



## Background Study Requirements for Licensed Child Care

Fact Sheet | November 2016

### 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 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 him/her from providing child care services.

### Who needs a background study?

Licensed child care providers must pass a background study prior to licensure and/or providing child care. The table below indicates who is required to obtain a background study according to Minnesota law.

Child Care Center	Family Child Care
License applicant(s), license holder(s), and any controlling individuals affiliated with the license	License applicant(s) and license holder(s)
Staff, prospective staff, and contractors who will have direct contact with children served by the program	Caregivers (provider, substitute, helper, or another adult giving care in the residence)
Volunteers who will have unsupervised direct contact with children	Individuals, age 13 and older, living in the household where the child care will be provided
	Individuals who may have unsupervised access when there is reasonable cause.

### How is a background study conducted?

In Minnesota, all licensed child care providers must undergo background studies. For licensed child care centers, background studies are conducted by the Department of Human Services (DHS) Background Studies Division. Background study requests for child care centers must be submitted using NETStudy, the on-line background study submission system. The counties conduct background studies for licensed family child care providers. Whether DHS or the counties conduct the background study, they all include a review of criminal history information maintained by the Minnesota Bureau of Criminal Apprehension, records of substantiated maltreatment of a child or vulnerable adult, and other applicable records.

### Did you know?

The DHS Background Studies Division initiated over **23,000 background studies** in calendar year 2015 for individuals affiliated with licensed child care centers, such as the license applicant and prospective staff. Of these 23,000 studies, the Background Studies Division issued **246 initial disqualifications**.



### Disqualifications, set asides & variances

The background study process ensures that a person with a history of child abuse or violence, for example, is prohibited from caring for children in licensed child care or having access to children in licensed child care. This is called a “disqualification.” State law identifies which acts disqualify a person from providing child care services within a licensed child care setting and the time period for the disqualification (7-year, 10-year, 15-year, or permanent disqualification, depending on the severity of the disqualifying event). Examples of disqualifying crimes include child abuse or neglect, spousal abuse, murder, assault, false representation, medical assistance fraud, and criminal sexual conduct. A full list of disqualifying events is available in [Minnesota Statutes, Section 245C.15](#).

If the background study results in a disqualification, the Department of Human Services may grant a “set aside” or “variance,” which allow the person to participate in the program despite the disqualification. In order to receive a set aside, the person must request the set aside and the Department of Human Services must find that the individual does not present a risk of harm to the children in care. If the set aside is not granted, a license holder may request a “variance” and provide an explanation of how the license holder will mitigate any risk of harm. The variance often has conditions, which specify terms the individual and/or license holder must comply with to receive the variance.

### NETStudy 2.0

The Background Studies Division is currently in the process of improving its background study process and system through the implementation of NETStudy2.0. NETStudy2.0 updates the background study process by using a new portal for providers to submit background study requests and to receive results. Additionally, NETStudy2.0 is more comprehensive by using scanned fingerprint images and continuously matching data from the Minnesota courts system to automatically notify DHS of new state criminal information on a person who was previously studied.

The processes and systems that are being developed will result in:

- The immediate hiring of most subjects with a cleared background study
- People initiating their own background study and receiving results prior to applying for a job
- Assurance that the person applying for a position is the individual for whom the background study is intended because the person's photograph will be viewable in NETStudy 2.0.

### Where can I find more information?

The Department of Human Services has additional information for child care providers, parents, study subjects, frequently asked questions, and information about disqualifications. Visit:

<https://mn.gov/dhs/general-public/background-studies/>