



January 28, 2020

HOUSE BILL No. 1264

DIGEST OF HB 1264 (Updated January 28, 2020 9:44 am - DI 135)

Citations Affected: IC 12-17.2.

Synopsis: Child care background checks. Requires employees and volunteers of a child care facility who may be present on the premises of the child care facility during operating hours to submit to a national criminal history background check. (Under current law, employees and volunteers who have direct contact with children must submit to a national criminal history background check.) Specifies that results of the background check may be used as grounds for denial or revocation of a child care license or registration or eligibility for a child care and development fund voucher payment. Makes technical corrections.

Effective: July 1, 2020.

May

January 14, 2020, read first time and referred to Committee on Family, Children and Human Affairs.

January 28, 2020, reported — Do Pass.

HB 1264—LS 6078/DI 119



January 28, 2020

Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1264

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 12-17.2-2-1, AS AMENDED BY P.L.53-2018,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 1. The division shall perform the following duties:
4 (1) Administer the licensing and monitoring of child care centers
5 or child care homes in accordance with this article.
6 (2) Ensure that a national criminal history background check of
7 the following is completed through the state police department
8 under IC 10-13-3-39 before issuing a license:
9 (A) An applicant for a license.
10 (B) An employee or volunteer of an applicant who ~~has direct~~
11 ~~contact with a child who is receiving child care from the~~
12 ~~applicant.~~ **may be present on the premises of the child care**
13 **center or child care home during the operating hours of**
14 **the child care center or child care home.**
15 (C) If an applicant is applying for a license to operate a child
16 care home, the following:
17 (i) The applicant's spouse.

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- 1 (ii) The applicant's household members who are at least
 2 eighteen (18) years of age or who are less than eighteen (18)
 3 years of age but have previously been waived from juvenile
 4 court to adult court.
- 5 (3) Ensure that a national criminal history background check of
 6 the following is completed through the state police department
 7 under IC 10-13-3-39 before registering a child care ministry:
 8 (A) An applicant for a child care ministry registration.
 9 (B) An employee or volunteer of an applicant who ~~has direct~~
 10 ~~contact with a child who is receiving child care from the~~
 11 ~~applicant.~~ **may be present on the premises of the child care**
 12 **ministry during the operating hours of the child care**
 13 **ministry.**
- 14 (4) Provide for the issuance, denial, suspension, and revocation of
 15 licenses.
- 16 (5) Cooperate with governing bodies of child care centers and
 17 child care homes and their staffs to improve standards of child
 18 care.
- 19 (6) Prepare at least biannually a directory of licensees with a
 20 description of the program capacity and type of children served
 21 that will be distributed to the legislature, licensees, and other
 22 interested parties as a public document.
- 23 (7) Deposit all license application fees collected under section 2
 24 of this chapter in the division of family resources child care fund
 25 established by section 3 of this chapter.
- 26 (8) Require each child care center or child care home to record
 27 proof of a child's date of birth before accepting the child. A child's
 28 date of birth may be proven by the child's original birth certificate
 29 or other reliable proof of the child's date of birth, including a duly
 30 attested transcript of a birth certificate.
- 31 (9) Provide an Internet **web** site through which members of the
 32 public may obtain the following information:
 33 (A) Information concerning violations of this article by a
 34 licensed child care provider, including:
 35 (i) the identity of the child care provider;
 36 (ii) the date of the violation; and
 37 (iii) action taken by the division in response to the violation.
 38 (B) Current status of a child care provider's license.
 39 (C) Other relevant information.
- 40 The Internet **web** site may not contain the address of a child care
 41 home or information identifying an individual child. However, the
 42 site may include the county and ZIP code in which a child care



- 1 home is located.
- 2 (10) Provide or approve training concerning safe sleeping
- 3 practices for children to:
- 4 (A) a provider who operates a child care program in the
- 5 provider's home as described in IC 12-17.2-3.5-12.5;
- 6 (B) a child care home licensed under IC 12-17.2-5;
- 7 (C) a child care center licensed under IC 12-17.2-4; and
- 8 (D) a child care ministry registered under IC 12-17.2-6;
- 9 including practices to reduce the risk of sudden infant death
- 10 syndrome.
- 11 SECTION 2. IC 12-17.2-3.5-4, AS AMENDED BY P.L.171-2014,
- 12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 13 JULY 1, 2020]: Sec. 4. (a) A provider is ineligible to receive a voucher
- 14 payment if the provider:
- 15 (1) has been convicted of a:
- 16 (A) felony:
- 17 (i) related to the health or safety of a child;
- 18 (ii) that is a sex offense (as defined in IC 11-8-8-5.2);
- 19 (iii) that is a dangerous felony; or
- 20 (iv) that is not a felony otherwise described in items (i)
- 21 through (iii), and less than ten (10) years have elapsed from
- 22 the date the person was discharged from probation,
- 23 imprisonment, or parole, whichever discharge date is latest;
- 24 (B) misdemeanor related to:
- 25 (i) the health or safety of a child; or
- 26 (ii) welfare fraud;
- 27 (C) misdemeanor for operating a child care center without a
- 28 license under IC 12-17.2-4-35, or of a substantially similar
- 29 offense committed in another jurisdiction if the offense is
- 30 directly or indirectly related to jeopardizing the health or
- 31 safety of a child; or
- 32 (D) misdemeanor for operating a child care home without a
- 33 license under IC 12-17.2-5-35, or of a substantially similar
- 34 offense committed in another jurisdiction if the offense is
- 35 directly or indirectly related to jeopardizing the health or
- 36 safety of a child;
- 37 (2) allows an individual who has been convicted of a crime
- 38 specified under subdivision (1) to reside with the provider, if the
- 39 provider operates a child care program in the provider's home;
- 40 (3) employs an individual or allows an individual to volunteer
- 41 who:
- 42 (A) has direct contact with a child who is receiving child care



