



## Family Child Care Background Study Worksheet:

### Is a background study required?

- Complete this worksheet to determine if a person is required to have a background study.
- License holders are responsible for ensuring background studies are completed as required.
- This worksheet is based upon Minnesota Statutes, section 245C.02, subdivision 6a, as changed effective July 1, 2019 (see page 4).
- This document addresses background study requirements only and does not address child supervision or other licensing requirements.

#### People caring for children

Is the person applying for a license, a license holder (current provider), an adult/second adult caregiver, substitute or helper? (Note as defined in MS 245A.50, subdivision 1a an adult caregiver/substitute provides care for 500 or fewer hours annually and a second adult caregiver provides care with the license holder for more than 500 hours annually.)

Yes. **Background study required.**

No. Continue to next section.

#### Household members

Is the person age 13 or older and living in the licensed home?

Yes. **Background study required.**

No. Continue to next section.

Note: A person ages 10 through 12 who lives in a household where licensed services are provided will need a background study only if DHS has reasonable cause. **Reasonable cause** means that information exists that indicates the person may have a history that would disqualify the individual or that the person may pose a risk to the health or safety to children in care (see page 5 for complete definition).

#### People with unsupervised access

Does the person have unsupervised physical access to a child served by the program?

Yes. **Background study required**, unless the person qualifies for an exception. Review the next two sections to see.

No. Background study **not** required.

## Visiting relatives of the child care provider *only*

*Related means a spouse, parent, birth or adopted child or stepchild, stepparent, stepbrother, stepsister, niece, nephew, adoptive parent, grandparent, sibling, aunt, uncle, or legal guardian.*

In most cases, visiting relatives do **not** need a background study, as long as:

- The person is related to the license holder.
- The relative does **not** live in the licensed home.
- The relative is involved only in the care of the license holder's own child.
- The relative is **not** a designated caregiver, helper, or substitute for the program.
- The relative is always under continuous direct supervision when in contact with any nonrelative child receiving services.

If all of the above are true, a **background study is not required**.

If **any** of the above are false, a **background study is required**.

## Parent-arranged service providers *only*

Parent-arranged service providers do **not** need a background study if:

- The person only provides services that are not part of the child care program.
- The child receiving services is signed out of the program for the duration that the services are provided.
- Advanced written permission was obtained from the parent and documented in the child's record authorizing the child to receive the services.
- Documentation that identifies the individual service provider and the services being provided is maintained on-site by the program.
- The person is under continuous direct supervision whenever they have access to a child not receiving services from the person.

If all of the above are true, a **background study is not required**.

If **any** of the above are false, a **background study is required**.

## Frequently asked questions

### 1. Why are background studies important?

Background studies are used as a screening mechanism to protect the health and safety of children. They ensure that those providing licensed child care and those with access to children in care do not have a history that may adversely affect the children in care. The background study determines whether a person committed an act that would disqualify them from providing child care services or from having direct contact with children in care. Under federal law, background studies are required for licensed/regulated child care providers in all 50 states, regardless of whether the provider receives Child Care Assistance Program funding.

## **2. What should I do if someone is planning on moving into the licensed home?**

The license holder must initiate a background study for household members age 13 or older prior to them living in the licensed home. Household members ages 10 through 12 may be required to complete a background study if there is reasonable cause (as defined on page 5).

## **3. Is a college student who lives in the licensed home during winter, summer, and holiday breaks a household member?**

Yes. If the student lived in the household before college and has no other permanent home, the student is considered a household member and is required to have a background study.

## **4. Does a minor (ages 17 or younger) need a fingerprint-based background study?**

All teenage household members (ages 13 through 17) will need a background study. Household members ages 10 through 12 will not need a background study unless DHS has reasonable cause.

Most minors will **not** need a fingerprint-based background study. A minor is only required to have a fingerprint-based study if:

- They are employed by the provider or supervise children served by the program;
- They currently live outside of Minnesota;
- They have lived outside of Minnesota at any time in the last five years;
- They have a Minnesota criminal record; or
- Information is received that the person may have a criminal record in another state.

If the provider is uncertain whether a fingerprint-based background study is required, they should contact their licensor.

## **5. The neighbor mows the lawn at the licensed home. Does the neighbor need a background study?**

If the neighbor never has physical access to a child served by the program or only has physical access to a child served by the program while under continuous direct supervision, the neighbor does not need a background study.

