

## Do you need a background study?

[Minnesota Statutes, section 245C.03](#) determines who is required to have a background study. Use this worksheet to determine whether you must obtain a background study because of your involvement with a licensed family child care program. Read through all of the questions. If you answer “yes” to any of the questions listed below, you must obtain a background study.

1. Are you the license holder/[provider](#), [adult caregiver](#), [substitute](#), or [helper](#) providing care or supervision to children in care?

2. Are you a household member (age 13 or older)?

Select “yes” if:

- You live in the licensed home (you may or may not be related to the license holder) or
- The address listed on your driver’s license is the same as the licensed home or
- You have a key to the licensed home and you have a bed in the licensed home or
- Your mail is sent to the licensed home or
- You are a college student who lived in the licensed home before and will return home for winter, summer, or holiday breaks

Note: The Department can require children age 10 to 12 living in the licensed home to obtain a background study when there is reasonable cause.

Note: If you are planning on moving into the home, we recommend you submit a background study as soon possible.

3. Are you a [contractor](#) who has [direct contact](#) with children in care?

Select “yes” if you are in an arrangement to provide care, supervision, or instruction to children in care. Example: An individual that provides art or music lessons to children in care.

Example of a contractor without direct contact: An individual that provides lawn services or cleaning services.

Note: You are not a contractor if you are providing therapeutic services to specific children in care and these services were not arranged by the license holder. For example, if the school district has arranged for a physical therapist to provide therapy to a child in care. The therapist does not need a background study so long as the individual also answers “no” to questions 1, 2, and 4.

4. Do you have unsupervised [access](#) to children in care?

Select “yes” if:

- You have unsupervised access to a child or child’s personal, financial, or health information.
- You are alone with children in care (i.e., you are not under [continuous, direct supervision](#) (always within sight or hearing) by a caregiver with a cleared background study). Examples: You are a speech therapist serving a specific child in care (these services were not arranged by the license holder) and you remove the child into a separate room to provide the therapy session (outside of the sight or hearing of a staff person with a cleared background study). You are a volunteer for a field trip and you will be supervising children outside of sight or hearing of a caregiver with a cleared background study.

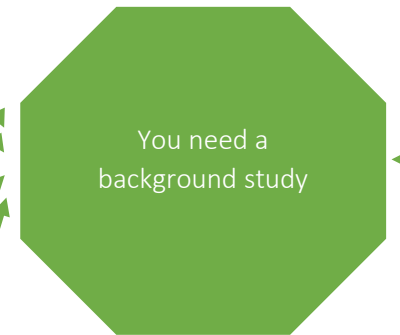
The Department can require a background study to be obtained for an individual that does not provide services but may have unsupervised access to children in care when there is [reasonable cause](#).

Example: You are a significant other who does not live in the licensed home but spend a lot of time there. The Department has reason to believe you have a criminal history that would disqualify you from direct contact with or access, or that you pose a risk, to children in care. The Department has authority to require a background study be completed (even if you answered “no” to all the questions listed).

Key:

Yes →

No →



If you answered “no” to all the questions, you do not need a background study. Remember, if your circumstances change and you answer “Yes” to any of the questions above, you are required to obtain a background study.

## Relevant laws

[Minnesota Statutes, section 245C.03 Background Study; Individuals to be studied.](#)

Subdivision 1. Licensed programs.

(a) The commissioner shall conduct a background study on:

- (1) the person or persons applying for a license;
- (2) an individual age 13 and over living in the household where the licensed program will be provided who is not receiving licensed services from the program;
- (3) current or prospective employees or contractors of the applicant who will have direct contact with persons served by the facility, agency, or program;
- (4) volunteers or student volunteers who will have direct contact with persons served by the program to provide program services if the contact is not under the continuous, direct supervision by an individual listed in clause (1) or (3);
- (5) an individual age ten to 12 living in the household where the licensed services will be provided when the commissioner has reasonable cause;
- (6) an individual who, without providing direct contact services at a licensed program, may have unsupervised access to children or vulnerable adults receiving services from a program, when the commissioner has reasonable cause;
- (7) all controlling individuals as defined in section 245A.02, subdivision 5a; and
- (8) child care staff persons as defined in section 245C.02, subdivision 6a.

(b) Paragraph (a), clauses (5) and (6), apply to legal nonlicensed child care and certified license-exempt child care programs.

(c) For family child foster care settings, a short-term substitute caregiver providing direct contact services for a child for less than 72 hours of continuous care is not required to receive a background study under this chapter.

[Minnesota Statutes, section 245C.02 Definitions.](#)

Subd. 6a. Child care staff person. "Child care staff person" means an individual other than an individual who is related to all children for whom child care services are provided and:

- (1) who is employed by a child care provider for compensation;
- (2) whose activities involve the care or supervision of a child for a child care provider or unsupervised access to a child who is cared for or supervised by a child care provider; or
- (3) an individual 13 years of age or older residing in a licensed family child care home or legal nonlicensed child care program.

Please see Minnesota Statutes, chapters [245C](#) and [245A](#), and Minnesota Rules, chapter [9502](#), for more information.

## Feedback requested

This guidance document is a draft. If you would like to offer feedback about ways this guidance document can be improved, please send an email to [DHS.CCDFReform@state.mn.us](mailto:DHS.CCDFReform@state.mn.us) by June 1, 2018.