

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 371

Session of  
1985

INTRODUCED BY EVANS, BARBER, JOSEPHS, CARN, OLIVER, DONATUCCI,  
TRUMAN, KUKOVICH, LEVIN, HARPER AND O'DONNELL, FEBRUARY 13,  
1985

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, FEBRUARY 13, 1985

### AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An  
2 act to consolidate, editorially revise, and codify the public  
3 welfare laws of the Commonwealth," further providing for  
4 registration of family day care providers.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Sections 1073, 1074 and 1076 of the act of June  
8 13, 1967 (P.L.31, No.21), known as the Public Welfare Code,  
9 added December 5, 1980 (P.L.1112, No.193), are amended to read:

10 Section 1073. Issuance of Registration Certificate.--Upon  
11 receipt of an application and the applicant's written  
12 certification of compliance with applicable department  
13 regulations, the department shall be responsible for one  
14 inspection visit or, in the case of agency-sponsored family day  
15 care providers, ascertaining that an authorized family day care  
16 agency has approved the family day care home. The department  
17 shall then be responsible for completing all mandated child  
18 abuse clearances. The department shall maintain the

1 responsibility for authorizing family day care agencies to  
2 approve family day care providers. Authorized agencies must  
3 administer family day care programs, including the screening and  
4 selecting of family day care providers, preservice and inservice  
5 training, monitoring and supervision of homes, technical  
6 assistance, and intake and placement of children. The department  
7 shall issue a registration certificate to the applicant for the  
8 premises named in the application. A registration certificate  
9 shall be issued for a period of two years.

10       Section 1074. Visitation and Inspection.--The department or  
11 authorized agent of the department shall [have the right to  
12 enter, visit and inspect on a random sample basis, upon  
13 complaint, or upon request of the care giver, any family day  
14 care home registered or requiring registration under this  
15 article and shall have free and full access to the premises,  
16 where children are cared for, all records of the premises which  
17 relate to the children's care, and to the children cared for  
18 therein and full opportunity to speak with or observe such  
19 children.] make a minimum of one visit before a family day care  
20 home is registered, for the purpose of inspecting the premises.  
21 The department or agent shall obtain two written references  
22 attesting to the care giver's capability to care for children  
23 and assessing suitability of the care giver and the daily  
24 program to be provided, except in cases where the family day  
25 care home has been approved as an agency-sponsored family day  
26 care home by an authorized family day care agency. The agency-  
27 sponsored family day care provider must have been approved by an  
28 authorized FDC agency before the home is registered.

29       Section 1076. Regulations.--The department is hereby  
30 authorized and empowered to adopt regulations establishing

1 minimum and reasonable standards for the operation of family day  
2 care homes and the issuance of registration certificates. These  
3 regulations will establish the minimum standards of safety and  
4 care which will be required in family day care homes and will  
5 recognize the vital role which parents and guardians play in  
6 monitoring the care provided in family day care homes. The  
7 regulations will include, but not be limited to, the following  
8 statements:

9     (1) Family day care givers must be at least twenty-one years  
10 old.

11     (2) The number of children in care must not exceed six,  
12 including foster children and related children, who are under  
13 the age of six.

14     (3) There shall be no more than two infants (children under  
15 the age of eighteen months) in care.

16     (4) Family day care must not be provided in facilities  
17 located above the second floor nor in facilities located in or  
18 using areas below ground level without doors or windows.

19     (5) Each FDC care giver shall have an initial medical  
20 examination and one annually thereafter.

21     Section 2. This act shall take effect in 60 days.