Note: DHS may require this person to obtain a background study if there is reasonable cause (as defined on page 5).

## **6. I am having someone (paid or unpaid) come to the licensed home and provide instructions or lessons to children in care and they are always supervised. Does this person need a background study?**

If the person is always under continuous direct supervision whenever they have physical access to a child served by the program, the person may provide instructions or lessons (paid or unpaid) without a background study.

## **7. A parent and school district have arranged for a school district employee to come provide services to a child (reading, speech, occupational therapy, special education, etc.). Does the school district employee need a background study?**

If the services are not part of the child care program and all statements were true in the section above titled *Parent-arranged service providers*, the person may provide the services without a background study.

## **8. A parent or guardian of a child in care wants to visit with their own children. Does this person need a background study?**

If the parent or guardian visits their child and only has physical access to another child served by the program while under continuous direct supervision, the person does not need a background study.

## **9. A person who is not related to the license holder (i.e., neighbor or family friend) wants to come and visit with the children. Does this person need a background study?**

A background study is not required if the person:

- Is not a caregiver and does not assist in the care of a child;
- Is not a householder member; and
- Is **always** under continuous direct supervision whenever they have physical access to a child served by the program.

Note: DHS may require this person to obtain a background study if there is reasonable cause (as defined on page 5).

## **10. Where can I find more information?**

If a licensed provider has questions about whether a particular person needs a background study, they should contact their licenser. For more information about background studies, please visit <https://mn.gov/dhs/general-public/background-studies/faqs/ccdbg/>

## **Relevant laws**

The current version of Minnesota Statutes, chapter 245C.02, subdivision 6a can be found in [Minnesota Laws 2019, First Special Session, chapter 9, article 2, section 62.](#)

**245C.02, Subd. 6a. Child care background study subject.** (a) "Child care background study subject" means an individual who is affiliated with a licensed child care center, certified license exempt child care center, licensed family child care program, or legal nonlicensed child care provider authorized under chapter 119B, and who is:

- (1) employed by a child care provider for compensation;
- (2) assisting in the care of a child for a child care provider;
- (3) a person applying for licensure, certification, or enrollment;
- (4) a controlling individual as defined in section 245A.02, subdivision 5a;
- (5) an individual 13 years of age or older who lives in the household where the licensed program will be provided and who is not receiving licensed services from the program;

- (6) an individual ten to 12 years of age who lives in the household where the licensed services will be provided when the commissioner has reasonable cause as defined in section 245C.02, subdivision 15;
  - (7) an individual who, without providing direct contact services at a licensed program, certified program, or program authorized under chapter 119B, may have unsupervised access to a child receiving services from a program when the commissioner has reasonable cause as defined in section 245C.02, subdivision 15; or
  - (8) a volunteer, contractor, prospective employee, or other individual who has unsupervised physical access to a child served by a program and who is not under supervision by an individual listed in clause (1) or (5), regardless of whether the individual provides program services.
- (b) Notwithstanding paragraph (a), an individual who is providing services that are not part of the child care program is not required to have a background study if:
- (1) the child receiving services is signed out of the child care program for the duration that the services are provided;
  - (2) the licensed child care center, certified license exempt child care center, licensed family child care program, or legal nonlicensed child care provider authorized under chapter 119B has obtained advanced written permission from the parent authorizing the child to receive the services, which is maintained in the child's record;
  - (3) the licensed child care center, certified license exempt child care center, licensed family child care program, or legal nonlicensed child care provider authorized under chapter 119B maintains documentation on-site that identifies the individual service provider and the services being provided; and
  - (4) the licensed child care center, certified license exempt child care center, licensed family child care program, or legal nonlicensed child care provider authorized under chapter 119B ensures that the service provider does not have unsupervised access to a child not receiving the provider's services.

**245C.02, Subd. 15. Reasonable cause.** "Reasonable cause" means information or circumstances exist that provide the commissioner with articulable suspicion that further pertinent information may exist concerning a subject. The commissioner has reasonable cause to require a background study when the commissioner has received a report from the subject, the license holder, or a third party indicating that the subject has a history that would disqualify the individual or that may pose a risk to the health or safety of persons receiving services.

For requirements regarding when a background study must occur, see Minnesota Statutes, chapter [245C.04](#).

See Minnesota Statutes, chapters [245C](#) and [245A](#), and Minnesota Rules, chapter [9502](#), for more information. Minnesota Statutes and Rules are available at: <https://www.revisor.mn.gov/>