- 1 **from the provider; may be on the premises of the facility**
 2 **where the provider operates a child care program during**
 3 **operating hours of the child care program; and**
 4 (B) has been convicted of a crime specified in subdivision (1);
 5 (4) has had a revocation of eligibility under this chapter during
 6 the immediately preceding two (2) years; or
 7 (5) fails to meet the requirements of this chapter.
 8 (b) A provider whose:
 9 (1) license under IC 12-17.2-4 or IC 12-17.2-5; or
 10 (2) compliance with this chapter;
 11 is subject to an enforcement action is ineligible to receive a voucher
 12 payment, regardless of whether the provider meets the requirements of
 13 this chapter, until the outcome of any proceeding under IC 4-21.5
 14 reflects a final determination that the provider's license or eligibility is
 15 in good standing.
 16 (c) If the division decertifies a provider under this chapter, the
 17 provider:
 18 (1) may reapply for eligibility to receive a voucher payment at any
 19 time that the provider is able to demonstrate compliance with this
 20 chapter; and
 21 (2) is not eligible to receive a voucher payment under this chapter
 22 until the provider receives notice from the division that the
 23 provider's application under subdivision (1) has been approved.
 24 (d) In determining whether a provider meets the requirements of this
 25 chapter, the division may not consider religious instruction or
 26 activities.
 27 SECTION 3. IC 12-17.2-3.5-12, AS AMENDED BY P.L.287-2013,
 28 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2020]: Sec. 12. (a) Except as provided in subsection (f) and
 30 subject to subsection (g), a provider shall, at no expense to the state, do
 31 the following:
 32 (1) If the provider is an individual, submit the provider's
 33 fingerprints for a national criminal history background check by
 34 the Federal Bureau of Investigation.
 35 (2) If the provider operates a child care program in the provider's
 36 home, require:
 37 (A) the provider's spouse; and
 38 (B) any individual who resides with the provider and who is:
 39 (i) at least eighteen (18) years of age; or
 40 (ii) less than eighteen (18) years of age but has previously
 41 been waived from juvenile court to adult court;
 42 to submit fingerprints for a national criminal history background



1 check by the Federal Bureau of Investigation.

2 (3) Require any individual who:

3 (A) is employed or volunteers; and

4 (B) ~~has direct contact with a child who is receiving child care~~
 5 ~~from the provider; may be present on the premises of the~~
 6 ~~facility where the provider operates a child care program~~
 7 ~~during operating hours of the child care program;~~

8 to submit fingerprints for a national criminal history background
 9 check by the Federal Bureau of Investigation.

10 A provider shall require an individual described in subdivision (3) to
 11 submit fingerprints for a national criminal history background check
 12 before the individual is employed or allowed to volunteer and every
 13 three (3) years thereafter that the individual is continuously employed
 14 or allowed to volunteer.

15 (b) In addition to the requirement under subsection (a), a provider
 16 shall report to the division any:

17 (1) police investigations;

18 (2) arrests; and

19 (3) criminal convictions;

20 of which the provider is aware regarding any of the persons listed in
 21 subsection (a).

22 (c) A provider that meets the other eligibility requirements of this
 23 chapter is temporarily eligible to receive voucher payments until the
 24 division receives the national criminal history background check
 25 required under subsection (a) from the state police department if:

26 (1) the provider:

27 (A) has:

28 (i) submitted; or

29 (ii) required an individual described in subsection (a)(2) or

30 (a)(3) to submit;

31 fingerprints for a national criminal history background check
 32 as required under subsection (a); and

33 (B) obtains a local criminal history for the individuals
 34 described in subsection (a) from each individual's local law
 35 enforcement agency before the individual is employed or
 36 allowed to volunteer; and

37 (2) the local criminal history does not reveal that an individual
 38 has been convicted of a:

39 (A) felony:

40 (i) related to the health or safety of a child;

41 (ii) that is a sex offense (as defined in IC 11-8-8-5.2);

