



128 Dorrance Street, Suite 400  
Providence, RI 02903  
Phone: (401) 831-7171  
Fax: (401) 831-7175  
[www.riaclu.org](http://www.riaclu.org)  
[info@riaclu.org](mailto:info@riaclu.org)

**ACLU OF RI POSITION: OPPOSE/AMEND**

**TESTIMONY ON 26-H 8136,  
AN ACT RELATING TO HUMAN SERVICES – CERTIFICATION OF CHILDCARE  
AND YOUTH-SERVING WORKERS AND OPERATORS**

**March 30, 2026**

The ACLU appreciates and supports the second part of this legislation, which would no longer require individuals working or volunteering with children in various contexts to pay for the “privilege” of being fingerprinted. We have expressed our support for this policy in stand-alone legislation introduced by this bill’s sponsor, H-7428, and heard by this committee last month. We will not repeat here our reasons for supporting this repeal other than to emphasize the current law’s discriminatory and burdensome impact on low-income and female workers and volunteers.

However, we are very concerned about the first part of this bill, which would vastly increase the range of people who would be required to undergo criminal background checks if they work or volunteer with children. Its expansive terms would apply to:

Any person, whether compensated or serving in a volunteer capacity, who provides instruction, coaching, supervision, or organized activities to children or youth in programs including, but not limited to, dance, sports, cheerleading, gymnastics, wrestling, martial arts, music instruction, academic tutoring, or other similar organized youth activities, and whose duties involve supervisory authority over a child or routine contact with a child without the presence of another screened adult.

The General Assembly has enacted numerous laws aimed at requiring criminal background checks for various professions and volunteers serving children. As concerning as we find the reach of some of those laws, they were considered on an individual basis allowing for discussion and determinations on the appropriateness of and scope of the criminal record check requirements. By its vast reach, this legislation circumvents that process. It would require, for example, the piano teacher who goes to a teenager’s home for music lessons to undergo an intrusive criminal record check if the teenager’s parents were not at home.

In addition, while the legislation defers to DCYF regulations to determine the past conduct that would disqualify a person from volunteering for any of these activities, this is problematic as we do not believe that regulatory process comports with the state’s Fair Chance Licensing Act. R.I.G.L. 28-5.1-14. To give just one example, a person with a felony drug offense conviction less than five years old is automatically disqualified from being licensed. A person with a felony drug offense that is more than five years old is also disqualified unless they “demonstrate they have a long standing record of excellence in child care,” something most people seeking to volunteer or be employed is unlikely to have.

In light of the breadth of the language on Page 2 of the bill, we respectfully urge the committee to reject this aspect of it. Thank you for considering our views.