

TO: County directors, supervisors, and licensors

DATE: September 17, 2018

TOPIC: Roll out of enhanced background studies for licensed family child care providers

I. Background

Changes to state law were made in 2017 and 2018 to establish enhanced background study requirements for child care providers as required by federal law. The Department of Human Services, Background Study Division is completing the system changes needed for these enhanced studies. All currently licensed family child providers will need to have a new study completed on a phased schedule to be determined by the Department. County licensing agencies will continue to play a key role in the background study process as they will initiate background studies through NETStudy 2.0 for providers beginning in January 2019.

This bulletin addresses the following questions about enhanced background studies for licensed family child care providers:

- When do **existing** providers, caregivers,¹ and household members need to obtain a background study through NETStudy 2.0?
- When do **new** providers, caregivers, and household members need to obtain a background study through NETStudy 2.0?
- When must county licensing agencies stop conducting and charging for background studies at the county level?

II. Summary

Effective January 1, 2019, county family child care licensing agencies will initiate background studies for family child care providers through NETStudy 2.0 on a schedule determined by the Department. Enhanced background studies for licensed family child care providers will be implemented in a phased manner that will not be tied to a licensing renewal date. This means that for existing providers with license renewals on January 1, 2019, or after, county licensing agencies will relicense providers without conducting background studies as part of this process. By the end of 2020, all licensed family child care providers and those affiliated with their license (i.e., other caregivers and household members) will need to have obtained an enhanced study through NETStudy 2.0.

Later this month, a summary of this information will be posted to Department's webpage

<https://mn.gov/dhs/partners-and-providers/licensing/help-for-providers-by-license-types/child-care-and-early->

¹ "Caregivers" includes adult caregivers, substitutes, and emergency substitutes.

[education/family/](#), and sent to all licensed providers registered to receive updates through the DHS Family Child Care list serve.

Please note: Additional information will be made available about the roll out of studies for legal nonlicensed providers later this fall.

If you have questions about the information presented in this memorandum, please contact your regional consultant.

III. Roll out of enhanced background studies for licensed family child care providers

Enhanced background studies for licensed family child care providers will be implemented in a phased manner that will not be tied to a licensing renewal date. This phased approach will provide flexibility to providers and counties and allow for targeted locations and/or timeframes of extra LiveScan (fingerprinting) devices. The following information describes the phased approach. Appendix A provides a visual representation of the roll out plan described below.

A. Existing providers

County licensing agencies will continue to conduct background studies for existing providers through December 31, 2018. Beginning January 1, 2019, all existing providers will be required to obtain a background study through NETStudy 2.0 at some point between January 1, 2019 and December 31, 2020.

1. Licenses expiring on or before December 31, 2018

For existing providers whose licenses expire on or before December 31, 2018, county licensing agencies will continue to conduct county background studies as part of the relicensing process. County licensing agencies may charge for background studies conducted as part of the relicensing process. All providers will be required to obtain an enhanced background study through NETStudy 2.0 by the end of 2020, when directed by the Department.

2. Licenses expiring on or after January 1, 2019

For existing providers whose licenses expire on or after January 1, 2019, county licensing agencies will relicense providers, but will NOT conduct background studies for the provider, household members, or caregivers who already have a study conducted by the county. For new household members or new caregivers being reported to the county that need a study as part of the relicensing process, see the information in Paragraph C, below.

3. Initiation through NETStudy 2.0 for existing providers

The county will be directed by the Department to initiate an enhanced study for all providers using NETStudy 2.0 at some point during the time period January 1, 2019, through December 31, 2020. In collaboration with their county, a provider may elect to obtain an enhanced study through NETStudy 2.0 before they are told to do so. Licensing agencies cannot charge their own fees for enhanced background studies conducted through NETStudy 2.0.

The Department will provide plenty of notice as to when an enhanced study must be obtained. Included in the notice will be additional instructions and where the provider can find more information about fingerprinting locations. During the prescribed time period, there is no charge for existing providers to obtain an enhanced background study through NETStudy 2.0 (see Additional resources, below, for more information).

B. New providers (i.e., applicants)

County licensing agencies will no longer conduct county background studies for new applicants effective January 1, 2019.

1. County background studies conducted on new applicants on or before December 31, 2018

For new applicants that submit their license application on or before December 31, 2018, county licensing agencies will conduct county background studies as part of the license application process for the applicant, household members, and any caregivers, regardless to whether the license is issued prior to January 1, 2019. Licensing agencies may charge for the background studies consistent with their protocols. The applicant, household members, and caregivers affiliated with the new license will be required to obtain an enhanced background study through NETStudy 2.0 by the end of 2020, when directed by the Department.