42 (iii) that is a dangerous felony; or



- 1 (iv) that is not a felony otherwise described in items (i)
 2 through (iii), and less than ten (10) years have elapsed from
 3 the date the person was discharged from probation,
 4 imprisonment, or parole, whichever discharge date is latest;
 5 (B) misdemeanor related to the health or safety of a child;
 6 (C) misdemeanor for operating a child care center without a
 7 license under IC 12-17.2-4-35, or of a substantially similar
 8 offense committed in another jurisdiction if the offense is
 9 directly or indirectly related to jeopardizing the health or
 10 safety of a child; or
 11 (D) misdemeanor for operating a child care home without a
 12 license under IC 12-17.2-5-35, or of a substantially similar
 13 offense committed in another jurisdiction if the offense is
 14 directly or indirectly related to jeopardizing the health or
 15 safety of a child.
- 16 (d) A provider is ineligible to receive a voucher payment if an
 17 individual for whom a national criminal history background check is
 18 required under this section has been convicted of a:
- 19 (1) felony:
- 20 (A) related to the health or safety of a child;
 21 (B) that is a sex offense (as defined in IC 11-8-8-5.2);
 22 (C) that is a dangerous felony; or
 23 (D) that is not a felony otherwise described in clauses (A)
 24 through (C), and less than ten (10) years have elapsed from the
 25 date the person was discharged from probation, imprisonment,
 26 or parole, whichever discharge date is latest;
- 27 (2) misdemeanor related to the health or safety of a child;
 28 (3) misdemeanor for operating a child care center without a
 29 license under IC 12-17.2-4-35, or of a substantially similar
 30 offense committed in another jurisdiction, if the offense is directly
 31 or indirectly related to jeopardizing the health or safety of a child;
 32 or
 33 (4) misdemeanor for operating a child care home without a
 34 license under IC 12-17.2-5-35, or of a substantially similar
 35 offense committed in another jurisdiction, if the offense is directly
 36 or indirectly related to jeopardizing the health or safety of a child;
 37 until the individual is dismissed from employment or volunteer service
 38 at the facility where the provider operates a child care program or no
 39 longer resides with the provider.
- 40 (e) A provider shall maintain a written policy requiring a
 41 individual for whom a national criminal history background check is
 42 required under this section to report any criminal convictions of the



1 individual to the provider.

2 (f) Notwithstanding IC 10-13-3-28, the state police department may
3 not charge a church or religious society any fees or costs (other than
4 fees or costs charged by the Federal Bureau of Investigation or a
5 private entity) for responding to a request for a release of a national
6 criminal history background check record of a prospective or current
7 employee or a prospective or current volunteer of a child care ministry
8 registered under IC 12-17.2-6 if the conditions set forth in
9 IC 10-13-3-36(f) are met.

10 (g) A provider that holds a license or registration under this article
11 on July 1, 2013, shall, at no expense to the state, meet the requirements
12 under subsection (a) not later than July 1, 2014.

13 SECTION 4. IC 12-17.2-4-3, AS AMENDED BY P.L.25-2018,
14 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2020]: Sec. 3. (a) An applicant must apply for a child care
16 center license on forms provided by the division.

17 (b) An applicant must submit the required information as part of the
18 application, including the following:

19 (1) If the county, city, or town in which the child care center is
20 located requires a business permit or license to operate a child
21 care center in the county, city, or town, proof that the applicant
22 has a valid business permit or license.

23 (2) If the county, city, or town in which the child care center is
24 located does not require a business permit or license described in
25 subdivision (1), a statement from the county, city, or town that a
26 business permit or license is not required.

27 (c) The applicant must submit with the application a statement
28 attesting that the applicant:

29 (1) has not been convicted of:

30 (A) a felony:

31 (i) related to the health or safety of a child;

32 (ii) that is a sex offense (as defined in IC 11-8-8-5.2);

33 (iii) that is a dangerous felony; or

34 (iv) that is not a felony otherwise described in items (i)
35 through (iii), and less than ten (10) years have elapsed from
36 the date the person was discharged from probation,
37 imprisonment, or parole, whichever discharge date is latest;

38 (B) a misdemeanor relating to the health or safety of children;

39 (C) a misdemeanor for operating a child care center without a
40 license under section 35 of this chapter, or of a substantially
41 similar offense committed in another jurisdiction if the offense
42 is directly or indirectly related to jeopardizing the health or



- 1 safety of a child; or
 2 (D) a misdemeanor for operating a child care home without a
 3 license under IC 12-17.2-5-35, or of a substantially similar
 4 offense committed in another jurisdiction if the offense is
 5 directly or indirectly related to jeopardizing the health or
 6 safety of a child; and
 7 (2) has not been charged with:
 8 (A) a felony;
 9 (B) a misdemeanor relating to the health or safety of children;
 10 (C) a misdemeanor for operating a child care center without a
 11 license under section 35 of this chapter, or with a substantially
 12 similar offense in another jurisdiction if the offense is directly
 13 or indirectly related to jeopardizing the health or safety of a
 14 child; or
 15 (D) a misdemeanor for operating a child care home without a
 16 license under IC 12-17.2-5-35, or with a substantially similar
 17 offense in another jurisdiction if the offense is directly or
 18 indirectly related to jeopardizing the health or safety of a child;
 19 during the pendency of the application.
 20 (d) An applicant shall, at no expense to the state, submit:
 21 (1) the necessary information, forms, or consents; and
 22 (2) the applicant's fingerprints;
 23 for a national criminal history background check by the Federal Bureau
 24 of Investigation.
 25 (e) Subject to section 3.3 of this chapter, the applicant must, at no
 26 expense to the state, do the following:
 27 (1) Require an employee or volunteer of the applicant who ~~has~~
 28 ~~direct contact with a child who is receiving child care from the~~
 29 ~~applicant~~ **may be present on the premises of the child care**
 30 **center during operating hours of the child care center** to
 31 submit fingerprints for a national criminal history background
 32 check by the Federal Bureau of Investigation.
 33 (2) Report to the division any:
 34 (A) police investigations;
 35 (B) arrests; and
 36 (C) criminal convictions;
 37 of which the applicant is aware regarding the applicant or an
 38 employee or volunteer described in subdivision (1).
 39 An applicant shall require an individual described in subdivision (1) to
 40 apply for a national criminal history background check before the
 41 individual is employed or allowed to volunteer and every three (3)
 42 years thereafter that the individual is continuously employed or allowed



1 to volunteer.

