January 24, 2017

Child Care and Development Block Grant

Hearing January 25, 2017

Madam Chair and Committee Members:

Thank you for allowing opportunity to provide testimony/feedback regarding the Fed Block Grant implementation by DHS.

Overall, many of the changes are welcome additions and changes to our current system. Background checks in the hands of the state rather than the counties, licensor training, and changes to ease the process and support of the families such as the 12-month reapplication rather than 6 month.

However, there are a few changes that need to be implemented carefully and in a different manner than what DHS is proposing:

1. **Web Access to licensing monitoring and inspection reports: This needs to be re-evaluated and not implemented as suggested by DHS.**
	1. **Currently the Licensing Lookup is problematic. It is not helpful to families and hurtful to the Family Child Care system. What is posted now is a problem for all concerned and needs changed.**
		1. **The letter to the provider is what is posted. These letters are legal notices and are accusations without investigation or due process. Guilty until proven innocent.** They are publicly available to anyone with a computer, anywhere in the world; and not a need to know basis.
		2. **This is a legal notice, not a clarified statement of what was/is the issue at hand.** The public has no understanding of how to interpret what is stated (which again is an accusation, not a conclusion).
		3. **Even after being reversed these accusations stay on the DHS lookup virtually for all time.** People using the look-up are wrongly influenced by the inflammatory statements and will not look beyond. Again, Guilty until proven innocent, and even then, still guilty.
		4. **Families loose access to care.** Providers are put out of business and often can not reimplement their business. This ultimately limits the number of providers available.
		5. **Opening a Family Child Care business is to open yourself up to public condemnation.** Individuals are wisely weighing whether this potential is worth the risk. I believe this is one reason there are not more individuals opening businesses, and therefor care slots are limited.
	2. **DHS intends to add county correction orders to this already flawed system. The argument that this is already being done for Centers is a failed argument. Status quo does not make it ‘right’. Correction Orders for Centers are processed by state inspectors, Family Child Care Correction Orders are processed by the counties and are flawed in interpretation across the state. There is poor communication to providers and inconsistent implementation in the 87 counties.**
		1. **Correction orders are not negative actions and the severity is much less.** To place them in the same category gives a false presentation of what is happening in the child care setting. These can be as simple as a dentist not being listed for an infant.
		2. **Correction orders are accusations, not conclusion.** Again, providers have the right to ask for reconsideration and given the flawed interpretation of the counties, many are reversed. Until reversed or clarified, they stay as condemnations on a public look up. My own Correction Orders took 10 months to be evaluated and then 4 of the 5 were reversed. Anyone looking at my record would perceive that I was a horrible provider.
		3. **There is great inconsistency in interpretation by licensors and if a request for reconsideration is submitted** **there is no time frame as to when this is evaluated**. Therefore, a ‘correction’ would be on a provider’s record without evaluation and/or comment for a significant time period. This would potentially lead to parents avoiding a provider for unjust cause and providers closing businesses so that their personal/professional lives are not black listed.
		4. **These accusations will stay on the look up for all time**. Even if overturned. They need to not be posted at all, yet if pushed forward reversed accusations should be removed or not posted in detail at all and there should be a removal time period.
	3. **Options/Suggestions:** Children need protected and parents need info, however extensive detail is not helpful and often can lead to an 'injured' business and therefore less care available. I.e. Accusations are not final so therefor do not fit the definition of "substantiated”.
		1. A system where by a provider is flagged if closed for any reason, and then once a final decision is reached, a summary posted which could also clarify the severity of the issue (not keeping a crib log is not the same as maltreatment).
		2. Any overturned actions should be removed from the on-line posting and removed from the link to the provider’s permanent record. DHS can and should keep a separate documentation for future reference.
		3. Correction Orders should not be posted on the DHS website, but be available within the county.
		4. A simpler format would provide a higher quality of info for parents and protect the reputations and therefor the retention of providers.
2. **Background checks:**
	1. **Fingerprint Checks**: This is welcomed from the fact that the counties are inconsistent in their ability to process background checks in a timely and complete fashion. It took me 6+ months and intervention from legislators to get my son’s processed when he was separating from the Marine Corps. Due to residency, outside of the state and his military connection his background check was almost not processed whereby he could live at home (they accomplished it with DHS’s involvement within 1 day of his return!).
	2. **Disqualifications:** This evaluation is critical. However, there are areas that are not putting children in harm’s way that are being enacted, closing provider’s businesses which therefor then leads to lack of access for families.

There are providers who cannot obtain licenses, shut down or are given conditional license.

* + 1. due to a family members juvenile records, (these are being unsealed)
		2. A family member needing mental health or chemical health treatment
		3. A family member who has a misdemeanor run in with the law that has nothing to do with children or potential harm of children
	1. **Suggestion:** As risky as it sounds, there needs to be a re-evaluation on how background check findings are evaluated. A provider needs to care for her family and if a family member needs assistance or a minor in the family has a run in with the law, the provider needs to be able to balance keeping their family healthy and supported and caring for children.

The implementation of the Fed Block Grant is complicated. How this gets implemented is in the state’s hands. Open, condemning documents on the web to anyone anywhere is contributing to a fear in providers and those who may consider opening a business. This step in particular needs careful implementation. DHS should not have the power to destroy individuals and has the ability to still keep children in care safe.

Thank you again,

Cyndi Cunningham

373 Idaho Ave W

St. Paul, MN 55117

651-470-4857