

SENATE No. 2145

The Commonwealth of Massachusetts

SENATE, October 16, 1986.

The committee on Ways and Means, to whom was committed the Senate bill requiring background checks of certain child care workers (Senate, No. 2036), report recommending that the same ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2145).

For the committee,

FREDERICK E. BERRY.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Six.

AN ACT REQUIRING BACKGROUND CHECKS OF CERTAIN CHILD CARE WORKERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 10 of chapter 28A of the General Laws, as most recently
2 amended by section 1 of chapter 776 of the acts of 1985, is hereby
3 further amended by inserting after paragraph (f) the following
4 paragraph: —

5 (g) The office shall, in reviewing applications for licenses,
6 renewals or approvals for family day care homes, group day care
7 centers or for after school programs, include a review of criminal
8 offender record information as defined in section one hundred
9 sixty seven of chapter six. The office may review information
10 contained in criminal records of other states if such information
11 is relevant to the health or welfare of children in the case of such
12 applicant or licensee. The conviction of any applicant, licensee,
13 approved assistant, staff, or, in the case of a family day care home,
14 a household member or other person regularly on the premises,
15 of a violation of sections one, thirteen, thirteen B, thirteen F,
16 thirteen G, thirteen H, fifteen, sixteen, twenty-two, twenty-two A,
17 twenty-three, twenty-four, twenty-four B, and twenty-six of
18 chapter two hundred and sixty-five, or sections two, three, four
19 A, four B, six, seven, twelve, thirteen, seventeen, twenty-nine A,
20 twenty-nine B and thirty-five A of chapter two hundred and
21 seventy-two, shall result in the disqualification of an applicant or
22 licensee to receive, retain, or have renewed a certificate of
23 registration or approval, unless, in the opinion of the director,
24 sufficient mitigating circumstances exist demonstrating that the
25 applicant or licensee should not be disqualified. The conviction
26 of any applicant, licensee, approved assistant, staff, or, in the case
27 of a family day care home, a household member or other person
28 regularly on the premises, for any other criminal offense may

29 result in disqualification if the office determines that approval
30 would be detrimental to the health or welfare of children in the
31 care of said applicant or licensee. The office shall promulgate such
32 rules and regulations and shall adopt such procedures as are
33 necessary to carry out the provisions of this section.