2 SECTION 5. IC 12-17.2-4-5, AS AMENDED BY P.L.287-2013,
3 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2020]: Sec. 5. (a) The following constitute sufficient grounds
5 for a denial of a license application:

6 (1) A determination by the department of child services
7 established by IC 31-25-1-1 of child abuse or neglect (as defined
8 in IC 31-9-2-14) by:

- 9 (A) the applicant;
10 (B) an employee of the applicant who ~~has direct contact, on a~~
11 ~~regular and continuous basis, with children who are under the~~
12 ~~direct supervision of the applicant; may be present on the~~
13 **premises of the child care center during operating hours of**
14 **the child care center; or**
15 (C) a volunteer of the applicant who ~~has direct contact, on a~~
16 ~~regular and continuous basis, with children who are under the~~
17 ~~direct supervision of the applicant. may be present on the~~
18 **premises of the child care center during operating hours of**
19 **the child care center.**

20 (2) A criminal conviction of the applicant, **or an employee or**
21 **volunteer** of the applicant who ~~has direct contact with children~~
22 ~~who are receiving child care from the applicant, or a volunteer of~~
23 ~~the applicant who has direct contact with children who are~~
24 ~~receiving child care from the applicant; may be present on the~~
25 **premises of the child care center during operating hours of**
26 **the child care center, of any of the following:**

- 27 (A) A felony:
28 (i) related to the health or safety of a child;
29 (ii) that is a sex offense (as defined in IC 11-8-8-5.2);
30 (iii) that is a dangerous felony; or
31 (iv) that is not a felony otherwise described in items (i)
32 through (iii), and less than ten (10) years have elapsed from
33 the date the person was discharged from probation,
34 imprisonment, or parole, whichever discharge date is latest.
35 (B) A misdemeanor related to the health or safety of a child.
36 (C) A misdemeanor for operating a child care center without
37 a license under section 35 of this chapter, or a substantially
38 similar offense in another jurisdiction if the offense is directly
39 or indirectly related to jeopardizing the health or safety of a
40 child.
41 (D) A misdemeanor for operating a child care home without a
42 license under IC 12-17.2-5-35, or a substantially similar



- 1 offense in another jurisdiction if the offense is directly or
- 2 indirectly related to jeopardizing the health or safety of a child.
- 3 (3) A determination by the division that the applicant made false
- 4 statements in the applicant's application for licensure.
- 5 (4) A determination by the division that the applicant made false
- 6 statements in the records required by the division.
- 7 (5) A determination by the division that the applicant previously
- 8 operated a:
- 9 (A) child care center without a license under this chapter; or
- 10 (B) child care home without a license under IC 12-17.2-5.
- 11 (b) Notwithstanding subsection (a)(2), if:
- 12 (1) a license application is denied due to a criminal conviction of
- 13 an employee or a volunteer of the applicant; and
- 14 (2) the division determines that the employee or volunteer has
- 15 been dismissed by the applicant;
- 16 the criminal conviction of the former employee or former volunteer
- 17 does not require denial of a license application.
- 18 SECTION 6. IC 12-17.2-4-32, AS AMENDED BY P.L.287-2013,
- 19 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2020]: Sec. 32. (a) The following constitute sufficient grounds
- 21 for revocation of a license:
- 22 (1) A determination by the department of child services of child
- 23 abuse or neglect (as defined in IC 31-9-2-14) by:
- 24 (A) the licensee;
- 25 (B) an employee of the licensee who ~~has direct contact, on a~~
- 26 ~~regular and continuous basis, with children who are under the~~
- 27 ~~direct supervision of the licensee; may be present on the~~
- 28 ~~premises of the child care center during operating hours of~~
- 29 ~~the child care center; or~~
- 30 (C) a volunteer of the licensee who ~~has direct contact, on a~~
- 31 ~~regular and continuous basis, with children who are under the~~
- 32 ~~direct supervision of the licensee. may be present on the~~
- 33 ~~premises of the child care center during operating hours of~~
- 34 ~~the child care center.~~
- 35 (2) A criminal conviction of the licensee, ~~or an employee or~~
- 36 ~~volunteer~~ of the licensee who ~~has direct contact with children~~
- 37 ~~who are receiving child care from the licensee; or a volunteer of~~
- 38 ~~the licensee who has direct contact with children who are~~
- 39 ~~receiving child care from the licensee; may be present on the~~
- 40 ~~premises of the child care center during operating hours of~~
- 41 ~~the child care center, of any of the following:~~
- 42 (A) A felony:



