



SPONSOR: Rep. Heffernan & Sen. Bushweller
Reps. Baumbach, Brady, Wilson; Sen. Ennis

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 371

AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO WELFARE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 309, Title 31 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 309 Background checks for child-serving entities.

4 (c) Except as provided in paragraph (c)(4) of this section, all child-serving entities are required to obtain criminal
5 and Child Protection Registry checks for prospective employees, volunteers and contractors.

6 (2) Any employer who is required to request a Child Protection Registry check under this section shall obtain
7 a statement signed by the prospective employee, volunteer, or contractor wherein the person authorizes a full release
8 for the employer to obtain the information provided pursuant to such a check. The DSCYF will process a Child
9 Protection Registry check of the individual upon receipt of the above-mentioned statement which shall be attached to
10 the request from the employer for the Child Protection Registry check.

11 (e) Upon completion of the criminal background and Child Protection Registry checks:

12 (1) Where the child-serving entity is a public or private school:

13 a. The SBI shall provide the criminal background information and DSCYF shall provide the Child
14 Protection Registry check information to the individual and the employing school or district, which shall
15 determine whether the individual is prohibited from being employed by the school or district, pursuant to
16 subsection (d) of this section. If the individual is not prohibited from employment by subsection (d) of this section
17 but the individual has a criminal conviction or is ~~or has been~~ on the Child Protection Registry, the school or district
18 shall make a determination regarding suitability for employment using the factors in paragraph (d)(3) of this
19 section. Information obtained under this subsection is confidential and may only be disclosed to the chief school
20 officer or head of school and the chief personnel officer of the school and one person in each school who shall be
21 designated to assist in the processing of criminal background checks, receive training in confidentiality and be
22 required to sign an agreement to keep such information confidential.

SYNOPSIS

This legislation makes two minor modifications to Delaware's background check process for prospective employees and volunteers at child-serving entities. It: 1) clarifies that an employer who must first obtain a signed authorization from the prospective employee for a Child Protection Registry Check, must attach that authorization to the request for the Registry check; and 2) only those persons currently on the Child Protection Registry may impact an employer's decision whether to hire a person who is not otherwise expressly excluded from employment.