

By: Representative Holland

To: Public Health and Human Services

HOUSE BILL NO. 599

1 AN ACT TO AMEND SECTION 43-20-8, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE EACH CHILD-CARE FACILITY TO MAINTAIN A LIST OF CONTACT
3 PERSONS FOR EACH CHILD PROVIDED CARE BY THE FACILITY, AND TO CALL
4 THE CHILD'S CONTACT PERSON IF THE CHILD HAS NOT ARRIVED AT THE
5 FACILITY WITHIN ONE HOUR AFTER THE NORMAL TIME FOR ARRIVAL; AND
6 FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 43-20-8, Mississippi Code of 1972, is
9 amended as follows:

10 43-20-8. (1) The licensing agency shall have powers and
11 duties as set forth below in addition to other duties prescribed
12 under this chapter:

13 (a) Promulgate rules and regulations concerning the
14 licensing and regulation of child-care facilities as defined
15 herein;

16 (b) Have the authority to issue, deny, suspend, revoke,
17 restrict or otherwise take disciplinary action against licensees
18 as provided for in this chapter;

19 (c) Set and collect fees and penalties as provided for
20 in this chapter; and

21 (d) Have such other powers as may be required to carry
22 out the provisions of this chapter.

23 (2) Child-care facilities shall assure that parents have
24 welcome access to the child-care facility at all times.

25 (3) Each child-care facility shall develop and maintain a
26 current list of contact persons for each child provided care by
27 the facility. If a child has not arrived at the facility within
28 one (1) hour after the normal time for arrival, the facility shall

29 call or otherwise contact the child's contact person on the list
30 to determine the status of the child.

31 (4) Child-care facilities shall require that, for any
32 current or prospective caregiver, current criminal records
33 background checks and current child abuse registry checks are
34 obtained. In order to determine the applicant's suitability for
35 employment, the applicant shall be fingerprinted. If no
36 disqualifying record is identified at the state level, the
37 fingerprints shall be forwarded by the Department of Public Safety
38 to the FBI for a national criminal history record check.

39 (5) The licensing agency shall require to be performed a
40 criminal records background check and a child abuse registry check
41 for all operators of a child-care facility and any person living
42 in a residence used for child care. The Department of Human
43 Services shall have the authority to disclose to the State
44 Department of Health any potential applicant whose name is listed
45 on the Child Abuse Central Registry or has a pending
46 administrative review. Such information shall remain confidential
47 by all parties. In order to determine the applicant's suitability
48 for employment, the applicant shall be fingerprinted. If no
49 disqualifying record is identified at the state level, the
50 fingerprints shall be forwarded by the Department of Public Safety
51 to the FBI for a national criminal history record check.

52 (6) The licensing agency shall have the authority to exclude
53 a particular crime or crimes or a substantiated finding of child
54 abuse and/or neglect as disqualifying individuals or entities for
55 prospective or current employment or licensure.

56 (7) The licensing agency and its agents, officers,
57 employees, attorneys and representatives shall not be held civilly
58 liable for any findings, recommendations or actions taken pursuant
59 to this section.

60 (8) All fees incurred in compliance with this section shall
61 be borne by the child-care facility. The licensing agency is

62 authorized to charge a fee that shall include the amount required
63 by the Federal Bureau of Investigation for the national criminal
64 history record check in compliance with the Child Protection Act
65 of 1993, as amended and any necessary costs incurred by the
66 licensing agency for the handling and administration of the
67 criminal history background checks.

68 **SECTION 2.** This act shall take effect and be in force from
69 and after July 1, 2004.