- 1 (i) related to the health or safety of a child;
- 2 (ii) that is a sex offense (as defined in IC 11-8-8-5.2);
- 3 (iii) that is a dangerous felony; or
- 4 (iv) that is not a felony otherwise described in items (i)
- 5 through (iii), and less than ten (10) years have elapsed from
- 6 the date the person was discharged from probation,
- 7 imprisonment, or parole, whichever discharge date is latest.
- 8 (B) A misdemeanor related to the health or safety of a child.
- 9 (C) A misdemeanor for operating a child care center without
- 10 a license under section 35 of this chapter, or a substantially
- 11 similar offense in another jurisdiction if the offense is directly
- 12 or indirectly related to jeopardizing the health or safety of a
- 13 child.
- 14 (D) A misdemeanor for operating a child care home without a
- 15 license under IC 12-17.2-5-35, or a substantially similar
- 16 offense in another jurisdiction if the offense is directly or
- 17 indirectly related to jeopardizing the health or safety of a child.
- 18 (3) A determination by the division that the licensee made false
- 19 statements in the licensee's application for licensure.
- 20 (4) A determination by the division that the licensee made false
- 21 statements in the records required by the division.
- 22 (5) A determination by the division that the licensee previously
- 23 operated a:
 - 24 (A) child care center without a license under this chapter; or
 - 25 (B) child care home without a license under IC 12-17.2-5.
- 26 (b) Notwithstanding subsection (a)(2), if:
 - 27 (1) a license is revoked due to a criminal conviction of an
 - 28 employee or a volunteer of the licensee; and
 - 29 (2) the division determines that the employee or volunteer has
 - 30 been dismissed by the licensee;
- 31 the criminal conviction of the former employee or former volunteer
- 32 does not require revocation of a license.
- 33 SECTION 7. IC 12-17.2-5-3, AS AMENDED BY P.L.25-2018,
- 34 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 JULY 1, 2020]: Sec. 3. (a) An applicant must apply for a child care
- 36 home license on forms provided by the division.
- 37 (b) An applicant must submit the required information as part of the
- 38 application, including the following:
 - 39 (1) If the county, city, or town in which the child care home is
 - 40 located requires a business permit or license to operate a child
 - 41 care home in the county, city, or town, proof that the applicant has
 - 42 a valid business permit or license.



- 1 (2) If the county, city, or town in which the child care home is
- 2 located does not require a business permit or license described in
- 3 subdivision (1), a statement from the county, city, or town that a
- 4 business permit or license is not required.
- 5 (c) An applicant must submit with the application a statement
- 6 attesting that the applicant has not been:
- 7 (1) convicted of:
- 8 (A) a felony:
- 9 (i) related to the health or safety of a child;
- 10 (ii) that is a sex offense (as defined in IC 11-8-8-5.2);
- 11 (iii) that is a dangerous felony; or
- 12 (iv) that is not a felony otherwise described in items (i)
- 13 through (iii), and less than ten (10) years have elapsed from
- 14 the date the person was discharged from probation,
- 15 imprisonment, or parole, whichever discharge date is latest;
- 16 (B) a misdemeanor relating to the health or safety of children;
- 17 (C) a misdemeanor for operating a child care center without a
- 18 license under IC 12-17.2-4-35, or of a substantially similar
- 19 offense committed in another jurisdiction if the offense is
- 20 directly or indirectly related to jeopardizing the health or
- 21 safety of a child; or
- 22 (D) a misdemeanor for operating a child care home without a
- 23 license under section 35 of this chapter, or of a substantially
- 24 similar offense committed in another jurisdiction if the offense
- 25 is directly or indirectly related to jeopardizing the health or
- 26 safety of a child; and
- 27 (2) charged with:
- 28 (A) a felony;
- 29 (B) a misdemeanor relating to the health or safety of children;
- 30 (C) a misdemeanor for operating a child care center without a
- 31 license under IC 12-17.2-4-35, or with a substantially similar
- 32 offense in another jurisdiction if the offense is directly or
- 33 indirectly related to jeopardizing the health or safety of a child;
- 34 or
- 35 (D) a misdemeanor for operating a child care home without a
- 36 license under section 35 of this chapter, or with a substantially
- 37 similar offense in another jurisdiction if the offense is directly
- 38 or indirectly related to jeopardizing the health or safety of a
- 39 child;
- 40 during the pendency of the application.
- 41 (d) An applicant must submit:
- 42 (1) the necessary information, forms, or consents; and



1 (2) the fingerprints of the applicant and the applicant's spouse;
 2 for a national criminal history background check by the Federal Bureau
 3 of Investigation.

4 (e) Subject to section 3.3 of this chapter, an applicant shall require:

5 (1) an employee or a volunteer of the applicant who ~~has direct~~
 6 ~~contact with a child who is receiving child care from the~~
 7 ~~applicant; may be present on the premises of the child care~~
 8 ~~home during operating hours of the child care home; and~~

9 (2) the applicant's household members who are:

10 (A) at least eighteen (18) years of age; or

11 (B) less than eighteen (18) years of age but have previously
 12 been waived from juvenile court to adult court;

13 to submit fingerprints for a national criminal history background check
 14 by the Federal Bureau of Investigation. An applicant shall require an
 15 individual described in subdivision (1) to apply for a national criminal
 16 history background check before the individual is employed or allowed
 17 to volunteer and every three (3) years thereafter that the individual is
 18 continuously employed or allowed to volunteer.

19 (f) In addition to the requirements under subsections (d) and (e), an
 20 applicant must report to the division any:

21 ~~(A)~~ (1) police investigations;

22 ~~(B)~~ (2) arrests; and

23 ~~(C)~~ (3) criminal convictions;

24 of which the applicant is aware regarding the applicant, the applicant's
 25 spouse, or a person described in subsection (e).

