

HOUSE No. 3668

Section 39 contained in the engrossed Bill making appropriations for the fiscal year 2016 (see House, No. 3650), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment E of House, No. 3675). July 17, 2015.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to fingerprint-based criminal record checks for adoptive and foster parents.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to require forthwith fingerprint-based criminal record checks for adoptive and foster parents, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

1 Chapter 18B of the General Laws is hereby amended by adding the following section:-

2 Section 26. As part of the department’s licensing and background record check process,
3 the department shall conduct fingerprint-based checks of the state and national criminal history
4 databases, as authorized by 42 U.S.C. Section 16962, for all applicants to be adoptive or foster
5 parents and their household members age 15 or older. Authorized department staff may receive
6 criminal offender record information and the results of state and national criminal history
7 databases checks, pursuant to said 42 U.S.C. Section 16962. The department shall handle the
8 information obtained under this section pursuant to sections 167 to 178, inclusive, of chapter 6.

9 As part of the department’s approval process, the department, prior to issuing any
10 approval, shall: (i) obtain from the sex offender registry board all available sex offender registry
11 information associated with the address of the center, home or facility; and (ii) conduct
12 fingerprint-based checks of the state and national criminal history databases, pursuant to Public
13 Law 92-544, that are required under this section. The fingerprint-based checks of the state and
14 national criminal history databases shall be conducted, pursuant to said Public Law 92-544, to
15 determine the suitability of all applicants for employment, interns and volunteers who have the
16 potential for unsupervised contact with children in any department-approved program. The
17 fingerprint-based checks shall also be required to determine the suitability of any individual who
18 provides transportation services on behalf of any department-approved program. Authorized
19 department staff may receive all criminal offender record information and the results of checks
20 of state and national criminal history information databases pursuant to said Public Law 92-544.
21 When the department obtains the results of checks of state and national criminal information
22 databases, it shall treat the information according to sections 167 to 178, inclusive, of chapter 6
23 and the regulations thereunder regarding criminal offender record information.