2. NETStudy 2.0 background studies conducted on new applicants on or after January 1, 2019

For new applicants that submit their license application on or after January 1, 2019, county licensing agencies will initiate background studies for the applicant, household members, and any caregivers through NETStudy 2.0, as part of the license application process. Licensing agencies cannot charge their own fees for background studies conducted through NETStudy 2.0. For most people, the enhanced study initiated through NETStudy 2.0 will be good for 5 years before they have to be paid for and submitted again.

C. New household members and caregivers for existing providers

County licensing agencies will initiate enhanced background studies through NETStudy 2.0 for new household members or caregivers effective January 1, 2019. See Section D for information on minor household members.

1. New household members and caregivers on or before December 31, 2018

Until December 31, 2018, anytime an existing licensed provider notifies the county licensing agency of a new household member or a new caregiver and a background study is required, the county licensing agency will conduct a county background study. Licensing agencies may charge for these studies consistent with their protocols (this may mean that there is no charge for the study). These study subjects will be required to obtain an enhanced background study through NETStudy 2.0 by the end of 2020, when directed by the Department.

2. New household members and caregivers on or after January 1, 2019

After January 1, 2019, anytime an existing licensed provider notifies the county licensing agency of a new household member or a new caregiver and a background study is required, the county licensing agency must initiate the background study through NETStudy 2.0. Licensing agencies may not charge their own fees for the background study. This means that for a period of time, some providers will continue to have county-initiated studies for themselves and their existing household members and caregivers, while new household members and new caregivers will be required to obtain a background study through NETStudy 2.0.

D. Minors living in the household

1. Minors turning 13 on or before December 31, 2018

If a licensed provider notifies the county licensing agency that a minor living in the household will be turning 13 on or before December 31, 2018, the licensing agency will conduct a county background study. Licensing agencies may charge for the background study consistent with their protocols (this may mean that there is no charge for the study). All existing household members will need to have a background study through NETStudy 2.0 by the end of 2020, when directed by the Department.

2. Minors turning 13 on or after January 1, 2019

If a licensed provider notifies the county licensing agency that a minor living in the household will be turning 13 on or after January 1, 2019, the licensing agency will initiate the background study through NETStudy 2.0. Licensing agencies cannot charge their own fees for enhanced studies conducted through NETStudy 2.0. This background study, by default, is based on the individual's name and date-of-birth.

Please note: While most minors (ages 13 – 17) living in the household will receive a background study based on the individual’s name and date-of-birth, a fingerprint-based FBI study will be required if the minor meets any of the following conditions:

- The minor is paid by the provider to assist in the care of children or to work directly with children in care; or
- The minor lives outside of Minnesota; or
- The minor has lived outside of Minnesota at any time in the last five years; or
- The minor has a Minnesota criminal record; or
- There is reasonable cause to believe that the minor have a criminal record in another state.

More information about who needs an enhanced background study is available under the Additional resources section, below.

IV. Additional resources

The following resources provide additional information about the implementation of enhanced background studies for child care providers in Minnesota.

A. Department of Human Services to cover initial costs of new enhanced background studies for existing licensed providers (issued August 14, 2018)

The Department will pay for the cost of the new background studies for existing providers, caregivers, and household members that already have a current background study when the enhanced studies are rolled out. For more information, please see the Department’s webpage <https://mn.gov/dhs/partners-and-providers/licensing/help-for-providers-by-license-types/child-care-and-early-education/family/>.

B. Guidance for family child care providers regarding who needs a background study (DHS-7733-ENG) (issued September 14, 2018, effective January 1, 2019)

Over the past year, the Department has issued draft guidance for family child care providers regarding who needs a background study in light of changes to state and federal laws. The Department has released a final version of this guidance, which is available on the Department’s webpage <https://mn.gov/dhs/partners-and-providers/licensing/help-for-providers-by-license-types/child-care-and-early-education/family/>. This guidance is effective January 1, 2019.

County licensors should continue to require background studies consistent with existing practice until January 1, 2019. The Department does not anticipate that many will be impacted by the new guidance. Rather, the guidance is meant to be a tool to help providers and licensors navigate the background study requirements set forth in Minn. Stat. 245C, especially in light of recent changes to state and federal law. A provider with questions about who needs a background study should be encouraged to contact their

licensor. If a licensor has questions about this guidance or how it may be applied, they should contact their regional consultant.