26 SECTION 8. IC 12-17.2-5-4, AS AMENDED BY P.L.287-2013,
 27 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2020]: Sec. 4. (a) The following constitute sufficient grounds
 29 for a denial of a license application:

30 (1) A determination by the department of child services
 31 established by IC 31-25-1-1 of child abuse or neglect (as defined
 32 in IC 31-9-2-14) by:

33 (A) the applicant;

34 (B) a member of the applicant's household;

35 (C) an employee of the applicant who ~~has direct contact, on a~~
 36 ~~regular and continuous basis, with children who are under the~~
 37 ~~direct supervision of the applicant; may be present on the~~
 38 ~~premises of the child care home during operating hours of~~
 39 ~~the child care home; or~~

40 (D) a volunteer of the applicant who ~~has direct contact, on a~~
 41 ~~regular and continuous basis, with children who are direct~~
 42 ~~supervision of the applicant. may be present on the premises~~



- 1 **of the child care home during operating hours of the child**
 2 **care home.**
 3 (2) A criminal conviction of the applicant, **or an employee or**
 4 **volunteer** of the applicant who has direct contact with children
 5 who are receiving child care from the applicant, a volunteer of the
 6 applicant who has direct contact with children who are receiving
 7 child care from the applicant, or a member of the applicant's
 8 household, **may be present on the premises of the child care**
 9 **home during operating hours of the child care home**, of any of
 10 the following:
 11 (A) A felony:
 12 (i) related to the health or safety of a child;
 13 (ii) that is a sex offense (as defined in IC 11-8-8-5.2);
 14 (iii) that is a dangerous felony; or
 15 (iv) that is not a felony otherwise described in items (i)
 16 through (iii), and less than ten (10) years have elapsed from
 17 the date the person was discharged from probation,
 18 imprisonment, or parole, whichever discharge date is latest.
 19 (B) A misdemeanor related to the health or safety of a child.
 20 (C) A misdemeanor for operating a child care center without
 21 a license under IC 12-17.2-4-35, or a substantially similar
 22 offense committed in another jurisdiction if the offense is
 23 directly or indirectly related to jeopardizing the health or
 24 safety of a child.
 25 (D) A misdemeanor for operating a child care home without a
 26 license under section 35 of this chapter, or a substantially
 27 similar offense committed in another jurisdiction if the offense
 28 is directly or indirectly related to jeopardizing the health or
 29 safety of a child.
 30 (3) A determination by the division that the applicant made false
 31 statements in the applicant's application for licensure.
 32 (4) A determination by the division that the applicant made false
 33 statements in the records required by the division.
 34 (5) A determination by the division that the applicant previously
 35 operated a:
 36 (A) child care center without a license under IC 12-17.2-4; or
 37 (B) child care home without a license under this chapter.
 38 (b) Notwithstanding subsection (a)(2), if:
 39 (1) a license application is denied due to a criminal conviction of:
 40 (A) an employee or a volunteer of the applicant; or
 41 (B) a member of the applicant's household; and
 42 (2) the division determines that the:



- 1 (A) employee or volunteer has been dismissed by the
- 2 applicant; or
- 3 (B) member of the applicant's household is no longer a
- 4 member of the applicant's household;
- 5 the criminal conviction of the former employee, former volunteer, or
- 6 former member does not require denial of a license application.
- 7 SECTION 9. IC 12-17.2-5-32, AS AMENDED BY P.L.287-2013,
- 8 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 9 JULY 1, 2020]: Sec. 32. (a) The following constitute sufficient grounds
- 10 for revocation of a license:
- 11 (1) A determination by the department of child services of child
- 12 abuse or neglect (as defined in IC 31-9-2-14) by:
- 13 (A) the licensee;
- 14 (B) a member of the licensee's household;
- 15 (C) an employee of the licensee who ~~has direct contact, on a~~
- 16 ~~regular and continuous basis, with children who are under the~~
- 17 ~~direct supervision of the licensee; may be present on the~~
- 18 ~~premises of the child care home during operating hours of~~
- 19 ~~the child care home; or~~
- 20 (D) a volunteer of the licensee who ~~has direct contact, on a~~
- 21 ~~regular and continuous basis, with children who are under the~~
- 22 ~~direct supervision of the licensee. may be present on the~~
- 23 ~~premises of the child care home during operating hours of~~
- 24 ~~the child care home.~~
- 25 (2) A criminal conviction of the licensee, **or an employee or**
- 26 **volunteer** of the licensee who ~~has direct contact with children~~
- 27 ~~who are receiving child care from the licensee; a volunteer of the~~
- 28 ~~licensee who has direct contact with children who are receiving~~
- 29 ~~child care from the licensee; or a member of the licensee's~~
- 30 ~~household; may be present on the premises of the child care~~
- 31 ~~home during operating hours of the child care home, of any of~~
- 32 ~~the following:~~
- 33 (A) A felony:
- 34 (i) related to the health or safety of a child;
- 35 (ii) that is a sex offense (as defined in IC 11-8-8-5.2);
- 36 (iii) that is a dangerous felony; or
- 37 (iv) that is not a felony otherwise described in items (i)
- 38 through (iii), and less than ten (10) years have elapsed from
- 39 the date the person was discharged from probation,
- 40 imprisonment, or parole, whichever discharge date is latest.
- 41 (B) A misdemeanor related to the health or safety of a child.
- 42 (C) A misdemeanor for operating a child care center without



