500 individuals each year from MNCIS, which will likely result in 25 additional disqualifications per year.
- The DPS Predatory Offender Registration Unit processes approximately 30,000 offender updates each year.

**Fiscal impact:**

- No new state funding is required for these proposals.
- Proposal costs will be paid by a \$3 million multi-year federal grant made available under the Affordable Care Act to make significant improvements to the state's background study system. DHS was awarded the grant and received legislative approval to spend the funds last year.

**Related information:**

- Minnesota Management & Budget website: <http://www.mmb.state.mn.us/>
- Licensing fact sheet: <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-4743-ENG>
- Child care licensing fact sheet: <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-6385-ENG>
- DHS website page on background studies: [http://www.dhs.state.mn.us/main/id\\_054413](http://www.dhs.state.mn.us/main/id_054413)
- DPS Predatory Offender Registry: <https://dps.mn.gov/divisions/bca/bca-divisions/investigations/Pages/predatory-offender-registrations.aspx>

*DHS Communications: March 2013*