

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

AS REPORTED FROM COMMITTEE ON HEALTH AND WELFARE, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 28, 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; AND MAKING AN
5 APPROPRIATION. <—

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

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

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

1 abuse clearances-, INCLUDING ANY FEE COLLECTABLE UNDER SECTION <—
2 23.1(I) OF THE ACT OF NOVEMBER 26, 1975 (P.L.438, NO.124), KNOWN
3 AS THE CHILD PROTECTIVE SERVICES LAW. The department shall
4 maintain the responsibility for authorizing family day care
5 agencies to approve family day care providers. Authorized
6 agencies must administer family day care programs, including the
7 screening and selecting of family day care providers, preservice
8 and inservice training, monitoring and supervision of homes,
9 technical assistance, and intake and placement of children. The
10 department shall issue a registration certificate to the
11 applicant for the premises named in the application. A
12 registration certificate shall be issued for a period of two
13 years.

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

care home by an authorized family day care agency. The agency-
sponsored family day care provider must have been approved by an
authorized FDC agency before the home is registered.

(B) THE SECRETARY SHALL ANNUALLY REPORT THE NUMBERS OF
REGISTERED FAMILY DAY CARE HOMES AND THE NUMBER OF HOMES
INSPECTED TO THE HEALTH AND WELFARE COMMITTEES OF THE SENATE AND
HOUSE OF REPRESENTATIVES.

Section 1076. Regulations.--(A) The department is hereby
authorized and empowered to adopt regulations establishing
minimum and reasonable standards for the operation of family day
care homes and the issuance of registration certificates. These
regulations will establish the minimum standards of safety and
care which will be required in family day care homes and will
recognize the vital role which parents and guardians play in
monitoring the care provided in family day care homes. The
regulations will include, but not be limited to, the following
statements:

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

(2) REGISTRATION IS REQUIRED FOR ANY PROVIDERS CARING FOR
TWO TO SIX CHILDREN.

~~(2)~~ (3) The number of children in care must not exceed six,
including foster children and related children, who are under
the age of six.

~~(3)~~ (4) There shall be no more than two infants (children
under the age of eighteen months) in care.

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

(5) THE FOLLOWING FACILITIES SHALL NOT BE ACCEPTABLE UNLESS

1 THEY HAVE A CERTIFICATE OF APPROVAL OR A CURRENTLY VALIDATED
2 LICENSE FROM THE DEPARTMENT OF LABOR AND INDUSTRY:

3 (I) FACILITIES LOCATED ABOVE THE SECOND FLOOR.

4 (II) FACILITIES WHERE THE AREA ABOVE THE FIRST TWO STORIES
5 IS ACCESSIBLE TO CHILDREN.

6 (III) FACILITIES LOCATED IN OR USING THE BASEMENT LEVEL
7 (BELOW GROUND LEVEL).

8 ~~(5)~~ (6) Each FDC care giver shall have an initial medical <—
9 examination and one annually thereafter.

10 (B) THE DEPARTMENT SHALL ALSO PROMULGATE REGULATIONS <—
11 DEFINING THE SPECIFIC POWERS, DUTIES AND FUNCTIONS OF THE AGENTS
12 OF THE DEPARTMENT REFERRED TO IN SECTION 1074. THESE REGULATIONS
13 SHALL BE PROMULGATED WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF
14 THIS SUBSECTION.

15 ~~Section 2. This act shall take effect in 60 days.~~ <—

16 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

17 SECTION 1081. CITIZEN DAY CARE ADVISORY COMMITTEE.--(A) THE
18 SECRETARY SHALL APPOINT A TWELVE-MEMBER CITIZEN DAY CARE
19 ADVISORY COMMITTEE WITH REPRESENTATION FROM ALL REGIONS AND FROM
20 THE KEY CONSTITUENCIES, INCLUDING PARENTS, PROVIDERS, EDUCATORS
21 AND CITIZEN ORGANIZATIONS.

22 (B) COMMITTEE MEMBERS SHALL NOT BE ENTITLED TO ANY
23 COMPENSATION BUT SHALL BE REIMBURSED FOR ALL REASONABLE AND
24 NECESSARY EXPENSES, IN ACCORDANCE WITH THE REGULATIONS OF THE
25 EXECUTIVE BOARD.

26 SECTION 3. THE SUM OF \$441,250, OR AS MUCH THEREOF AS MAY BE
27 NECESSARY, IS HEREBY APPROPRIATED TO THE DEPARTMENT OF PUBLIC
28 WELFARE FOR THE FISCAL YEAR JULY 1, 1985, TO JUNE 30, 1986, FOR
29 ADDITIONAL STAFF TO MEET THE REGISTRATION AND INSPECTION
30 REQUIREMENTS TO SAFEGUARD THE HEALTH AND SAFETY OF CHILDREN IN

1 FAMILY DAY CARE HOMES.

2 SECTION 4. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.