- 1 a license under IC 12-17.2-4-35, or a substantially similar
- 2 offense committed in another jurisdiction if the offense is
- 3 directly or indirectly related to jeopardizing the health or
- 4 safety of a child.
- 5 (D) A misdemeanor for operating a child care home without a
- 6 license under section 35 of this chapter, or a substantially
- 7 similar offense committed in another jurisdiction if the offense
- 8 is directly or indirectly related to jeopardizing the health or
- 9 safety of a child.
- 10 (3) A determination by the division that the licensee made false
- 11 statements in the licensee's application for licensure.
- 12 (4) A determination by the division that the licensee made false
- 13 statements in the records required by the division.
- 14 (5) A determination by the division that the licensee previously
- 15 operated a:
 - 16 (A) child care center without a license under IC 12-17.2-4; or
 - 17 (B) child care home without a license under this chapter.
- 18 (b) Notwithstanding subsection (a)(2), if:
 - 19 (1) a license is revoked due to a criminal conviction of:
 - 20 (A) an employee or a volunteer of the licensee's; or
 - 21 (B) a resident of the licensee's household; and
 - 22 (2) the division determines that the:
 - 23 (A) employee or volunteer has been dismissed by the licensee;
 - 24 or
 - 25 (B) member of the licensee's household is no longer a member
 - 26 of the licensee's household;
- 27 the criminal conviction of the former employee, former volunteer, or
- 28 former member does not require revocation of a license.
- 29 SECTION 10. IC 12-17.2-6-14, AS AMENDED BY P.L.168-2014,
- 30 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 31 JULY 1, 2020]: Sec. 14. (a) A child care ministry must do the
- 32 following:
 - 33 (1) Subject to subsection (c), require, at no expense to the state,
 - 34 an employee or a volunteer who ~~has direct contact with a child~~
 - 35 ~~who is receiving child care from the child care ministry may be~~
 - 36 **present on the premises of the child care ministry during**
 - 37 **operating hours of the child care ministry** to submit
 - 38 fingerprints for a national criminal history background check by
 - 39 the Federal Bureau of Investigation.
 - 40 (2) Report to the division any:
 - 41 (A) police investigations;
 - 42 (B) arrests; and



1 (C) criminal convictions;
 2 of which the operator or director of the child care ministry is
 3 aware regarding an employee or volunteer described in
 4 subdivision (1).

5 (3) Refrain from employing, or allowing to serve as a volunteer,
 6 an individual who ~~has direct contact with a child who is receiving~~
 7 **child care from may be present on the premises of the child**
 8 **care ministry during operating hours of** the child care ministry
 9 and who:

10 (A) has been convicted of a felony:

11 (i) related to the health or safety of a child;

12 (ii) that is a sex offense (as defined in IC 11-8-8-5.2);

13 (iii) that is a dangerous felony; or

14 (iv) that is not a felony otherwise described in items (i)
 15 through (iii), and less than ten (10) years have elapsed from
 16 the date the person was discharged from probation,
 17 imprisonment, or parole, whichever discharge date is latest;

18 (B) has been convicted of a misdemeanor related to the health
 19 or safety of a child;

20 (C) has been convicted of a misdemeanor under
 21 IC 12-17.2-4-35 for operating a child care center without a
 22 license, or of a substantially similar offense committed in
 23 another jurisdiction if the offense is directly or indirectly
 24 related to jeopardizing the health or safety of a child;

25 (D) has been convicted of a misdemeanor under
 26 IC 12-17.2-5-35 for operating a child care home without a
 27 license, or of a substantially similar offense committed in
 28 another jurisdiction if the offense is directly or indirectly
 29 related to jeopardizing the health or safety of a child; or

30 (E) is a person against whom an allegation of child abuse or
 31 neglect has been substantiated under IC 31-33, or under a
 32 substantially similar provision in another jurisdiction.

33 (b) A child care ministry shall require an individual described in
 34 subsection (a)(1) to apply for a national criminal history background
 35 check before the individual is employed or allowed to volunteer and
 36 every three (3) years thereafter that the individual is continuously
 37 employed or allowed to volunteer.

38 (c) A child care ministry that is registered under this chapter on July
 39 1, 2013, shall, at no expense to the state, meet the requirements under
 40 subsection (a)(1) not later than July 1, 2014.

41 SECTION 11. IC 12-17.2-6-16, AS ADDED BY P.L.53-2018,
 42 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2020]: Sec. 16. (a) The following constitute sufficient grounds
2 for denial of an application for registration under this chapter:

3 (1) A determination by the department of child services of child
4 abuse or neglect (as defined in IC 31-9-2-14) by:

5 (A) the applicant;

6 (B) an employee of the applicant who ~~has direct contact, on a~~
7 ~~regular and continuous basis, with children who are under the~~
8 ~~direct supervision of the applicant; **may be present on the**~~
9 ~~**premises of the child care ministry during operating hours**~~
10 ~~**of the child care ministry;** or~~

11 (C) a volunteer of the applicant who ~~has direct contact, on a~~
12 ~~regular and continuous basis, with children who are under the~~
13 ~~direct supervision of the applicant. **may be present on the**~~
14 ~~**premises of the child care ministry during operating hours**~~
15 ~~**of the child care ministry.**~~

16 (2) A criminal conviction of the applicant, ~~or an employee or~~
17 ~~**volunteer** of the applicant who ~~has direct contact with children~~~~
18 ~~~~who are receiving child care from the applicant, or a volunteer of~~~~
19 ~~~~the applicant who has direct contact with children who are~~~~
20 ~~~~receiving child care from the applicant; **may be present on the**~~~~
21 ~~~~**premises of the child care ministry during operating hours of**~~~~
22 ~~~~**the child care ministry,** of any of the following:~~~~

23 (A) A felony:

24 (i) related to the health or safety of a child;

25 (ii) that is a sex offense (as defined in IC 11-8-8-5.2);

26 (iii) that is a dangerous felony; or

27 (iv) that is not a felony otherwise described in items (i)
28 through (iii), and less than ten (10) years have elapsed from
29 the date the person was discharged from probation,
30 imprisonment, or parole, whichever discharge date is latest.