C. Webpage dedicated to child care background study information

For general information and frequently asked questions about background study requirements for child care providers, please visit <https://mn.gov/dhs/general-public/background-studies/faqs/ccdbg/>.

D. Upcoming training for county licensors on using NETStudy 2.0

The Department will be providing additional information to counties about timelines, onboarding into NETStudy 2.0, training resources in the near future.

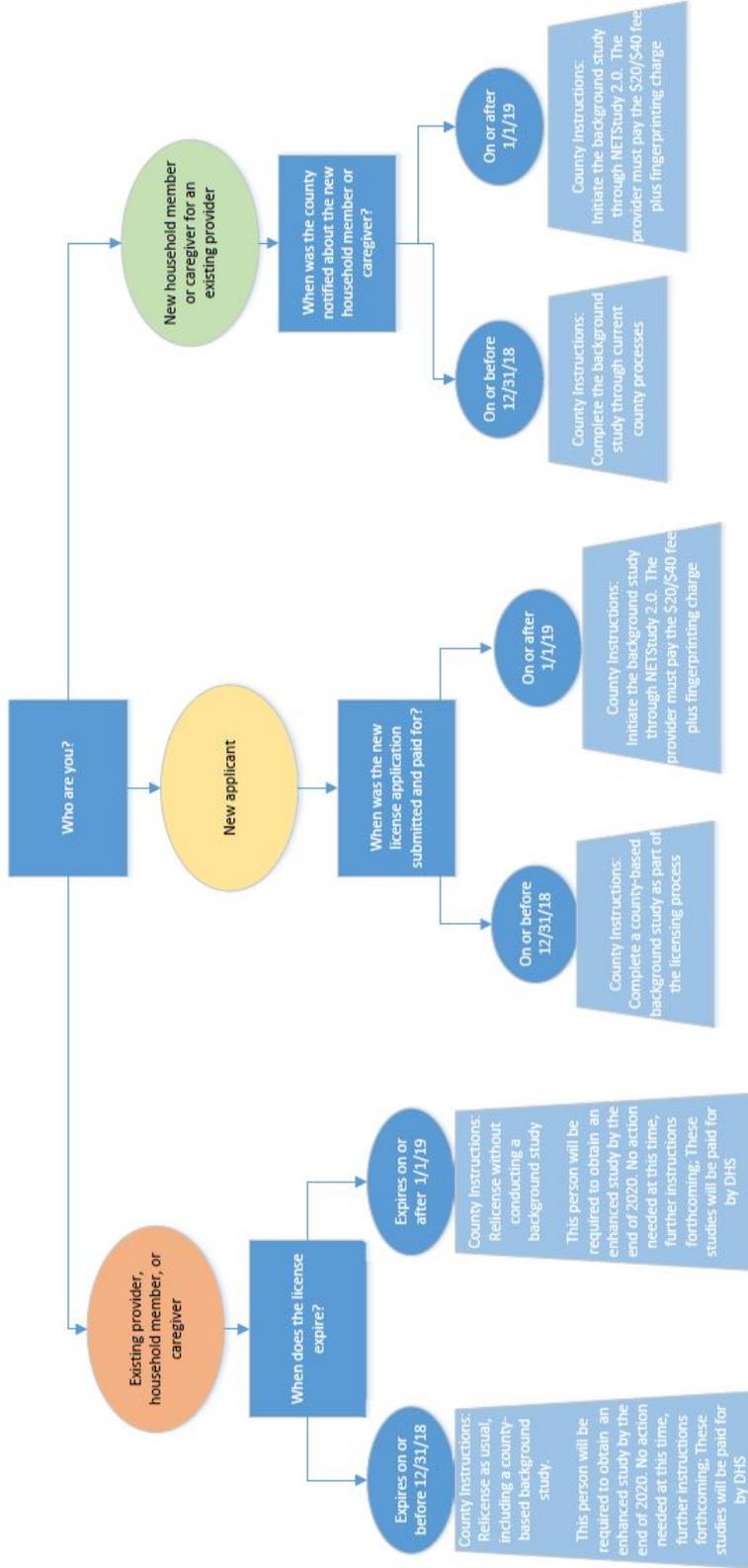
V. Conclusion

If you have questions about the information presented in this memorandum, please contact your regional consultant.

Appendix A

Rollout of Enhanced Background Studies for Licensed Family Child Care Providers

Instructions: Effective January 1, 2019, county licensing agencies will initiate background studies for licensed family child care providers through NETStudy 2.0. Use this worksheet to determine when an enhanced study will be required.



Issued September 14, 2018
 For more information on child care background studies, visit <https://tinyurl.com/mnchildcarefaq>