31 (B) A misdemeanor related to the health or safety of a child.

32 (C) A misdemeanor for operating a child care ministry without
33 a registration under this chapter, or a substantially similar
34 offense in another jurisdiction if the offense is directly or
35 indirectly related to jeopardizing the health or safety of a child.

36 (D) A misdemeanor for operating a child care center without
37 a license under IC 12-17.2-4-35, or a substantially similar
38 offense in another jurisdiction if the offense is directly or
39 indirectly related to jeopardizing the health or safety of a child.

40 (E) A misdemeanor for operating a child care home without a
41 license under IC 12-17.2-5-35, or a substantially similar
42 offense in another jurisdiction if the offense is directly or



- 1 indirectly related to jeopardizing the health or safety of a child.
- 2 (3) A determination by the division that the applicant made false
- 3 statements in the applicant's application for registration.
- 4 (4) A determination by the division that the applicant made false
- 5 statements in the records required by the division.
- 6 (5) A determination by the division that the applicant previously
- 7 operated a:
 - 8 (A) child care ministry without a registration under this
 - 9 chapter;
 - 10 (B) child care center without a license under IC 12-17.2-4; or
 - 11 (C) child care home without a license under IC 12-17.2-5.
- 12 (b) Notwithstanding subsection (a)(2), if:
 - 13 (1) a registration application is denied due to a criminal
 - 14 conviction of an employee or a volunteer of the applicant; and
 - 15 (2) the division determines that the employee or volunteer has
 - 16 been dismissed by the applicant;
- 17 the criminal conviction of the former employee or former volunteer
- 18 does not require denial of the registration application.
- 19 SECTION 12. IC 12-17.2-6-19, AS ADDED BY P.L.53-2018,
- 20 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21 JULY 1, 2020]: Sec. 19. (a) The following constitute sufficient grounds
- 22 for revocation of a registration under this chapter:
 - 23 (1) A determination by the department of child services of child
 - 24 abuse or neglect (as defined in IC 31-9-2-14) by:
 - 25 (A) the operator of the child care ministry;
 - 26 (B) an employee of the child care ministry who ~~has direct~~
 - 27 ~~contact, on a regular and continuous basis, with children who~~
 - 28 ~~are under the direct supervision of the child care ministry;~~
 - 29 **may be present on the premises of the child care ministry**
 - 30 **during operating hours of the child care ministry;** or
 - 31 (C) a volunteer of the child care ministry who ~~has direct~~
 - 32 ~~contact, on a regular and continuous basis, with children who~~
 - 33 ~~are under the direct supervision of the child care ministry.~~ **may**
 - 34 **be present on the premises of the child care ministry**
 - 35 **during operating hours of the child care ministry.**
 - 36 (2) A criminal conviction of the operator of the child care
 - 37 ministry, **or** an employee **or** volunteer of the child care
 - 38 ministry who ~~has direct contact with children who are receiving child care~~
 - 39 ~~from the child care ministry;~~ **or** a volunteer of the child care
 - 40 ministry who ~~has direct contact with children who are receiving~~
 - 41 ~~child care from the child care ministry;~~ **may be present on the**
 - 42 **premises of the child care ministry during operating hours of**



1 **the child care ministry**, of any of the following:

2 (A) A felony:

3 (i) related to the health or safety of a child;

4 (ii) that is a sex offense (as defined in IC 11-8-8-5.2);

5 (iii) that is a dangerous felony; or

6 (iv) that is not a felony otherwise described in items (i)
7 through (iii), and less than ten (10) years have elapsed from
8 the date the person was discharged from probation,
9 imprisonment, or parole, whichever discharge date is latest.

10 (B) A misdemeanor related to the health or safety of a child.

11 (C) A misdemeanor for operating a child care ministry without
12 a registration under this chapter, or a substantially similar
13 offense in another jurisdiction if the offense is directly or
14 indirectly related to jeopardizing the health or safety of a child.

15 (D) A misdemeanor for operating a child care center without
16 a license under IC 12-17.2-4-35, or a substantially similar
17 offense in another jurisdiction if the offense is directly or
18 indirectly related to jeopardizing the health or safety of a child.

19 (E) A misdemeanor for operating a child care home without a
20 license under IC 12-17.2-5-35, or a substantially similar
21 offense in another jurisdiction if the offense is directly or
22 indirectly related to jeopardizing the health or safety of a child.

23 (3) A determination by the division that the operator of the child
24 care ministry made false statements in the child care ministry's
25 registration application.

26 (4) A determination by the division that the operator of the child
27 care ministry made false statements in the records required by the
28 division.

29 (5) A determination by the division that the operator of the child
30 care ministry previously operated a:

31 (A) child care ministry without a registration under this
32 chapter;

33 (B) child care center without a license under IC 12-17.2-4; or

34 (C) child care home without a license under IC 12-17.2-5.

35 (b) Notwithstanding subsection (a)(2), if:

36 (1) a registration is revoked due to a criminal conviction of an
37 employee or a volunteer of the child care ministry; and

38 (2) the division determines that the employee or volunteer has
39 been dismissed by the child care ministry;

40 the criminal conviction of the former employee or former volunteer
41 does not require revocation of the registration.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1264, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1264 as introduced.)

DEVON

Committee Vote: Yeas 9, Nays 0

